



Ad-Hoc Query on Unaccompanied Minors – updated facts and statistics

Requested by SE EMN NCP on 23 January 2012

Compilation produced on 24 april 2012

Responses from Austria, Belgium, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Sweden, United Kingdom plus Norway (16 in Total)

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

1. Background Information

The number of asylum seeking unaccompanied minors has been increasing in Sweden during the last couple of years. Against this background, the Ministry of Justice has requested the following ad-hoc-query. Unaccompanied minors has been an area of expertise of the EMN since 2009 when the study "Reception, Return and Integration Policies for, and numbers of, unaccompanied minors" was conducted. This ad-hoc-query has the purpose of collecting updated statistics and practice concerning unaccompanied minors. Since this ad-hoc query is particularly policy-relevant, we kindly ask you to provide your answers, especially the statistical parts, as soon as possible and no later than **16 February 2012**.

2. Responses¹

	Wider Dissemination? ²	1. a) Number of asylum applications of unaccompanied minors (UAM) in 2008, 2009 and 2010 respectively (top five nationalities, others and total).
		b) The total number of asylum applications from these nationalities (a)
		c) The share of the UAM (percentage) in comparison with the total numbers (b)
		2. a) Number and b) percentage of unaccompanied minors granted (first instance decisions) permanent/temporary residence permits respectively (and in total) in 2008, 2009 and 2010.
		3. Concluded asylum cases (first instance), number and percentage of unaccompanied minors granted protection (residence permits) and grounds for the decision (international protection according to directive 2004/83/EC or national grounds for protection), number and percentage of rejections, transfers to other Member State according to Dublin regulation and other decisions.
		 a) Number of unaccompanied minors that have returned voluntarily in 2008, 2009 and 2010 respectively to countries of origin/other third countries/other Member States. b) Number of enforced returns of unaccompanied minors in 2008, 2009 and 2010 respectively to countries of origin/other third countries/other Member States.
		5. What difference does it make in terms of protection, reception conditions or benefits if an asylum seeker is above or below 18 years of age? Are any other age limits relevant in these contexts?
		6. Entry procedures, age determination, reception/accommodation/benefits, and detention/return are all covered by the 2009 EMN-study on UAM. Have there been any major changes to your Member State's policy in these areas? If yes, please describe briefly!
		7. To what extent is detention being used concerning unaccompanied minors in asylum procedures and return procedures respectively?
Austria	NO	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
Belgium	Yes	Note: Total under b) is referring to the Total number of asylum applications (cases); and not to the total number of persons.

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 <u>Compilation for Wider Dissemination</u> 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."

Conclusion: The number of asylum applications has increased since 2008 until 2010; but has remained stable in comparison with the total number of applications. (+/- 4,4% of the total). The increase of asylum applications in the year 2011 however was significant (+85% compared to 2010, and 6,5 % of the total). Obviously Afghanistan is by far the most important country of origin for unaccompanied minors.

1.

2008	a)	b)	c)	2009	a)	b)	c)	2010	a)	b)	c)
	UM	Total	%		UM	Total	%		UM	Total	%
Afghanistan	120	879	13,7	Afghanistan	239	1659	14,4	Afghanistan	234	1411	16,6
Guinee	90	661	13,6	Guinee	140	1099	12,7	Guinee	225	1398	16,1
DR Congo	35	579	6,0	Iraq	50	1368	3,6	Iraq	54	1769	3,1
Iraq	28	1070	2,6	DR Congo	45	670	6,7	DR Congo	52	786	6,6
Russia	27	1620	1,7	Kosovo	22	1539	1,4	Somalia	40	294	13,6
Others	221	7443	3,0	Others	258	10833	2,4	Others	291	14283	2,0
Total	521	12252	4,3	Total	754	17186	4,4	Total	896	19941	4,5

2011	a)	b)	c)
	UM	Total	%
Afghanistan	762	2758	27,6
Guinee	284	2134	13,3
DR Congo	55	1007	5,5
Iraq	50	1948	2,7
Somalia	38	483	7,9
Others	460	17149	2,7
Total	1649	25479	6,5

2.

An asylum application leads to a residence permit when the refugee status or subsidiary protection status is granted. Recognition of refugee status entitles the refugee to unlimited residence in Belgium. Subsidiary protection status entails the right to stay in Belgium, at first for a limited period of time. The municipal authorities of the place of residence deliver a 'Certificate of registration in the aliens register' to beneficiaries of subsidiary protection. This certificate is valid 1 year and can be extended or renewed. After 5 years from the introduction of his/her asylum application, a beneficiary of subsidiary protection is entitled to stay for an unlimited period of time.

First instance asylum decisions	2008 a)	% b)	2009 a)	% b)	2010 a)	% b)
Refugee status	250	91	246	86	290	70

Subsidiary protection status	26	9	41	14	123	30
total	276	100	287	100	413	100

Besides the asylum procedure, there can also be granted a residence permit to unaccompanied minors on several other grounds: by fulfilling the legal entry conditions (with valid travel documents), as a victim of human trafficking, if the guardian applies for a residence permit on the basis of a specific procedure or on the basis of regularisation on medical or humanitarian grounds.

3.

First instance decisions	2010	%
Concluded asylum cases Granted	802	100
Granted	413	51,5
Refugee according to dir 2004/83/EC	290	36,2
Persons eligible for subsidiary protection according to dir 2004/83/EC	123	15,3
Persons otherwise in need of protection		
Humanitarian ground (exceptionally distressing circumstances)		
Rejected		
Dublin decisions Dublin regulation (reg. 2003/343/EC)		
Other decision		

In Belgium a humanitarian status can not be granted as a result of an asylum application. There are specific procedures for people applying for a residence permit (regularisation) on humanitarian or medical grounds.

In principle there are no forced removals of unaccompanied minors in Belgium. The number of voluntary returns is also quite limited.

Return	Destination	2008	2009	2010	Total
a) Voluntarily	Dublin				
	Country of Origin	9	11	11	31
	Unspecified				
	Third Country				
Voluntarily total					
b) Enforced	Dublin				
	Country of Origin				
	Unspecified			·	

	Third Country							
Enforced total								
Total								
5. The age limit is 18 years of a removal from the territory, as the measures. UM's who turn 18, but All financial support for those assistance. The person theoretic extended until the end of the school that the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official of the age of 20 or 21, but an official	ey will become illegal at are still in the asylum who do not have a really has to leave the ool year. rvices for the assistance at request has to be made at request has to be made at request has to be made at regarding the grant rovides greater legal control of the function of the function at the royal decree is full did be decisive during the function facilities for Un tion Centres (OOCs) also other unaccompant to four weeks in this	residents. As procedure, we sidence per accommodate e of minors ale before turning of reside ertainty for understanding of the Cosylum applierther stipulation accompanied were a test a field minors can accompanied were a test a field minors a field minors can accompanied were a test a field minors can accompanied were a test	s adults to will be trained at an stay in unaccommunication.	interpolation with the UN mits to unpanied miding residuals now the Common UM's rathe guard asylum are be held when are age detent these Olippanied in these Olippanied in the companied in the c	lose the sup to the gener g 18; they he has been accompanied in accompanied in accompanied in accompanied in accompanied in accompanied in accompanied to have a land in a close accompanied in a close accompanied in a	port of the gual reception for will only be en staying up the nerable, assisted minors has re no asylumations and is ed. Internal for Refue the knowledged to interver ed centre. In first reception will take place and Orientation eferred to a second orientation eferred to a second reception of the second orientation eferred to a second reception of the second orientation eferred to a second reception of the second orientation eferred to a second reception of the second reception or	ardian and of accilities. entitled to une till then. So tance can be experted been adopted seekers. This providing gualgees and Starting that is accepted that is accepted to the during the every stage of for UM's occepte. Besides und Centres.	rgent medical metimes it is extended until d. This Act is slaw became idance on the teless Persons quired to deal interview and of the asylumours in the sonaccompanied to extended to the asylumours in the sonaccompanied to the reception the

