



Protection services for foreign unaccompanied minors in Europe

Report by the Basque Ombudsman for IOI Europe



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Herriaren Defendatzailea
Defensoría del Pueblo

This report is authored by the Office of the Ararteko, Ombudsman of the Basque Country. The report was drafted by Ms. Ana Aguirre and reviewed by the Ararteko's Children and Youth Department and the European and International Affairs Department

Table of contents

List of acronyms	7
Introduction	10
1. Context of the study: background and objectives	
2. Purpose, scope and clarification of terms of the chapter on foreign unaccompanied minors	
3. Research methodology	
1. Cross-cutting measures	18
1. The right of the child to be heard	
2. Training of professionals	
3. Cooperation and coordination mechanisms	
4. Monitoring and complaint mechanisms	
5. Legal protection and planning mechanisms	
2. First reception stage	32
6. Arrival at the host country	
7. Assignment to first reception centres	
8. Age assessment	
3. Later reception stages	43
9. Housing and accommodation	
10. Education	
11. Healthcare	
12. Guardianship and child protection system	
13. Legal assistance	
14. Integration and participation in the community	
15. Transition to adulthood	
4. Final thoughts	66

5. References.....	72
6. Bibliography.....	76
Annex A.....	79
Annex B.....	80



List of acronyms

AIDA	Asylum Information Database
AGIPA	Act on Granting International Protection to Aliens Välismaalasele rahvusvahelise kaitse andmise seadus (Estonia)
AMIF	EU Asylum, Migration and Integration Fund
ASJTET	Area of Support for Young People in Care and Ex-Guardians Àrea de Suport als Joves Tutelats i Extutelats (Catalonia, Spain)
BIA	Best interests assessment
BIC	Best interests of the child
BID	Best interests determination
CACR	Refugee Children Reception Centre Casa De Acolhimento Para Crianças Refugiadas (Portugal)
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
CLAIM	Local Centres to Support Migrants' Integration (CLAIM) Centros Locais de Apoio à Integração de Migrantes (Portugal)
CMW	United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
COA	Central Agency for the Reception of Asylum Seekers Central Orgaan opvang asielzoekers (Netherlands)
CoE	Council of Europe
COO	Observation and Orientation Centre Centre d'Observation et d'Orientation (Belgium)
CRC	United Nations Convention on the Rights of the Child
CRC Committee	United Nations Committee on the Rights of the Child

CPR	Portuguese Refugee Council Conselho Português para os Refugiados (Portugal)
DGAIA	General Directorate of Child and Adolescent Care Direcció General d'Atenció a la Infància i a l'Adolescència (Catalonia, Spain)
DGMM	Directorate General of Migration Management Göç İdaresi Genel Müdürlüğü (Turkey)
DRC	Danish Refugee Council Dansk Flygtningehjælp (Denmark)
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECRE	European Council on Refugees and Exiles
ECtHR	European Court of Human Rights
EHRC	Estonian Human Rights Centre Inimõiguste Keskus (Estonia)
ENNHRI	European Network of National Human Rights Institutions
ENOC	European Network of Ombudspersons for Children
EU	European Union
Eurostat	European Commission Directorate-General for Statistics
FGM	Female genital mutilation
FRA	European Union Agency for Fundamental Rights
ICRC	International Committee of the Red Cross
IND	Immigration and Naturalisation Service Immigratie- en Naturalisatiedienst (Netherlands)
INGO(s)	International non-governmental organisation(s)
IOI	International Ombudsman Institute
IPAT	International Protection Appeals Tribunal (Ireland)
KWE	Small accommodation units Kleine wooneenheden (Netherlands)
KWGs	Children's accommodation units Kinderwoongroepen (Netherlands)

NGO(s)	Non-governmental organisation(s)
NICCY	Northern Ireland Commissioner for Children and Young People
Nidos	The Nidos Foundation (guardianship authority for unaccompanied minor applicants for international protection in the Netherlands)
OLPEA	Obligation to Leave and Prohibition on Entry Act Väljasõidukohustuse ja sissesõidukeelu seadus (Estonia)
OWG	Reception and accommodation in the framework of a foster family Opvang en Wonen in Gezinsverband (Netherlands)
PIC	NGO Pravno-informacijski center nevladnih organizacij (Slovenia)
SDI	Identification and Intervention Service for Unaccompanied Minors Servei de Detecció i Intervenció a Menors no Acompanyats (Catalonia, Spain)
SEF	Immigration and Borders Service Serviço de Estrangeiros e Fronteiras (Portugal)
SGC	Conflict Management Service Servei de Gestió de conflictes d'Àmbit Social a l'espai Urbà (Catalonia, Spain)
SIB	Social Insurance Board Sotsiaalkindlustusamet (Estonia)
SIL	Supported Independent Living (Greece)
SIPROIMI	Protection System for Beneficiaries of International protection and Unaccompanied Foreign minors Sistema di protezione per titolari di protezione internazionale e per minori stranieri non accompagnati (Italy)
SOP(s)	Standard operating procedure(s)
SPRAR	Protection System for Asylum Seekers and Refugees Sistema di protezione per richiedenti asilo e rifugiati (Italy)
THB	Trafficking in human beings
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund)

Introduction

1. Context of the study: background and objectives

About this study: origin, motives, and future steps

The International Ombudsman Institute (IOI) European Board decided in a meeting in Barcelona on 4 April 2017 that it would be useful for the work of Ombuds institutions to elaborate a discussion paper on migration flows and refugees in Europe. This task was commissioned to a steering committee composed by the Dutch National Ombudsman (as a coordinator role), the Greek Ombudsman and the Ombudsman of the Basque Country. The study began with an investigation conducted by the Dutch National Ombudsman into the integration of asylum seekers and refugees¹. In successive meetings, it was decided to divide the discussion paper into four different parts: reception and application, integration, foreign unaccompanied minors, and returns²; which would later be brought together in a compilation. In this regard, the Basque Ombudsman was entrusted with drafting the chapter on unaccompanied minors³, due to its extensive experience in monitoring the provision of care for foreign unaccompanied minors in its role as a regional Ombudsman.

The outcomes of the four parts of the discussion paper on migration flows and refugees in Europe: reception and application, integration, foreign unaccompanied minors, and returns, were presented to the members of the IOI European region during the 12th IOI World Conference (May 2021). The existence of a shared benchmarking framework at the European level could help strengthen Ombuds institutions monitoring role at national level, advocating on how these groups of people should be treated, thus putting more pressure on compliance by authorities.

Policy context of foreign unaccompanied minors in Europe

Foreign unaccompanied minors represent, for the time being, one of the major migration challenges for European societies and public administrations. The number of foreign unaccompanied minors arriving to European countries has been growing steadily since 2010 and, although the general trend is now decreasing after the 2015 peak year, almost 14,000 unaccompanied minors registered for asylum in European Union (EU) countries in 2019⁴. These figures are only the tip

¹ During a first meeting of the steering committee in Athens on 24-25 July 2017, the three Ombudsmen decided to focus on integration as, at the moment, it seemed to be an issue of special concern for Ombuds institutions in Europe. However, they expressed their willingness to extend the scope of the investigation to include other topics, such as reception and application, foreign unaccompanied minors and returns

² During a second meeting in Vitoria-Gasteiz (Basque Country) on 12-14 February 2018 to review the discussion paper on integration of asylum seekers and refugees drafted by the Dutch Ombudsman, the steering committee agreed on the distribution of the different parts.

³ During an International Conference in Athens on 21-22 February 2019, on the occasion of the 20th anniversary of the Greek Ombudsman institution, the Basque Ombudsman presented his proposal on the discussion paper regarding unaccompanied minors' protection services, which was approved by the IOI European Board.

⁴ European Union (EU), European Commission Directorate-General for Statistics (Eurostat) (2020).

of the iceberg, as the number of foreign unaccompanied minors coming to Europe for other reasons and who fall outside the Common European Asylum System (CEAS) remains largely unknown. In any case, although exact numbers are unknown, documentary sources indicate that countries on the southern border of Europe have received a large influx of migrant unaccompanied minors since the last quarter of 2016, and especially during 2017 and 2018⁵. The high influx of foreign unaccompanied minors is an unprecedented challenge for European and national authorities, bearing in mind that unaccompanied minors belong to a vulnerable group whose fundamental rights must be recognised and respected in light of international, European and national legal instruments. The challenge of receiving and accommodating these children, however, extends far beyond securing their fundamental rights and most basic needs, such as nutrition, housing, healthcare, education, legal assistance, etc. It is their integration and participation in host communities, their transition to adulthood or their future access to employment the real hurdle that European and national authorities will have to face in the upcoming years. Consequently, it is of paramount importance that all authorities join efforts in responding to this very pressing issue, especially in view of the recent wave of law and policy changes aimed at restricting the movement of people and criminalising migration⁶.

In this context, Ombuds institutions cannot remain outside this collaborative exercise for obvious reasons, but even less so in view of the dire situation in which unaccompanied minors may find themselves upon arrival in host European countries.

However, it must be stressed that the levels of protection services provided to foreign unaccompanied minors vary greatly depending on the care policy of the country to which they arrive in. In this regard, a fundamental distinction must be made between the group of countries which consider foreign unaccompanied minors from a child protection rather than a migration policy perspective, and those other countries in which unaccompanied minors' condition as an irregular immigrant prevails over their condition as a child, and thus, access and continuity of the service provision (e.g. healthcare and education) in the same conditions as national children is subject to the granting of international protection/asylum status. In the latter case, therefore, some social policies are solely aimed at children seeking international protection/asylum or at children with international protection/asylum status.

⁵ United Nations Children's Fund (UNICEF) (2017); UNICEF, Regional Office for Europe and Central Asia (2019).

⁶ European Union Agency for Fundamental Rights Agency (FRA) (2014); United Nations (UN), Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) (2017a), paras. 41 and 50.

2. Purpose, scope and clarification of terms of the chapter on foreign unaccompanied minors

What is the purpose

This discussion paper aims at identifying and disseminating best practices carried out by both public administrations and Ombuds institutions - in their complaint/monitoring role - in regards to protection services for foreign unaccompanied minors in Europe. However, it is difficult to speak about “best practices” in a topic in which realities vary greatly from country to country. These differences lie not only in those countries that put migration policies above child protection ones, as already mentioned, but also in the uneven number of arrivals of foreign unaccompanied minors⁷, and the robustness and reliability of child care systems. Indeed, differences in starting points imply that practices that have proven successful in one context may not be automatically applied in others or may not be applicable at all. Accordingly, nothing is totally black or white, good or bad. On the basis of this premise, this chapter intends to provide examples of “promising practices” or “positive experiences” that can be a useful tool for countries to ascertain that they are on the right path or rather inspire others which may find themselves in a similar situation and wish to improve by addressing the existing situation along the same lines. Consequently, the term “best practices” will not be used throughout the text, but we will rather refer to “promising practises” or “positive experiences”.

What is the scope

The target group in this investigation is foreign unaccompanied minors⁸. In this regard, an unaccompanied minor is a person under the age of eighteen, unless under the law applicable to the child, majority is attained earlier⁹, and who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so¹⁰. Therefore, this discussion paper will not analyse the situation of minors arriving to host countries with their parents or of those children considered as “separated children”, who are accompanied by other adult family members¹¹.

The subject of study refers to different themes regarding protection services, which comprise those envisaged from the arrival of unaccompanied minors in host countries (from the moment they cross the border or are found in the

⁷ For instance, some contributors (Czech Republic, Estonia, Georgia, Latvia and Lithuania) indicated that the number of arrivals of foreign unaccompanied minors in their countries is relatively low, while Turkey highlighted the high number of refugees and refugee children in their territory. Furthermore, we are aware that the Greek system is overburdened by an ever-increasing number of arrivals.

⁸ Throughout the document, foreign unaccompanied minors will indistinctly be referred to as unaccompanied minors or unaccompanied children.

⁹ UN, United Nations Convention on the Rights of the Child (CRC), 20 November 1989, Art.1.

¹⁰ UN, United Nations Committee on the Rights of the Child (CRC Committee) (2005), para.7; United Nations High Commissioner for Refugees (UNHCR) (1997), p. 1.

¹¹ UN, CRC Committee (2005), para.8.

territory of the state by national authorities), until later reception stages, including their transition to adulthood. However, it must be highlighted that the issue of “durable solutions” for unaccompanied minors in host countries is not analysed in this paper, as it would exceed the temporal scope of the study.

Some definitions and terms

For the sake of clarity and cohesion of the study, as countries may use different terms in their national systems to refer to the same notions, the terms that will be used throughout the document are defined as follows:

The *best interests of the child* (BIC) shall be taken as a primary consideration¹² “when different interests are being considered in order to reach a decision on the issue at stake” and shall be guaranteed “whenever a decision is to be made concerning a child”¹³. Application of the best interests principle “requires the development of a rights-based approach, engaging all actors, to secure the holistic physical, psychological, moral and spiritual integrity of the child and promote his or her human dignity”¹⁴.

A *best interests assessment* (BIA) “consists in evaluating and balancing all the elements necessary to make a decision in a specific situation for a specific individual child or group of children. It is carried out by the decision-maker and his or her staff – if possible a multidisciplinary team –, and requires the participation of the child”¹⁵. [...] the basic best-interests assessment is a general assessment of all relevant elements of the child’s best interests, the weight of each element depending on the others. Not all the elements will be relevant to every case, and different elements can be used in different ways in different cases. The content of each element will necessarily vary from child to child and from case to case, depending on the type of decision and the concrete circumstances, as will the importance of each element in the overall assessment”¹⁶.

A *best interests determination* (BID) “describes the formal process with strict procedural safeguards designed to determine the child’s best interests on the basis of the best-interests assessment”¹⁷.

A *child-friendly approach* is “accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity”¹⁸.

¹² UN, CRC, 20 November 1989, Art. 3(1).

¹³ UN, CRC Committee (2013), para. 6(a).

¹⁴ *Ibid*, para. 5.

¹⁵ *Ibid*, para. 47.

¹⁶ *Ibid*, para. 80.

¹⁷ *Ibid*, para. 47.

¹⁸ Council of Europe (CoE) (2019), p. 15; CoE, Committee of Ministers (2011a), p. 17.

A *guardian* is “an independent person who safeguards a child’s best interests and general well-being, and to this effect complements the limited legal capacity of the child. The guardian acts as a statutory representative of the child in all proceedings in the same way that a parent represents his or her child”¹⁹.

3. Research methodology

Identification of international standards

In order to develop this chapter on examples of positive experiences regarding protection services for unaccompanied minors, the relevant international standards on the matter were first identified. For the identification of the international standards, information was collected from several sources. In this regard, latest data, reports and recommendations from international and European human rights organisations and agencies were analysed. Moreover, international and national literature, policy, legislation and other contextual materials were also reviewed for further in depth analysis.

The standards identified in the abovementioned sources were compiled and grouped into three different parts in virtue of the moment they were most applicable: “Cross-cutting measures”, “First reception stage” and “Later reception stages”²⁰. In the first part, standards applicable throughout all stages of the reception process were included. Standards in this part refer to general aspects such as the right of the child to be heard; the training of professionals; and the existence of cooperation and coordination mechanisms, monitoring and complaint mechanisms. The second part contains standards related to the moment of arrival of unaccompanied minors in host countries, including identification and registration procedures; assignment to first reception centres; age assessment; measures to prevent immigration detention; and available data and records. Finally, the third part comprises standards related to later reception stages, including unaccompanied minors’ access to basic rights such as housing, education, healthcare, and legal assistance; guardianship and child protection systems; measures promoting unaccompanied minors’ integration in host communities; and transition to adulthood.

Country selection criteria

In order to find out and understand the different realities regarding protection services for unaccompanied minors throughout Europe and analyse their compliance with the identified international standards, a series of national and international agents were contacted. For this purpose, the identified standards were laid down in a “Work document”, which contained an explanation on how

¹⁹ FRA (2015), pp. 12 and 14; UN, CRC Committee (2005); UN, General Assembly (2010).

²⁰ For more information, see Annex B.

contributors had to answer and provide the requested information²¹. The “Work document”, together with a collaboration request explaining the motives and purpose of the investigation²², was sent to all members of IOI Europe and to children’s rights institutions of the European Network of Ombudspersons for Children (ENOC) on October 2019. The reasoning behind this target country selection resides in the fact that, in several countries, the competence to intervene in issues regarding children’s rights remains within an independent children’s rights institution.

