



Ad-Hoc Query on Return of Unaccompanied Minors (UAM)

Requested by FR EMN NCP on 13th November 2012

Compilation produced on 10 January 2013

Responses from Austria, Belgium, Bulgaria, Estonia, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (17 in Total)

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1. BACKGROUND INFORMATION

With the continual increase in the number of unaccompanied minors (UAM) who irregularly enter the EU, the French Ministry of Interior would like to collect information on how UAM are treated by other Member States and Norway regarding removal.

The first objective of this ad-hoc query is to assess the comparability of the national situations, through statistical data on the number of UAM staying in the territory and the number of UAM being removed to their country of origin every year, if possible, by distinguishing between data on forced return (when the minor is already on the territory), and those relating to repatriation (when the minor is at the border and has not entered the territory).

The second objective is to determine the conditions under which a removal can be carried out and the specific arrangements applied or not to UAM compared with the common law procedure.

Questions:

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1) Please indicate the number of UAM currently present on your territory (by providing the total number of UAM supported by welfare services in 2011 and, if possible, in 2012 or the total number of UAM holding a residence permit in 2011 and, if possible, in 2012)? If these data are not available, could you please provide an estimate?

2) Please indicate for 2011:

- the number of UAM who have voluntarily returned to their country of origin;
- the number of forced returns of UAM;
- the number of UAM who have been repatriated;
- the number of UAM who have been admitted to the territory of your Member State.

If these data are not available, could you please provide an estimate?

3) What are the conditions required for the voluntary return/the forced return/the repatriation of an UAM?

4) Under which conditions can unaccompanied minors be deprived of their liberty (being placed in a detention centre, in a waiting area at the border, etc.) in order to allow the forced return or the repatriation? Is there a minimum age under which a minor cannot be deprived of his/her liberty? Does the legislation of your Member State provide a maximum duration of deprivation of liberty? In practice, what is the average duration of deprivation of liberty in your country?

5) Are there programs for the specific support of UAM in their country of origin, in case of voluntary or forced return?

6) What is the method used for age assessment? Is there a presumption in favor of the minor in case of doubt about his/her age?

7) What is the legal framework for access to residence once the minor has reached majority age (specify the age of majority if it is not 18)? Is the access to residence facilitated for UAM compared to common law scheme?

8) Which authorities are responsible for minors' family tracing? Is it a private or a public entity which is in charge of restoring family links?



2. Responses¹

		Wider Dissemination? ²	
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¹ 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.

² 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 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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	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>1) Please indicate the number of UAM currently present on your territory (by providing the total number of UAM supported by welfare services in 2011 and, if possible, in 2012 or the total number of UAM holding a residence permit in 2011 and, if possible, in 2012)? If these data are not available, could you please provide an estimate?</p> <p>In 2011 there were about 4000 UAMs signaled in Belgium (asylum seekers and non-asylum seekers). (cfr. Commission staff working document on the implementation of the Action Plan on Unaccompanied Minors dd. 28.09.2012)</p> <p>2) Please indicate for 2011:</p> <ul style="list-style-type: none"> - the number of UAM who have voluntarily returned to their country of origin: 12 - the number of forced returns of UAM: 0 - the number of UAM who have been admitted to the territory of your Member State: <p>Since 2008 the number of unaccompanied minors who applied for asylum rose significant. Asylum applicants considered to be unaccompanied minors (Source: Eurostat) 2008: 485 2009: 730 2010: 1.080 2011: 2.040</p> <p>A part from this there were in 2011 also 1.685 persons who were intercepted within the territory by the police and who declared themselves as being a minor. The Guardianship Service will take charge of the UMs as soon as they are informed about their presence at the border or within the territory.</p> <p>3) What are the conditions required for the voluntary return/the forced return/the repatriation of an UAM?</p> <ul style="list-style-type: none"> • Belgium has decided not to enforce <u>forced return</u> for this vulnerable population. • <u>Removals</u> of unaccompanied minors at the border (the airport) hardly ever occur in Belgium. It would only happen following a thorough assessment of the situation and assuming that the guardian proposes return to his/her country or to a third country as a durable solution. This would be the case if: <ul style="list-style-type: none"> - safe reception conditions are guaranteed, - the family is willing to take back the minor, - and if the minor concerned agrees to return. • <u>Voluntary return</u> is organised within the framework of the IOM Assisted Voluntary Return and Reintegration (AVRR) programmes, more specifically the REAB programme. As far as UMs are concerned, the voluntary return assistance is <u>provided in line with the principle of the best interests of the child</u>, the UNHCR Guidelines for the Repatriation of Minors and the Council resolution on Unaccompanied Minors who are Nationals of Third Countries. In accordance with UNHCR guidelines for the


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			<p>repatriation of minors, assistance with respect to the return of UMs is limited to candidates who meet the following requirements:</p> <ul style="list-style-type: none"> - UMs who have formally expressed the wish to return home and for whom it has been decided that return is in the best interests of the child; - UMs 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; - UMs for whom IOM can provide/link to appropriate reintegration and follow-up assistance in their countries or origin. <p>4) Under which conditions can unaccompanied minors be deprived of their liberty (being placed in a detention centre, in a waiting area at the border, etc.) in order to allow the forced return or the repatriation? Is there a minimum age under which a minor cannot be deprived of his/her liberty? Does the legislation of your Member State provide a maximum duration of deprivation of liberty? In practice, what is the average duration of deprivation of liberty in your country?</p> <p>Since there are no forced returns of UM's, detention of unaccompanied minors does not occur and is not allowed. For what concerns Um's arriving at the border, the law on "Reception of Asylum Seekers and Certain Other Categories of Aliens" of 12 January 2007 (Reception Act) stipulates that UMs can no longer be held in a closed centre at the border, but should be held in the so-called Observation and Orientation Centres (OOCs). UMs arriving at the border without valid entry documents will have an <i>extraterritorial status in these centres</i>. If there is no doubt about the age of the UM, he/she will be transferred to the OOC within 24 hours.</p> <p>5) Are there programs for the specific support of UAM in their country of origin, in case of voluntary or forced return?</p> <p>In the framework of voluntary return UMs can benefit from support available via two financial instruments, created in 2006 and aimed at providing additional reintegration support to returnees, including vulnerable persons: the "reintegration fund" and the "vulnerable cases fund".</p> <p>The reintegration fund is meant to facilitate sustainable return to and reintegration in the country of origin; returnees choose the type of activities they would like to pursue, which they would consider profitable and in line with their skills e.g. vocational training courses, setting up a small business, access to public education, training, etc. Recently the reintegration support for Ums has been elaborated. Since September 2011 also the parents of UMs can obtain a support in kind. Hereby the pressure on the child as a wage earner is reduced. IOM and Caritas have also launched a few pilot projects in Guinea and Morocco to facilitate the return of the UMs through intensive mediation with the parents.</p> <p>6) What is the method used for age assessment? Is there a presumption in favor of the minor in case of doubt about his/her age?</p> <p>In case of doubt, e.g. when no reliable identity documents are presented, the age assessment can be done by means of a medical test. This test is organised by and under the control of the Guardianship Service (GS) and can be done at the request of the Immigration Department, the CGRS or the Guardianship Service. The GS has a collaboration agreement with certain hospitals. The costs are charged to the authority requesting the test. A so called "triple test" is done where the UM is referred to a forensic odontologist. The age assessment is</p>
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			<p>based on the clinical impression of an experienced dentist, a radiological examination of the dentition, and the hand and wrist of the non-dominant hand and the medial ends of both collarbones. Belgium opted for a combination of these three tests, since there is some criticism regarding the validity and reliability of all of them. The average age of the results of these three tests will be approximate and will always indicate a “range” with a margin of error. <u>In case of any doubt the lowest attested age will be taken into consideration</u>, for example if the medical test concludes that the UM is less than 18 years old or is between 17.5 and 18.5 years old he is considered as a minor and will be assigned a guardian. If the medical test concludes that the UM is over 18 years old, he has no legal right to a guardian and he will be considered an adult.</p> <p>7) What is the legal framework for access to residence once the minor has reached majority age (specify the age of majority if it is not 18)? Is the access to residence facilitated for UAM compared to common law scheme?</p> <p>Until they are 18 they are assigned a guardian and will in principle not be removed by force. UMs who turn 18 without being in the possession of a valid residence document could be subject to removal from the territory, as they will become illegal residents. As adults they will lose the support of the guardian and other protective measures. In practice, the transition between the status of unaccompanied minor and adulthood often does not become effective immediately on the 18th birthday. The MINTEH Bureau will inform UMs in writing of the different procedures that can be started when they turn 18 and can extend the validity of residence permits: extension for 12 months, making it conditional on looking for a job, providing identification documents, etc.. If the residence permit is extended three times, the person will be entitled to a residence permit of an unlimited duration. Once UMs turn 18, their files come under the responsibility of the ‘long-term residence’ office of the Immigration Department, which will then decide on the regularisation of the UMs and will follow up the conditions set by the MINTEH Bureau. Its decision will be discretionary depending on the following criteria: educational or professional achievements, integration and the situation in the country of origin,...</p> <p>8) Which authorities are responsible for minors’ family tracing? Is it a private or a public entity which is in charge of restoring family links?</p> <p>Family tracing in the country of origin is initiated mainly via the Red Cross. The Red Cross Tracing service provides detailed information about the procedure on family reunification, follows-up specific cases if required and helps to organize the journey to Belgium, once visa of family reunification are issued</p>
	Bulgaria	Yes	<p>1. For the period 01.01.2012 – 14.11.2012 a total amount of 38 unaccompanied minors were registered in the Bulgarian State Agency for Refugees with the Council of Ministers, as follows:</p> <p>Afghanistan – 19 persons, of whom women – 1; Syria – 12 persons, of whom women – 1; Iraq – 7 persons, of whom women – 1.</p> <p>Their age distribution is as follows:</p> <p>From 0 to 13 years – 4 persons, of whom women – 2; From 14 to 15 years – 9 persons; From 16 to 17 years – 25 persons, of whom women – 1.</p>