Estonia	Yes	1.													
	_ 52	2008	a)	b)	c)		2009	a)	b)		c) 201	10 a)	b)	c)	
			UM	Total	%			UM	Total		%	UM	Total	%	
			0			Afghanis	stan	1	9	1	1	0			
		Total	0			Total		1	9	1	1 Total	0			
		Total	0			Total		1	9		1 Total	0			
		2.													
		First instance decisions	2008 a	%	b) 200	09 a) (%	b) 20	10 a) 9	6 b)					
		permanent		0		0			0						
		temporary		0		0			0		1				
		total		0		0			0						
		3.													
		First instance decisions	2010	%											
		Concluded asylum cases	1	100											
		Rejected	1	100											
		4.	,		1										
		Return			Destina	tion			2008	2009	2010	Total			
		a) V	oluntarily		Left arb	itrarily			0	0	1	1			
		Voluntarily	total						0	0	1	1			
		b) Er	nforced												

not necessar	ily represent the	official polic	cy of an EMN NCPs' M	lember State.								
		Enforced to	otal		0	0	(0 0				
		Total			0	0		1 1				
		5. Unaccor guardian or the border unaccompa police ident Department handled in unaccompa guardian, a functions to supporting 6. There has Organizatio "Reception recommend interests of 7. Children (e.g. negative execution of to expel or	mpanied minor is the per who loses a parent or grand. The latter verificial child or victim of the person, start its to determine the circumparallel by the local grandled applicant with restrict and applicant with restrict carry out, among the child, referring the carry out, among the one for Migration) Talling of Unaccompanied Collations for further development of the child, vulnerability, are never detained for the precept is arranged send the child home. Finterests must be ensured	guardian while staying fies the identity and rafficking, special atteraction proceedings and give mstances of the child covernment, involving ricted active legal capator, director of the recem: participation in all child to services (psychological characteristics) and properties of the reception of the reception of the reception of the reception and need for protection border security or immaternational protection dby the guardianship for that a guardianship for that a guardianship	in Estonia. the citizend the citizend the case over the providence of the providence	of age who Most likely ship of the d to the chil ver to the coe country. The ers of socials less than 1 the or a pers d non-official advice etc. unaccompant Estonian tonia" - the of unaccompant oproviding arposes. If a sobligated the Citizens last be in pla	the first c child. If d. If the chiresponding the child is al services 8 years old on authorial intervies c.). mied minor Ministry control of the control of the child does to leave the hip and Manage in the control of the control	ontact with an there is doubled is discovered department placed in a second discovered d	n unaccompared that it might that it might that it might that it might that it of the Citized helter or a safe are services and the asylor her. The gut with the chart with the chart is to provide the basis of a further that it was and the unit of the basis of a further that it was and provide that it was a solution of the basis of a further that it was a solution to the that it was a solution	tied child is made by the child is made by the child is made by the child is a case of an aritory of Estonia, the inship and Migration is house. The case is when necessary. An um proceedings by a guardian has various aild, counselling and into into account the best ins. Or staying in Estonia precept to leave. The tes whether it is safe tection of the child's		
		the permiss in the expu	rights and interests must be ensured. It is possible to detain a child staying in Estonia without a legal basis and require him or her to stay in facilities designated for such purposes for up to 48 hours. If an expulsion cannot be executed within 48 hours, the child is relocated upon the permission of the administrative court into the expulsion centre for the completion of the expulsion. Unaccompanied minors are placed in the expulsion centre only with legal representative and on the presumption that it is possible to safely expel such children with their									
Finland	T 7	guardians from the country.										
ımanu	Yes	1. Unaccompanied minors vs. all asylum seekers 2008-2010										
		2008	2008 Nationality Unaccompanied All asylum seekers Percentage UAM									
		1.	Somalia	353			1181		30 %			
		2. 3.	Iraq Afghanistan	210			1255 254		17 % 25 %	-		
		3.	Argnanistan	63			254		25 %			

4.	Angola	12	21	57 %
5.	Russia	10	209	5 %
Others		58	1116	5 %
Total		706	4035	17 %

2009	Nationality	Unaccompanied	All asylum seekers	Percentage UAM
1.	Somalia	201	1180	17 %
2.	Iraq	151	1195	13 %
3.	Afghanistan	66	461	14 %
4.	Bulgaria	23	739	3 %
5.	Angola	12	43	28 %
Others		85	2370	4 %
Total		538	5988	9 %

2010	Nationality	Unaccompanied	All asylum seekers	Percentage UAM
1.	Somalia	117	571	20 %
2.	Iraq	64	575	11 %
3.	Afghanistan	43	265	16 %
4.	Ghana	19	78	24 %
5.	Russia	11	436	3 %
Others		75	2093	4 %
Total		329	4018	8 %

2. Unaccompanied Minors granted first instance permanent or temporary decisions 2008-2010

Year	Permanent	Temporary	Total
2008	156 (99%)	1 (1%)	157
2009	247 (100%)	0	247
2010	262 (100%)	0	262

1 (0,1%) 54 (13%) 61 (14%) 103 (24%) 28 (6%) Residence permits on the basis of humanitarian protection and subsidiary protection have been granted from 1.6.2009. Resident permits on the basis of need for protection were granted until 31.5.2009. 2010 Positive	3. Conclude	d asylum cases of una	accompanied minors				
2009 Positive Locksion Lo	2008	Positive					
Decision Convention Status Rp. need for prot. Humanitarian protection 10,1%) 54 (13%) 61 (14%) 103 (24%) 28 (6%)	Decision	Convention Status	Rp. need for prot.	Compassionate grounds	Temp.permit		Total pos.
Decision Convention Status Rp. need for prot. Humanitarian protection 1(0,1%) 54(13%) 61(14%) 103(24%) 28(6%) Residence permits on the basis of humanitarian protection and subsidiary protection have been granted from 1.6.2009. Resident permits on the basis of need for protection were granted until 31.5.2009. Decision Convention Status Subsidiary prot. Humanitarian protection Compassionate grounds Other reason		3 (1%)	130 (57%)	23 (10%)	1 (0,4%)		157 (69%)
Decision Convention Status Rp. need for prot. Humanitarian protection 1(0,1%) 54(13%) 61(14%) 103(24%) 28(6%) Residence permits on the basis of humanitarian protection and subsidiary protection have been granted from 1.6.2009. Resident permits on the basis of need for protection were granted until 31.5.2009. Decision Convention Status Subsidiary prot. Humanitarian protection Compassionate grounds Other reason	2000	Dogitivo					
1 (0,1%) 54 (13%) 61 (14%) 103 (24%) 28 (6%) Residence permits on the basis of humanitarian protection and subsidiary protection have been granted from 1.6.2009. Resident permits on the basis of need for protection were granted until 31.5.2009. 2010 Positive			Rp. need for prot.	Humanitarian protection	Subsidiary prot.		Compassionate grounds
Residence permits on the basis of humanitarian protection and subsidiary protection have been granted from 1.6.2009. Resident permits on the basis of need for protection were granted until 31.5.2009. 2010 Positive							
6 (2%) 120 (36%) 68 (21%) 63 5 (1,5%)					e been granted from 1	1.6.2009.	
4a. Number of Unaccompanied Minors that have returned voluntarily Year 2008 3 (Russia) 2009 2 (Iraq)	Resident per	mits on the basis of ne			e been granted from 1	1.6.2009.	
4a. Number of Unaccompanied Minors that have returned voluntarily Year 2008 3 (Russia) 2009 2 (Iraq)	Resident per	mits on the basis of ne	ed for protection were	granted until 31.5.2009.			Other reason
2008 3 (Russia) 2009 2 (Iraq)	Resident per	mits on the basis of ne			e been granted from I	1.6.2009.	
2008 3 (Russia) 2009 2 (Iraq)	Resident per 2010 Decision	Positive Convention Status 6 (2%)	Subsidiary p	granted until 31.5.2009. Humanitarian 68 (21%)		Compassionate grounds	
2009 2 (Iraq)	2010 Decision 4a. Number	Positive Convention Status 6 (2%)	Subsidiary p	granted until 31.5.2009. Humanitarian 68 (21%)		Compassionate grounds	
	2010 Decision 4a. Number	Positive Convention Status 6 (2%) of Unaccompanied M	Subsidiary p 120 (36%) finors that have return	granted until 31.5.2009. Humanitarian 68 (21%)		Compassionate grounds	
2010 0	2010 Decision 4a. Number Year 2008	Positive Convention Status 6 (2%) of Unaccompanied M	Subsidiary p 120 (36%) finors that have return the return the return that have return the return the return that have return the	granted until 31.5.2009. Humanitarian 68 (21%)		Compassionate grounds	

4b. Enforced Returns of Unaccompanied Minors

No cases

5. The monthly spending allowance for the unaccompanied minor asylum seekers from 1 January 2012

	Meals at the reception centre
an unaccompanied minor under 16 years	26,05 euros*
an unaccompanied minor between 16 and 18 years	46,89 euros*

^{*}A spending allowance may also be a lesser amount if considered reasonable in view of the minor's age and level of development.

An unaccompanied minor living in private accommodation or a support housing unit intended for those over 16 years of age will be paid a reception allowance instead of a spending allowance. This will equal the allowance of an adult living alone, that is, 302,16 euros, or 88,57 euros if in a reception centre that provides meals.

The basic component of the monthly reception allowance from 1 January 2012

	No meal service	Meals at the reception centre
A single parent, living alone	302,16 euros	88,57 euros
Other persons over 18 years	255,28 euros	72,94 euros
A child who lives with his or her family	192,76 euros	57,31 euros

UAMs's accommodation is provided in special group homes or family group homes.