The process of receiving the requested information from Ombuds institutions²³ and children’s rights institutions²⁴ went on for a number of months, until February 2020, and even required some further clarifications. Furthermore, some contributors referred us to national ministries, non-governmental organisations (NGOs), and international organisations in their country, which we contacted for the purpose of gathering further information and contrasting the information provided on certain issues²⁵. Lastly, a number of experts with a long record in working with unaccompanied minors were also contacted²⁶.

Structure of findings

Once all the information was collected from the different sources, it was analysed and contrasted in order to determine which could be included in the discussion paper. In this regard, those practices that are in line with the identified international standards have been incorporated. The examples of promising practices have been set out in the discussion paper according to the three different parts in which the international standards were originally divided: “Cross-cutting measures”, “First reception stage” and “Later reception stages”. Most examples of promising practices carried out by Ombuds institutions and children’s rights institutions are contained in the first part “Cross-cutting measures”, particularly in section 4 “Monitoring and complaint mechanisms”.

²¹ For more information, see Annex B.

²² For more information, see Annex A.

²³ Contributions from IOI Europe members were used as a source of information for the drafting of this discussion paper. More specifically: Austria (Volksanwaltschaft), Bosnia and Herzegovina (The Institution of Human Rights Ombudsman), Czech Republic (The Public Defender of Rights), Denmark (The Danish Parliamentary Ombudsman), Estonia (Chancellor of Justice), Georgia (Public Defender (Ombudsman)), Greece (The Greek Ombudsman), Iceland (The Althingi Ombudsman), Ireland (Ombudsman for Children), Netherlands (National Ombudsman), Portugal (Provedor de Justiça), Serbia (Protector of Citizens of the Republic of Serbia), Slovenia (The Human Rights Ombudsman of the Republic of Slovenia), Spain (Defensor del Pueblo Andaluz), Spain (Defensor del Pueblo de Navarra), Spain (Síndic de Greuges de Catalunya), and Turkey (The Ombudsman Institution). It must be noted that contributions from other IOI Europe members were also received. However, these were only incorporated if they met the identified standards or if they consisted in referrals to reports for which information could be verified.

²⁴ Contributions from ENOC members were used as a source of information for the drafting of this discussion paper. More specifically: Belgium (Flemish Children’s Rights Commissioner), Lithuania (Office of the Ombudsperson for Children’s Rights of the Republic of Lithuania), Sweden (The Ombudsman for Children in Sweden), United Kingdom (Northern Ireland Commissioner for Children and Young People), and United Kingdom (Children and Young People’s Commissioner Scotland). It must be noted that contributions from other ENOC members were also received. However, these were only incorporated if they met the identified standards or if they consisted in referrals to reports for which information could be verified.

²⁵ Czech Republic (Tomáš Knézek – Organisation for Aid to Refugees), Czech Republic (Soňa Rysová – UNHCR), and Latvia (Office of Citizenship and Migration Affairs, Ministry of the Interior).

²⁶ Daniel Senovilla Hernández (CNRS researcher, MIGRINTER centre – University of Poitiers, France), Eduardo Díaz Nieto (Área 3 Consultoría Social, Basque Country, Spain), Giada Angela Saguto (Save the Children consultant, Spain), Koldo Resa (Proyecto Bideberria, Asociación Urgatzi, Basque Country, Spain), and Senida Adilovic-Avdic (Trelleborg Municipality, Sweden).

However, some practices can also be found throughout the text due to their particular connection with certain sections²⁷. Practices carried out by Ombuds institutions and children's rights institutions are presented in the text with a different font in order to differentiate them from the ones carried out by public administrations.

Other methodological remarks

Bearing in mind the nature of this investigation and the methodology followed, as well as the difficulties encountered in conducting the research, it is necessary to highlight the following points:

1. This discussion paper is not intended to be a comprehensive comparative study of the different situations regarding protection services for unaccompanied minors across Europe. Positive experiences included in this discussion paper have been those highlighted by contributors in accordance to their criteria, and, therefore, must be assessed in relation to the country context of the contributor.
2. Although, in principle, the purpose of this discussion paper was only to include examples of promising practices of public administrations and Ombuds institutions/children's rights institutions, practices of NGOs and associations have also been eventually incorporated. The reason behind this is that uncertainty about the direct or indirect management of resources and the working methods of institutions in different countries have made it difficult to elucidate whether measures come from public or private initiatives or the public or private nature of their funding. Therefore, those practices which could have a relevant impact on the situation of unaccompanied minors have also been selected.
3. Due to the lack of response of contributors to certain sections of the "Work document", some standards that were originally included had to be eventually merged and eliminated²⁸. Those standards that have been eliminated from the analysis and that have exposed a deficiency in the protection system will however be addressed in the "Final thoughts" of this discussion paper. Likewise, some examples of promising practices for which, despite the efforts made, it has not been possible to verify their practical application, but are laid down in national legislation, have been included in a new section 5 "Legal protection and planning mechanisms". Those practices that have not been contrasted and lack provision in

²⁷ Specifically in: section 1 "The right of the child to be heard", section 2 "Training of professionals", section 3 "Cooperation and coordination mechanisms" and section 10 "Education".

²⁸ For instance, the "Work document" that was sent to Ombuds institutions and to children's rights institutions requesting their collaboration included a section on "Access to international protection", which was eventually eliminated due to a lack of information. Countries' different approach to migration and child protection policies make this section non-pertinent, as in many countries child protection is not conceived outside the legal framework for providing asylum and international protection. However, in certain cases, such as Spain, unaccompanied minors are considered first and foremost as children and therefore have access to social policies, regardless of whether or not they have applied or have been granted international protection/asylum, justifying the need for including such a section.

national law, have hence been excluded. It must moreover be noted that the fact that the practices provided by contributors have not been verified or that further practices have not been found does not mean that they do not exist or that there is no information available.

4. Some promising practices can be included in more than one section as they address several different issues. However, for the purpose of giving greater clarity and consistency to the text, it was necessary to choose the most relevant aspects of each practice in order to link it to a section. Nevertheless, this does not mean that the practice could not be applicable to other sections.
5. Finally, it must be stressed that section 4 regarding “Monitoring and complaint mechanisms” does not contain, as a general rule, Ombuds institutions’ and children’s rights institutions’ interventions in specific cases, but rather comprises those actions that they have wished to point out in their contributions and which exemplify their responsiveness and protection role.

1. Cross cutting measures

The examples of promising practices included in this first part of the discussion paper refer to issues that are applicable throughout all stages of the reception process in the host country, during both the first reception stage and later reception stages. These practices relate to the right of the child to be heard; the training of professionals; and the existence of cooperation and coordination mechanisms, monitoring and complaint mechanisms and legal protection and planning mechanisms.

1. The right of the child to be heard

In the context of international migration, the implementation of adequate measures to ensure children's right to be heard takes on vital importance due to the particularly vulnerable and disadvantage situation in which children may find themselves²⁹. The right of the child to be heard encompasses their right to express their views in all matters affecting them, and for their views to be taken into due account³⁰. Furthermore, children should be provided with all relevant information in a timely and child-friendly manner³¹. All professionals working with unaccompanied minors shall have unhindered access to the places where they live and to their personal files, and communication must take place freely and in a confidential environment³², allocating sufficient time and resources³³, including the use of interpreters and cultural mediators³⁴. The following paragraphs provide examples of positive experiences on this matter.

Czech Republic: Since 2003, the Organisation for Aid to Refugees of the Czech Republic has a specialised team of professionals composed by lawyers and social workers who visit unaccompanied minors staying at institutional facilities on a weekly basis. Professionals provide unaccompanied minors in facilities with support and services free of charge, including legal and social counselling, workshops, accompaniments, preparation for leaving the facility, search for host families, tutoring the Czech language, activities with volunteers, psychological help, and guidance on studies.

Estonia: During the years 2018 and 2019, the Estonian Police and Border Guard Board developed an internal guide on treatment of children, which includes a special chapter on the treatment of unaccompanied minors. The special chapter on treating unaccompanied minors contains, among other things, a principle by which police officers are obliged to provide information on status and legal possibilities to both unaccompanied minors and their guardians. The inclusion of a reference in the guidelines to the need to provide information resulted from a recommendation issued by the Chancellor of Justice in 2017 in light of an investigation it conducted in 2012-2017 on unaccompanied minors³⁵. During the

²⁹ UN, CMW (2017b), para. 39; UN, CRC Committee (2005), para. 16; UN, CRC Committee (2009), para. 123.

³⁰ UN, CRC, 20 November 1989, Art. 12; UN, CRC Committee (2009), para. 15.

³¹ UN, CRC Committee (2005), para. 25.

³² UN, CRC Committee (2009), paras. 11 and 34.

³³ *Ibid*, para. 134(e).

³⁴ UN, CMW (2017b), para. 17(d); UN, CRC Committee (2005), para. 25.

³⁵ See section 4

investigation, advisers of the Chancellor of Justice were informed that unaccompanied minors lacked sufficient information about their status and legal possibilities; for instance, they had not received any information on the possibility of filing an international protection application or on applicable safeguards for victims of trafficking in human beings (THB). Consequently, the Chancellor of Justice recommended that the police should proactively explain to unaccompanied minors and to their guardians the status and legal possibilities of minors, and that child-friendly information material should be developed for this purpose.

Iceland: In Iceland, interviews with minor applicants for international protection are carried out in the “Barnahus” (Children’s House), which is an interdisciplinary and multiagency centre run by the Government Agency for Child Protection. The environment in the centre is child-friendly and the minor is interviewed in a special room by interviewers trained in child interviewing, with the assistance of an interpreter provided by the Directorate of Immigration³⁶ –body responsible for processing applications for international protection in Iceland–. The minor’s advocate –person responsible for safeguarding the child’s interests– and a representative from the Child Protection Committee are also present during the interview³⁷.

Lithuania: In Lithuania, the unaccompanied minor’s opinion is heard, at a first reception stage, in the interview. During the interview, an officer informs the minor about the aim of the interview and his/her rights. The officer must fill in a form containing questions for the minor on the following issues: his/her family, travel route and aims, willingness to return to his/her country of origin, etc. The unaccompanied minor’s opinion is also heard at a later stage, for instance, in administrative procedures such as the appointment of a guardian.

Netherlands: The Nidos Foundation (Nidos) has been appointed by the Dutch government as the national guardianship institution for unaccompanied and separated children in the Netherlands. Guardianship is exercised by Nidos staff, which is composed by professionals with specific expertise who act in the interest of the child. Nidos guardians ensure a proper exercise of the care given to unaccompanied minors and intervene when this care is not adequate. Although Nidos guardians keep in contact with unaccompanied minors, they are not directly involved in their day-to-day care. In this regard, unaccompanied minors living in a Central Agency for the Reception of Asylum Seekers (COA) reception centre, in a small accommodation unit, or in a children’s accommodation unit, are assigned a mentor. COA mentors are responsible for supporting, accompanying and guiding minors in their everyday life activities, including grocery shopping, cooking, tidying the room, etc. In this context, formal ‘three-way interviews’ between the unaccompanied minor, the Nidos guardian and the COA mentor take place every 6 weeks. Interviews between the unaccompanied minor and his/her COA mentor are held every 8 weeks. However, apart from these formal discussions, COA mentors keep regular informal contact

³⁶ Iceland, [Foreign Nationals Act](#), No. 80/2016, Art. 28, para. 2.

³⁷ *Ibid*, Arts. 30, para. 1 and 31, para. 2(a).

with unaccompanied minors, for instance, during after-school coffee or tea and through joint activities.

Portugal: In Portugal, upon admission to the Refugee Children Reception Centre (CACR)³⁸ run by the Portuguese Refugee Council (CPR) – non-governmental organisation (NGO) responsible for the accommodation and support of asylum seekers –, unaccompanied minors are provided with tailor-made information both orally and by means of written materials, such as a leaflet containing child-friendly information on internal rules, available services, geographical location, general security tips and contacts, etc., which is available in Portuguese, English, Russian, Tigrinya, and French³⁹.

The Greek Ombudsman: The office of the Greek Ombudsman, in cooperation with UNICEF, has created a microsite, which can be accessed through its main web site, with the aim of raising awareness of children's rights among children and young people as an online helpdesk. The microsite is composed of a set of banners that display basic rights (e.g. right to education) and situations which may lead to a violation (e.g. age assessment procedures). The information on the microsite is written in simple, child-friendly language. Furthermore, the situations described are tailored to the needs of refugee and migrant children and the banners are translated into Arabic, Urdu, French, Farsi, and English. Through this microsite, the Ombudsman's role is made known and ensures the accessibility, affordability and quality of services to all children. Furthermore, the Greek Ombudsman conducts site inspections across Greece in places where children on the move are located (Registration and Identification centers, shelters, hotels, camps, etc.) and interviews them to ensure that their needs are properly addressed.

2. Training of professionals

All professionals who come into contact with unaccompanied minors (child protection and migration personnel, healthcare professionals, guardians, legal representatives, lawyers, interpreters, etc.) shall receive continuous and periodic training in order to fulfil and protect children's rights and needs in the context of international migration⁴⁰. Training must be comprehensive and cover a wide range of topics⁴¹. Promising practices in the field of training are included in the following sub-sections.

2.1. All professionals working with unaccompanied minors, both directly and indirectly, are trained to deal with unaccompanied minors' special needs, their background, and the issues concerning them.

Netherlands: In the Netherlands, all officers who work with children should at least have taken part in a two-day training course on working with minors. Furthermore, all Immigration and Naturalisation Service (IND) officers working with children under the age of 12 years receive additional training based on the European Asylum Support Office (EASO) guidelines.

³⁸ For more information on the CACR, see sub-section 9.3.

³⁹ Asylum Information Database (AIDA) (2019), p. 90.

⁴⁰ UN, CMW (2017a), para. 18; UN, CMW (2017b), para. 43; UN, CRC Committee (2005), para. 95.

⁴¹ UN, CRC Committee (2005) para, 96

- 2.2. All professionals working with unaccompanied minors, both directly and indirectly, receive training on children's rights, child protection, communicating with children, child participation, cultural and gender sensitivity, etc.

Georgia: In Georgia, the Migration Department of the Ministry of Internal Affairs is the administrative body competent for receiving, examining, and making decisions on international protection applications. Status determination specialists of the Migration Department responsible for conducting international protection interviews with unaccompanied minors have available online e-learning as well as face to face courses on interview techniques of vulnerable persons within the EASO Training Curriculum. Training of staff ensures that interviews are conducted by competent Ministry officials who have the necessary knowledge and skills on interviewing minors with specific needs.

Portugal: In Portugal, personnel involved in examining applications for international protection made by unaccompanied minors receive continuous training through courses and conferences. For instance, staff responsible for interviewing minors have received training provided by EASO on children interviewing techniques.

Public Defender (Ombudsman) of Georgia: The special representative of the Public Defender (Ombudsman) of Georgia in charge of monitoring refugee status determination procedures carried out by the Migration Department of the Ministry of Internal Affairs receives training from the EASO module on interview techniques, including interviewing vulnerable persons.

Republic of Latvia: In Latvia, personnel working with unaccompanied minors, both directly and indirectly, receive continuous training and participate in workshops and seminars hosted by national and international organisations as well as European Union (EU) agencies with the purpose of ensuring the best interests of the child throughout the asylum procedure. Training is conducted on a regular basis and focuses on different issues and stages of the asylum procedure. For instance, in 2019, personnel working with asylum seekers undertook training within the EASO modules on interviewing vulnerable persons.

- 2.3. Professionals working with unaccompanied minors receive specific training on identifying situations of abuse, violence, exploitation, trauma, trafficking, etc.; addressing the needs and rights of these children; and referral mechanisms.

Portugal: In Portugal, the Immigration and Borders Service (SEF) provides continuous and uniform training on prevention, identification, investigation and treatment of victims of THB to all members of the security forces. In this regard, border guards and personnel working at the criminal cooperation unit must compulsory receive such training in THB. A detailed guide for assessing signs of victimisation in this context is used.

Republic of Latvia: In addition to the foregoing⁴², in 2019, personnel working with asylum seekers in Latvia received training on identification and treatment of child victims of sexual abuse by a lecturer from the national NGO “Center Dardedze”, which works with child victims and promotes the protection of children’s rights.

- 2.4.** All professionals working with unaccompanied minors, both directly and indirectly, receive training on the relevant legal and administrative framework; migration, international protection and asylum issues.