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			<p>2. n/a</p> <p>3. n/a</p> <p>4. According to the Law on the Foreigners in the Republic of Bulgaria, Art. 44, Par. 9 and Par. 11, by exception, the accompanied and unaccompanied minors may be imposed an order for involuntary placement in a special home for period up to three months. In the special homes there are separated premises for accommodation of minor aliens with appropriate conditions for their age and needs.</p> <p>5. n/a</p> <p>6. For the purposes of asylum procedure, where immaturity of the person cannot be identified it is used X-ray of the wrist.</p> <p>7. n/a</p> <p>8. n/a</p>
	Estonia	Yes	<p>1.-3. Estonia has minimum experience with unaccompanied minors. Since the year 1997 (there is no respective statistics and legal regulation regarding the periods before that year) less than ten unaccompanied minors have submitted an asylum application in Estonia. In the majority of cases the applicant has proved to be adults or left the country without authorisation before the end of the asylum proceedings. In 2011, in total four unaccompanied minors applied for asylum in Estonia, after the expertise of establishing their age, three of them proved to be adults. Regardless of the lack of experience of Estonia in the field of unaccompanied minors, attention is paid to this issue and preparations for the readiness for the situation if the number of unaccompanied minors should rise, is carried out.</p> <p>4. Upon placing unaccompanied minors in social welfare institutions, with adult relatives or guardian family the rights and interests of the minor are of the highest importance. If possible, unaccompanied minors who are siblings are not be separated from one another. In case of asylum application, according to Granting Aliens International Protection Act, who is an unaccompanied minor shall be placed in the reception centre or a social welfare institution for the time of the asylum proceedings, and welfare services appropriate to the age of the applicant shall be guaranteed to him. An applicant who is an unaccompanied minor may be placed with an adult relative or a foster family if the recipient is suitable to take care of a minor. Reception centre also deals with the appointment of representative for the child.</p> <p>5. In order to develop the asylum system for unaccompanied minors, Estonia is implementing/about to implement the following projects:</p> <p>1) Within the framework of the project MINAS-5 the expert group consisting of the representatives of the Ministry of Social Affairs, Police and Border Guard Board, Ministry of Education and Research, NGO MTÜ Omapäi and IOM Tallinn compiled in 2011 in cooperation with their colleagues from Czech, Danish and Lithuanian colleagues a report "Reception in Estonia of unaccompanied children and asylum applicants separated from parents: Mapping the existing system and proposals", which is the basis for developing the system of reception of unaccompanied minors in Estonia. The report prepared as a result of the work of the expert group maps the reception system of unaccompanied minors from third countries in Estonia. The report discusses: reception of unaccompanied children in Estonia (at state border, in the territory), the question of their representation in procedures, aspects of asylum proceedings and accommodation of unaccompanied children and access to education as well as the process of return of the unaccompanied minors to the country of their origin. The report sets forth problems related to the minor asylum applicants and specific proposals as well as guidelines for more efficient development of the asylum system for unaccompanied minors for all the parties concerned;</p> <p>2) In 2012 IOM Tallinn (with the co-financing of the European Union Refugee Fund and Ministry of the Interior) is carrying out a project (Increasing the capacity of participants in the asylum process: from the asylum procedure to cultural orientation or CAP-CO), the aim of which is increasing professionalism of the officials participating in the asylum proceedings (including those dealing with unaccompanied minor asylum applicants). Within the framework of this project, the representatives of the unaccompanied minor asylum applicants and</p>

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			<p>related officials are provided with study visits, trainings and information days with the aim of ensuring absolute protection of the fundamental rights of unaccompanied minor asylum applicants.</p> <p>6. If has reasoned doubts regarding the information provided by the applicant in respect of his age, medical examination for establishing his age may be conducted with the consent of the applicant or his representative. If necessary, the shall be ordered an expertise for determining the age from the Forensic Science Institute. Also, the need for an expertise may occur in the course of legal proceedings, in this case the court the expertise will be ordered by the court.</p> <p>The Tanner & Whitehouse (TW-2) method is used to determine a person's age in Estonia. The method can be used in two places in Estonia: Tallinn Children's Hospital (children radiologist evaluates the results) and the Children's Clinic Hospital of the University of Tartu (children radiologist evaluates the results). These methods have been used in clinical practice to assess child development.</p> <p>7. After 18 years old, the UAM must apply a residence permit to stay in the Estonia.</p> <p>8. Ministry of Social Affairs NGO MTÜ Omapäi and IOM Tallinn.</p>
	Finland	Yes	<p>The following information mainly concerns UAM asylum seekers as in Finland there are only few cases annually in which an UAM is not an asylum seeker.</p> <ol style="list-style-type: none"> 1. The requested statistics are not available. However, to give a scope of the issue, 150 asylum applications were filed by UAMs in the year 2011 and the residence permit was issued to 115 applicants. In the year 2012 (January – October) there were 138 applications and 85 applicants were issued a residence permit. The number of UAMs currently present in Finland is estimated to be roughly 200-300. 2. In the year 2011 there were no voluntary returning UAMs (during this year 2012 there have been 2 cases). In practice forced returns and repatriations have not taken place. As far as number of residence permits is concerned pls see point 1. 3. As a rule, unaccompanied minors could only be returned to the home country if measures have been taken to ensure appropriate reception and the return is in the best interest of the child. The receiving party in the child's home country could include the child's parents or actual guardians. It is considered that appropriate reception has been ensured if the parent or actual guardian of the minor has been successfully traced and the tracing report confirms that the parent or actual guardian is capable and willing to take care of the minor upon return. If the parents or actual guardians are deceased or cannot otherwise be traced, viable options might include institutions or associations in charge of child protection issues in the country, provided that they would be able to offer the child sufficient protection and care. However, in practice there have not been such cases. <p>In practice, Finland does not refuse entry to unaccompanied minors seeking asylum other than within the Dublin process under the Council Regulation on determining the State responsible for examining an asylum application or after a negative asylum decision having been granted, which is generally the consequence of the applicant having been an adult while applying for asylum. Asylum seekers refused entry by virtue of the Regulation on determining the State responsible for examining an asylum application are generally persons who have been established as adults by the age determination process.</p> <p>The voluntary return of unaccompanied minors seeking asylum is currently assisted in Finland by the Helsinki office of the IOM.</p>