6. In 2010 new sections 6a and 6b were added to the Aliens Act to reduce ambiguity related to the determination of the age of asylum seekers who are unaccompanied minors. Under the new section 6b, the authorities have a legal right to determine an asylum seeker's age by forensic means. However, forensic testing may only be used to determine age where there are special grounds to do so. In the past, the authorities have been unclear on who can request the use of a forensic test to determine the age of a foreign national and what organisation can conduct such tests reliably. Under the newly amended Act, a forensic test to determine the age of a foreign national applying for a

		residence permit of Immigration Service Institute under the Volume 7. Finland does not	ce. The t Universit	ests are y of Hels	conducted inki.	d based on								
France	Yes	1.												
		2008	a))	b) (2)	009	a)	b)	c)	2010	a)	b)	c)
			UAM	Tot	al 9	6	U.	AM	Total	%		UAM	Total	%
		Congo DRC	120			U		116	2 113	5%	Congo DRC	156	2 616	6%
		Angola	45		57 139	U	an	43	619	7%	Afghanistan	79	713	11%
		Russia	26			Guinea		33	1 455	2%	Guinea	53	1 712	3%
		Guinea (Conakry)	23			% Angola		26	355	7%	Angola	44	505	9%
		Sri Lanka	21			% Sri Lank		25	2 617	1%	Chad	27	169	16%
		Others	295							0.8%	Others	251	31 216	
		Total	410	27 00	63 1,59	% Total		447	33 235	1,3%	Total	610	36 931	1,7%
		2. First instance decisions	2008 a)		2009 % a) %	b)	2010 a)	% b)						
		Permanent	109	92,4%	103	92,0%	89	8	87%					
		Temporary	9	7,6%	9	8,0%	13	1	13%					

First instance decisions	2010	%
Concluded asylum cases	488	100%
Granted	102	21%
Refugee according to dir 2004/83/EC	89	18%
Persons eligible for subsidiary protection according to dir 2004/83/EC	13	3%
Rejected	386	79%
Dublin decisions	N 1111	
Other decisions	Not available	

4.

Return	Destination	2008	2009	2010	Total
Voluntarily	Dublin	not available			
	Country of origin				
	Non specified	not available			
	Third country	not available			

According to French law, UAM are not subject to a removal order. Therefore, there is no data on enforced returns of UAM.

5. Whereas there is no specific asylum procedure for UAM, they cannot benefit from the general reception conditions for asylum seekers. Currently, ad hoc administrators assist UAM without legal representation and represent them in court and administrative procedures at the border and in their asylum application. Once admitted to the territory, they are supported by child welfare services (aide sociale à l'enfance = ASE). UMA are exempt from residence permit (Article L. 311-1 of the Code on Entry and Residence of Foreigners and Right of Asylum, CESEDA) and cannot be subject to a removal order (articles L. 511-4 and L. 521-4 of the

not necessar	ily represent the	1 - 1		IN IVEPS IV	<u> 1emver Sta</u>	ie.							
		CESEI	DA).										
		All mir	nors who ap	ply for asyl	um in Franc	ce (includin	g UAM) ha	ve to go to s	school betw	een the age	s of 6 and 1	6.	
		service		vary accord	ing to the	age of UAN							hild welfare situation of
		6. In May	• coord	ator Isabelle dinate action ove reception	ns relating t	o UAM aro	and a local				cused on two	o major obj	ectives:
		support "tempo UAM o	ted by chile orary worke	d welfare s r" temporar who had be	ervices bet y residence en supporte	ween the a permit, und d by child v	ges of 16 der certain of the velfare serv	and 18 yea conditions (ices before	rs can be of Article L. 3	exceptional 13-15 of th	ly granted e CESEDA	an "employ). Before th	no had been yment" or a his law, only ry residence
													ories, Local the waiting
		asylum		der age 18									ocedure than ey cannot be
Germany	Yes	1. Number	of asylum a	pplications	of unaccom	panied min	ors in 2008	2009/ 2010), resp. top	five nationa	lities		
			a)	b)	c)	2009	a)	b)	c)	2010	a)	b)	c)
			UM	Total	%	101	UM	Total	%	401	UM	Total	%
		Iraq	228	6 836	3,3	Afghanista n	453	3 375	13,4	Afghanista n	802	5 905	13,5
		Vietnam	68	1 042	6,5	Iraq	223	6 538	13,4	Somalia	253	2 235	11,3
		Afghanista n	61	657	9,2	Vietnam	61	1 115	5,4	Iraq	200	5 555	3,6
		Guinea	48	199	24,1	Guinea	48	237	20,2	Syria	57	1 490	3,8
		Ethiopia	36	183	19,6	Ethiopia	45	220	20,4	Ethiopia	46	289	15,9
		Others	322	13168	2,4	Others	474	16164	2,9	Others	590	25958	2,2
		Total	763	22085	3,4	Total	1 304	27649	4,7	Total	1 948	41332	4,7

ı	_			
ı	"	tirct	instance	decisions

	2008	%	2009	%	2010	%	
permanent	102	92	195	59	140	31	
temporary	9	8	135	41	308	69	
total	111	100	330	100	448	100	

3. first instance decisions 2010

	2010	%
1. Concluded asylum cases	1 260	100
Granted	448	36
3. Refugees according to German Art. 16a Basic Law	6	0,5
4. Refugees according to dir. 2004/83/EC	134	11
5. Persons eligible for subs. prot. acc. to dir 2004/83/EC (incl. no.7)	33	2,5
6. Persons otherwise in need of protection (nat. subs. prot.)	275	22
7. Humanitarian ground (except. distressing circumstances)		
8. Rejected	752	60
9. Dublin decisions acc. to Dublin reg. 2003/343/EC	*	*
10. Other decisions	60	4

^{*} for unaccompanied minors there are no statistics available

4. Returns

a) As far as the Foreigners' Authorities (Federal States) are responsible for returns (the Federal Office is not in charge of this issue) according to the REAG-/GARP program IOM provided numbers of voluntary return as following:

2008: 19 2009: 20 2010: 22

- b) We are not provided with statistics of enforced returns in cases of unaccompanied minors by the Foreigners Authorities. According to the remarks to No. 7. this number will be quite low, because enforced removals are only carried out in cases in which, following earlier examination, it has been shown that the appropriate care will be ensured in the home country and that the returning minor is picked up by family members or Youth Welfare organisations already at the airport and will be accompanied to his/her family members or future care institutions (according to § 58, 1a Residence Act).
- 5. In Germany, in comparison to other European countries, there is one peculiarity in respect of how unaccompanied minors are dealt

not necesso	arily represent the	1 1 1											
		reached the age §80, par.1 of Ge act in matters of Youth Welfare welfare instituti 6. No changes of the focus more to 7. The responsi States). Between UNAM's under Authority has to framework of the focus for the focus more to th	of legal erman Rof legal proof on or in of policies than before the age of contactness genuency or	capacity not esidence Act roceedings re lecides accor a communal es in this area ore, as well a oncerning the deral Govern e of 16 – she t the responsieral guideling repeatedly a	merel , once lating ding t center are to s the t proce ment a buld n ible Y es, pra	an application for ly at the age of 1 they have reach at the asylum and representation to the individual and the reach and the Federal State of the the second and the Federal State of the second and	8 but, in a ed the age esidence we needs of a cers. In general, ecific flight (voluntary States there e taken in office in on om one Fee	ccordance of 16. Thi vithout the an 16- or the aspect t reasons. or enforce e is mutual nto detenti rder to reg deral State	with § 12 s means t presence 17-year-o of being ed) is in t agreeme on for the ulate thei	that 16 and 17-ye of any legal guald whether he was a minor (up to the sphere of the nt that specific ge purpose of reaccommodation ext, like no dete	erman A ear-olds ordian. In vill be ac he age o e Foreign groups of moval. To on until to	sylum Prohave the naclearing commod f 18) has ners Auth asylum a Therefore their remail, or ex	been broug horities (Feapplicants - the Foreign the Foreign
Hungary	Yes	2008	a)	b)	c)	2009	a)	b)	c)	2010	a)	b)	c)
		Citizenship	UM	Total	%	Citizenship	UM	Total	%	Citizenship	UM	Total	%
		Pakistan	54	246	22	Afghanistan		1 194	16	Afghanistan	85	702	12
		Somalia	39	185	21	Somalia	16	75	0,73	Somalia	11	51	22
		Kosovo	27	27	2	Kosovo	13	1 786	2,1	Kosovo	9	379	2,3
		West Bank and Gaza Strip	5	41	12	Serbia	10	536	6	Morocco	5	14	36
		Bangladesh	4	35	11	Moldova	8	35	23	Algeria	4	35	11
		Sri Lanka	2	12	17	Turkey	7	114	1,9	Iran	3	62	4,8
		Total	176	3 118	5,6	Total	271	4 672	5,8	Total	150	2 104	7,1
		2.	2.										
		First instance	First instance decisions 2008 a) % b) 2009 a) % b) 2010 a) % b)										
		permanent			1	N.a.							
		temporary									1		
		total											

3.		
First instance decisions	2010	%
Concluded asylum cases	2 204	100
Granted		
Refugee according to dir 2004/83/EC		
Persons eligible for subsidiary protection according to dir 2004/83/EC		
Persons otherwise in need of protection		
Humanitarian ground (exceptionally distressing circumstances)		
Rejected		
Dublin decisions Dublin regulation (reg. 2003/343/EC)	370*	17
Other decision		

^{*} Total number of decisions

4.