Basque Country (Spain): In 2004, the Basque government developed “Biltzen” (Basque Integration and Intercultural Coexistence Service), which offers, among others, ongoing specialised training to Basque institutions, organisations and actors (police, educational centres, social services, healthcare system, etc.), on issues including migration, management of diversity, intercultural perspective, equal treatment and non- discrimination. Furthermore, it provides legal counsel and information by telephone on immigration issues to professionals working in social and labour integration processes of foreign nationals residing in the Basque Country.

3. Cooperation and coordination mechanisms

States shall develop and implement cooperation and coordination mechanisms, at both national and international level, in order to ensure the rights and needs of unaccompanied minors in the context of international migration⁴³. These initiatives shall provide for the procedures, including the exchange and transfer of information and shared decision-making, as well as the division of roles and responsibilities of all actors involved⁴⁴. Promising practices collected in the following sub-sections highlight the importance of having a cooperation and coordination framework.

- 3.1.** Standard protocols or guidelines establishing the operational procedures, safeguards and clear arrangements for the division of work and responsibilities of all actors involved are in place. All actions and decisions regarding unaccompanied minors are taken in accordance with the above protocols or guidelines.

Lithuania: In Lithuania, guidelines for the coordinated action of different institutions (police, State Border Guard Service, State Child Protection and Adoption Service, and Refugee Reception Service) in cases where unaccompanied minors are found in Lithuanian territory are in place. These actions include documentation, transfer of information to relevant authorities, interviewing, photographing, fingerprinting, signature scanning, data verification in different registers, issuing an Alien Registration Certificate, age assessment,

⁴² See sub-section 2.2.

⁴³ UN, CMW (2017a), paras. 48-49; UNHCR (1997), p.3

⁴⁴ UN, CMW (2017b), paras. 64-65.

and accommodation. Clear guidelines and operational procedures provide clarity to all actors involved, allowing a higher level of protection of children's rights to be achieved.

Navarra (Spain): In December 2019, the government of Navarra (Spain) developed and implemented a coordination protocol on the reception of unaccompanied minors. The protocol clearly outlines the roles and responsibilities of all different actors (at national, regional and municipal level) involved in the reception process as well as the identification and registration procedures required to access the care system. The protocol establishes the steps to be followed from the moment the child is found by police forces, as well as the responsible actors, guidelines and timelines applicable at each stage of the reception procedure.

Portugal: In Portugal, the "IV National Plan for Fighting against Trafficking of Human Beings" establishes several protocols that must be followed by all authorities in order to identify and provide treatment to victims of THB. The Plan aims at providing for collaboration measures between different State departments, involving various ministries (Justice, Health, Labour and Education) regarding the identification, notification and referral of victims, as well as cooperation activities with civil society organisations. The Plan stipulates that the government shall lay down guidelines and protocols regarding intervention with child victims of THB. In particular, it specifies that the National Commission for the Protection of Children and Youth in Danger shall further cooperate with local commissions for the protection of children and youth in danger, namely improving their knowledge about the particularly vulnerable situation of unaccompanied minors.

Turkey: In Turkey, age assessment procedures have recently been improved. In this regard, the Turkish Administration has invested a lot of effort in enhancing cooperation among relevant actors, which has led to a reduction of delivery time of age assessment results and to appropriate accommodation according to the individual needs of the child throughout the procedure, avoiding conflicts of responsibility among administrations. This improvement resulted from the publication in 2018 of the Turkish Ombudsman Institution's special report "Syrians in Turkey", in which it concluded that age assessment was an issue of concern due to the length of the procedure, the lack of information-sharing and role division between relevant actors, and the placement of unaccompanied minors in inadequate accommodation. Consequently, the Ombudsman recommended that the procedures had to be urgently improved.

- 3.2. Multi-disciplinary and inter-agency information sharing and decision-making sessions take place with all relevant actors in order to develop in unison the unaccompanied minor's care plan.

Portugal: In Portugal, the CACR⁴⁵ is managed by a multi-disciplinary team of professionals (psychologists, social workers, etc.) that provides cultural, social, legal and educational support to children. The CPR has several protocols with different entities, including the SEF, the United Nations High Commissioner for Refugees (UNHCR), the Social Security Institute, and educational entities.

- 3.3.** Cross-border cooperation mechanisms are in place, which include collection and exchange of comparable data between states, the allocation of responsibility among all actors involved, procedures, safeguards, etc. (e.g. in fields such as family reunification or procedures concerning missing children).

[It must be highlighted that no information regarding practices carried out by public administrations on cross-border cooperation was received. However, contributors did point out some examples of successful collaboration between Ombuds institutions and children's rights institutions in relation to return and family reunification procedures which have been included in this sub-section. Although the following case studies do not meet the required standards to be considered as promising practices, they are specific examples of how Ombuds institutions and children's rights institutions can address the issue.]

Protector of Citizens of the Republic of Serbia: During 2017 and 2018, the Protector of Citizens of the Republic of Serbia cooperated with the Greek Ombudsman's office for Children's Rights in a case concerning the return procedure of a mother and her two children. The Greek Ombudsman's office for Children's Rights informed the Protector of Citizens that a Serbian national had been ordered to return to Serbia, while her two children were to remain in Greece under institutional care. The mother and her older child had documents on the basis of which they could be issued a travel document; however, her younger child, did not possess the adequate documents due to an error in the Greek registers regarding the mother's identity. Both the Serbian and Greek Ombudsman offices intervened to accelerate the filiation procedure, to correct the information in the registry books, and to issue the travel documents. The Protector of Citizens monitored the conduct of the Serbian Embassy in Athens, which became actively involved in the case and formally addressed the Greek authorities regarding the length of the filiation procedure, the delay in the execution of the return decision, and the reunification of the mother with her children. Cooperation between the Serbian and Greek Ombudsman offices was essential to enable the return of the mother together with her two children to Serbia.

Furthermore, in 2018, the Protector of Citizens of the Republic of Serbia cooperated with the Ombudsman for Children of Belgium (Flemish and Walloon regions) regarding the return and reception procedure in Serbia of a family that had been denied asylum in Belgium. The Belgian Ombudsman for Children's Rights (Flemish and Walloon regions) informed the Protector of Citizens that a Serbian national and her four young children were in a closed institution in Belgium and that, since all her claims had been rejected, the Belgian authorities had decided to return them to Serbia. The mother accepted a voluntary return and thus, was provided with three months' livelihood in Serbia at the expense of the Belgian government. The return of the family to Serbia was not preceded by an official communication of the Belgian authorities to the authorities of the Republic of Serbia, in accordance with the

⁴⁵ For more information on the CACR, see sub-section 9.3.

established procedure, as defined in the 2007 Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation⁴⁶. Police officers at the Border Police Directorate had no information on the arrival of this family and were unaware of the circumstances that had led to their return. Nevertheless, the Ombudsman of Serbia monitored the reception of the mother and her children as well as the care provided to them by the authorities from the moment of their arrival to Serbia.

Spanish Ombudsman: In July 2019, the Spanish Ombudsman sought the collaboration of the Parliamentary Ombudsman Malta in a family reunification case. The case dealt with an unaccompanied minor who was given shelter in Malta after departing from Libya, and who had been separated from his family who were residing in a reception centre in Malaga. Upon arrival to the centre in Malaga, the child's mother expressed her will to be reunited with her son to a Spanish NGO, which in turn contacted the Spanish Ombudsman and UNHCR Malta and Spain. The Spanish Ombudsman sent a request for cooperation to the Parliamentary Ombudsman Malta, which immediately contacted the relevant authorities involved, leading to the child's reunification with his family.

4. Monitoring and complaint mechanisms

Ombuds institutions and children's rights institutions have the power to investigate protection services available for unaccompanied minors in host countries, either as a result of a complaint or on their own initiative. On the basis of their investigations, Ombuds institutions and children's rights institutions can identify and report violations of children's rights, as well as deficiencies in protection systems and address recommendations to national authorities within their the basis of which they could be issued a travel document; however, her younger child, did not possess the adequate documents due to an error in the Greek registers regarding the competence with a view to improving the situation. The following are examples of actions carried out by Ombuds institutions and children's rights institutions in their role as complaint and monitoring mechanisms in order to promote and protect the rights of unaccompanied minors. In this regard, the first example refers to an intervention in response to a complaint while the rest are interventions relating to monitoring and control of protection systems.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina: At the end of 2017, the NGO "Vaša prava BiH" addressed the Institution of Human Rights Ombudsman of Bosnia and Herzegovina to denounce the detention of minor aliens by the Service for Foreigners' Affairs. In this regard, the Institution of Human Rights Ombudsman acknowledged that there was a trend of placing minor aliens, both accompanied and unaccompanied, in the Immigration Centre. The Law on Aliens in Bosnia and Herzegovina allows the detention of unaccompanied minors in an immigration centre only as a measure of last resort and for the shortest period possible⁴⁷. However, in practice, placement in the Immigration Centre was done without prior consideration of the need and proportionality of such a measure. Consequently, following examination of the complaint, the Institution of Human Rights Ombudsman issued a recommendation to the Ministry of Security of Bosnia

⁴⁶ European Union (EU), Council of the European Union (2007), [Council Decision of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation](#) (2007/819/EC), Official Journal of the European Union L 334, 19.12.2007, p. 45–64.

⁴⁷ Bosnia and Herzegovina, [Law on Aliens](#), OG 88-2015, 17 November 2015, Art. 123(4).

and Herzegovina urging the government to respect the principle of the best interests of the child in future decision-making regarding the adoption of measures placing minors under supervision in accordance with the United Nations Convention on the Rights of the Child (CRC) and legislation of Bosnia and Herzegovina.

Chancellor of Justice of Estonia: As mentioned previously⁴⁸, in the years 2012-2017, the office of the Chancellor of Justice conducted an investigation into the situation of unaccompanied minors in Estonia. During its investigation, the Chancellor of Justice reached an agreement with the Police and Border Guard Board whereby the police reported all cases of unaccompanied minors entering the country to the office of the Chancellor of Justice. The agreement allowed staff of the Chancellor of Justice to interview the majority of unaccompanied minors arriving in Estonia and analyse their case management by different Estonian authorities. In this context, advisers of the Chancellor of Justice interviewed young persons, as well as representatives from local governments, police, and alternative care providers; and gathered information from different ministries and public boards. In particular, advisers of the Chancellor of Justice analysed removal orders issued immediately after minors had entered the country and, as a result, discovered several flaws. Orders were formal and did not include any information on the minor's situation, the best interests assessment (BIA), or available long-term solutions. There were also cases where the police had issued a removal order but had not established its execution date, excluding unaccompanied minors from the possibility of applying for a residence permit. Based on these findings, in 2017, the Chancellor of Justice issued a recommendation in which it urged the police to consider and assess, in collaboration with other relevant bodies and the child's guardian, all aspects of the unaccompanied minor's arrival as well as the best interests of the child, in regards to decisions on removal orders and long-term solutions.

Furthermore, during the investigation, advisers of the Chancellor of Justice found that local government child protection officers were not always present during procedures involving children and that local governments did not apply for legal aid. Furthermore, they were informed that there was no independent control over police officers' registration decisions on whether a minor was unaccompanied or not. In Estonia, the responsibility for competence with a view to improving the situation. The following are examples of actions carried out by Ombuds institutions and children's rights institutions in their role as complaint representing the child in all matters affecting them lies with the local government in its role as the minor's legal guardian. However, some aspects of case management for which the local government is usually responsible are transferred to the Social Insurance Board (SIB) when the unaccompanied minor is in alternative care. Nevertheless, the Chancellor of Justice discovered that, in practice, the SIB had not fulfilled all its responsibilities and that instead these were fulfilled by local governments. Consequently, in 2017 the Chancellor of Justice issued a recommendation urging local governments, responsible for representing minors, to fulfil their roles and tasks as guardians, which include interacting with minors, representing them in procedures, applying for legal aid, etc. Likewise, it stated that the SIB should carry out the duties assigned to it by law (assess the child's needs, provide help and exchange information, visit unaccompanied minors, etc.). Additionally, it highlighted the need for sharing information between relevant actors; the need to develop an effective monitoring mechanism for guardians; and the need to establish the roles and responsibilities of the actors providing social services to unaccompanied minors more clearly. As a result, the SIB has designated officials to manage cases of unaccompanied children in need of alternative care. Moreover, on the basis of the outcome of the investigation, the Chancellor of Justice also

⁴⁸ See section 1.

issued in 2017 a recommendation regarding the practice of detaining unaccompanied minors by the Estonian police during age assessment procedures. In its recommendation, the Chancellor of Justice urged the police to refrain from the use of detention for the purpose of age assessment.

Protector of Citizens of the Republic of Serbia: The Protector of Citizens of the Republic of Serbia has issued, since 2014 and 2015, a series of periodic recommendations regarding the issue of unaccompanied minors. In its recommendations, the Protector of Citizens has urged the Serbian government to ensure prompt communication between police officers and the guardianship authority in cases involving unaccompanied minors; to guarantee appropriate training for staff working at “Presevo Reception Centre” on treatment of unaccompanied minors; to establish procedures and mechanisms for the effective identification, registration, and monitoring of unaccompanied in order to prevent child trafficking; and to further regulate the procedure for determining the personal characteristics and skills required to become a guardian, with the purpose of developing and implementing an alternative accommodation solution for unaccompanied minors and training foster families.

Furthermore, in view of the need to improve the knowledge and coordination between different authorities on the situation of children on the move, the Protector of Citizens of Serbia has also given several opinions recommending the following: to ensure an adequate number of female translators for Urdu and Pashto languages; to guarantee all professionals working with unaccompanied minors receive training on the particularly vulnerable situation of children on the move, on their rights, and on identification and treatment of child victims of violence, abuse or neglect; and the establishment of procedures and standards for the exchange of information and participation in coordination groups for cases of child violence, abuse or neglect, in order to allow smooth communication and decision-making between all actors involved (asylum and reception centres, guardianship authorities, police administrations, judicial authorities, etc.).

Public Defender (Ombudsman) of Georgia: In 2015, the office of the Public Defender (Ombudsman) of Georgia developed the Project “Support to the Office of the Public Defender (Ombudsman) to enhance its capacity to address the situation of Project the child in all matters affecting them lies with the local government in its role as the minor’s legal guardian. However, some aspects of case management for which the local government beneficiaries” in collaboration with UNHCR Regional Representation for South Caucasus. The project aims to strengthen the role of the Public Defender (Ombudsman) in promoting the human rights and entitlements of asylum seekers, persons granted international protection and stateless persons in compliance with Georgian legislation and international standards. The project covers monitoring of the situation of project beneficiaries in Georgia, collecting information from all stakeholders and engaging in advocacy efforts on their behalf. Monitoring activities comprise border surveillance to ensure access to asylum procedures and to the territory, surveillance of refugee status determination procedures and of penitentiary establishments; common court monitoring; and respect of the *non-refoulement* principle, as well as non-penalisation for irregular entry into the country of persons in need of international protection. Furthermore, within the framework of the project, the Public Defender (Ombudsman) issued a review on the protection of stateless, asylum seeker and refugee children⁴⁹, which included recommendations addressed to relevant state bodies on the basis of the results obtained from an analysis of policy documents and legislation, as well as monitoring of the target population.

⁴⁹ The Public Defender (Ombudsman) included this chapter in its Annual Parliamentary Report 2019, which was presented at the end of March 2020. However, it should be noted that at the date the contribution from the Public Defender (Ombudsman) was received, the Annual Report had not yet been submitted.

The Greek Ombudsman: In January 2017, the Greek Ombudsman developed the Network for the Rights of Children on the Move in order to enable closer cooperation, mutual feedback and joint advocacy with agencies and actors working with refugee and migrant children. It is an informal network which operates complementary to the Greek Ombudsman's monitoring mechanism. Currently, the network is composed of 27 members, is coordinated by the Greek Deputy Ombudswoman for Children's Rights and meetings are performed on a monthly basis. Network members share their observations from their experience in the field and report on children's protection and rights' violations based on a standardised form and a set of indicators regarding access to basic goods and services and procedural safeguards; and children's rights violations (victimisation and risk of victimisation). The Network's main objectives are the following: enhanced and inclusive monitoring of children's situation through systematic collection of information by field actors; identification of institutional gaps and practical deficiencies in child protection; timely identification of new trends in regards to children's situation; and strengthening the effectiveness of advocacy actions through evidence-based proposals and recommendations. The creation of the Network has proved a useful tool for the Greek Ombudsman's work. In this regard, from April to May 2017, the Greek Ombudsman carried out an assessment on access to formal education for unaccompanied children accommodated in shelters run by NGO members of the Network. The assessment was supported by members of the Network, who contributed with comments and by submitting the completed the questionnaires.