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			<p>The IOM's principles and recommendations relating to the voluntary return of minors include:</p> <ul style="list-style-type: none"> • A Best Interest Determination (BID) must be conducted in the host country to confirm that the return is in the best interest of the child; • The child's guardian or corresponding person must guarantee that returning to the home country is in the best interest of the child; • Return must take place of the child's own accord; • The child's parent or guardian must issue a written promise, in advance, to take the minor returning to his or her home country under his or her guardianship. It is advisable that a parent or legal guardian be at the airport to meet the IOM representative and the child returning home; • Minors may as a rule not travel unaccompanied; • The parent or other guardian must sign a legal document stating that the child has returned under his or her guardianship. <p>The IOM further has the following prerequisites for the organisation of a minor's return to the home country:</p> <ul style="list-style-type: none"> • The situation of the child's relatives and/or family in the home country must be established; • Local authorities must be informed of the child's return and related timetable, and of the child's future guardian; • An integration programme and a monitoring system should be in place for the child, preferably until the child reaches adulthood. <p>4. According to Section 122 of the Aliens Act the representative of social welfare authorities shall be heard before a person under 18 years of age is placed in detention. What this means in practice is that the representative of the police or Border Guard proposing a person to be placed in detention contacts social welfare services to inform them of the fact that the placement in detention of an underage foreigner is being considered and to enquire the opinion of the social welfare authorities in the matter. The opinion of the social welfare authorities must subsequently be entered in the detention decision; the representative of the minor must be informed of the grounds for detention in accordance with Section 123 of the Aliens Act. A minor may be placed in police detention facilities only if his or her guardian or other adult member of his or her family is also held in detention in police detention facilities. In practice, minors are not placed in police detention facilities unless absolutely necessary. For reasons relating to the best interest of the child and reasonability the threshold for placing minors in detention is higher than that for adults. Indeed, the placement in detention of minors has been marginal. In the majority of the cases the guardian has also been placed in detention at a detention centre and not in police holding facilities. Finland is, currently, considering whether placement in detention should be prohibited as far as minors are concerned and developing alternatives for detention.</p> <p>5. Concerning forced returns, as specified in point 3, a minor may only be returned to the home country when appropriate reception has been ensured. Thus, the actual local conditions in which the minor would be returning must be ensured before making the decision to refuse a residence permit and return the minor to the home country. After the minor has returned to the home country, there is no follow-up on the situation. (However, in practice no forced returns of minors have been enforced.)</p>
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			<p>The office of the International Organization for Migration (IOM) in Helsinki has since 1 January 2012 implemented the project “Developing Assisted Voluntary Return in Finland” as a cooperation between IOM and the Finnish Immigration Service. The project is funded by the European Return Fund and the Finnish Immigration Service. Under this project, IOM assists applicants with voluntary return arrangements and provides reintegration assistance to eligible returnees. Also a limited number of UAMs have been assisted in their voluntary return from Finland and with reintegration in the country of return in the project. Returning minors may be granted support at a higher level than other returnees due to their status as particularly vulnerable. Despite the possibility to assist also UAMs under the general return project, IOM has recommended that dedicated return support services could be set up for minors, paying consideration to the special needs of the group in question in Finland and to the conditions in the child’s home country.</p> <p>6. The age informed by the UAM is accepted, unless there are reasonable grounds for suspecting the information the person has given on his or her age. These grounds may arise for example from external appearance, mental maturity, overall developmental level or contradictory reports on age. According to Section 6a of the Finnish Aliens Act, if there are reasonable grounds for suspecting the information given by the UAM, a medical age assessment may be carried out to establish the age. Informed consent of the UAM and his or her legal guardian is an essential prerequisite for conducting medical age assessment. The consent must be real and based on information given to the applicant about the medical age assessment. Anyone who refuses to undergo an examination is treated as an adult if there are no reasonable grounds for refusal. A refusal to undergo an examination may not as such constitute grounds for rejecting an application for international protection.</p> <p>The methods of medical age determination are not specified in the legislation, as it was considered important to leave space for medical and technical developments in the field of age determination. The most common testing methods currently at use include skeletal age and dental examinations using X-rays. In skeletal age assessment X-ray images of the hand and wrist are compared against a reference chart. The methods used to determine bone age, or skeletal age, include Greulich-Pyle (GP), Tanner-Whitehouse (TW-2) and RUS (radius, ulman, short bones). Dental age assessment aims at determining age on the basis of dental development and the roots of wisdom teeth. Various methods are employed in the examination, which generally include one of the following procedures: counting of deciduous teeth and permanent teeth, examination of wisdom teeth and the examination of dental development with the aid of X-ray images, or a combination of the above. The results of the medical age assessment may be used to deem a person to be of the age of majority only if the results are perfectly clear. In case of an unclear test result there is a presumption in favour of the minor.</p> <p>7. The applicant's age is significant in the context of underage asylum seekers, as the Finnish policy is to categorically issue residence permits to underage asylum seekers under Section 52 of the Finnish Aliens Act (compassionate grounds) if the underage asylum seeker does not present grounds for international protection, if there are no other grounds for issuing a residence permit, and if the authorities are unable to confirm that the child will be appropriately received in his or her country of origin. The fixed-term residence permit based on Section 52 of the Finnish Aliens Act is of continuous nature. A new fixed-term residence permit is issued if the requirements under which the alien was issued with his or her previous fixed-term residence permit are still met. In practice the residence permit is generally extended even after the minor has turned 18 unless there are</p>
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			<p>reasonable grounds for refusal.</p> <p>8. According to Section 105b of the Finnish Aliens Act, to further the interest of an unaccompanied minor asylum seeker, the Finnish Immigration Service must, if possible, endeavour without delay to trace his or her parents or some other person responsible for his or her actual guardianship. In addition to this, a minor may also, at his or her own request, instigate a search for missing family members through the Finnish Red Cross.</p>
	France	Yes	<p>1. On 31 December 2011, 6,721 unaccompanied minors (UAM) were supported by welfare services in France. On 30 June 2012, they were 7,775. These figures have to be considered with precaution given the lack of census in certain departments.</p> <p>2. In 2011, the French Office for Immigration and Integration (Office Français de l'Immigration et de l'Intégration = OFII) organized the return of two unaccompanied minors to their country of origin. Since 1 January 2012, seven voluntary returns have been carried out. No forced return was carried out in 2011.</p> <p>In 2011, 80 of the 540 UAM placed in a waiting area were repatriated whereas 460 were admitted to the territory, which corresponds to an admission rate of approximately 85%. Between January and June 2012, 11 out of 147 UAM were repatriated, which corresponds to an admission rate of 93%.</p> <p>3. In France, voluntary return is possible for all UAM on specific request of a judge in the framework of a family reunification procedure in the country of origin or in a host country.</p> <p>The forced return of UAM is prohibited by law. No bilateral international agreement provides exceptions to this principle.</p> <p>When the minor is at the border and has not already entered the territory, repatriation is possible only if it is compatible with the best interests of the child. This condition is subject to judicial review. Repatriation also requires the identification of family members or the existence of a suitable reception centre in the country of destination. Unlike adults, UAM benefit from a one-day period, which means they can not be repatriated, at the earliest, before the second day after their arrival.</p> <p>4. An UAM can only be deprived of his/her liberty being placed in a waiting area upon arrival at the border. He/she can no longer be deprived of his/her liberty when he/she has already entered the territory. Detention is not allowed.</p> <p>There is no minimum age to be placed in the waiting area. However, the UAM under 13 years old are placed in hotel rooms under the supervision of a child care or in a housing area especially designed for this purpose.</p> <p>UAM cannot be kept in a waiting area more than 4 days. This period can be extended by the liberty and custody judge but cannot exceed 20 days. In practice, UAM are placed in a waiting area for 4.8 days in average.</p> <p>5. No, as the return of UAM is not the principle.</p> <p>6. In case of any doubt on the applicant's statements, French authorities use the Greulich and Pyle method (X-ray of the hand and wrist and teeth examination). This method is more favorable to the minor insofar as it tends to underestimate the age of the minor. In any case, the minority of the person is recognized when the uncertainty persists about his/her age.</p>