Return	Destination	2008	2009	2010	Total
a) Voluntarily	Dublin ¹	0	0	0	0
	Country of Origin				
	Unspecified				
	Third Country				
Voluntarily total					
b) Enforced	Dublin ²	1	2	5	8
	Country of Origin				
	Unspecified				
	Third Country				
Enforced total		1	2	5	8
Total					

The voluntary and enforced return distinction cannot be applied in Dublin cases, therefore 'voluntary dublin return' is regarded as a transfer at the request of the asylum seeker by a certain specified date according to Art. 7 Para. 1. Subp. (a) of Commission Regulation (EC) No 1560/2003.

²The voluntary and enforced return distinction cannot be applied in Dublin cases, therefore 'enforced dublin return' is regarded either as a transfer by supervised departure according to Article 7 1. (b) of Commission Regulation (EC) No 1560/2003, or as a transfer under escort according to Article 7 1. (c) of the same regulation.

not necessa	rily represent the	official policy of an EMN NCPs' Member State.									
		5-6. In 2011 some laws regulating unaccompanied minors were modified. In cases of asylum-seeker unaccompanied minors the modifications affect three main areas: the place of accommodation, examination of the principle of non-refoulement and the appointment of a guardian. According to the new provisions having entered into force on 1 May 2011 unaccompanied minors shall be placed in a child protection facility, instead of a reception centre. Unaccompanied minor applicants may also be placed with adult relatives if the latter undertake in writing to house, care and provide for the minor and from the personal relationship with the minor it becomes obvious that such an arrangement shall be in the interest of the unaccompanied minor applicant.									
		Concerning the principle of non-refoulement the modification further clarified the notion of appropriate care in relation to unaccompanied minors.									
		Under the Act LXXX of 2007 on Asylum if the person seeking recognition is an unaccompanied minor, the refugee authori without delay, provide for the appointment of a guardian serving to represent the minor. In connection with the appointment of a guardian incompanied minors the modification transposes the provision of the Asylum Procedures Directive allowing for the omission appointment of a guardian in case the asylum seeker is close to reach the age of eighteen under the asylum procedure. In cases of unaccompanied minors who are not asylum-seekers, Hungary collects separate statistical data on the number of repermits issued for non-asylum-seeker unaccompanied minors from April 2011.									
		Since 1 September 2011, a complex age assessment procedure is being initiated in case of minor asylum seekers who claim themselves to be under 18, but this is disputed by the refugee authority. The complex age assessment includes an anthropological, a dental and an X ray examination as well and is conducted by qualified medical professionals. From 1 September 2011 on, the Buda Health Centre has been appointed responsible to conduct age assessment examination in case of asylum seekers. The more up-to-date examination is faster, the results are ready within 8 days. A margin of error is envisaged for each exam applied, if the range includes the minor age, the person is considered to be a minor.									
		7. According to Article 56 (2) of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, unaccompanied minors shall not be detained.									
Italy	Yes	a. a) Number of asylum applications of unaccompanied minors (UAM) in 2008, 2009 and 2010 respectively (top five nationalities, others and total). b) The total number of asylum applications from these nationalities (a) c) The share of the UAM (percentage) in comparison with the total numbers (b)									
		2008 a) b) c) Position Country UM Total % 1st main Afghanistan 200 1.730 11,6 2nd main Somalia 70 4.865 1,4									

	41	rd main	Nigeria Eritrea	65	5.670	1,1	
	51	1.1	Littlea	50	2.935	1,7	
		th main	Ghana	35	1.815	1,9	
			Others	130	13.125	1,0	
			Total	575	30.145	1,9	
			2009	a)	b)	c)	
	P	Position	Country	UM	Total	%	
		st main	Afghanistan	90	615	14,6	
		nd main	Nigeria	70	3.710	1,9	
		rd main	Eritrea	40	865	4,6	
		rd main	Somalia	40	1.490	2,7	
		th main	Gambia	30	280	10,7	
		th main	Côte d'Ivoire	20	575	3,5	
		th main	Ghana	20	845	2,4	
			Others	90	9.295	1,0	
			Total	420	17.670	2,4	
		<u> </u>	•		•		
			2010	a)	b)	c)	
	p	Position	Country	UM	Total	%	
		st main	Afghanistan	125	875	14,3	
		nd main	Turkey	25	855	2,9	
		rd main	Eritrea	15	180	8,3	
		rd main	Côte d'Ivoire	15	235	6,4	
		rd main	Guinea	15	165	9,1	
	3r	rd main	Pakistan	15	930	1,6	
		th main	Nigeria	10	1.385	0,7	
	4t	th main	Bangladesh	10	220	4,5	
		th main	Iraq	10	380	2,6	
		th main	Bosnia Herz.	5	815	0,6	
		th main	Kosovo	5	300	1,7	
		th main	Somalia	5	85	5,9	
		th main	Algeria	5	90	5,6	
		th main	Ghana	5	280	1,8	
		th main	Mali	5	65	7,7	
		th main	Senegal	5	160	3,1	
		th main	Ecuador	5	10	50,0	
	51	th main	Iran	5	270	1,9	
			Others	0	2735	0,0	
			Total	305	10.050	3,0	
	9. a) Number and b) percentage of unacc respectively (and in total) in 2008, 200			anted (first in	stance decision	s) permanent	temporary residence permits

These data are not available. Nevertheless, all UAMS are normally granted a form of protection and the principle of non-refoulement is recognised (except for reasons of public order and State security, in which case the Juvenile Court will enforce the expulsion).

10. Concluded asylum cases (first instance), number and percentage of unaccompanied minors granted protection (residence permits) and grounds for the decision (international protection according to directive 2004/83/EC or national grounds for protection), number and percentage of rejections, transfers to other Member State according to Dublin regulation and other decisions.

Data are unavailable (as per answer no. 2).

- 11. a) Number of unaccompanied minors that have returned voluntarily in 2008, 2009 and 2010 respectively to countries of origin/other third countries/other Member States.
 - b) Number of enforced returns of unaccompanied minors in 2008, 2009 and 2010 respectively to countries of origin/other third countries/other Member States.
 - a) The voluntary return of unaccompanied minors is an extremely limited phenomenon. Official figures provided by the National Protection System for asylum applicants and refugees refer to the voluntary return of asylum seekers as a whole and report very few cases (i.e. 1% in 2010). No disaggregated data for UAMS are provided but such cases are likely to be close to 0.
 - b) This kind of disaggregated data are not available. However, Italy does not carry out forced return of unaccompanied minors, who are generally granted a form of protection.
- 12. What difference does it make in terms of protection, reception conditions or benefits if an asylum seeker is above or below 18 years of age? Are any other age limits relevant in these contexts?

In terms of protection and reception conditions, asylum applicants considered to be UAMS are a vulnerable category and are entitled to be hosted at ad hoc accommodation centres. The condition of "unaccompanied minor asylum applicant" in the Italian context is considered separately, and its jurisdiction is not assigned to the Committee for Foreign Minors, but to the National Commission for the Right of Asylum and, through it, to the competent Territorial Commissions. In case an unaccompanied foreign minor applies for international protection, the authority receiving the application immediately suspends the usual procedure followed by the Committee for Foreign Minors for the time being; the asylum application is then brought to the attention of the Juvenile Courts having territorial jurisdiction; and finally the application itself is confirmed by a guardian, who is appointed by the Tutelary Judge and who will provide assistance during the whole procedure of examination of the application (Legislative Decree no. 25/2008). At the same time, the minor is reported to the Committee for Foreign Minors, which would be responsible for him/her in case of a negative response to the application for asylum.

No other age limits are relevant in the context of asylum.