Due to the unprecedented raise in the number of unaccompanied and separated children arriving in Greece, the Greek government had to react swiftly to increase its shelter capacity. In this regard, the measures taken to meet the accommodation demands included both long term solutions, and the creation of emergency accommodation schemes in hotels, safe zones in open sites, and reception and identification centres. However, the Greek Ombudsman noted that legally binding national standards concerning the quality of care provided (staffing, premises, provisions, perceptions, rules and regulations) had not been established, and that the creation of a division within the Department of Unaccompanied Minors' Protection prescribed by legislation⁵⁰ was not yet operational. Furthermore, the Greek Ombudsman observed a lack of adequate means and supervision mechanisms in the living the human rights and entitlements of asylum seekers, persons granted international arrangements, which are run and funded exclusively by NGOs and international non- governmental organisations (INGOs). In light of these circumstances and to cover the existent gap, during 2018 the office for Children's Rights, together with staff seconded to the Greek Ombudsman from the United Nations Children's Fund (UNICEF), conducted 30 on-site visits/inspections across Greece to places where children on the move are accommodated. With the goal of providing a holistic evaluation and establishing a harmonised approach, a tool based on a standardised form with common indicators was created. All visits were conducted on the basis of this tool.

The Ombudsman for Children in Sweden: In the report "We left everything behind", Voices of children and young people on the move (Annual Report 2017) the Ombudsman for Children in Sweden made a series of proposals to the government for the purposes of guaranteeing children on the move their human rights, including, inter alia, the establishment of a child-appropriate asylum procedure teams at the Migration Agency; the strengthening of the child's right to be heard in the law; the introduction of a time limit for the start of the asylum procedure in cases involving children (a maximum time limit of two months from the registration of the asylum application until the asylum procedure begins); the establishment of a supervisory body to monitor the correct and consistent application of regulatory

⁵⁰ Greece, Law on the regulatory framework for the guardianship of unaccompanied minors, No. 4554/2018, 18 July 2018.

frameworks, guidelines and procedures by the Migration Agency; the reform of the system for appointing guardians (a guardian must be appointed within five working days of arrival in Sweden); the training and qualification of interviewers and interpreters; the vetting of accommodation staff with the verification of criminal records; the access to compulsory education for asylum seeking children; and the establishment of a time limit for children to attend school (within a month of arrival in Sweden⁵¹)⁵².

Furthermore, during 2016 and 2017, the Ombudsman for Children in Sweden conducted an investigation which culminated in the Report “Unaccompanied Minors Who Go Missing” analysing the reasons for the disappearance of unaccompanied minors in Sweden and the possible solutions to address the issue. In this regard, the Ombudsman set out the following reasons why children disappear on the basis of information provided by unaccompanied minors who had previously gone missing: children do not feel involved in their placement (sporadic contact with guardians and social workers, lack of an individual assessment of the minor’s needs from the start, deficiencies in the suitability assessment of foster and network homes, lack of information about placement, etc.); multiple accommodation transfers; separation from relatives and friends; the environment in the children’s accommodation (boredom, isolation, and insecurity); mental health problems in an uncertain and long asylum process (long waiting times, uncertainty about the future); turning 18 and upward age adjustments (lack of information in those situations, end of support from social services); and a potential rejection decision (fear of being deported to their country of origin, having to look after themselves without assistance)⁵³. With a view to preventing children from going missing, the Ombudsman recommended the following actions: to ensure safety and expertise when placing unaccompanied minors (assessment of unaccompanied minors’ needs by a multidisciplinary team of professionals, respect for the child’s right to be heard, improvement of accommodation supervision and inspection mechanisms, training and specific expertise of guardians, access to school and leisure activities for unaccompanied minors, provision of adequate information and support to minors, establishment of holistic age assessment procedures, and improvement of support interventions for young people); to look for all missing children (establishment of a statutory responsibility for guardians to file a police report within 24 hours of the child’s disappearance, and creation of national statistics on the situation of missing unaccompanied minors); and to ensure children receive support and protection upon their return (set up of a follow-up system for children who return, including an investigation and an assessment of the child’s rights and needs for support interventions)⁵⁴.

5. Legal protection and planning mechanisms

This section provides for legal protection and planning mechanisms. Some countries have designed public policies to ensure the adequate protection of unaccompanied minors, while other countries have unaccompanied minors’ rights enshrined in national law. In this regard, the first example refers to an action plan while the rest make reference to national legislation. However, it must be noted that, despite the efforts made, the practical application of legislation contained in this section has not been verified. Although, in principle, access to rights and services set out in legislation

⁵¹ In accordance with the Education Ordinance ([Skolförordning \(2011:185\)](#)), 24 February 2011, Chapter 4, Section 1a, which establishes that schooling should be provided within one month of the child’s arrival by the municipality where the child is resident.

⁵² Sweden, The Ombudsman for Children in Sweden (2017a), pp. 24, 33, and 51-53.

⁵³ Sweden, The Ombudsman for Children in Sweden, (2017b), pp. 17-29.

⁵⁴ *Ibid*, pp. 56-58.

should be guaranteed, effective access to rights can be precluded for different reasons. Furthermore, this section contains information that some contributors have wished to highlight but that other contributors have probably not mentioned because they take it for granted.

Catalonia (Spain): Due to high influx of unaccompanied minors in Catalonia, the existent reception system had to be redesigned and, therefore, in 2019, the Government elaborated a strategic plan for the reception of unaccompanied minors⁵⁵. The plan contains a set of guiding principles, values and actions and aims at developing the tools and conditions necessary for the adequate and effective reception, integration and empowerment of unaccompanied minors from a participatory and community-based perspective. The plan is structured into different themes: immediate reception and protection; transition to adulthood; shared governance, including coordination actions between all involved actors; improvement of the protection system; and raising public awareness on the reality of unaccompanied minors. Each theme of the plan has a series of general objectives accompanied by specific actions aimed at achieving these objectives.

Estonia: Since 2018, the Estonian Obligation to Leave and Prohibition on Entry Act (OLPEA) stipulates that unaccompanied minors shall be provided substitute care services, which may take the form of a substitute home, a family house or a foster family⁵⁶. The inclusion of a reference to the need for providing foster family care accommodation to unaccompanied minors not applying for international protection in OLPEA resulted from a Chancellor of Justice's recommendation issued in 2017 as a result of the investigation on unaccompanied minors it carried out in 2012-2017⁵⁷. In its recommendation, the Chancellor of Justice urged the Ministry of Internal Affairs to draft an amendment to the law in order to ensure unaccompanied minors could be accommodated not only in substitute homes but also in foster families.

Iceland: According to Icelandic law, the Directorate of Immigration may request the assistance of an expert in children's affairs to interview a minor applying for international protection⁵⁸. Following an application of an unaccompanied minor, the Directorate of Immigration shall appoint an advocate for the minor –who shall be a lawyer with expertise in children's affairs⁵⁹– and notify the respective Child Protection Committee and Government Agency for Child Protection as soon as possible⁶⁰.

Furthermore, the respective Child Protection Committee, monitored by the Government Agency for Child Protection, shall ensure unaccompanied minors are provided with a foster home or other suitable placement, and that their needs

⁵⁵ Catalonia, Government of Catalonia (Generalitat de Catalunya), Department of Labour, Social Affairs and Families (Departament de Treball, Afers Socials i Famílies), Catalan strategy for the reception and inclusion of unaccompanied migrant children and youth (*Estratègia catalana per a l'acollida i la inclusió dels infants i joves emigrats sols*).

⁵⁶ Estonia, [Obligation to Leave and Prohibition on Entry Act](#), 21 October 1998, Art. 12(9).

⁵⁷ See section 4.

⁵⁸ Iceland, [Foreign Nationals Act](#), Art. 28, para. 5.

⁵⁹ *Ibid.*, Art. 3(24).

⁶⁰ *Ibid.*, Arts. 24, para. 6 and 25, para. 4.

regarding residence, healthcare services and educational opportunities are fulfilled in an appropriate manner⁶¹.

In regards to age determination, if there are doubts about whether an applicant for international protection who claims to be a minor has actually come of age, and this cannot be incontrovertibly verified, an age assessment shall be conducted as soon as possible⁶². However, the benefit of the doubt shall be applied throughout the processing of the case, and thus an applicant claiming to be underage shall be considered a minor until proven otherwise by an age assessment or other means⁶³. Furthermore, a member of Child Protection staff shall be present and safeguard the minor's interests during the age assessment⁶⁴. An applicant for international protection cannot be obliged to undergo an age assessment examination⁶⁵. Likewise, refusal to undergo an age assessment cannot alone entail the refusal of an application for international protection⁶⁶.

Ireland: In Ireland, the detention of children for migration reasons is explicitly forbidden in several legal provisions⁶⁷.

Lithuania: Lithuanian law provides for the assessment of unaccompanied minors' needs⁶⁸. In this regard, professionals at Rukla Refugee Centre –institution responsible for the accommodation of unaccompanied minors in Lithuania-, must fill in a form on the unaccompanied minor. The information required by this form includes data about the child (health status, language, etc.) and his/her family; on the services provided and needed; on the child's interview, including his/her wishes, expectations, health status, etc.

Portugal: According to Portuguese Law, the best interests of minors shall be taken into consideration throughout the procedure for granting asylum or subsidiary protection, which encompasses their opinion, in accordance to their age and maturity⁶⁹. In regards to the protection procedure, the Law on the Protection of Children and Young People in Danger is applicable. This law is based on the principle of participation. Consequently, the child, as well as the legal representative or guardian, are entitled to be heard and to participate in the acts and in the definition of the protection measure.

⁶¹ *Ibid*, Art. 31, para. 2.

⁶² *Ibid*, Art. 26, para. 3.

⁶³ *Ibid*, Art. 26, para. 3.

⁶⁴ *Ibid*, Art. 31, para. 2(b).

⁶⁵ *Ibid*, Art. 113, para. 2.

⁶⁶ *Ibid*, Arts. 26, para. 3 and 113, para. 2.

⁶⁷ Ireland, [International Protection Act 2015](#), Section 20(6); [Immigration Act 2003](#), Section 5(2)(b); and [Immigration Act 1999](#), Section 5(4a).

⁶⁸ Lithuania, Order of Rukla Refugee Reception Centre Director regarding "Best Interests of Unaccompanied Minor Evaluation Form" (Dėl geriausių nelydimo nepilnamečio užsieniečio interesų vertinimo formos patvirtinimo), No. VK-383, 14 November 2018

⁶⁹ Portugal, [Asylum Act](#), Art. 78(2)(h).

2. First reception stage

The examples of promising practices included in this second part refer to issues regarding the arrival of unaccompanied minors in host countries and their first contact with immigration and child protection authorities. In particular, these practices refer to issues such as identification and registration procedures and safeguards, assignment to first reception centres, and age assessment.

6. Arrival at the host country

States shall establish the necessary procedures and safeguards in terms of arrival and first reception in order to protect the rights of unaccompanied minors in the context of international migration. These include prioritising procedures involving unaccompanied minors⁷⁰, assistance of child protection staff during identification and registration⁷¹, the prompt appointment of guardians and/or legal representatives⁷², and access to family tracing and reunification⁷³. Furthermore, upon arrival, unaccompanied minors' particular vulnerabilities shall be assessed in order to provide adequate care in accordance to their special needs⁷⁴. The following sub-sections present examples of positive experiences in this respect.

6.1. Practices regarding arrival and reception procedures, establishing the division of roles and responsibilities, the collection of information, and applicable procedural safeguards (e.g. child's best interests; non-refoulement; presumption of being a child; access to information; guardianship and legal representation; right to be heard; multi-disciplinary and rights compliant age assessment; right to an effective remedy; no detention; etc.) are in place.

Andalusia (Spain): In January 2019, the government of Andalusia (Spain) developed a protocol on health care for unaccompanied minors. The Protocol provides for an initial assessment of unaccompanied minors' state of health and their subsequent inclusion in health prevention and promotion activities under the child and youth health Programme as well as in other strategies of the Public Health Care System of Andalusia. The main objectives of the Protocol are to assess the minor's state of health upon arrival in the reception centre; to diagnose and treat diseases; to evaluate and correct vaccination status with regard to the current vaccination calendar in Andalusia; to facilitate their integration in the child and youth health programme of the Public Health Care System of Andalusia; and to promote the identification of child trafficking indicators and risks of being subjected to female genital mutilation (FGM). The Protocol establishes a series of safeguards at each stage of the health assessment procedure which must be complied with by health staff. Likewise, the Protocol lays down a set of guidelines for the identification and reporting of

⁷⁰ UN, CMW (2017a), para. 29; UN, CMW (2017b), para. 17(g); UN, CRC Committee (2005), para. 31(i); UNHCR (1997), pp. 1, 2, and 12.

⁷¹ UN, CRC Committee (2005), para. 31(ii); UNHCR (1997), para. 5.2.

⁷² UN, CMW (2017a), para. 32(h); UN, CMW (2017b), para. 17(i); UN, CRC Committee (2005), para. 33.

⁷³ UN, CMW (2017b), paras. 32 and 34; UN, CRC Committee (2005), para. 31(v); UNHCR (1997), paras. 5.17 and 10.5.

⁷⁴ UN, CMW (2017a), para. 42; UN, CRC Committee (2005), paras. 31(iii) and 32.

cases of child trafficking and FGM, emphasising the importance of an early detection and the need for collaboration and coordination between all actors involved.

Belgium: In Belgium, unaccompanied minors who have received a negative decision on asylum or legal residence status are allowed to remain in the country until their eighteenth birthday. In these cases, the minor's guardian receives an order to return the minor to his/her country of origin or to any other country for which the minor holds a legal residence permit. After having discussed the order to return with the minor, the guardian may decline the order if the minor does not wish to leave the country. While the fact that minors cannot be forcibly expelled from Belgium is considered positive, it should be noted that minors will not be granted official residence status, with all the practical implications this entails. Consequently, it should be said that the practice still leaves room for improvement.

Catalonia (Spain): The Catalan Administration has developed a protocol with the Public Health Agency of Barcelona to process the health code to all unaccompanied minors and young people, including both children accommodated in protection centres and children in street situation. The protocol also provides their allocation to health centres for epidemiological monitoring.

Estonia: As mentioned previously⁷⁵, during the years 2018 and 2019 the Estonian Police and Border Guard Board developed an internal guide on treatment of children, with a special chapter on the treatment of unaccompanied minors. The guide contains several recommendations issued by the Chancellor of Justice on unaccompanied minors in 2017 in light of the investigation it conducted in 2012-2017⁷⁶, specifying further aspects not stipulated in the law. The guide contemplates the best interests assessment (BIA); the provision of child-friendly information on status and legal possibilities; the documentation of consent to age assessment; the application of the benefit of the doubt; and reiterates the statutory requirement that legal guardians must be present during all procedural acts involving unaccompanied minors; etc. The guide is electronically available for all police officers and trainings to introduce the guide are conducted on a regular basis. The Estonian Police and Border Guard Board's internal guide has been included in this sub-section with the purpose of providing some context and background information, however, reference to the guide will also be made in other parts of the text due to its particular connection with certain sections⁷⁷.

Georgia: According to Georgian law⁷⁸, when staff from the Ministry of Internal Affairs of Georgia detect an unaccompanied minor at the Georgian border, they have the obligation to refer the case to the guardianship agency, even in cases where the child has not applied for international protection. The guardianship agency is responsible for providing the child with adequate protection. Furthermore, staff from the Migration Department of the Ministry of Internal

⁷⁵ See section 1.

⁷⁶ See section 4.

⁷⁷ For more concrete information, see section 1 and sub-sections 8.2 and 8.3.

⁷⁸ Georgia, [Law of Georgia on International Protection](#), No. 42-IS, 1 December 2016.

Affairs should identify the minor and take actions for accommodation and family reunification in accordance with the best interests of the child.

Ireland: In 2017, the Irish International Protection Appeals Tribunal issued Guideline No: 2017/5 on Appeals from Child Applicants⁷⁹. The guidance lays down a set of safeguards to be respected at the different stages of the hearing procedure of child refugee/subsidiary protection claims in appeal. It imposes the application of key obligations and guiding principles to Tribunal Members, including the best interests of the child as a primary consideration, the prioritisation of child appeals, the training of Tribunal Members, the provision of information in a child-friendly manner, the provision of interpretation services, the questioning style to be used when interviewing child applicants, the child's right to be heard, the consideration of children's sensitivities and vulnerabilities during proceedings, etc. Furthermore, in 2018, the Appeals Tribunal issued a statement which comprises a set of child protection principles, measures to manage children's risks, and procedural safeguards to be followed by its staff in order to ensure the welfare and safety of children availing of the Tribunal's services⁸⁰. The periodic review of the statement is envisaged.