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			<p>7. After 18 years old, the UAM must obtain a residence permit to stay in the French territory. However, he/she is subject to derogations to obtain a right to stay in France:</p> <ul style="list-style-type: none"> - If the UAM had been supported by child welfare services before age 16, he/she is automatically granted a temporary residence permit subject to the reality and seriousness of his/her attendance to training, the nature of his/her relationship with the family in the country of origin and the opinion of the hosting body on the integration of the foreigner within French society. - If the UAM had been supported by child welfare services between the ages of 16 and 18, he/she can be exceptionally granted a residence permit if he/she has followed a vocational training for at least six months. <p>8. The French Red Cross is responsible for restoring family links at the request of the minor whereas the administrative authority is in charge of family tracing in the framework of the repatriation procedure.</p>
	Germany	Yes	<p>1. Such data and information do not exist at Federal level.</p> <p>2. Experience has shown that the voluntary return of UAM is something that happens only rarely. With the support by the REAG/GARP-Program in 2011 25 UAM have left Germany voluntarily. Statistical data on forced returns of UAM are not available. It can, however, be assumed that the proportion of UAMs among those removed is comparatively low, because in general the principle is applied that unaccompanied children and youths should only be removed if it is certain that these minors will be cared for in their country of origin.</p> <p>3. - The voluntary return of UAM requires in each case the consent of the legal guardian.</p> <ul style="list-style-type: none"> - According to the legislation in force, the international conventions for the protection of children and minors are not, in principle, opposed to the enforced return of underage foreign nationals who have entered the country illegally or who have remained legally for the duration of the asylum procedure but without success. Removals are, however, only carried out by the local Foreigners Authorities in cases in which, following earlier examination, it has been shown that the appropriate care will be ensured for the minor who is under an obligation to return. In such cases, the minors are picked up by family members at the airport of the respective country of origin or accompanied to their future care institutions. <p>4. Between the Federal Government and the Federal states (<i>Länder</i>) there is mutual agreement that there are specific groups of foreign nationals who should not, as a rule, be taken into detention for the purpose of removal. These also include minors under the age of 16. In the case of unaccompanied minors, the local Foreigners Authority must make contact with the responsible Youth Welfare Office in order to regulate their accommodation until their removal. Underage asylum-seekers whose application for asylum has been rejected should, as a rule, not be taken into detention for the purpose of removal, but should remain in their previous accommodation until their removal can be carried out. However, within the framework of these general guidelines, practice differs from one Federal state to the next.</p> <p>5. The European Refugee Fund promotes a range of temporary projects on a regional level in Germany, aimed both at promoting integration within the receiving country and at facilitating the reintegration of UAM back into their country of origin.</p> <p>6. In cases in which unaccompanied minors do not state their age or are not able to prove it, or if the authorities have doubts about the asserted minority of a young person, then employees of the local Youth Welfare Offices, of the clearing houses or even of the Foreigners Authorities will perform an estimation of the age of the subject by means of a visual inspection. Some Federal states in Germany practise measures going beyond the visual inspection such as X-ray examinations of the carpus or teeth examination.</p>



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			<p>7. For detailed information, please see the EMN research study "Unaccompanied minors in Germany - Reception, return and integration arrangements".</p> <p>8. Several organisations represented in Germany can be helpful in establishing the whereabouts of the parents or other family members of an UAM, such as the tracing service of the German Red Cross, the international social services of the German Association for Public and Private Welfare or the regional office of the UNHCR in Germany.</p>
	Hungary	Yes	<ol style="list-style-type: none"> 1. According to the available statistics of the ION 72.(2012 -2012.09.30) UAM stayed in the community accommodation in Balassagyarmat on the basis of individual licences because of individuals saturation of child protection institutions. Data collection did not performed as regards whether how many UAM have received social services from them. In 2011, 10 UAM had residence permit, while in 2012, they were 25. 2. - the number of UAM who have voluntarily returned to their country of origin: We do not have data for this period. - the number of forced returns of UAM: in 2012, in the cases of three UAM Kosovar citizens took place the implementation of the expulsion after the family tracing. - the number of UAM who have been repatriated:- - the number of UAM who have been admitted to the territory of your Member State: 61UAM 3. 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. Immigration laws record as a guarantee rule that unaccompanied minors can not be taken into custody. In view of the above, the expulsion should be preceded by an investigation whether the caring is ensured in the country of origin or in the safe third country. 4. Deprivation of liberty does not apply in the practice of the ION, because the laws exclude it in the case of UAM, therefore compulsory residence is assigned for them. The UAM are placed in child protection institutions during the organization of voluntary return or deportation. Unaccompanied minor shall mean third country nationals below the age of eighteen, who arrive on the territory of Hungary unaccompanied by an adult responsible by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they entered the territory of Hungary. 5. Reintegration programs for minors and the financial funding primarily are coordinated by IOM. 6. The Hungarian authorities considering the available data and the client's statement record information relating to age, or in individual cases search for a medical expert to determine the age. When in doubt, the age will be determined benefit of perceived minor. 7. For entry into the territory of Hungary and for stays in the territory of Hungary for a period of longer than three months the entry conditions for third-country nationals shall be the following: a) they are in possession of a valid travel document; b) they are in possession of: ba) a visa for a validity period of longer than three months, bb) a residence permit, bc) an immigration permit, bd) a permanent residence permit, be) an interim permanent residence permit, bf) a national permanent residence permit, bg) an EC permanent residence permit, or bh) an EU Blue Card; c) they are in possession of the necessary permits for return or continued travel; d) they justify the purpose of entry and stay; e) they have accommodations or a place of residence in the territory of Hungary; f) they have sufficient means of subsistence and financial resources to cover their accommodation costs for the duration of the intended stay and for the return to their country of origin or transit to a third country; g) they have full healthcare insurance or sufficient financial resources for healthcare services; h) they are not subject to expulsion or exclusion, they are not considered to be a threat to public policy, public security or public health, or to the national security of Hungary; i) they are not persons for