13. Entry procedures, age determination, reception/accommodation/benefits, and detention/return are all covered by the 2009 EMN-study on UAM. Have there been any major changes to your Member State's policy in these areas? If yes, please describe briefly!

not neces	ssarity represent the	e official policy of	an EMN	V NCPs' Me	ember Sta	ate.									
		No changes	have be	en introduc	ed in thes	se areas sinc	ce the 2009	EMN-st	udy on U	IAM 1	was publ	ished.			
		14. To what ex	tent is de	tention beir	ng used co	oncerning u	naccompani	ed mino	ors in asy	lum p	procedure	es and	return pr	ocedures	respectively
		Asylum applica													
		prohibited. UAN													
		reason the SPR													
		where s/he curr agreement has l			imes in a	ccommoaat	ion facilitie.	s owned	or mana	agea	by the so)-caile	a inira .	sector ,	wnen a spec
Latvia	Yes	2008	-)	1.)		2000	->		b)	-)	2010		-)	1.	->
		Total amount	a)	b)	c)	2009	a)		D)	c)	2010		a)	C) c)
		of UM	5			_					5				
			UM	Total	%		UM	Tot	al 9	%			UM	Total	%
		Afghanistan	5	10	50	-	-	-		-	Afghan	istan	4	23	17,4
											Guin	iea	1	1	100
		2.					1	1	T						
		First instance decisions Refugee status (permanent residence permit)					2008 a)	%	b) 2	009	a) %	b)	2010) a)	% b)
							-	-	- -		-		-		80%
		Subsidiary form of protection (temporary residence permit)					1	-	- -		-		4		80%
		3.													
		First instance de	ecisions					2	2008	%	2009	%	2010	%	
		Concluded asyl		s				5		100	-		5	100	
		Granted						1		20%	-		4	80%	
		Refugee status									-		-	-	
		Subsidiary form	of protec	tion				1	Į.	20%	-		4	80%	
		Rejected						-			-		1	20%	
		Dublin decision	s Dublin	regulation (reg. 2003	/343/EC)			1	80%	-		-	-	
		Other decision							!	80%	-		-	-	
		Return Destination				n	2008	2009	2010	0	То	tal			
		c) Voluntarily		Dublin		4	-	-		-					
			Country of				-	-	-		-				
				τ	Jnspecifie	d	-	-	-		-				
				7	Third Cou	ntry	-	-	-		-				

not neces	sarily represent the	e official policy of an EMN NCF	's' Member State.		1 1	ı		1	1
		Voluntarily total		4	-	-	-		
		d) Enforced	Dublin	-	-	-	-		
			Country of Origin	-	-	-	-		
			Unspecified	-	-	-	-		
			Third Country	_	_	_	_		
		Enforced total		-	-	-	-		
		Total		4	_	_	-		
		- minor's asylum seeker han unaccompanied minor Court or at a child care seekers, with a guardian account the interests and 1) an unaccompanied material 2) children from one farter a 3) the place of accommon if the minor has been granted to 6. No, there have not been any care to the court of the minor has been granted to 5. When the new Asylum Law care	or is represented by the Orphan has a right to access to education or shall be accommodated at an institution. A decision regarding or in a child care institution shall opinion of the minor in according in the minor of the minor in according to the minor of the minor in according to the minor of the minor in according the minor of an unaccommodated togonally shall not be separated, exceptation of an unaccompanied morefugee or alternative status he/shanges when in 2009 the Newme into force in 2009 there have	s Court of a common accommon accommon all be take ance with ether with pt in cases inor shall she receive Asylum I e not been	on). In the range of a guardian odation of the age and a subtrelate where it is a subtrelate and a subtrelat	n appointed attre for asylf f an unaccomphan's Cond d maturity the tives; s done in the anged if it cone amount control force.	I thereby, or the lum seekers, with the properties of and obset interests conforms with the benefit which I had been deta	head of a child care insection and benefits the head of a child care insection at an accommodation of the Operating the opinion of the Operating the following corresponds to the children; and the interests of this person prescribes to adult.	ere are just some stitution; d by the Orphan's centre for asylum Office, taking into additions:
Lithuania	Yes	others and total).	plications of unaccompanied			n 2008, 2		respectively (top fi	ve nationalities,
		Citizenship	2008	2009			2010		_
		Congo DR	1				- 2		4
		Afghanistan	-	2			3		4
		Russian Federation	-	1			2		-
		Georgia Vietnam	-	+-			4		_
			1	- 2					-
		Total	1	3			9]

b) The total number of asylum applications from these nationalities (a)

Citizenship	2008	2009	2010	
Congo DR	4	-	-	
Afghanistan	16	16	37	
Russian Federation	415	243	113	
Georgia	9	76	249	
Vietnam	1	3	12	
Total	445	338	411	

c) The share of the UAM (percentage) in comparison with the total numbers (b)

Citizenship Congo DR	2008	2009	2010
Congo DR	1 %	-	-
Afghanistan	0%	12.5 %	8.11 %
Russian Federation	0%	0.41 %	0%
Georgia	0%	0%	0.80 %
Afghanistan Russian Federation Georgia Vietnam	0%	0%	33.33 %

2. a) Number and b) percentage of unaccompanied minors granted (first instance decisions) permanent/temporary residence permits respectively (and in total) in 2008, 2009 and 2010.

Citizenship Congo DR Afghanistan	2008	2009	2010	
Congo DR	0%	-	-	
Afghanistan	-	2 (100%)	2 (66.67%)	
Russian Federation Georgia	-	0%	-	
Georgia	-	-	0%	
Vietnam	-	-	1 (25%)	
Total	0	2	3	

3. Concluded asylum cases (first instance), number and percentage of unaccompanied minors granted protection (residence permits) and grounds for the decision (international protection according to directive 2004/83/EC or national grounds for protection), number and percentage of rejections, transfers to other Member State according to Dublin regulation and other decisions.

- <u>4 unaccompanied minors (30.77%) granted subsidiary protection</u>: for 2 citizens of Afghanistan in 2009 and for 2 citizens of Afghanistan in 2010;
- <u>2 unaccompanied minors (15.38%) were not granted asylum in Lithuania</u>: one citizen of Congo DR in 2008 (decision was taken after she became 18 years old); one citizen of Vietnam in 2010 (he received a temporary residence permit since he could not be expelled);
- In 2009 one unaccompanied minor from Russian Federation was transferred to Austria in accordance with Dublin II Regulation, since his father had been granted asylum in Austria.
- In 2012 5 unaccompanied minors (38.46%) from Afghanistan, Vietnam and Georgia absconded from the Refugee Reception Centre and therefore their asylum procedure was terminated.
- a) Number of unaccompanied minors that have returned voluntarily in 2008, 2009 and 2010 respectively to countries of origin/other third countries/other Member States.
- b) Number of enforced returns of unaccompanied minors in 2008, 2009 and 2010 respectively to countries of origin/other third countries/other Member States.

In 2008-2010 there were no unaccompanied minor asylum seekers who have been expelled or returned.

5. What difference does it make in terms of protection, reception conditions or benefits if an asylum seeker is above or below 18 years of age? Are any other age limits relevant in these contexts?

Unaccompanied minor asylum seekers are attributed to the group of particularly vulnerable persons. Comparing the procedures for granting asylum to adult asylum seekers and to unaccompanied minor asylum seekers, the key differences are the following:

- an unaccompanied minor asylum seeker may not be refused entry to the territory of the Republic of Lithuania even if (s)he arrives from a safe third country, meanwhile asylum seekers over the age of 18 years may be refused entry to the territory of Lithuania;
- unaccompanied minor asylum seekers are placed under temporary guardianship (curatorship) during their period of stay irrespectively of the lawfulness of their stay in the territory of the Republic of Lithuania, the temporary guardian (curator) represents the interests of an unaccompanied minor;
- the Migration Department, on receipt of information about an unaccompanied minor asylum seeker and in co-operation with representatives of non-governmental organisations of the Republic of Lithuania or international organisations as well as the temporary guardian (curator) of the unaccompanied minor, must forthwith organise the search for his/her family members (the institutions of the country of origin of the asylum seeker are not referred to) in order to establish the location of these family members or close relatives, unless this is in contradiction with the interests of the child;
- unaccompanied minor asylum seekers are provided with accommodation at the Refugee Reception Centre (hereinafter the "Centre"), which also provides accommodation for the persons who have been granted asylum in the Republic of Lithuania. Other asylum seekers are provided with accommodation at the Foreigners' Registration Centre. The Centre provides all necessary social, educational and medical services, minors are able to study at general education and vocational schools, they are taught to cook, clean rooms. From 5 p.m., the section accommodating unaccompanied minors is locked, all persons entering the premises must pass a duty officer thus