Lithuania: In Lithuania, protocols regarding arrival and reception procedures are in place. The protocols determine the division of roles and responsibilities of the different authorities involved (Migration Department, State Child Protection and Adoption Service, guardians, legal representatives, lawyers, etc.); the collection of information; and other procedural safeguards (e.g. human dignity, best interests of the child, access to information, guardianship and legal representation, *non-refoulement*, etc.). Detailed procedures and division of roles and responsibilities gives clarity to all actors involved, enabling a higher level of protection of the minor's rights.

Netherlands: In the Netherlands, work instructions on procedural guarantees and a protocol on hearings in cases involving unaccompanied minors under the age of 12 are in place.

Scotland (United Kingdom): The Scottish government, in collaboration with a range of local authorities and third sector agencies, produced in March 2018 the practical guide on age assessment "Age Assessment Practice Guidance for Scotland". This guidance is a revised and updated version of the original "Age Assessment Practice Guidance: An Age Assessment Pathway for Social Workers in Scotland" which was published in 2012. The aim of the guidance is to assist local authorities in conducting age assessments in Scotland. In this regard, the guidance contains key principles and relevant considerations in relation to training and experience, communication and documentation, sharing information and decision making, supervision arrangements, etc., which should be taken into account and guide the work of social workers. The guidance establishes the basis for developing best practice in every stage of the age assessment and decision-making procedure. Whilst local authorities are free to determine their

⁷⁹ Ireland, International Protection Appeals Tribunal (IPAT) (2017).

⁸⁰ Ireland, International Protection Appeals Tribunal (IPAT) (2018).

own approach to age assessment, the guidance provides a common framework that can be adapted to suit particular situations.

- 6.2.** Unaccompanied minors shall never be refused entry into the country and shall be prioritised in all status determination procedures. The presence of child protection staff at border controls and during identification and registration stages is required. Unaccompanied minors are promptly assigned a guardian and/or legal representative.

Lithuania: In Lithuania, unaccompanied minors' asylum applications are prioritised over other asylum applications. Furthermore, unaccompanied minors are promptly assigned a guardian and a legal representative. Legal representation is always guaranteed at the first reception stage during the interview by means of contracts between the State Border Guard Service and legal offices, under the terms of which lawyers are obliged to attend the minor's interview within six hours from the moment the minor is found by the authorities.

Netherlands: Unaccompanied minors who arrive or are found in the territory of the Netherlands are promptly assigned a guardian by Nidos⁸¹. Once they have arrived in the Netherlands, unaccompanied minors are taken to the IND application centre in Ter Apel to be registered, where they are appointed a guardian upon arrival.

- 6.3.** Unaccompanied minors' vulnerabilities, protection needs and potential risk factors are individually assessed. Special attention is paid to vulnerable groups, children with special protection needs or in risk situations and additional information is provided correspondingly. When needed, they are referred to specialised institutions or bodies.

Lithuania: In Rukla Refugee Reception Centre (Lithuania), there are certain procedural guidelines to be followed by staff upon identification of violence. In this regard, staff must fill in a form and submit the information to the relevant institutions, including the police, child rights service, etc. Multi-disciplinary services should be provided to children in need.

Slovenia: In February 2015, the Slovenian Government Office for Support and Integration of Migrants, in collaboration with UNHCR and NGOs, developed a set of standard operating procedures (SOPs) for prevention and action in cases of sexual and gender based violence. The SOPs were issued in the form of a document, which was signed by the asylum authorities, UNHCR and asylum NGOs, and aim at protecting asylum applicants and refugees/beneficiaries of international protection in case of detection or suspicion of sexual and gender-based violence. Although in principle SOPs were intended to deal with situations of sexual and gender-based violence, in practice they are used in a variety of

⁸¹ See section 1.

circumstances, including violence against unaccompanied minors and urgent need of individualised assistance. SOPs define the rules regarding detection and referral of cases to the focal point, with which compliance is mandatory for all professionals working with asylum seekers and refugees. Once the case has been referred to the focal point, an expert group of professionals meets to discuss it and decide on the best response. The expert group may be composed of representatives of asylum institutions, other government institutions, UNHCR, NGOs, etc., depending on the case.

Turkey: In Turkey, the Directorate General of Migration Management (DGMM) is responsible for the identification of unaccompanied children. When an unaccompanied child is found in the territory, he/she is taken to the provincial directorates of DGMM, where their registration procedure is carried out. "Protection tables" have been established in the provincial directorates of DGMM with the purpose of interviewing people with special needs - including unaccompanied children - taking into consideration their sensitive situations and directing them to the relevant service centres. The identification, interview and other follow-up actions of unaccompanied children are being carried out in these tables. Psychologist and social workers work in these tables.

6.4. Family reunification decisions are based on a best interests assessment.

Greece: Over the recent years, the high number of unaccompanied and separated children arriving in Greece has led to an increase of outgoing requests for family reunification under the Dublin Regulation⁸². However, relevant statistical data reveals that a significant percentage of these requests is rejected. EU Member States justify the high rejection rate to, inter alia, submission of incomplete requests and absence of necessary documentary evidence to substantiate the request in light of the Dublin Regulation⁸³. In the majority of cases, before the increase in applicants in 2015, a best interests assessment (BIA) was only carried out at the reconsideration stage, after the request was refused, and consisted mainly of a short report by a social worker without substantive reasoning to support the request. In light of the above, the National Dublin Unit of the Asylum Service, in cooperation with UNHCR, UNICEF and EASO, developed a new tool for the BIA of unaccompanied minors with the purpose of facilitating family reunification requests under the Dublin Regulation in mid-August 2018. To create the tool, the National Dublin Unit of the Asylum Service built upon previous administrative experience, practices, existing tools and reports used by NGOs, as well as the grounds for rejection alleged by other Member States. This tool aims at ensuring that the views of the child are duly taken into account and that family reunification is based on the best interests of the child. Furthermore, the tool enables the gathering of all necessary information required by Member States when assessing family reunification cases on a timely manner, prior to the

⁸² EU, [Regulation \(EU\) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person](#), Official Journal of the European Union L 180, 29.6.2013, p. 31-59, Arts. 8 and 17(2).

⁸³ *Ibid*, Article 6(3).

sending of the request. Likewise, it aims at creating a standardised written process and at reducing the time necessary for the determination of the responsible Member State. The BIA form must be completed by the minor's guardian or legal representative, guaranteeing that the best interests of the child are given primary consideration. In March 2019, a qualitative assessment of the submitted BIA forms from September 2018 to February 2019 was conducted, which concluded that there was a need for rephrasing certain questions. A further quantitative assessment concluded that requests accompanied by a BIA report had nearly 10% more chances of acceptance and that acceptance is more likely when the BIA is submitted before the request is rejected.

7. Assignment to first reception centres

Unaccompanied minors' stay in reception centres shall be limited to that strictly necessary for initial registration and assessment of their particular conditions and needs⁸⁴, with the purpose of providing adequate care and accommodation arrangements⁸⁵. Reception facilities shall provide child-friendly services, care and protection⁸⁶. The following sub-sections present examples of promising practices in relation to first reception centres.

7.1. The stay of unaccompanied minors in first reception centres is limited to the time strictly necessary for initial registration and evaluation of their situation.

Belgium: When unaccompanied minors arrive in Belgium, they are placed in an Observation and Orientation Centre (COO). The stay of unaccompanied minors in a COO is generally short, from two to four weeks, and has two main purposes: verifying whether the young person is indeed alone and a minor (by carrying out an age assessment); and conducting an initial assessment of the minor's social, medical and psychological needs in order to refer him/her to the appropriate structure. Unaccompanied minors who are found to be particularly vulnerable (e.g. are pregnant, under the age of 15, etc.) are transferred to a specialised youth care institution or to a foster family.

Estonia: Estonia does not have reception centres; however, foreign nationals entering the country irregularly may be taken to border posts for identification purposes. According to an agreement between the SIB and the police, minors are not detained at border posts but transferred to a substitute home as soon as possible after having been identified. In this regard, upon finding a minor, the police may contact the SIB by phone (available 24/7); then the SIB assesses the minor's information provided by the police, including his/her estimated age; and finally the SIB provides guidance to the police on which alternative care place the minor must be transferred to.

⁸⁴ European Network of Ombudspersons for Children (ENOC) (2017a), point 1(c); ENOC (2017b), p. 30, point 1(c).

⁸⁵ UN, CRC Committee (2005), para. 40.

⁸⁶ CoE (2017), p.12, para. 51; ENOC (2017a), points 1(p) and 1(o); ENOC (2017b), p. 31, points 1(p) and 1(o); UN, CMW (2017b), para. 50.

Lithuania: Lithuanian legislation lays down both the procedures to be followed and the actions to be taken by responsible authorities when an unaccompanied minor is found in the territory⁸⁷. These actions, at a first stage, include registration and evaluation of the child's situation. In this regard, within the following 6 hours of finding an unaccompanied minor, either the Migration Department under the Ministry of Interior or the State Child Protection and Adoption Service, depending on whether the unaccompanied minor applies for asylum or not, must take the decision of accommodating the minor in Rukla Refugee Centre. The stay of minors in first reception centres -which are located in borderlines and police stations- is linked with identification and registration purposes. Although the law establishes a 48-hour time frame to complete the identification and registration procedures, in practice, unaccompanied minors are transferred to Rukla Refugee Reception Centre within one day of their arrival in the territory.

- 7.2.** First reception centres have child-friendly conditions and guarantee free access to services (e.g. nutrition, healthcare, education, psychosocial assistance, legal assistance, protection, recreational activities, etc.).

Andalusia (Spain): In 2019, the increasing flow of unaccompanied minors to Andalusia (Spain) prompted the regional government to create large reception infrastructures expeditiously. These new type of reception centres provide continuous comprehensive care to unaccompanied minors in a safe environment and ensure that all their basic needs including accommodation, nutrition, healthcare, education, clothing, leisure and culture are met, enabling their adequate physical, psychological and social development. In particular, the centres must carry out the following actions: ensure minors get schooling and an individualised educational intervention in accordance to their age and needs; enhance minors' personal and social skills; provide minors with tools which contribute to their integration in society; intensify efforts to identify child victims of THB, etc. Professionals working at these centres are qualified and experienced in the fields of intercultural mediation, social education and social work, and possess language skills. These reception centres are funded with annual grants from the Andalusian Public Administration.

8. Age assessment

Age assessment procedures shall be holistic and multidisciplinary⁸⁸. Guarantees of the age assessment process shall include, among others, providing information on age

⁸⁷ Lithuania, Social Security and Labour, Interior and Health Minister's order on Unaccompanied minors, who are not asylum seekers, age assessment, accommodation and other procedural actions ([Lietuvos Respublikoje nustatytų nelydimų nepilnamečių užsieniečių, kurie nėra prieglobsčio prašytojai, amžiaus nustatymo, apgyvendinimo ir kitų procedūrinių veiksmų tvarkos aprašas](#)), No. A1-229/1V-289/V-491, 23 April 2014; Order of Ministers' of Interior and Social Security and Labour Rules for accommodation of unaccompanied minors asylum seekers in Refugee Reception Centre ([Nelydimų nepilnamečių prieglobsčio prašytojų apgyvendinimo Pabėgėlių priėmimo centre taisyklės](#)), No. 1V-31/A1-28, 2 February 2005.

⁸⁸ CoE, Parliamentary Assembly (2016), para. 8.2.5; UN, CMW (2017b), para. 4; UN, CRC Committee (2005), para .31(i).

assessment⁸⁹, obtaining informed consent from the individual⁹⁰, and applying the benefit of the doubt⁹¹ and the margin of error of results⁹² in favour of the individual. Information contained in the next paragraphs describes positive experiences which comply with guarantees of the age assessment procedure.

8.1. Age assessment is conducted following a holistic, multi-disciplinary and child-sensitive approach adapted to gender and cultural sensitivities.

United Kingdom: In the United Kingdom, although there is no statutory guidance on how to conduct age assessments, the courts, in their case law, have laid down guidance and minimum standards which must be observed by local authorities⁹³. In this regard, the safeguards established in the interviewing process for age determination include, among others, the assessment must be carried out by two trained social workers⁹⁴, the provision of an interpreter when necessary⁹⁵, the opportunity to have an independent appropriate adult present⁹⁶, the provision of information on the purpose of the interview⁹⁷, the opportunity to explain any inconsistencies in their account⁹⁸, the adequate reasoning of decisions⁹⁹, and the documentation of the interview¹⁰⁰.

8.2. Unaccompanied minors are provided with information on age assessment (purpose and motives; methods and procedures; accuracy and intrusiveness of methods; right to refusal and consequences; etc.) Informed consent should be obtained from unaccompanied minors and their guardians or legal representatives prior to conducting an age assessment.

Estonia: The special chapter on treating unaccompanied minors of the abovementioned Estonian Police and Border Guard Board's internal guide¹⁰¹ includes a principle by which police officers are obliged to document unaccompanied minors' consent to medical examinations in age assessment procedures. The inclusion of a reference to the need to document consents in the guidelines resulted from a recommendation issued by the Chancellor of Justice in

⁸⁹ CoE (2017), pp. 5, 15, 19, 27 and 31; CoE, Parliamentary Assembly (2017), para. 6.2.; European Asylum Support Office (EASO) (2018a), pp. 27-28, 37 and 60.

⁹⁰ EASO (2018a), pp. 29-30, 42, and 60; European Court of Human Rights (ECtHR), *Yazgül Yılmaz v. Turkey*, No. 36369/06, 1 February 2011; FRA (2018a), p. 7.

⁹¹ CoE (2017), p.11; EU, European Commission (2017), p. 10; UN, CRC Committee (2005), para. 31(i).

⁹² CoE (2017), pp. 6 and 29; CoE, Parliamentary Assembly (2017), para. 6.8; EASO (2018a), p. 22.

⁹³ The key legal judgment in this matter is the case *B v London Borough of Merton* [2003] EWHC 1689 (Admin), commonly known as the "Merton" case. The Merton case established a series of broad guidelines on how to assess the age of unaccompanied minors arriving in the United Kingdom without documentary evidence to prove their age. Subsequent case law has further developed the requirements to consider an age assessment as lawful, the so-called "Merton compliant" age assessment.

⁹⁴ *AS v London Borough of Croydon* [2011] EWHC 2091, para. 19; *J v Secretary of State for the Home Department* [2001] EWHC 3073 (Admin), para. 13; *R (FZ) v London Borough of Croydon* [2011] EWCA Civ 59, para. 2.

⁹⁵ *R (FZ) v London Borough of Croydon* [2011] EWCA Civ 59.

⁹⁶ *A v London Borough of Croydon* [2009] EWHC 939 (Admin); *R (FZ) v London Borough of Croydon* [2011] EWCA Civ 59, para. 25; *R (NA) v London Borough of Croydon* [2009] EWHC 2357 (Admin), para. 50.

⁹⁷ *B v London Borough of Merton* [2003] EWHC 1689 (Admin), para. 55.

⁹⁸ *B v London Borough of Merton* [2003] EWHC 1689 (Admin), para. 55; *R (FZ) v London Borough of Croydon* [2011] EWCA Civ 59, para. 20; *R (NA) v London Borough of Croydon* [2009] EWHC 2357 (Admin), para. 52.

⁹⁹ *A v London Borough of Croydon* [2009] EWHC 939 (Admin); *B v London Borough of Merton* [2003] EWHC 1689 (Admin), paras. 45 and 48.

¹⁰⁰ *R (NA) v London Borough of Croydon* [2009] EWHC 2357 (Admin), paras. 50 and 60.

¹⁰¹ See sub-section 6.1.

2017 in light of the investigation on unaccompanied minors it conducted in 2012-2017¹⁰². In this regard, advisers of the Chancellor of Justice interviewed several minors whose personal or guardian's consent to age assessment had not been sought. Furthermore, they were told that minors were not provided with information on the purpose or the methods applied; interpreters and guardians were not always present; and consent to age assessment was not documented. Consequently, the Chancellor of Justice recommended that the police should seek the unaccompanied minor's consent prior to conducting an age assessment¹⁰³; the purpose, process, and consequences of refusal had to be explained to the unaccompanied minor; the minor's guardian had to be present throughout the age assessment; and consent had to be properly documented.