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			<p>whom an alert has been issued in the SIS for the purposes of refusing entry.</p> <p>8. The child protection institutions are the responsible in collaboration with the ION and the Hungarian Red Cross, and certain legal assistance services, such as the Mahatma Gandhi Human Rights Association.</p> <p>The existing Hungarian legislation determining the conditions of entry and residence does not distinguish between minors and older third-country citizens. In the case of applications for residence permits, only procedural differences can be seen namely if the applicant is a minor the legal representative shall act instead of the minor.</p>
	Latvia	Yes	<p>1) There were no detected UAM illegally staying on the territory or applying or asylum in the Republic of Latvia in 2011. There is 1 asylum seeker UAM in 2012.</p> <p>2) None of mentioned.</p> <p>3) The conditions for decision taking with regard to the minor, as well as UAM are the same as for the adult persons. In accordance with national rules UAM are vulnerable persons and the procedure of voluntary return or forced return of UAM includes the following arrangements:</p> <ul style="list-style-type: none"> - Identification of UAM; - Age assessment in case of necessity; - Determination of the country of origin; - Family tracing; - Hand over to a family member, legal representative or the representative of a specialised institution in the country of return. <p>State Border Guard, while finding minor foreigners, who are without parents or their legal representative who's stay in the Republic of Latvia is illegal shall immediately inform State Police and Orphan's Court and act so as to ensure that the rights and interests of a child throughout the expulsion process are respected in accordance with children's rights, regulatory laws and regulations.</p> <p>During the expulsion procedure of minor foreigners who are without parents or their legal representatives, those minors' personal and property relations shall be represented by the Orphans' court or an appointed guardian, or childcare facilities manager.</p> <p>If for a minor foreigner, who is without a parent or accompanying legal representative, the identity is established as well as citizenship or country of residence, the State Border Guard shall contact the appropriate diplomatic or consular mission, the authorities or non-governmental organisations, who are following the respect of children's rights in this country, and take other necessary measures to ensure that the expulsion order or decision on forced expulsion of the minor foreigner who has no parent or accompanying legal representative, shall be given to the member of the family, parents' legal representative, an agent, who is monitoring children's rights in this country, or a representative body which is ensuring that a child is put into the suitable accepting institution.</p> <p>4) The State Border Guard of the Republic of Latvia has no right to detain a minor who has not reached the age of 14 years and such minors are placed in the Child care centre. A detained alien minor who at the age of 14 to 18 years and is not accompanied by parents or his or her legal representative, up to the end of the time period of detention shall be accommodated in the relevant State Police structural unit 's special premises for minors.</p> <p>There were no cases of detention of UAM in the Republic of Latvia.</p> <p>The State Border Guard of the Republic of Latvia have the right to detain an alien, who has reached the age of 14 years for the time period not exceeding 10 days and pursuant to a decision of a judge of a district (city) court for two months but the total detention period may not exceed six months or in the exceptional cases for the period not exceeding additional 12 months..</p>

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			<p>5) IOM within the framework of AVR program provides assistance for UAM in case of voluntary return. UAM is provided additional assistance for the voluntary return to their country of origin - 1) each UAM are consulted on return to their country of origin (conditions at home, marital status, presence of guardians, educational issues, occupation upon return, etc.) and the return is aligned with the IOM office in the country; 2) IOM representative accompanies UAM to his place of accommodation in the country of origin; 3) reintegration assistance is provided after returning to the country of origin.</p> <p>There are no any specific programs for support of forced return of UAM.</p> <p>6) The State Border Guard uses medical age assessment examination. The minority of an alien is recognized when the uncertainty persists about his/her age.</p> <p>7) If UAM is less than 10 years old and during a one year term it has not been possible to return him/her to his/her home country and to identify the child, a new identity and a temporary residence permit will be granted. If UAM is 10-16 years old and his/her identity is unknown, after 18 s/he will be granted new identity and a temporary residence permit. If UAM is older than 16, ordinary expulsion procedure would take place. Of course, each case is examined individually and in case of humanitarian reasons a residence permit could be issued also. Measures described here are only theoretical; they have never been applied in practice due to the absence of relevant cases.</p> <p>8) Within the procedure of voluntary return of UAM with support of IOM. IOM is dealing with family tracing, but in case of forced return of UAM the State Border Guard (state authority) is responsible for family tracing.</p>
	Lithuania	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Luxembourg	Yes	<ol style="list-style-type: none"> On 2011, 22 unaccompanied minors arrived in Luxembourg and were registered as unaccompanied minor international protection seekers. From 1 January to 26 November 2012, there were only 15 unaccompanied minors registered as international protection seekers. It is not possible at the moment to give an exact number of unaccompanied minors residing in Luxembourg. <ol style="list-style-type: none"> number of UAM who have voluntarily returned to their country of origin: none number of forced returns of UAM: none number of UAM who have been repatriated: none number of UAM who have been admitted to the territory of your Member State: 22 (see above). Article 103 of the Law of 29 August 2008 on free movement of persons and immigration establishes that : «No return decision cannot be taken against an unaccompanied minor without the presence of his legal representative, excluding of decisions based on grave motives of public security, exception if the expulsion is in the best interest of the minor. The unaccompanied minor is assisted by an ad-hoc administrator in the framework of administrative and judicial procedure relation related to entry and stay in the territory. » The grand-ducal regulation of 17 August 2001 modifies the grand-ducal regulation of 26 september 2008 establishing the good conduct rules to be applied by the agents in charge to execute the expulsion (règlement grand-ducal du 17 août 2011 modifie le règlement grand-ducal du 26 septembre 2008 établissant les règles de bonne conduite à appliquer par les agents chargés de

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			<p>l'exécution d'une mesure d'éloignement) expressly says : « Before returning an unaccompanied minor, the Ministry verifies that in the returning country the minor will be hand to a family member, a tutor designated or by adequate reception structures.</p> <p>4. Article 120 (1) of the Law of 29 August 2008 allows to place an unaccompanied minor in retention in an appropriated facility adapted to the needs of the child. It is important to notice that in practice unaccompanied minors are not place in retention or in detention facilities. The principal reason is that the superior interest of the child prevails. Article 7 of the grand-ducal regulation of 1 September 2006 fixing the conditions and modalities to gran social aide to international protection seekes establishes : Unaccompanied minors are housed : a) with family members who are adults ; b) with a foster family ; c) with an specialized reception center ; d) with another housing facilities adapted to minors. In principle unaccompanied minors aged 16 or older are placed in a reception facility of teenagers in accordance with the youth court. The housed minor in this kind of gouvernemental facility is proposed to have a tutor who is a member of a NGO.</p> <p>5. No, as the return of UAM is not the principle.</p> <p>6. In case of any doubt on the applicant's statements, Luxembourg can use bones and X-ray tests to determine the applicant's age.</p> <p>7. The unaccompanied minors can obtain un authorisation of stay for humanitarian motives of exeptionnal gravity (article 78 (3) of the Law of 29 August 2008)</p> <p>8. Luxemburgish Red Cross. One of its missions is the research and tracking of families. It is not excluded that a NGO (i.e. Caritas) can make research and tracking by an internal network of the organisation. La Croix Rouge luxembourgeoise a dans ses missions la recherche (tracing) des familles ; il n'est pourtant pas exclu qu'une ONG (p.ex.Caritas) puisse faire des recherches par un réseau interne à l'organisation</p>
	Netherlands	Yes	<p>1. Foundation Nidos has been accepted by the Ministry of Security and Justice as a guardianship organization for unaccompanied minor refugees and asylum seekers. All UAM's in the care of Foundation Nidos are supported by welfare services. On the 31st of December 2011 there where 2,375 unaccompanied minors (UAM) in the care of Nidos (source: Foundation Nidos Annual Report 2011). Not all of the UAM's have residence permits. Approximately 770 of the 2,375 UAM's are housed in the Central Agency for the Reception of Asylum Seekers (COA) (source: COA).</p> <p>2. The Repatriation and Departure Service (DT&V) is responsible for returns. - the number of UAM who have voluntarily returned to their country of origin; In 2011 approximately 20 UAM's have voluntarily returned. - the number of forced returns of UAM; In 2011 the DT&V has returned approximately 15 UAM's.</p>