no	ot necessarily represent the	official policy of an EMN NCPs' Member State.
	necessary represent the	ensuring the security of minors; unaccompanied minor asylum seekers may be subject to detention only in exceptional cases. The law provides for measures alternative to detention: entrusting the supervision of an unaccompanied minor alien to an appropriate social care institution; entrusting the supervision of the alien to a citizen of the Republic of Lithuania or to an alien lawfully residing in the Republic of Lithuania and related to the alien, pending the resolution of the issue of detention, provided that this person undertakes to take care of and support the alien; applications of unaccompanied minors for asylum are usually examined within a time period shorter than the established time limit of 3 months; an interview of an unaccompanied minor asylum seeker is attended by his guardian (curator), and if (s)he is not appointed yet—by an employee of the children's rights protection agency and/or a lawyer. The interview is usually conducted through an interpreter, who may also be in another country using video equipment. Interviews of unaccompanied minors should be conducted by specially trained persons working exclusively with minors, however Lithuania receives only several applications of unaccompanied minors per year, hence the interviews are conducted by most experienced employees trained abroad for work with unaccompanied minor asylum seekers. In Lithuania, such trainings are not organised. A lawyer participates in the interview of asylum seekers over the age of 18 years only at the request of an alien (the interview is often conducted in a language spoken by the alien in the absence of an interpreter). unaccompanied minor asylum seekers in Lithuania are most often granted subsidiary protection, i.e., a residence permit in Lithuania for a period of one year with the possibility of extension. During 2008-2010, the status of a refugee was not granted to any unaccompanied minor asylum seeker, irrespectively of whether (s)he has been granted asylum in Lithuania or his/her application for asylum is being e
T www.comb		1. a) Number of asylum applications of unaccompanied minors (UAM) in 2008, 2009 and 2010 respectively (top five nationalities,
Luxemb	ourg Yes	others and total) b) The total number of asylum applications from these nationalities (a) c) The share of the UAM (percentage) in comparison with the total numbers (b)

2008	a)	b)	c)	2009	a)	b)	c)	2010	a)	b)	c)	
	UAM	total	%		UAM	total	%		UAM	total	%	
Kosovo	3	201	1%	Kosovo	3	132	2%	Afghani	5	15	33%	
								stan				
Afghani	1	4	25%	Afghani	2	10	20%	Algeria	3	30	10%	
stan				stan								
Congo	1	6	17%	Albania	2	26	8%	Congo	3	10	30%	
Somalia	1	10	10%	Ethiopia	2	4	50%	Irak	3	95	6%	
·				Autres	4			Autres	5			
Total	6	221	3%	Total	13			Total	19			

19

- 2. a) Number and b) percentage of unaccompanied minors granted (first instance decisions) permanent/temporary residence permits respectively (and in total) in 2008, 2009 and 2010. **Statistics not available.**
- 3. Concluded asylum cases (first instance), number and percentage of unaccompanied minors granted protection (residence permits) and grounds for the decision (international protection according to directive 2004/83/EC or national grounds for protection), number and percentage of rejections, transfers to other Member State according to Dublin regulation and other decisions. **Statistics not available.**
- 4. a) Number of unaccompanied minors that have returned voluntarily in 2008, 2009 and 2010 respectively to countries of origin/other third countries/other Member States. **NONE**
 - b) Number of enforced returns of unaccompanied minors in 2008, 2009 and 2010 respectively to countries of origin/other third countries/other Member States. **NONE.**
- 5. What difference does it make in terms of protection, reception conditions or benefits if an asylum seeker is above or below 18 years of age? Are any other age limits relevant in these contexts?

The Law on Asylum and other complementary forms of protection of 5 May 2006 considers as unaccompanied minors third country nationals or stateless persons that are younger than 18 years old that enters in the territory without been accompanied by an adult that is responsible for themselves, by law or by costume, and that these persons do not take charge effectively of the minors. This definition covers also the minors that are left alone after they have entered the territory.

Assistance during the international protection procedure

Article 12 of the Law of Asylum contains certain procedural guarantees for un-accompanied minors. In example, article 12 (1) says that an unaccompanied minor applicant will be assigned as soon as possible an ad-hoc administrator (ad-hoc guardian) so that the minor will be assisted during the procedure. The ad-hoc administrator has the possibility of Informing to inform the minor about the interview and the consequences that derives from such interview and help him/her prepare for it. The ad-hoc administrator (guardian) has the right to assist to the Interview to ask questions and to make comments inside the scope that the responsible minister's agent had fixed. However, the unaccompanied minor shall be present even if the ad-hoc administrator is present.

Article 12 (2) establishes that the interview has to be conducted by an agent with sufficient knowledge in the especial needs of minors.

Rights given to the un-accompanied minor once the international protection is granted

Article 52 of the Asylum Law establishes that:

- (1) As soon as possible, after the international protection is granted (refugee or subsidiary protection), the legal representation of the minor is assured by an ad-hoc administrator (guardian) or if necessary by the institution that must take charge of the minor and guarantee his/her well-being, or of any other proper form of representation.
- (2) To implement this law, the needs of the un-accompanied minors must be duly taken into consideration by the ad-hoc administrator (guardian).
- (3) The unaccompanied minors are lodged:
- a) with adult relatives; or
- b) within a foster family; or
- c) in a specialized center for lodging minors; or
- d) in other places that adapted for lodging minors.
- (4) In the measure that is possibly brotherhoods will not be separated, taking into consideration the superior interest of the child and specially the age and his/her maturity. The changing of residence for unaccompanied minors must be reduced to a minimum.
- (5) To ensure the best interests of the unaccompanied minor, the family members will be look for as soon as possible. In cases where the life or physical integrity of a minor or his family would be threatened, especially if they have remained in the country of origin, it will ensure that the collection, processing and dissemination of information concerning those persons is confidential.
- (6) The personal working with unaccompanied minors shall have had or receive appropriate training concerning their needs.

Right to family reunification of unaccompanied minor who is beneficiary of international protection:

Article 70 (4) of the amended law of 29 August 2008 on free movement of persons and immigration allows the entry and residence for purposes of family reunification to direct ascendants in the first degree of unaccompanied minor benefiting from international protection status, without having to fulfill the requirements of article 70 (5)(a).

Reception conditions and Social Aid

The Grand Ducal Regulation of 1 September 2006 lays down the terms and conditions for granting a social aid to international protection applicants. This regulation foresees a structure for unaccompanied minors. Social aid must take into account the needs of vulnerable people (such as minors, unaccompanied minors - Article 4 (1)). The regulation also establishes that among the recipients of the monthly allowance are the unaccompanied minor aged 16 to 18 years (Article 5).

Article 7 deals with the accommodation of unaccompanied minors under and over 16 years. This article states:

Unaccompanied minors aged under 16 are accommodated:

- a) with adult family members,
- b) within a host family,
- c) in a specialized center for the reception of minors,

d) in other accommodation suitable for minors.

In principle the minor aged 16 or less is placed in a reception center for minors by a decision of the juvenile court. The minor housed in a state structured center is offered a tutor from the Social Service of the Luxemburgish Reception and Integration Agency.

Unaccompanied minors aged 16 or older can be placed in shelters for adult asylum seekers normally managed by an NGO (Caritas and Red Cross). The minor housed in such a state structure center is offered a tutor from the NGO's staff.

Return and retention

Article 103 of the amended law of 29 August 2008 on free movement of persons and immigration stipulates that:
"No return decision may be taken against a minor not accompanied by a legal representative, except if it is based on reasons of public security, unless the expulsion is necessary in its own interest. The unaccompanied minor is assisted by an ad hoc administrator as part of administrative and legal procedures for entry and residence in the territory."

The new Article 125a (2) of the amended law of August 29, 2008 notes that "During the period in which the removal has been postponed, the alien is entitled to a humanitarian aid as defined in Article 27 of the Law of 18 December 2009. Minors have access to the basic education system based on the duration of their stay. The family unit with family members present in the country is maintained as far as possible. The specific needs of vulnerable people, including minors, and unaccompanied minors, are taken into account.

The Grand Ducal Regulation of 17 August 2011 modifies the Grand Ducal Regulation of 26 September 2008 laying down the rules of conduct to be applied by officers executing an order of removal, states that before the removal of an unaccompanied minor from territory, the Minister shall ensure that in the State where the minor is going to be expelled he/she will be awarded to a member of his family, a designated guardian or to adequate reception facilities.

Article 120 (a) of the amended law of 29 August 2008 on free movement of persons and immigration indicates that an unaccompanied minors can be placed in detention in a suitable center adapted to the needs of his/her age. For doing so, the authorities must consider the best interest of the child. It should be noted that in practice, unaccompanied minors are not placed in detention facilities.

Article 7 (2) of the Law of 28 May 2009 establishing and organizing the Retention Center (Holding facility) states that "particular attention is paid to the situation of vulnerable people, namely minors, and unaccompanied minors, ..."

6. Entry procedures, age determination, reception / accommodation / benefits, and detention / return are all Covered by the 2009 MNE-study is UAM. Have There Been Any Major exchange to your Member State's policy in thesis areas? If yes, please describe briefly!