The Netherlands: According to information from the Dutch Ombudsman, in The Netherlands a variety of actors intervene in age assessment procedures. An initial assessment based on appearance and demeanour is conducted by plural teams from the Aliens Police or the Royal Military Police in conjunction with the Immigration and Naturalization Service. After that, the case is referred to a medical doctor. If this doctor has no doubts about the minority or majority of age, there will be no further referral. However, if the medical doctor deems, as a last resort, an X-ray test necessary, the case will be referred after full information has been provided to the person concerned, who will be asked to sign a consent form. The authorities in charge of supervision of age assessment procedures are representative of different approaches and disciplines. They are the Justice and Security Inspectorate, the Health and Youth Care Inspectorate and the Authority for Nuclear Safety and Radiation Protection. These concluded in a report in 2020 that the different activities concerning age assessment were properly carried out. However, they also pointed out that the methods were not 100% reliable and currently, new and more reliable methods are being sought. Thus, the Dutch practice contains a series of elements that go in the right direction.

- 8.3.** The benefit of the doubt is applied throughout the whole age determination process and the margin of error of age assessment results is applied in favour of unaccompanied minors.

Basque Country (Spain): In the Basque Country, the "Good Practice Consensus Document by the Legal Medicine Institutes of Spain"¹⁰⁴ (2010) on age assessment procedures for foreign unaccompanied minors is fully respected in practice. The aim of the document is to standardise and harmonise the minimum technical requirements of expert reports in Spain as well as the interpretation of the margin of error of age assessment results. In particular, the document proposes that the final estimate of an individual's age shall be expressed as the lower limit within the resulting age interval.

¹⁰² See section 4.

¹⁰³ As stipulated in [OLPEA](#), Art. 12¹(1).

¹⁰⁴ Garamendi González, P. M. *et al.* (2011).

Belgium: In Belgium, the results of age assessments are placed within a statistical interval, the so-called “confidence interval”. The “true age” of the individual is supposed to be between the lower and upper limits of that interval. However, the lower limit is taken as the official age of the individual.

Estonia: The special chapter on treating unaccompanied minors of the abovementioned Estonian Police and Border Guard Board’s internal guide ¹⁰⁵ provides for the principle of the benefit of the doubt. According to this principle, in case of doubt, minority of the individual shall be assumed throughout the age assessment procedure. The inclusion of a reference to the need for application of the benefit of the doubt in the guidelines resulted from a recommendation issued by the Chancellor of Justice in 2017 in light of the investigation on unaccompanied minors it carried out in 2012-2017¹⁰⁶. During the interviews with unaccompanied minors, advisers of the Chancellor of Justice were informed that age assessments were ordered with a considerable delay and that procedures took too long. Consequently, the Chancellor of Justice stated that, in cases of doubt, the minority of the individual had to be assumed, except for cases where the individual is clearly an adult; and that age assessments had to be conducted without delay. As a result, there have been no delays in age assessment procedures lately.

Portugal: In Portugal, refusal to undergo a medical examination shall not preclude the analysis of the application for international protection, nor shall it result in the rejection of the application¹⁰⁷. In cases where, after having performed a medical examination, justified doubt persists about the age of the applicant, he/she shall be presumed to be a minor¹⁰⁸.

Turkey: In Turkey, X-ray bone tests are applied to determine the age of an individual. However, acknowledging that these tests have a margin of error, results are evaluated considering the best interests of the child. For instance, if according to the test results, the age of an individual is 19 and the margin of error is (+ -2), the individual is still considered to be a minor.

United Kingdom: In the United Kingdom, the Home Office Guidance “Assessing Age” (version 3.0) of 23 May 2019 establishes the policy and procedures that must be followed by Home Office staff when dealing with individuals whose age is in doubt and lack reliable documentary evidence to support their claimed age. In this regard, Home Office immigration officers may carry out initial age assessments when an asylum seeker or migrant who claims to be a minor arrives in the United Kingdom. The initial assessment is conducted on the basis of the individual’s statement, the documentary evidence available, and the individual’s physical appearance and demeanour. The Home Office Guidance establishes a set of indicators and observations to guide the immigration officer when assessing the individual’s physical appearance and demeanour. In cases where the immigration officer’s assessment determines that the individual’s physical

¹⁰⁵ See sub-section 6.1.

¹⁰⁶ See section 4.

¹⁰⁷ Portugal, [Asylum Act](#), Art. 79(8).

¹⁰⁸ *Ibid*, Art. 79(6).

appearance and demeanour very strongly suggests that they are 25 years of age or over, they must refer the case to another officer to carry out a second independent assessment. If finally, it is concluded that the individual is 25 years of age or over, they will be treated as an adult. However, the decision is not binding as it can be challenged by the individual.

In disputed cases, such as when there is still uncertainty about whether the individual is an adult or a child; or when the claimed age is not accepted; the benefit of the doubt is applied and consequently, they are treated as minors until further assessment is completed by a local authority.

- 8.4.** Unaccompanied minors are provided with information on available social services and assistance institutions (accommodation, healthcare, education, social support, legal counselling, etc.) in the event of determination of their majority of age.

Basque Country (Spain): In the Basque Country, a group of social organisations developed the “Hemen” programme to promote the social integration of unaccompanied foreign young adults. The programme is addressed to young people aged between 18 and 23, who have been assessed to be adults or who are not eligible for the official transition to adulthood programmes. The aim of the programme is to support these young people in their transition to adulthood and therefore avoid their social exclusion. The consortium helps young people to meet their basic needs, in relation to housing, meals, training, employment, social and legal assistance, etc. through an individualised integration plan.

3. Later reception stages

The examples of promising practices included in this last part refer to issues concerning later reception stages in host countries. In particular, these practices relate to unaccompanied minors' access to housing and accommodation, education, healthcare, and legal assistance; guardianship and child protection systems; and to the existence of measures promoting the integration of unaccompanied minors in host communities and facilitating their transition to adulthood.

9. Housing and accommodation

The provision of adequate accommodation to unaccompanied minors is a fundamental aspect of later reception stages. A shift towards de-institutionalisation, by prioritising family or community-based solutions over institutional placements¹⁰⁹, has proven to result in better outcomes for unaccompanied children. However, when institutionalisation is inevitable, unaccompanied minors shall be housed separately from adults¹¹⁰, in facilities which are be small- sized¹¹¹ and integrated into host communities¹¹². The following sub-sections describe promising practices carried out across European countries in relation to housing and accommodation.

9.1. The administration moves towards de-institutionalisation as a general policy, prioritising family or community-based solutions over institutional placements. In the event of placement in a residential facility, those enabling living conditions as close as possible to family life should prevail.

Estonia: In Estonia, the SIB signed a contract with SOS Children's Villages Association to accommodate unaccompanied minors in family homes during the years 2014-2018. At the SOS Children's Village, family homes have up to six children of various ages under their care. Family homes are supported by a social worker and other professionals in raising the children. SOS Children's Villages has designated a separate house and staff for this purpose. Staff working at SOS Children's Villages are trained to work with children with a migrant background, speaking a different language, who have experienced trauma or have been victims of THB, etc. The SIB pays a preparedness fee that is 20% of the alternative care costs.

Greece: In Greece, foster care placement as well as other family-based care models are not adequately promoted, despite the existence of recent legislation for the promotion of foster care and adoption¹¹³ and therefore, its implementation remains extremely limited. As a result, many unaccompanied children remain homeless in precarious and deplorable conditions, exposed to high protection risks and/or are deprived of their liberty. In light of the difficulties to access safe housing and alternative care, in 2015, the NGO "Metadrasi"

¹⁰⁹ UN, CMW (2017a), para. 32(f); UN, CMW (2017b), para. 13.

¹¹⁰ ENOC (2017a), point 2.3(f); ENOC (2017b), p. 32, point 2.3(f).

¹¹¹ International Committee of the Red Cross (ICRC) *et al.* (2004), p. 46; UN, General Assembly (2010), para. 123.

¹¹² EASO (2018b), pp. 52-53.

¹¹³ Greece, Law No. 4538/2018.

developed a temporary foster care system, foreseen to run until the law is implemented. Metadrasi proceeded with the creation of a record of families that showed interest in providing temporary accommodation for unaccompanied children. The system offers security and an integrated support to unaccompanied minors in a safe family environment until they are reunited with relatives in Europe or reach the age of majority, in the case of asylum seeking children. The programme aims at facilitating the creation of an institutional framework at national level to address the basic needs of unaccompanied minors in Greece and the creation of a foster family registry that could be used long-term. The programme is implemented by Metadrasi in cooperation with the local Prosecutor's Offices and the competent social services.

Netherlands: In the Netherlands, unaccompanied minors under the age of 15 are placed in foster families under the responsibility of Nidos. Foster families are of different nationalities and are responsible for the minor's day-to-day matters. Foster families are supported by a small group of guardians from the Nidos department "Reception and accommodation in the framework of a foster family" (OWG).

United Kingdom: The Fostering Network –a fostering charity in the United Kingdom- has launched the pilot project "The Muslim Fostering Project" to promote family placement of Muslim and/or Arab minors in the United Kingdom. The project has two main objectives: firstly, to increase the number of qualified Muslim foster families available, through specific recruitment and support measures, as well as the development of materials and suitability studies for matching minors with families; secondly, to increase the number of non-Muslim families willing to become a foster family, through the design of a support programme for non-Muslim foster families focusing on recruitment (information and rapprochement) and support actions during the process. The project allows for the promotion of de-institutionalisation solutions, offering greater family placement options to unaccompanied minors and young people. Furthermore, it empowers migrant families to take part in collective social construction processes.

- 9.2.** In case of institutionalisation, accommodation facilities are small-sized and integrated into the community, allowing effective access to relevant services (e.g. education, healthcare, legal assistance, asylum authorities, leisure activities, etc.).

Greece: Medium-sized residential shelters –with a hosting capacity of 25-30 children each- have been the primary care model for unaccompanied and separated children in Greece. Although shelters are a placement option, there is a recognised need to widen the range of accommodation and care alternatives for unaccompanied asylum seeking children. Accordingly, given that community-based care tends to provide the best outcomes for children, in January 2018 the programme "Supported Independent Living" (SIL) was launched. The programme is an example of a community-based model of care and is addressed to children

aged 16-17 who show high levels of maturity, self-esteem and independence. The SIL model places up to four children in one apartment and each child is supported by a multi-disciplinary team of professionals (e.g. a social worker, carer and legal representative) to give them individual support, facilitate their access to a range of services (healthcare, education, legal and psychological support) and work with them to build independent living skills. Children have access to 24/7 emergency support and work with the care team to develop their personal action plan. The programme focuses on setting targets, boosting self-esteem and self-preservation, developing their personalities, and improving and empowering the skills developed with the purpose of enabling their smooth coming of age and integration into Greek society. The project was implemented in cooperation with the stakeholders (NGOs and INGOs) and the Public Prosecutor. Currently, the different actors involved are in the process of developing a set of standard operating procedures (SOPs) and a regulatory framework so that SIL can become a mainstream care modality.

Netherlands: Since the introduction of the new reception model in the Netherlands in early 2016, there has been a recent focus on small-scale forms of accommodation for unaccompanied minors. In this regard, unaccompanied minors aged between 15 and 18 can be placed in small accommodation units (KWE). Small groups of 4-5 youngsters of different nationalities live in these units. Each unit has assigned a COA mentor who is present 28.5 hours per week and is responsible for supporting and helping minors in acquiring skills necessary for independent living. Furthermore, children who are not yet sufficiently independent may be placed in COA children's accommodation units (KWGs). Each accommodation unit hosts an average of 12 youngsters and COA mentors are present 24 hours a day. COA mentors help minors with day-to-day matters and teach them skills necessary for independent living.

Turkey: In Turkey, unaccompanied children below the age of 13 may be accommodated in a child house facility. Child houses are apartments where 4-5 children live together. Each apartment is assigned a "care-taker mother" responsible for cooking and taking care of the children's needs. Children may attend outdoor social activities organised by municipalities and NGOs.

9.3. In case of institutionalisation, unaccompanied minors are placed in accommodation facilities separate from those where adults are accommodated.

Lithuania: As mentioned before¹¹⁴, unaccompanied minors arriving in Lithuania are accommodated in Rukla Refugee Reception Centre. It is a social care institution with a small section for unaccompanied minors. Although asylum seeking families live in other sections of the building, the section foreseen to accommodate unaccompanied minors is rather closed and private. The centre is an open institution, and therefore, unaccompanied minors are free to leave during daytime, for instance, to attend activities.

¹¹⁴ See section 5.

Portugal: In Portugal, unaccompanied minors are usually placed in the CACR run by the CPR. The CACR only accommodates children and, in some cases, families with children. However, the CACR is foreseen as a temporary accommodation solution. It offers age- appropriate housing and reception conditions to unaccompanied children for an average stay of 7 months and 12 days, period during which their international protection application is being processed. Unaccompanied children who are allowed to stay in Portugal (those who have been granted refugee or subsidiary protection status) will be provided with a more durable solution, which will be decided according to a protection procedure. These children will then be integrated into the general system of protection for children in danger and will have access to the same measures as nationals (e.g. accommodation in a foster family or in a Child's Home).

Turkey: Following the enactment of legislation in 2015¹¹⁵, Child Support Centres were established in Turkey to accommodate foreign unaccompanied children aged between 13 and 18. Child Support Centres only accommodate children; however, unlike what is foreseen for children under the age of 13¹¹⁶, each centre may house a maximum capacity of 80 children. These centres make an effort to meet unaccompanied minors' educational, language, psychosocial, cultural, and leisure needs, in order to support their physical, mental and emotional development. These centres also provide vocational training so that when unaccompanied minors come of age, they will be able to find a job and look after themselves.

10. Education

Access to education remains one of the main priorities regarding unaccompanied minors' policy. It is not only important to guarantee unaccompanied minors' access to compulsory and post- compulsory education¹¹⁷, but also that education is provided in the same conditions as nationals, regardless of migration status¹¹⁸, and on the basis of integration into mainstream schooling¹¹⁹, inclusion, and support measures in accordance to their special needs and circumstances¹²⁰. Promising practices set out in the following sub-sections address these issues.

10.1. Universal access to compulsory education is granted to unaccompanied minors in the same conditions as nationals, regardless of their migration status.

Estonia: Since 2017, Estonian schools' readiness to receive migrant children has improved significantly. Schools are prepared to teach students with different language and cultural backgrounds. In this regard, schools located near substitute

¹¹⁵ Turkey, Ministry of Family, Labour and Social Services, Directorate General of Child Services, Directive on Unaccompanied Children, 20 October 2015. This Directive is based on the Law on Foreigners and International Protection, No. 6458, 4 April 2013; on the Law on Child Protection, No. 5395, 15 July 2005; and on the Regulation on Child Support Centres (published in the Turkish official gazette on 29 March 2015).

¹¹⁶ See sub-section 9.2.

¹¹⁷ UN, CMW (2017b), para. 59; UN, CRC Committee (2005), para. 42.

¹¹⁸ UN, CRC Committee (2005), para. 41; UNHCR, (1997), para. 7.12.

¹¹⁹ CoE, Parliamentary Assembly (2016), para. 8.2.7; EASO (2018b), p. 44.

¹²⁰ EASO (2018B), p. 44; UN, CMW (2017b), para. 62.

homes and accommodation centres have received guidance on how to integrate and teach migrant children. Readiness of the Estonian educational system to receive migrant children resulted, among others, from a Chancellor of Justice's recommendation addressing unaccompanied minors' right to access education issued in 2017 in light of the investigation it carried out in 2012-2017¹²¹. During the interviews with unaccompanied minors, advisers of the Chancellor of Justice noted that, in some cases, appropriate teachers were not available and thus, minors were not promptly enrolled in school nor could attend Estonian language courses. Consequently, the Chancellor of Justice stated that unaccompanied minors at the age of compulsory attendance should be immediately enrolled in school. Likewise, it highlighted the need for ensuring immediate provision of language training in order to facilitate integration and, in turn, education.

Lithuania: In Lithuania, unaccompanied minors have universal access to compulsory education in the same conditions as nationals, regardless of their migration status¹²². However, their curriculum differs according to their knowledge of Lithuanian.