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			<p>- the number of UAM who have been repatriated; The number of UAM who have been repatriated (when the minor is at the border and has not entered the territory) is not registered.</p> <p>- The Royal Constabulary does not grant entry to the Netherlands to unaccompanied minors who report at the border or who are found there and do not meet the conditions. In the case of entry bans, Nidos is always approached to promote the interests of the unaccompanied minor. The Kmar furthermore makes an 'initial assessment' of the age of the unaccompanied minor; in the case of doubt, the young person is regarded as a minor. If the unaccompanied minor is to be removed from the Netherlands, the Kmar transfers its tasks to the DT&V, which is subsequently responsible for the return of the unaccompanied minor. The DT&V has specialists in the area of return of unaccompanied minors. If the unaccompanied minor wants to submit an asylum application, the Kmar transfers the unaccompanied minor to the IND which initiates the asylum procedure.</p> <p>- the number of UAM who have been admitted to the territory of your Member State. If these data are not available, could you please provide an estimate? In 2011 484 unaccompanied minor asylum seekers were admitted to the Netherlands (source: IND).</p> <p>3. According to current Dutch policy, if the UAM is not entitled to an asylum permit, the UAM needs to return voluntarily. If the UAM does not return voluntarily, forced return is possible. The condition for return is "adequate reception" for the UAM in his country of origin or another country where return is possible. "Adequate reception" is considered to be available when there are parents, family members, or other persons who took care of the UAM in the past. Furthermore, reception centres can be considered adequate reception. According to the current Dutch policy, if no adequate reception is available, the UAM can receive a temporary residence permit. This policy is about to be changed. The temporary resident permit for UAM will be abolished. Instead, UAM's who apply for asylum under the age of 15 can receive a temporary permit (or 5 years, which can be prolonged) on the basis of the 'no fault procedure' provided they collaborate in the return process and no adequate reception is available in the country of origin or another country where he can return to.</p> <p>4. - The minor is suspected of or convicted for having committed a crime or the minor has absconded before; In 2011 the average duration of deprivation of liberty was approximately 50 days. - The departure of the minor can be arranged within fourteen days; In 2011 the average duration of deprivation of liberty was approximately 4 days. - The person has been refused entry at the border, and it has not yet been established that the person is a minor.³ In this case the duration of deprivation of liberty is very short. Usually less than one day.</p> <p>Unaccompanied minors cannot be detained in the same type of detention centres as adults. They have to be detained in special detention facilities for juveniles, where they are offered an extensive daily programme, including education.</p> <p>5. IOM is running a special program for the voluntary return of UAM to their country of origin. A combination of NGO's is also</p>
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³ Normally, this would be limited to a period of a few days. However, if there are doubts regarding the question whether the person is a minor, an age assessment will be started. In that case, detention will be continued (usually in a detention facility for adults) while the results of the assessment are awaited.

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			<p>running a program for the voluntary return of UAM. In these programs UAM can get in-kind support in their country of origin or shortly before return in the Netherlands. To make return (both voluntary and forced) to Angola and the Democratic Republic of the Congo (DRC) possible the Netherlands support (through IOM Angola and IOM DRC) reception facilities in these countries. In case the reunification with relatives is not possible, the UAM can be placed in this reception centre and be cared for up until the age of 18.</p> <p>6. Currently the method of radiological assessment of the collar bone and the hand wrist bone is used in the Netherlands for the purpose of age determination, or –in other words- forensic age diagnosis. The method is used in penal procedures and in asylum procedures in case there is doubt about the claim of that alien to be a minor.</p> <p>To assess the age of undocumented aliens who claim to be minors x-ray photos of the collar bone and the bones in the hand wrist area are made. If the bones in the hand wrist area are not matured fully, no further research is necessary and the UAM is considered to be a minor. In establishing whether an individual has reached the age of 20 years, an analysis of the x-ray photo of the collar bone is made. If the collar bone has matured fully, in other words, the ossification of the sternal clavicular cartilage is complete, than it can be safely concluded that the individual is at least 20 years old. He then is considered to be major. Since these methods of age determination (i.e. assessments of biological ripeness of bones) are based on statistical probabilities, these thresholds have been chosen to be most secure and most useful for the asylum procedure. Whatever threshold is chosen, is therefore a matter of statistical certainty that is (politically) wished for. In the Netherlands, it is almost impossible that a minor is considered to be major, since up till now, no person has ever been found under the age of 20 with fully matured collar bones.</p> <p>7. In case of an asylum permit, the same rules apply as they do for adults. After 5 years the alien can apply for a permanent residence permit.</p> <p>In current policy, the permit for UAM without adequate reception in the country of origin is valid for one year and can be prolonged twice, and always ends when the UAM reaches the age of 18. If after 3 years the UAM is still a minor, he can apply for a permanent residence permit. Under the new scheme, UAM's who apply for asylum under the age of 15 and are not entitled to an asylum permit, can receive a 5 year permit on the base of 'no fault' provided they collaborate in the return process and no adequate reception is available in the country of origin or another country where he can return to. This permit can be extended indefinitely after 5 years or changed into permanent residence. UAM's who apply for asylum after the age of 15 and are not entitled to an asylum permit need to work on voluntary return and do not have access to residence after the age of 18.</p> <p>All UAM's (with or without a residence permit) have a right to housing, schooling, medical services untill the age of 18.</p> <p>8. The UAM has to give clear and accurate information about his parents and other family members who can take care of him. Further, on request of the Minister of Immigration, the Minister of Foreign Affairs can do research in the country of origin on the base of the information given by the UAM. The Dutch Repatriation Service can trace family members. Also NGO's like the Red Cross can be asked to do family tracing.</p>
	Slovak Republic	Yes	<p>1. Number of UAMs supported by welfare services: in 2011- 169</p>


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			<p>in 2012 (estimate) – 130</p> <p>Number of UAMs granted residence permit: in 2011 – 0 in 2012 (until end of October) – 2</p> <p>2. In SK for 2011: - the number of UAM who have voluntarily returned to their country of origin - 0 - the number of forced returns of UAM - 0 - the number of UAM who have been repatriated - 0 - the number of UAM who have been admitted to the SK territory – 169 (in 2011 145 UAMs have been apprehended as irregular migrants)</p> <p>3. The return of the UAM is carried out strictly on a voluntary basis. The UAM is informed via his/her guardian or tutor on all the steps of this process and he/she gets the appropriate support. A contact with his/her family is resumed prior his/her return to the country of origin. The guardian or tutor has to agree with the return of the UAM as a measure in his/her best interest.</p> <p>4. The legal provisions on detention do not refer to minors, who don't have legal guardian. This means that it is not possible to detain the UAM even for the purposes of return. There is not a minimum age limit in this regard. Each person under age of 18 is considered to be a minor. The Slovak legislation does not define the maximum time period for the deprivation of liberty of the UAM. In general the average time for the liberty deprivation is for the necessary period but maximum for 6 months. The legislation also states that it is not possible to administratively expel the minor under age of 18 unless it is in his/her interest.</p> <p>5. No.</p> <p>6. The age assessment is used in case it is not obvious that the person concerned is a minor. In line with the Act on Residence of Foreigners this person is obliged to undergo a medical examination on the age assessment in the form of the wrist and teeth X-ray. In case he/she refuses this examination he/she is considered as an adult for the purposes of the further proceeding in his/her matter.</p> <p>7. The conditions for access to the residence for minors who reached majority are the same as for all other third country nationals. There is no facilitation in this regard.</p> <p>8. The Body for socio-legal protection of children and social guardianship (Central Office of Labour, Social Affairs and Family and Offices of Labour, Social Affairs and Family) are responsible for the minor's family tracing for the purposes of family reunification.</p>
	Slovenia	Yes	Q 1: For a year 2011, 13 unaccompanied minors (UAM) were supported by welfare services in Slovenia and on 30 October 2012, 25 UAMs.