The Law of 1 July 2011 amending the Law of 5 May 2006 on asylum and complementary forms of protection introduced the institution of the ad-hoc administrator in the scope of the procedure for examining international protection applications (Article 12, see above)

The same law introduced the institution of the ad-hoc administrator in the administrative and judiciary proceedings on entry and residence in the territory (Article 103). It also specifies the conditions for retention of minor, having the discretion to place him/her in facilities

not necessar	rily represent th	adapted to the n 7. To what exterespectively?	eeds of hi	s age and t	aking into	o consideration	•				es and ret	urn proceo	lures	
		Retention of an	unaccomp	oanied min	or whose	application fo	or internati	onal protect	ion had b	een rejected is	not been a	applied at t	he mon	nent.
Netherlands	Yes	1.			1							,		
		2008	a)	b)	c)	2009	a)	b)	c)	2010	a)	b)	c)	20
														UA N
			UM	Total	%		UM	Total	%		UM	Total	%	
		Somalia	198	3 958	5,0	Somalia	357	6 027	5,9	Afghanistan	246	1 584	15,5	
		Iraq	184	5 312	3,5	Afghanistan	322	1 400	23,0	Somalia	119	3 671	3,2	
		Afghanistan	94	703	13,4	Iraq	67	2 165	3,0	Guinea	33	250	13,2	
		China	49	601	8,2	Guinea	45	265	17,0	Iraq	32	1 904	1,6	
		Guinea	33	195	17,0	Eritrea	39 209	486	8,0	Eritrea	26	410 7 329	6,3 2,2	
		Others total	168 726	4 506 15 275	3,7 4,8	Others Total	1 039	5 820 16 163	3,6 6,4	Others Total	165 701	15 148	4,6	48
		2. no data availa 3. no data availa 4. Due to a change from 2009. For	able in in the	e numbers		vailable. There				2011 are listed	l in the fol			rting
i		e) Voluntarily		l T	Dublin			l						
		e) Voluntarily			Oublin Country of	Origin								
		e) Voluntarily		(Country of									
		e) Voluntarily		Ţ		d								

not necesso	arily represent the	official policy of an EMN NCPs' Me	ember State.				
		Enforced return to country of origin Enforced return to other country than country of origin Total		Approx. 5 Approx. 25	Approx. 5 Approx. 30	Approx. 25 Approx. 15	
		5) The age of 15 is relevant. For furt 6. The Dutch asylum procedure char and preparation period for at least 6 asylum seeker receives medical scraight expect in the asylum procedur In practice this period for unaccomp the application, the asylum seeker re Age determination in the Netherland remains (see EMN-report 2009).	nged in July 2010 and this also 6 days, to prepare for the asylutening and a check on TBC, the Also the asylum seeker can canied minors will take about the ceives his decision in 8 days. The	affected unac im procedure he Dutch Re ontact a lawy ree weeks. W his also appli	e. During this fugee Councer to prepare then no furthes for unaccountered.	s period, docu il informs the e for the intervi er investigatio ompanied mino	ments can be investigated, the asylum seeker about what he iews. n is needed for the decision on ors.
		Already in the end of 2009 a change change in policy will enter into force longer be issued a residence permit asylum application was rejected, but granted until the age of 18). When the granted another type of residence permit for reasons that they cannot residence permit for reasons the residence permit for reas	e at some point during 2012. Ut as an unaccompanied minor of for who no adequate reception he policy is changed, only unaccommit instead. If certain condition	naccompanie (this residence was thought companied mans are met a	ed minors, whose permit wanto be available inors who appressidence pe	hose asylum as granted to upole in their coupplied for asylum	pplication are rejected, will no inaccompanied minors, whose ntry of origin. This permit was um before the age of 15 can be
		- the minor has been disappea	restrained, detention is now only	y possible if: er the start of ee	the detention	n)	possibilities for detention of
Portugal	NO	This EMN NCP has provided a r	response to the requesting EM	IN NCP. Ho	owever, they	have reques	ted that their response is not

	1		<u> </u>	sseminated further.												
			disseminated fu	rtner.												
	Sweden	Yes	1.													
		105	2008	a)	b)	c)	2009		a)	b)	c)	2010		a)	b)	c)
				UM	Total	%			UM	Total	%			UM	Total	%
			Iraq	464	6 083	7,6	Somalia		913	2 297	39,7	Afgh	anistan	1 153	6 343	18,2
			Afghanistan	347	784	44,3	Afghanis	tan	780	1 694	46,0	Soma	ılia	533	5 553	9,6
			Somalia	345	3 361	10,3	Iraq		110	5 874	1,9	Iraq		93	1 977	4,7
			Stateless	36	1 051	3,4	Eritrea		49	912	5,4	Serbi		82	6 343	1,3
			Eritrea	32	857	3,7	Stateless		36	1 000	3,6	Eritre		78	1 443	5,4
			Others	286	12 217	2,3	Others		362	12 417	2,9	Other		454	12 860	3,5
			Total	1 510	24 353	6,2	Total		2 250	24 194	9,3	Total		2 393	31 819	7,5
			2011							a)				b)		c)
										UM				'otal		%
			Afghanistan							1693				122		41,1
			Somalia							251				982		6,3
			Serbia					67					2699 2,5			
			Iraq							64				640		3,9
			Eritrea							64				647		3,9
			Others					518				580		3,3		
			Total							2657			29	670		9,0
			2.		2000		1.	200	0)		2016		10/ 10	2011		1)
			First instance d	ecisions	2008 a			200		% b)	2010		% b)			b)
			permanent		791	10)()	105		100	1284	-	100	2036	100	
			temporary		793	0	NO.	100		100	1204		0	2036	0	
			total		193	10)()	106	U	100	1285)	100	2030	100	
			2													
			Einstinatung 1							2010	0/	201	1 0/	7		
			First instance d							2010 1 954	100	201 274				
			Concluded asy Granted	ium cases						1 285	66	203		-		
			Refugee accord	ing to dir 2	004/83/EC					90	5	160		+		
			Persons eligible			on accord	ing to dir 2	004/83	R/FC	902	46	117	-			
			Persons otherwi				ing to uil 2	004/03	,, LC	101	5	117		=		
			Humanitarian g	circumstan	res)		192	10	584		+					
			Rejected Rejected	on cumstant			298	15	441		┪					
			Dublin decision	/343/EC)			204	10	113		┪					
			Other decision		cgulation (10g. 2003	573(EC)			167	9	154		╡		
Щ]		Juici accision							107	1/	157	<u> </u>			

4.		,				
Return	Destination	2008	2009	2010	2011	Total
f) Voluntarily	Dublin	14	35	70	60	179
	Country of Origin	16	31	51	70	168
	Unspecified	29	17	5	4	55
	Third Country	1	3	9	3	16
Voluntarily total		60	86	135	137	415
g) Enforced	Dublin	2	1	10	12	25
	Country of Origin		3	2	6	11
	Unspecified	1	1		1	3
	Third Country		2		1	3
Enforced total		3	7	12	20	42
Total		63	93	147	157	460

5.

There is no age limit other than 18 years of age. If the asylum seeker is below 18 years of age an unaccompanied he or she will be taken care of by the social welfare in the municipals and The Swedish board of Migration will pay the municipal for the caretaking. If the child then turns 18 and the social welfare decides that the caretaking must continue The Swedish board of Migration will continue to pay the municipal for the caretaking, maximum until he or she turns 21 year.

16

There have not been any major changes to policies concerning unaccompanied minors in Sweden. However, possible policy changes are considered.

7.

According to the Swedish system, the only ground for detaining children or families with children is related to return procedures. In other words; children are never detained for border security or immigration purposes, or in other premises than the Migration Board's detention centres. A child may not be detained for more than 72 hours or, if there are exceptional grounds, for a further 72 hours. As an alternative to detention the authorities may decide to place the child or the family under supervision.

Approximately 60-70 children per year are detained for removal purposes. This number includes unaccompanied minors, but it is not common that unaccompanied minors are detained. A child may not be separated from both its custodians by detaining either the child or its custodian.

Alternatives to detention, for example regular reporting (supervision), are very seldom used concerning unaccompanied children, since they are accommodated in housing with attendance by responsible staff.

A 1.	United Kingdom	Yes	1. Table as.0 sex and ag		-	•	Seeking Children	applicat	ions receiv	ed, exclu	ding dependants	, in the U	Inited King	dom, by
			2008				2009				2010			
			Country of nationality	UM	Total	%	Country of nationality	UM	Total	%	Country of nationality	UM	Total	%
			Afghanistan	1,800	3,503	51.4%	Afghanistan	1,629	3,330	48.9%	Afghanistan	547	1,596	34.3
			Iraq	485	1,852	26.2%	Eritrea	242	1,349	17.9%	Iran	202	1,866	10.8
			Iran	391	2,270	17.2%	Iran	212	1,834	11.6%	Eritrea	138	711	19.4 %
			Eritrea	370	2,257	16.4%	Iraq	160	847	18.9%	Vietnam	122	449	27.2 %
			China	202	1,396	14.5%	Somalia	126	932	13.5%	Somalia	72	587	12.3
			Others	1,037	14,654	7.1%	Others	805	16,195	5.0%	Others	636	12,707	5.0 %
			TOTAL	4,285	25932	16.5%	TOTAL	3174	24,487	13.0%	TOTAL	1717	17916	9.6 %

Table as.09: Unaccompanied Asylum Seeking Children, excluding dependants, initial decisions, by age at initial decision.