Portugal: In Portugal, unaccompanied minors seeking asylum or subsidiary protection and those who are granted refugee or subsidiary protection status shall have full access to the education system, in the same conditions as nationals¹²³. Furthermore, Decree-Law No. 67/2004¹²⁴ has created a national registry for children who are in an irregular migration situation in Portugal – which is managed by the High Commissioner for Migration –, in order to enable their access to rights, including education and healthcare. Consequently, under Decree-Law No. 67/2004, unaccompanied minors in an irregular migration situation can go to school. In practice, unaccompanied children are systematically referred to public schools upon accommodation at the CACR or contact with CPR social workers. Enrolment in local public schools is generally guaranteed within a reasonable period of time.

Spain: In Spain, unaccompanied minors have access to compulsory education in the same conditions as nationals, regardless of their migration status. The "Synthesis document on protection for foreign unaccompanied minors" elaborated in October 2019 by Ombuds institutions in Spain confirms that all unaccompanied minors are enrolled in compulsory education¹²⁵.

10.2. Universal access to post-compulsory education, vocational training and alternative learning programmes is granted to unaccompanied minors in the same conditions as nationals, regardless of their migration status.

¹²¹ See section 4.

¹²² Lithuania, [Republic of Lithuania Law on the Legal Status of Aliens](#), No. IX-2206, 29 April 2004, Art. 32(2).

¹²³ Portugal, [Asylum Act](#), Arts. 53(1) and 70(1).

¹²⁴ Portugal, Decree-Law No. 67/2004 ([Decreto-Lei n.º 67/2004](#)), 18 February 2004.

¹²⁵ 34 Jornadas de Coordinación de Defensores del Pueblo (2019), p. 30.

Basque Country (Spain): In the Basque Country, unaccompanied minors have access to vocational training programmes and to training courses provided by “Lanbide” (Basque Employment Service) in the same conditions as nationals, regardless of their migration status. Furthermore, unaccompanied minors are not obliged to present documentation on their previous education qualifications in order to access training.

Lithuania: In Lithuania, unaccompanied minors have universal access to vocational training in the same conditions as nationals, regardless of their migration status¹²⁶.

10.3. Integration of unaccompanied minors into mainstream education systems shall be prioritised over placement in separate schools for migrant and refugee children. Support measures to overcome special educational barriers or gaps, for instance, due to language, culture, gender, experienced trauma or abuse, different schooling system or delayed schooling in countries of origin, etc. shall be developed in order to ensure effective access to mainstream schooling. Furthermore, schools shall integrate unaccompanied minors’ different cultural features into school life and create an inclusive environment that is respectful of cultural diversity, including initiatives aimed at preventing bullying, xenophobia, etc.

Estonia: Estonia does not have separate schools for migrant and refugee children. In this regard, Tallinn Lilleküla Gymnasium is a school with long-term experience in integrating children with a migrant background and thus, serves as a benchmark for other schools in Estonia.

Growing numbers of children whose home language is different to the language of instruction are studying in Estonian schools and kindergartens. Therefore, in 2003, the Ministry of Education and Research of Estonia created an education competence centre called “Foundation Innove” which has developed a series of materials and methodologies for children with a home language other than Estonian. The 3-year support is available to all newly arrived migrant children, regardless of their migration status. In this context, Foundation Innove provides teachers and educators with information on opportunities and experiences on how to organise these children’s education, and advice on how to help both children and teachers to better adapt to the new situation. Training and counselling services are provided to Estonian language teachers as well as to pre-school childcare teachers in six regional methodological centres.

Lithuania: In Lithuania, there are no separate schools for migrant and refugee children. Consequently, unaccompanied minors learn in mainstream schools, although, as noted above¹²⁷, their educational curriculum differs according to their level of Lithuanian. In this regard, the first school year is dedicated to learning Lithuanian.

¹²⁶ Lithuania, [Republic of Lithuania Law on the Legal Status of Aliens](#), No. IX-2206, 29 April 2004, Art. 32(2).

¹²⁷ See sub-section 10.1.

Educational barriers are overcome by “equalisation classes”, which are organised by municipalities. The aim of the programme is to create conditions conducive to acquiring communication skills in Lithuanian. In this regard, 20-28 hours per week of intensive language classes are allocated to pupils in accordance to their different needs. The implementation of the programme is supervised by educational assistance specialists. Furthermore, educational assistance is provided on a regular basis, including, inter alia, psychological support and additional consultation hours. Likewise, programmes are adapted to the special needs of unaccompanied minors who are lagging behind. Moreover, schools are carrying out special programmes for social and emotional education. These programmes aim at implementing positive prevention mechanisms against bullying, harmful behaviour, etc.; educating personality; and shaping life skills. Additionally, with a view to considering cultural differences, there is no requirement to wear a school uniform, headscarves are not prohibited, and nutrition is adapted to children’s cultural values. Surveys performed show that the number of bullying cases has been reduced.

Portugal: In Portugal, the subject “Education to Citizenship” was created for all students enrolled in mandatory schooling. This new subject addresses several topics, including Education for Interculturality, which aims at encouraging students to learn the concepts of identity, belonging, culture, pluralism and cultural diversity. It also seeks to understand the causes and forms of discrimination, racism and xenophobia, in order to promote intercultural -including interreligious- dialogue as well as the phenomenon of globalisation and its relation to migration, ethnicity and inclusion.

Spain: In Spain, there are no segregated schools for migrant and refugee children. Consequently, unaccompanied minors have immediate and unhindered access to mainstream schooling. Special support measures are envisaged during compulsory education to facilitate their integration into school, including staffing of language support teachers and cultural facilitators.

The Greek Ombudsman: The increasing number of arrivals of unaccompanied and refugee children in Greece emphasised the need to ensure their peaceful integration into society, to facilitate co-existence, and to foster mutual understanding and respect. In this context, the Greek Ombudsman, together with UNICEF, asked a child author and an illustrator to create a doodle book to raise awareness and build empathy in elementary schools regarding children on the move and their rights. The doodle book aims at promoting social and cultural cohesion by breaking down prejudices and cultivating perceptions on the reasons why children leave their homes in order to help develop children’s understanding of other people. It also provides information on children’s rights, advocating and promoting equality and inclusion. Moreover, it serves as an assistance tool for teachers who struggle to achieve the successful integration of these children into Greek society. In addition, the Ombudsman created a guidance note for teachers with the purpose of facilitating the application of the doodle book. After a pilot phase, the doodle book was distributed in schools in October 2019 and is still being distributed by the Ombudsman in schools in Greece and Cyprus.

11. Healthcare

Unaccompanied minors shall be guaranteed access to healthcare in the same conditions as nationals, regardless of migration status¹²⁸. However, access shall not be limited to providing basic healthcare services but must also comprise mental healthcare¹²⁹ as well as additional rehabilitation and counselling services for particularly vulnerable unaccompanied minors due to exposure to trauma, stress, depression, drug abuse, etc.¹³⁰. Positive experiences contained in the following sub-sections summarise state practice in the field of healthcare.

11.1. Access to healthcare services is provided to unaccompanied minors in the same conditions as national children, regardless of their migration status. Unaccompanied minors receive support in accessing health services.

Portugal: In Portugal, unaccompanied minors who are granted refugee or subsidiary protection status shall be guaranteed access to suitable healthcare, in the same conditions as nationals¹³¹. Furthermore, under Decree-Law No. 67/2004¹³², unaccompanied children who are in an irregular migration situation in Portugal have access to the national healthcare system.

Spain: On arrival in Spain, unaccompanied minors are provided with a provisional health card which allows them full access to the healthcare system in the same conditions as nationals, regardless of their migration status. The “Synthesis document on protection for foreign unaccompanied minors” elaborated in October 2019 by Ombuds institutions in Spain confirms that all unaccompanied minors have access to healthcare services without limitation¹³³.

Turkey: In Turkey, once minors are identified and registered as being unaccompanied, they are taken under the State’s protection and therefore, have access to healthcare services defined under the “Healthcare Implementation Communique”¹³⁴ in the same conditions as national children, regardless of their migration status.

11.2. Access to mental healthcare services is provided to unaccompanied minors in the same conditions as national children, regardless of their migration status. Unaccompanied minors receive support in accessing mental health services.

Catalonia (Spain): The day centre “Dar Chabab” in Barcelona, which has been running since 2017, offers support to young migrants in vulnerable or street situation. Its work revolves around the reception, accompaniment and integration

¹²⁸ UN, CMW (2017b), paras. 55-56; UN, CRC Committee (2005), para. 46.

¹²⁹ UN, CMW (2017b), para. 54; UNHCR (1997), para. 7.11.

¹³⁰ EASO (2018b), p. 41; UN, CRC Committee (2005), para. 48.

¹³¹ Portugal, [Asylum Act](#), Art. 73(2).

¹³² Portugal, Decree-Law No. 67/2004 ([Decreto-Lei n.º 67/2004](#)), 18 February 2004.

¹³³ 34 Jornadas de Coordinación de Defensores del Pueblo (2019), p. 30.

¹³⁴ Turkey, Healthcare Implementation Communique (Sağlık Uygulama Tebliği (SUT)), (published in the Turkish official gazette on 24 April 2013, lastly amended on 16 June 2020).

into society of young migrants. The centre has adopted a multidisciplinary team approach, which includes nursing and psychology professionals who support the work of the Identification and Intervention Service for Unaccompanied Minors (SDI) of the City Council of Barcelona by providing care to street children. The centre is also working on referrals to psychiatric services when considered necessary, including the issuing of binding reports recommending admission into specialised centres.

11.3. Additional rehabilitation and counselling services for unaccompanied minors who have been exposed to trauma, stress, anxiety, depression, drug addictions, etc. are in place.

Denmark: Some asylum centres for unaccompanied minors -where children and young people seeking asylum or rejected child asylum seekers are placed- and private accommodation facilities for children and young people with an asylum background - where children and young people with a residence permit are placed- in Denmark have treatment services available for child alcohol and drug abusers. The content of the substance abuse treatment offered could for instance be motivational, and there could be talks with a substance abuse therapist or healthcare professional. In asylum centres, the operator (mainly Danish Red Cross) is responsible for delivering treatment, while it is the responsibility of the municipality to provide treatment to minors at privately run accommodation facilities. The content of the substance abuse treatment varies between municipalities.

12. Guardianship and child protection system

Guardianship and child protection systems play a crucial role in protecting unaccompanied minors' rights and best interests in the context of international migration. To this effect, the development and update of an individual care plan for the child is essential to provide him/her the adequate care and services¹³⁵. Guardians must build a relationship of trust¹³⁶ with unaccompanied minors and offer them the necessary guidance and support for their holistic development in the host country¹³⁷. Furthermore, guardians shall have access to support structures¹³⁸ and the establishment of a guardianship authority with functions relating to the organisation and management of guardians shall be envisaged¹³⁹. Some examples of promising practices in this regard are set out in the paragraphs below.

12.1. Guardians carry out a case-by-case holistic analysis, evaluating and balancing the needs and personal circumstances of the unaccompanied minor. The assessment is translated into an individual care plan for the child, which contains the needs, opportunities, objectives etc. of the child, allowing for a suitable provision of social

¹³⁵ EASO (2018b), pp. 22 and 33; UNHCR (1997) para. 10.4; EASO (2019), p. 29.

¹³⁶ CoE (2018), p. 23; FRA (2015), p. 70; UN, General Assembly (2010), para. 98.

¹³⁷ EASO (2018b), pp. 17, and 30-32.

¹³⁸ FRA (2015), pp. 51, 70 and 104.

¹³⁹ FRA (2015), pp. 33, 35, 40, 46-47, 52-53 and 65; FRA (2018b), pp. 4, 5 and 8.

services and his/her comprehensive development. The care plan of the child is continuously updated on the basis of a best interests assessment.

Belgium: In Belgium, guardians act as the legal representatives of unaccompanied minors and thus, are responsible for their general welfare. In this regard, their main duties include drawing up regular reports on the development of the minor's situation and ensuring that all decisions affecting the minor (e.g. housing, legal procedures, schooling, etc.) are taken in accordance with his/her best interests and considering his/her particular situation and circumstances.

Portugal: In Portugal, all unaccompanied minors, regardless of their migration status, will benefit from a protection and promotion measure. The protection measure may be issued by a local commission for the protection of children and youth in danger, which is supervised by the Public Prosecutor, or directly by the Family and Juvenile Court. The protection measure is issued after conducting a holistic analysis, where the needs and personal circumstances of the unaccompanied minor are evaluated and balanced. On the basis of the analysis, an individual care plan is designed, which comprises specific medical, educational and training measures for the child, amongst others. The plan is periodically reviewed and updated on the basis of a best interests assessment (BIA).

12.2. Guardians act as a reference for unaccompanied minors through a relationship of trust, supporting, accompanying, and guiding unaccompanied minors in their access to social and local services and in everyday life activities as necessary.

Belgium: In Belgium, guardians help minors with administrative and legal issues, including applying for legal representation, submitting asylum and residence permit applications, assisting in procedures, attending interrogations, exercising legal remedies, etc. Guardians must undertake the necessary actions targeted at relevant agencies, services and schools to ensure that minors receive appropriate education and psychological support, necessary medical care, as well as adequate housing and assistance by the government. Furthermore, guardians act as a reference to whom minors can turn to if they have problems related to housing, schooling, legal procedures, etc.

Lithuania: In Lithuania, once unaccompanied minors are accommodated in Rukla Refugee Reception Centre, they are assigned a social worker who helps unaccompanied minors to take decisions regarding education, health services, nutrition, provision of clothing, self-care, etc. Guardians' responsibilities include representing unaccompanied minors' rights and legal interests on a variety of issues, such as age assessment procedures, interviews regarding their legal status determination, school (e.g. signing documents), banking procedures (e.g. opening of bank accounts), etc. Furthermore, the guardian assesses the minor's social issues and needs and, when necessary, refers them to other specialists; consults them in educational matters and organises their education; and organises Lithuanian courses to provide minors with information on the

conditions, culture, traditions and life style in the country. As a result, minors are accompanied in their day to day life and supported in everyday decision-making.

12.3. Guardians have access to support structures (e.g. a multi-disciplinary team of professionals) to provide assistance, advice and expertise.

Netherlands: In the Netherlands, both COA and Nidos employ behavioural scientists who can provide guardians and mentors with advice on individual cases and assist them with issues they may encounter in their work.

Portugal: In Portugal, guardians may receive social and psychological support from local commissions for the protection of children and youth in danger and from the social services on issues related to, for example, integration in schools and enrolment in the national healthcare system.

12.4. A guardianship authority responsible for organising and managing the functioning of the guardianship service (e.g. procedures, methods, guidelines and standards, codes of conduct, recruitment, qualifications, training, evaluation and supervision, etc.) is in place.

Belgium: Unaccompanied minors who apply for asylum or are found at the border or in the territory of Belgium are referred to the Guardianship Service at the Federal Public Service Justice (Ministry of Justice). The Guardianship Service is part of the Ministry of Justice and not of the Ministry of Internal Affairs in order to guarantee its independence from the Immigration Office. The Guardianship Service is responsible for actions related to identification of minors, surveillance of age assessment procedures, recruitment, training and assignment of guardians, supervision of guardians' work (e.g. provision of accommodation, communication with relevant authorities, search for a durable solution, etc.). The Guardianship Service consists of lawyers, sociologists, social workers, administrative assistants, drivers and escorts.

Greece: The lack of an effective guardianship system in Greece deprived unaccompanied children of their access to basic rights, safeguards and the protection they are entitled to. The Public Prosecutor for Minors or the territorially competent First Instance Public Prosecutor act as temporary guardians, however, they are unable to perform their duties effectively due to the large number of unaccompanied minors in Greece. There is no institution or body of guardians who can be appointed to represent unaccompanied minors in legal proceedings. As a result, no permanent guardian is appointed. In light of such weaknesses, the NGO Metadrasi set up in 2015 a Guardianship Network, to operate in the transitional phase until the new legislation¹⁴⁰ establishing the "Regulatory Framework for the Guardianship of Unaccompanied Minors" was fully implemented. The members of the Network are trained, supervised, and

¹⁴⁰ Greece, Law on the regulatory framework for the guardianship of unaccompanied minors, No. 4554/2018, 18 July 2018.

employed by Metadrasi. They offer support to unaccompanied minors on issues relating to asylum and family reunification procedures, access to social welfare structures, and integration into society; and safeguard the child's best interests and wellbeing. They also assist in the prompt and accurate identification of unaccompanied and separated children. The aim of the programme is to offer complementary support and assistance to Public Prosecutors, who delegate certain guardianship tasks to members of the Network.