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			<p>Q 2; In 2011:</p> <ul style="list-style-type: none"> - 2 UAMs have been voluntary returned to their country of origin; - 2 UAMs have been repatriated; - 2 UAMs have been admitted to the territory. <p>Q 3; In case of the deportation of a foreigner, minor unaccompanied by his parents or other legal representatives who illegally resides in the Republic of Slovenia, the police immediately notify the Centre for Social Work which has the duty to designate at once the guardian for special cases to the foreigner. The Centre issues a written opinion indicating the minor's best interests. The police station may issued the decision on returning the unaccompanied minor after guardian examined in detail all the circumstances and decided this is in minor's best interests. The foreigner who is a minor cannot be in any case removed to his country of origin or the country willing to receive him until a proper reception is provided there. Before the deportation it is necessary to make sure that the minor will be returned to a family member, selected guardian or adequate reception centres in the country of return. In all the procedures involving unaccompanied minors the Centre for Social Work has the duty to elaborate a written opinion on all its findings and decisions in the child's best interests. Based on the expert opinion by the guardian, the police issue the final decision on the voluntary repatriation or return.</p> <p>Q 4; In consultation with the guardian, the unaccompanied minor is placed in adequate institutions for accommodating minors where he will enjoy all the rights. If this is not possible, the minor is accommodated in the Centre for Foreigners. In Slovenia, any person under 18 years of age is deemed minor. In the procedures concerning the restriction on movement, as well as the return of unaccompanied minors, the police have the duty to observe the Convention on the Protection of Human Rights and Fundamental Freedoms, European Convention on the Prevention of Torture Inhuman and Degrading Treatment or Punishment, Convention on the Rights of the Child and the European Convention on the Exercise of the Children's Rights. Foreigners, unaccompanied minors, accommodated in the above Centre under the restriction on their movement, can be placed there for up to six months. Under the conditions prescribed by the law, their accommodation may be extended for further six months.</p> <p>Q 5: The police signed agreement with IOM for implementation of special programs regarding information of aliens on voluntary return, organisation of returns to the country of origins and reintegration program. Unaccompanied minors are included in programs which fulfils the principle of the minor's best interests.</p> <p>Q 6; Where the identity of an alien minor is not ascertained and it is suspected that the person is not a minor, the police may establish the age of the person through experts. Based on an expert opinion the police shall issue a declaratory decision on the age of the person. An appeal against the declaratory decision is permitted within eight days of service of the decision. The decision on the appeal shall be taken by the ministry responsible for the interior.</p> <p>Q 7; Legal framework for access to residence once the minor has reached majority age 18 is common law scheme which is the Alien Act and no specific facilitation for minor is provided.</p> <p>Q 8; The administrative authority under labour ministry, the Centre for Social Work is responsible for family tracing and/or restoring</p>
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			family links in case of unaccompanied minor.
	Spain	Yes	<p>1) We do not have exact figures for the number of UAM in Spain. On 31 December 2011, the estimated number of UAM in the social services system for the protection of minors under regional governments (regional authorities) was 2 090, and in September 2012 the estimated number was 2 356.</p> <p>2) Please indicate for 2011: If these data are not available, could you please provide an estimate?</p> <ul style="list-style-type: none"> - The number of UAM who have voluntarily returned to their country of origin; In 2011, 12 Moroccan minors were returned to their parents, who had personally asked for them. - The number of forced returns of UAM; The term “forced return” is not used for minors in Spanish law. The procedure applied is “repatriation”. - The number of UAM who have been repatriated; In 2011 there were 4 repatriations of UAM who were reunited with their families in their countries of origin. <u>None of these cases were forced repatriations.</u> - The number of UAM who have been admitted to the territory of your Member State. In 2011, according to estimated data, social services took in more than 3 000 UAM. The 2012 National General Prosecutor’s Report shows that in 2011 the Public Prosecutor’s office undertook 2 418 procedures to determine age, which in 1 242 cases indicated the subjects were minors. This allows us to state that there are at least 1 242 UAM. According to the same Report, 357 UAMs were found arriving on the coasts of Spain in rafts or similar craft in 2011. Although it is not possible to obtain precise figures, an increase was observed in minors entering Spain by land, hidden in motor vehicles, posing serious danger to their physical wellbeing. <p>3) The repatriation procedure is regulated as set out in Spanish law, and is subject to due process. For repatriation: the UAM must be taken care of by relatives (family reunification) or adequate social services in the country of origin. In accordance with Article 35.5 of the Aliens Act (Organic Law 4/2000), the State Administration will request a report on the family circumstances of the minor from the diplomatic representatives of his or her country of origin before ruling whether to begin the repatriation procedure. When it is decided to begin this procedure, after having heard at least if the minor has sufficient capacity of judgement, and after a report by the Public Prosecutor, the State Administration will rule appropriately on return to the country of origin, the country where the parents are, or if these are not possible, on remaining in Spain. In accordance with the principle of the best interest of the minor, repatriation to the country of origin will be either in the form of family reunification or by placing the minor under the protection of the country’s social services, if they should present adequate conditions for his or her care.</p> <p>4) UAMs cannot be put in detention. They are taken of by the regional social services as soon as they are confirmed to be minors.</p>

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			<p>In accordance with Article 190.1 of the Aliens Act Implementing Regulation (approved by Royal Decree 557/2011), when the Security Forces find an unaccompanied foreigner whose status as a minor is not in doubt thanks to documentation or physical appearance, the minor will be put in the care of the competent social services, and the Public Prosecutor's office will be informed. If it is not possible to unambiguously identify an undocumented foreigner as a minor, the State Security Forces, as soon as they are aware of this fact, will inform the regional social services, which will, if applicable, provide the immediate care needed, as established in legislation on the legal protection of minors.</p> <p>The Public Prosecutor's office will immediately be informed, which will determine the individual's age as soon as possible, requiring the collaboration of the appropriate medical institutions, which will carry out the tests as a priority and a matter of urgency.</p> <p>5) At present the General Secretariat for Immigration and Emigration does not have a specific program for the repatriation of UAMs.</p> <p>6) There is no formal presumption in Spanish law regarding the status of minors. In all cases our legislation treats such individuals as minors, as it requires immediate care by a social services centre for the protection of minors until any doubts regarding age are resolved. The method for determining age used consists of medical tests, under the supervision of the Public Prosecutor, in cases where the presumed minor is undocumented in the strict sense, or where his or her documentation is false or unreliable.</p> <p>Before carrying out medical tests, the presumed minor must consent to them. He or she must be informed beforehand of the medical and legal aspects and the consequences of such tests. If he or she refuses the tests without adequate justification, this refusal will be taken as strongly suggestive that he or she is not a minor.</p> <p>The procedure used to determine or verify the age of UAMs is based on bone age testing: an X-ray of the left hand (Greulich-Pyle method) and X-ray testing of the iliac crest (Risser's sign), as well as a medical examination based on a general dental X-ray (Demirjian method), height, pubic hair, development of the trachea, etc. These tests are carried out in medical centres with X-ray services operating 24 hours a day.</p> <p>The test results should indicate a minimum, and if possible maximum, age range of the subject, corresponding to the possible margin for error of the test. This age range must be interpreted in the manner which is most favourable to the minor, tending towards the lower range. For example, if the age range indicates the person is aged 17 to 19, the chosen value will be 17, and the person will be regarded as a minor. Thus, Article 190.4 of the Aliens Act Implementing Regulation (approved by Royal Decree 557/2011) establishes that if age determination is based on establishing an age range, the foreigner will be regarded as a minor if the lowest age in the range is under eighteen.</p> <p>At present work is being done to create a Protocol for Unaccompanied Minors, intended to coordinate the activities of all affected institutions and administrations, from finding the minor or presumed minor to his or her identification, determining his or her age, placing him or her under the care of the social services, and documentation.</p> <p>7) According to Articles 196 and 197 of the Aliens Act Implementing Regulation (Royal Decree 557/2011), once it has been accredited that repatriation of the minor is impossible, and in all cases after nine months have passed since the minor was placed under the care of the</p>
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			<p>competent social services, he or she will be granted a residence permit. In the case of minors under the legal guardianship, custody, provisional protection or guard of social services for the protection of minors, who become of legal age while holding a residence permit, the holder may request renewal of the permit on an official form in the sixty natural days before its expiry date.</p> <p>8) The protection of UAMs is the responsibility of the regional governments (regional authorities). According to Article 191.3 of the Aliens Act Implementing Regulation (approved by Royal Decree 557/2011), the Delegation or Sub-delegation of the Government will request, through the General Commissariat for Alien Affairs and Borders, a report by the diplomatic representatives of the country of origin of the minor on his or her family circumstances. If the country does not have diplomatic representation in Spain, the report will be requested through the Directorate General for Consular Affairs and Migration of the Ministry of Foreign Affairs and Co-operation.</p>
	Sweden	Yes	<p>1, Please indicate the number of UAM currently present on your territory: On 31 December 2011, 1,662 unaccompanied minors (UAM) were supported by welfare services in Sweden. On 30 June 2012, they were 1,481.</p> <p>2, Please indicate for 2011:</p> <ul style="list-style-type: none"> - the number of UAM who have voluntarily returned to their country of origin; 59 - the number of forced returns of UAM; 52 - the number of UAM who have been repatriated; no information available - the number of UAM who have been admitted to the territory of your Member State. 1 961 <p>3) Conditions required for the voluntary return/the forced return/the repatriation of an UAM? For any return an orderly reception in the country of origin is required.</p> <p>4, UAM are only being placed in detention if that is needed in connection with the execution of a forced return. Maximum time limit is 72 hours which can be prolonged once with another 72 hours. In practice, they are never more than 24 hours in detention. There is no formal age limit, but younger people than 15-17 years old are never placed in detention.</p> <p>5, Specific support programs: Very few if any. The project ERPUM, European Return Platform for Unaccompanied Minors, is still in progress and will hopefully deliver some form of support program and means of orderly reception.</p> <p>6, Method for age assessment: Medical age assessment in accordance with recommendations by the Swedish National Board of Health and Welfare which includes both a pediatric study as well as X-ray examinations of the hand skeleton and teeth. A result that supports the UAM's own given data is interpreted to the UAM's advantage, according to the principle of the benefit of the doubt, unless there is other strong evidence against such an assessment. For more information see the Swedish EMN-study on UAM.</p> <p>7, Welfare services can decide to extend the time for the UAM to stay in a foster home or similar until the age of 21. If not, they are offered housing in the same way as other adult asylum seekers.</p> <p>8, The Swedish Migration Board is responsible for family tracing until the UAM has been returned or has been granted a residence permit. Once they have been granted a residence permit the welfare services are responsible for family tracing.</p>
	United Kingdom	Yes	<p>1. This information is not currently available.</p> <p>2. Figures are not available for the first 3 parts of this question as unaccompanied asylum-seeking children are not routinely returned,</p>