	Total initial	Total initial decisions made on applicants aged 17 or	Total initial decisions made on applicants aged 18 and
Year	decisions	under	over
2008	3,377	2,673	704
2009	3,479	2,700	779
2010	2,359	1,688	671

The UK do not collect data on residence permits as defined by the Migratory Statistics Regulation EC No 862/2007. The UK can provide estimates of such 'residence permits' for third country nationals who are granted permission to reside in the UK by reason, mainly by using National Statistics data on passengers given permission to enter the UK (supplemented with other management information such as visas issued and asylum granted). However this data is not collected separately for UAMs.

not necessa	irity represent tne	official policy of an EN	MN NCP	's' Memo	er State.							
		3.										
		2010	Aged under		Aged 18 over	or TOTAL	%					
		Concluded asylum cases	1,688		671	2,359	100	%				
		Granted	1,371		81	1,452	62%					
		Grants of asylum	264		63	327	14%					
		Grants of HP	11		1	12	1%					
		Grants of DL	1,096		17	1,113	47%	, o				
		Total refusals	317		590	907	38%	, o				
		HP: Humanitarian Pro DL: Discretionary Lea		1			•					
		4. The UK do no	ot publis	h data on	voluntar	y or enforced	returns of u	ınaccompa	nnied asylum seeking children.			
		establishing a the United Ki - Figures exclu	 An Unaccompanied Asylum Seeking Child (UASC) is a person under 18, or who, in the absence of documentary evidence establishing age, appears to be under that age, is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom. Figures exclude cases that were age disputed at the time of extract. Data taken from 'asylum excel tables volume 2' of Immigration Statistics July-September 2011, published by Home Office. 									
		http://www.homeoffic 2011	e.gov.uk	/publicat	ions/scie	nce-research-s	tatistics/re	search-stati	istics/immigration-asylum-research/immigration-q3-			
Norway	Yes	1. UAM asylum appl	lication,	top 5 co	untries in	2008 - 2010						
		2008 a	a)	b)	c)	2009	a)	b)	c)			
			-	, Total	%		UAM	Total	%			
		A 6-1	F-70	4262	42.5	A.f.	4740	2074				
		Afghanistan	579	1363		Afghanistan	1719	3871	44,4			
		Iraq	364	3137	11,6	Somalia	246	1901	12,9			

not necessarily represent the officie	al policy of an EM	IN NCPs' M	1ember State							
Sor	malia	117	1293 9,0	Eritrea	144	2667	5,4			
Erit	trea	68	1799 3,8	Iraq	84	1214	6,9			
Sri	Lanka	59	342 17,3	Ethiopia	50	706	7,1			
Oth	hers	187	6497 2,9	Others	257	6867	3,7			
Tot	tal	1374 1	4431 9,5	Total	2500	17226	14,5			
201	LO a)	b)	c)	2011	a)	b)	c)			
	UAM	Total			UAN		tal %			
Afgl	hanistan 376	979	38,4	Afghanis		97		; •		
	nalia 119	1397	8,5	Somalia	162	22	•			
Erit		1711	5,2	Eritrea	46	12				
Ethi	iopia 38	505	7,5	Algeria	26	10		,		
Irac	g 35	460	7,6	Etiopia	21	29	3 7,2			
Oth	ners 235	5012	4,7	Others	177	42	08 4,2			
Total	al 892	10064	1 8,9	Total	858	90	53 9,5			
2. (UAM granted resid	dence perm	it, by type of	permit. 2008	- 2010					
			2	2008	200	09	201	0	2011	
Firs	st instance decision	ns	a) Number	b) %	a) Number	b) %	a) Number	b) %	a) Number	b) %
Per	rmanent		334	100	303	96	914	96	532	95
Ter	mporary		0	0 :	33	4	41	4	30	5
Tot	tal		334	100	336	100	955	100	562	100

3. UAM decisions by	type of decsision, 2008	- 2010							
	200	8	2009		2010		2011		
First instance UAM	lecisions Number	· %	Number	%	Number	%	Number 5	%	
Total decisions	39		1172	100	1226	100	758	100	
Total granted	33	4 85	836	71	955	78	562	74	
Refugee	2	6 7	65	6	111	9	172	23	
Subsidiary protection	1 22	1 57	626	53	718	59	285	38	
Humanitarian groun	ds 8	7 22	112	10	84	7	75	10	
Otherwise granted		0 0	33	3	42	3	30	4	
Rejected	4	1 10	91	8	92	8	45	6	
Dublin		2 1	195	17	149	12	107	14	
Other decision	1	4 4	50	4	30	2	44	6	
	type of return and dest bers only include those								
Type of return a) Voluntarily	Destination			009 2010	2011				
= =	Destination Country of origin				2011				
= =			2008 20	009 2010					
= =	Country of origin		2008 20	009 2010					
= =	Country of origin Unspecified		2008 20	009 2010					
a) Voluntarily	Country of origin Unspecified		2008 20 4 1	2010 4 5	4				
a) Voluntarily Voluntarily total	Country of origin Unspecified Third country		2008 20 4 1 5	2010 4 5	4 99				
a) Voluntarily Voluntarily total	Country of origin Unspecified Third country Dublin		2008 20 4 1 5	2010 4 5 4 5 54 153	4 99				

Enforced total	5	54	158	100
Total returns	10	58	163	104

5. Protection: When we assess claims from unaccompanied minors we take into account age, maturity, mental health, educational/family background and difficulties with remembering events/lime-lines. There is also lower threshold for harm feared. There are focus on child-specific forms of persecution. We also give benefit of the doubt. When lack of adequate care is the main argument for asylum we consider if there are sufficient grounds for a residence permit on humanitarian grounds.

Reception conditions: Unaccompanied minors who apply for protection in Norway are offered accommodation in asylum reception centres. The Norwegian Directorate for Immigration (UDI) has care responsibility for unaccompanied minor asylum seekers between 15 and 18 years. They stay in separate reception units adapted to their age and needs. UDI has prepared strict requirements for the reception centres work with unaccompanied minors. UDI has different types of reception centres all over Norway; transit reception centres and ordinary centres for UAM asylum seekers aged between 15 and 18. The national child welfare service is responsible for UAM asylum seekers under 15 years of age.

6.

There have not been any major changes to policies concerning unaccompanied minors in Norway. However, in autumn 2009 there were some changes in procedures for age examination. A radiological examination of the wrist was added to the dental examination. The medical assessment now consists of: a dental examination on the basis of x-ray of molar development, a radiological examination of left wrist and a final conclusion on age made by a paediatrician using the results of both. The medical assessment report will state: the probability that the given age is correct, the probability that the applicant is under 16 or 18 years of age (by indicating categories A-I), and the most probable age based on the medical assessment. A presentation of the medical assessment results for use by non medical personnel is given in the form of categories expressing levels of certainty in the results. Applicants with results in category A and B are as a general rule considers as adults. Until autumn 2009 applicants in the B category were as a general rule accepted as minors.

7

Norway detains children in connection with asylum procedures and forced returns from Norway. However, we look for other options before resorting to detention, such as regular reporting to the police. At the National Police Immigration Service Holding Centre at Trandum, there are special sections for families and children. An unaccompanied minor shall not be detained at the centre for more than 48 hours. Determining identity and forced return of a minor shall, if possible, be carried out without the use of actual force. In extraordinary cases, unaccompanied minors between 16 and 18 years of age, have been brought before the court and the police have argued that that the court cannot give decisive importance to the stated age, because that age has not been documented through identity papers and that age examination results indicate that they are more than 18 years and/or that they have claimed to be over 18 years in other states in the Schengen Area. The district court has in several of these cases based the decision on the stated age, but still concluded that it is not disproportionate to keep the minor in custody until the departure from Norway. The district court will appoint a guardian for the period a minor remand in custody. There will also be established a contact between the holding centre and concerned authorities such as

EMN Ad-Hoc Query: Unaccompanied minors – updated facts and statistics

<u>Disclaime</u>	EMN NCPs have provided,	we been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does official policy of an EMN NCPs' Member State.
		Child Welfare Services. We do not, unfortunately, have statistics on the number of minors detained as the database where this information is registered is not adapted to statistical purposes.