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			<p>therefore, a response of “not applicable” has been provided. Please see response to question 7 for further information.</p> <p>In response to those who have been admitted to the UK, an unaccompanied asylum-seeking child (UASC) is a person under 18, applying for asylum on his or her own right, who is separated from both parents and is not being cared for by an adult who is legally responsible for their welfare.</p> <p>UASC annual applications continue to fall and fell by 19% between 2010 and 2011 (1,398 applications). A total of 1,353 initial decisions were made on UASC applications in 2011, a decrease of 43% compared to 2010 (2,359).</p> <p>Current figures indicate for the first half of 2012 that 503 UASC applications were received in 2012.</p> <p>3. For voluntary return for Families <u>with</u> Children: Refugee Action: Choices runs the Assisted Voluntary Return for Families and Children (AVRFC) programme on behalf of the UK Border Agency (UKBA). A specific programme for unaccompanied children will be considered in the future.</p> <p>For enforced return: UKBA takes into account a child’s best interests as a primary (but not the sole) consideration in every decision affecting children. Upon a decision that an unaccompanied asylum seeking child does not qualify for asylum or Humanitarian Protection and that suitable reception arrangements are in place in the country of origin, UKBA intends to make a best interest assessment to ascertain whether immediate return to the country of origin/return is appropriate, or whether a period of Discretionary Leave should be granted.</p> <p>The overall assessment of the child’s best interests will generally be a matter of considering the child’s individual circumstances and experiences in the UK alongside information about the conditions the child would face in the country of return.</p> <p>When sufficient information is available to make an overall assessment of the child’s best interests, the assessment will be balanced against other relevant considerations such as the need to provide effective immigration control. The best interests’ decision is in accordance with UKBA’s responsibilities under Article 3 of the UN Convention on the Rights of the Child and section 55 of the Borders, Citizenship and Immigration Act 2009.</p> <p>The child and their social worker will have a central role in the best interest assessment and, if appropriate, contributions may be made by other relevant agencies or parties, although the ultimate decision rests with the UKBA case owner. Only if the child’s best interests are outweighed by the need to uphold immigration control, will the child be refused outright and expected to leave the UK as soon as reasonably practicable. In all other cases, the UKBA is likely to grant Discretionary Leave.</p> <p>For repatriation: those found to have no protection needs in the UK should be taking steps to leave the UK voluntarily or face an enforced return. The UK prefers those with no legal basis on which to remain in the UK to leave voluntarily in a dignified manner.</p> <p>4. No child under the age of 18 is knowingly placed into a UK detention centre.</p>
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			<p>In December 2010, following a review, the UK government announced the end of the detention of children for immigration purposes.</p> <p>5. As stated in response to question 3 there are specific voluntary and enforced return programmes for Families with Children. Specific programmes for unaccompanied children will be considered in the future.</p> <p>6. UKBA is committed to safeguarding the welfare of unaccompanied children. UKBA's current age assessment policy ensures that individuals, who present themselves as being an unaccompanied minor under the age of 18, are given the benefit of the doubt if their age is disputed. The individual will be treated as a child until the local authority has conducted an age assessment and all available evidence has been duly considered. As part of the local authority's duty its qualified social workers will normally conduct an age assessment to determine eligibility for children's services. In recognition of the particular expertise local authorities have through working with children, it is UKBA's policy to give prominence to an age assessment by a local authority, as long as it is compliant with key current case law (B v London Borough of Merton [2003] EWHC 1689). This is known as a "Merton compliant age assessment".</p> <p>UKBA will only treat an age disputed individual as an adult if they meet one or more of the following criteria:</p> <ul style="list-style-type: none"> • Two UKBA officers (one of at least Higher Executive Officer/Chief Immigration Officer grade) have separately determined that the individual's physical appearance or demeanour very strongly suggests they are significantly over the age of 18; • There is clear and credible documentary evidence showing that the individual is aged 18 or over; • A local authority has completed a "Merton compliant age assessment" that concludes the individual is aged 18 or over. <p>Individuals will not be detained if they do not meet one or more of the criteria above.</p> <p>7. If it has been fully determined that an unaccompanied asylum seeking child does not qualify for asylum or Humanitarian Protection, they are expected to leave the UK voluntarily as soon as practicable. Unaccompanied minors are not returned unless their families can be traced and located, or suitable alternative support and care arrangements are ready to receive them upon their return.</p> <p>In the event return is assessed as unsuitable, Discretionary Leave is granted under the current child Discretionary Leave policy, usually until the child reaches 17½ years of age. At this point the child applicant is required to submit an application for further leave in the UK, which is considered under the Active Review process. The reasoning behind the 17½ age limit was to ensure that the child had certainty about their status in the UK as soon as possible after their 18th birthday, to enable them to make informed decisions about their future.</p> <p>Active Reviews are taking less than six months to process, which means the children concerned are receiving the decision some time prior to turning 18 years of age. Therefore the existing policy is being reviewed by UKBA.</p> <p>8. There are ongoing discussions with external partners with regards to family tracing.</p>
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