Northern Ireland (United Kingdom): In April 2018, the Independent Guardian Service for separated children in Northern Ireland was launched. The statutory obligation for separated children to have an independent guardian was introduced by means of a legislative amendment to the 2015 Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland)¹⁴¹. The Northern Ireland Commissioner for Children and Young People (NICCY) played a fundamental role in the introduction of the legislative obligation and hence, the creation of the Guardianship Service, by engaging with the Northern Ireland Assembly and elected representatives, a range of government bodies and NGOs and undertaking research which provided an evidence base on the needs of separated children and on a child-rights compliant model of guardianship¹⁴². The aim of the Guardianship Service is to act in the best interests of separated children and ensure that their voices are heard in all matters affecting them. Guardian's tasks encompass all aspects of the child's life from ensuring authorities properly address their protection and safe accommodation, to access to education and healthcare to their legal status and durable solution. Access to a guardian is available to all separated children and young people up to the age of 21 years. The Guardian Service is funded by the Northern Ireland Health and Social Care Board and is delivered by the NGO "Barnardo's NI".

13. Legal assistance

Access to legal assistance and representation throughout administrative and judicial proceedings shall be provided to unaccompanied minors at an early stage and free of charge¹⁴³. The following paragraphs provide information on positive experiences in the field of legal assistance.

Catalonia (Spain): The Bar Association of Barcelona has developed a specific system of duty lawyers to guarantee unaccompanied minors' legal assistance during age assessment procedures¹⁴⁴. In cases where the Public Prosecutor - competent authority to initiate an age assessment procedure - determines that an

¹⁴¹ Northern Ireland, [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#), Section 21.

¹⁴² Kohli, R. *et al.* (2014).

¹⁴³ CoE, Committee of Ministers (2011a), p. 27, para. 38; UN, CMW (2017b), paras. 16 and 17(f); UN, CRC Committee (2005), paras. 21, 36 and 69.

¹⁴⁴ Catalonia, Government of Catalonia (Generalitat de Catalunya), Department of Justice (Departamento de Justicia), [Resolución JUS/993/2011, de 13 de abril, por la que, habiendo comprobado previamente la adecuación a la legalidad, se inscribe en el Registro de Colegios Profesionales de la Generalidad de Cataluña el Reglamento del Servicio de Defensa de Oficio y Asistencia Jurídica Gratuita del Colegio de Abogados de Barcelona](#), 13 April 2011 (published in the Catalan official gazette on 26 April 2011), Art. 8(B)(5).

assessment must be carried out to establish the age of an individual, he/she is automatically assigned a duty lawyer. Duty lawyers are appointed prior to conducting age assessments in order to ensure the individual's legal representation and defence. In cases where the individual's minority is concluded, the minor may request the reassignment of the duty lawyer to represent him/her in further administrative and judicial proceedings covered by the free legal aid system¹⁴⁵. Lawyers must have successfully completed a specific training course on legal assistance to unaccompanied minors and be on duty rota for the Immigration Court¹⁴⁶. The system was launched on 1 July 2012 and is a pioneering initiative in the whole territory of Spain.

Estonia: Throughout the year 2019, the Estonian Human Rights Centre (EHRC) provided free legal aid to unaccompanied minors. Legal counsel and aid was provided within the framework of a project for improving the accessibility of legal aid for asylum seekers and persons under international protection and for monitoring reception conditions in Estonia. Counselling involved free legal aid concerning the asylum seekers' application process as overseen by the Police and Border Guard Board, which includes representing asylum seekers at interviews and formulating responses to decisions made by the Police and Border Guard Board.

Iceland: In August 2014, the Ministry of Justice of Iceland made a contract with the Icelandic Red Cross to provide applicants for international protection with free legal assistance at the administrative level. Red Cross advocates (lawyers) working with unaccompanied minors have acquired expertise in children's affairs and exclusively address applicants' matters.

Lithuania: According to Lithuanian law¹⁴⁷, unaccompanied minors are entitled to receive state legal aid free of charge. As mentioned above¹⁴⁸, the State Border Guard Service has signed contracts with legal offices in Lithuania under which lawyers are obliged to legally represent unaccompanied minors in interviews. Under these contracts, unaccompanied minors receive primary legal aid, which includes provision of legal information on the Lithuanian legal system and the legal aid provision; legal consultation services; and document preparation for institutions, except the documents submitted to Courts. Lawyers also represent minors in later stages, regarding the review of asylum applications.

¹⁴⁵ Catalonia, Government of Catalonia (Generalitat de Catalunya), Department of Social Welfare and Family (Departament de Benestar Social i Família), [Circular 1/2013 bis, de 13 de maig, de la Subdirecció General d'Atenció a la Infància i l'Adolescència sobre criteris per proveir la intervenció dels advocats del torn d'ofici del Col·legi d'Advocats de Barcelona designats per la defensa dels menors d'etat](#), 13 May 2013.

¹⁴⁶ Catalonia, Government of Catalonia (Generalitat de Catalunya), Department of Justice (Departament de Justícia), [Resolució JUS/993/2011, de 13 de abril, por la que, habiendo comprobado previamente la adecuación a la legalidad, se inscribe en el Registro de Colegios Profesionales de la Generalidad de Cataluña el Reglamento del Servicio de Defensa de Oficio y Asistencia Jurídica Gratuita del Colegio de Abogados de Barcelona](#), 13 April 2011 (published in the Catalan official gazette on 26 April 2011), Art. 9.

¹⁴⁷ Lithuania, [Republic of Lithuania Law on the Legal Status of Aliens](#), No. IX-2206, 29 April 2004, Art. 32(2); Social Security and Labour, Interior and Health Minister's order on Unaccompanied minors, who are not asylum seekers, age assessment, accommodation and other procedural actions ([Lietuvos Respublikoje nustatytų nelydimų nepilnamečių užsieniečių, kurie nėra prieglobsčio prašytojai, amžiaus nustatymo, apgyvendinimo ir kitų procedūrinių veiksnių tvarkos aprašas](#)), No. A1-229/1V-289/V-491, 23 April 2014; Order of Minister of Interior On grant of asylum in the Republic of Lithuania and its annulment procedures ([Prieglobsčio Lietuvos Respublikoje suteikimo ir panaikinimo tvarkos aprašas](#)), No. 1V-131, 24 February 2016.

¹⁴⁸ See sub-section 6.2.

Slovenia: Although free legal representation for asylum applicants in first instance procedures is not guaranteed under Slovenian legislation, in 2007, the national NGO “Pravno-informacijski center nevladnih organizacij” (PIC), together with governmental authorities (Government Office for Support and Integration of Migrants), and financed through the EU Asylum, Migration and Integration Fund (AMIF), developed a project to provide this service to all asylum applicants, including unaccompanied minors. In this regard, unaccompanied minors are provided with free legal representation and assistance, which covers provision of legal information (in 30-60 minute sessions) prior to the first interview; representation during the first interview as well as during all subsequent personal interviews; individual legal counselling throughout the asylum procedure; preparation of country of origin information; and support in accessing refugee counsellors. PIC has an office in the Asylum Home in Ljubljana -which is the accommodation facility where most applicants are placed during the international protection procedure-. PIC lawyers are available in the Asylum Home on weekdays from 8 am to 3 pm. Additionally, PIC lawyers also visit the three Asylum Home branch facilities according to a set schedule. In view of its positive results, the project has been continuously prolonged over a decade and is considered an essential part of the asylum system in Slovenia. Legal representation at first instance asylum procedures is key to protecting and securing unaccompanied minors’ rights and interests.

Spain: In Spain, the “defensor judicial” is responsible for protecting the interests of minors and persons deprived of legal capacity in certain circumstances. In this regard, the defensor judicial can be designated in cases of conflict of interests – regarding patrimonial issues- between the minor and his/her guardian or when the guardian does not carry out his/her responsibilities.

14. Integration and participation in the community

Achieving full integration of unaccompanied minors into host societies shall be the ultimate target of all protection services. Integration requires the implementation of a wide array of measures, such as providing access to leisure and cultural activities¹⁴⁹, and to integration programmes¹⁵⁰, fostering participation in civil and community life¹⁵¹, and ensuring means to regularise their status¹⁵². Promising practices included in the following sub-sections reveal the importance of fulfilling these aspects for a complete integration of unaccompanied minors.

14.1. Easy and equal access to social services is provided to unaccompanied minors, including leisure and cultural activities, sport, etc. A monetary allowance is provided for this purpose.

In **Estonia**, unaccompanied minors are given pocket money.

¹⁴⁹ EASO (2018b), p. 33.

¹⁵⁰ UNHCR (1997), para. 10.3.

¹⁵¹ EASO (2018b), p. 34; UN, CMW (2017b), para.39.

¹⁵² UN, CMW (2017a), para. 44

In **Iceland**, Child Protection staff make an effort to engage minors in recreational activities and various training, such as sport or other social events. Furthermore, the Icelandic Red Cross runs an asylum support programme in the greater capital area which offers various recreational activities, including open houses and events for children.

In **Lithuania**, unaccompanied minors are provided with a monthly monetary allowance (85,4 euros) and social workers help unaccompanied minors in distributing the money to their needs. Furthermore, unaccompanied minors participate in leisure and sports activities both inside and outside Rukla Refugee Reception Centre.

In **Portugal**, child asylum seekers are given a monthly allowance for personal needs that varies according to their age.

14.2. Participation in civil society is facilitated to unaccompanied minors. Unaccompanied minors participate in common activities with local youth.

Austria: The Austrian NGO “Asylkoordination”, with the support of Erasmus + and other institutions, has developed “BUNT” (Association for the self-representation and support for young migrants in Austria). The project has established a representative body for young migrants with the aim of promoting their involvement in public issues and participation in politics. The NGO, together with the young migrants, decided on the areas of public life they can get involved in and actively shape. The objective of the project is to awaken the interest of young migrants in participatory processes and political decision making, as well as to further their understanding of democratic structures and to support them in becoming independent adults. The association is composed of young people from different backgrounds living in various places in Austria. The Board of the association is based in the city of Tulln and is composed of boys and girls from Afghanistan and Somalia. The members of the association have been able to demonstrate their capacity to politically represent the interests of their peers through meetings with politicians (members of the federal parliament and senate), the UNHCR, and other youth organisations.

Belgium: Based in Antwerp (Belgium), the “CURANT” project (Co-housing and case management for Unaccompanied young adult Refugees in Antwerp) houses unaccompanied young refugees aged 17-22 with young Flemish nationals aged 20-30 for a period between one and three years. CURANT aims at providing further support to unaccompanied refugees after they come of age. Through an integrated approach, the project intends to empower young refugees by enhancing their resilience and independence. Flemish participants help young refugees in job searching, building a network, and learning Dutch with a view to encouraging their integration into society. CURANT offers socio-educational and psychosocial assistance to both participants, as well as individual support to young refugees in issues relating to education and training, leisure activities, independent living, integration and careers, etc. The initiative, which is funded by

the EU, integrates social, housing, community, and educational resources from a cost-efficient perspective, and allows refugees to create a network of supportive relationships.

Lithuania: In Lithuania, unaccompanied minors in Rukla Refugee Reception Centre attend afterschool activities such as football and ceramics with national children.

Netherlands: The housing project “Startblok Riekerhaven”, promoted by Amsterdam City Council, is addressed to young refugees who have recently obtained their residence permit and young Dutch people aged between 18 and 27. Startblok offers housing units within a community and works through self-management (general and logistics community management) and self-organisation (learning, sports and cultural activities and events). Tenants must participate in daily and community management activities, encouraging interrelation. The project aims at promoting social and intercultural cohesion through job sharing and joint activities, as well as supporting the transition to independent living. Startblok enables young people to build a network and shape their future both professionally and personally.

14.3. Integration programmes are in place and accessible to unaccompanied minors.

Basque Country (Spain): In the Basque Country, institutional guardianship of unaccompanied minors is entrusted to regional administrations. In this context, since 2009, unaccompanied minors under the guardianship of the Provincial Council of Guipúzcoa have access to the programme “Izeba”. The programme is managed by “Baketik” Foundation and consists of a network of families and individuals willing to act as aunts and uncles of young people lacking family support. The aim of the programme is to improve young people’s quality of life and collaborate in their personal development by offering emotional support, affection and protection. Furthermore, it is intended to broaden minors’ network of relationships. Aunts and uncles spend their free time with the minors, for instance, they meet for lunch, go on trips, play sports, attend cultural events, go shopping, regularly talk on the phone, etc. Aunts and uncles also provide the young people with support in learning languages. Baketik Foundation offers assistance to volunteers to clarify doubts and advise them on their relationship with the minors. Results show that once minors come of age, they maintain contact with the aunts and uncles.

Catalonia (Spain): The Conflict Management Service (SGC) of the City Council of Barcelona intervenes in open conflict situations and also performs preventive work by recommending actions to enhance coexistence, citizenship and tolerance among the population. In this regard, the service carries out specific community-based work in the surroundings of recently opened emergency and first reception centres by the General Directorate of Child and Adolescent Care (DGAIA) of the Catalan Government as well as communication and information sessions with neighbours and shopkeepers in order to tackle the perception of insecurity and criminalisation among the local population towards young migrants. The service

is also responsible for making a diagnosis on the different places of the city of Barcelona where thefts and disruptive behaviour in minors and youth take place.

Furthermore, the Department of Labour, Social Affairs and Families of the Catalan Government has developed a mentoring programme for migrant young people. Mentors commit themselves to accompany the young people in their language learning process, in finding a job, and in creating bonds with the local population and entities. Young persons and mentors meet up once a week over a six-month period, that can be renewable for one more year. The aim of the programme is to facilitate the relationship between the young people and the host society and encourage the building of their migration life project, while helping them acquire language and work skills.

Denmark: In Denmark, municipalities, together with NGOs, are responsible for providing social protection to refugees as part of their integration process. In this regard, since 2010, the Danish Refugee Council (DRC) has developed and implemented the group programme for refugees and immigrants “MindSpring” in Denmark. The programme aims at empowering participants through new knowledge and skills, promoting their integration and transition towards an independent life in Denmark. Furthermore, it creates a basis for a social network that will facilitate their personal and professional development. The group dynamics work on issues such as stress, sense of identity, trauma and integration challenges related to living abroad. The group programme is facilitated by a volunteer (MindSpring trainer) who is a trained refugee or asylum seeker sharing the participants’ cultural background and language, enabling a better understanding of their situation and creating a safe and inclusive environment. The MindSpring trainer works with a professional (co-trainer), who guides the group and contributes with professional support, for instance, by providing information on available welfare services, the local environment, etc. In groups addressed to young people in transition to adulthood, work focuses on issues such as loneliness, anguish, trauma, etc.

France: A partnership between public centres and private sector non-profit centres in France has promoted the initiative “Parrainage a Proximité” (Local mentoring). The initiative offers family accompaniment to minors or young people placed in institutional care through a network of individuals and families both with or without a migrant past. The individuals or families commit themselves to share family and leisure time (e.g. meals, school sport matches, cultural activities, etc.) with the minors or young persons as well as to accompany them in day to day activities by means of a voluntary contract. The aim of the initiative is to provide the minor or young person with a reference person, as well as to support his/her integration into the host community. Individuals and volunteer families are provided with support resources to accompany them during the process. This initiative allows young people to access relationship codes and a family environment, which in turn promotes their educational, social and labour inclusion.

Netherlands: In the Netherlands, local initiatives have been successful in fostering the participation and integration of unaccompanied minors into Dutch society. For instance, the pilot project “My Second Family” in Amersfoort matched 15 families with unaccompanied minors. The initiative “Monday Night Dinners” developed by New Dutch Connections provides guidance to current and former unaccompanied minors during turbulent times in their lives and offers them help and social contacts in an informal and accessible manner.

Portugal: In Portugal, the High Commissioner for Migration is the entity responsible for developing integration strategies. It enacts plans and develops initiatives aimed at promoting the integration of refugees. It has several protocols with migrants’ associations and a special programme for integration of children living in problematic contexts. Furthermore, it develops Portuguese language courses and manages the Local Centres to Support Migrants’ Integration (CLAIM) where socio-cultural mediators provide assistance for the full integration of children in schools, the healthcare system, sports, etc.

14.4. Possibilities for regularisation of integrated unaccompanied minors’ migration status in the host country are in place.

Belgium: In Belgium, unaccompanied minors have the possibility to obtain a residence permit through two different legal procedures, which can be carried out simultaneously and run independently from each other. On the one hand, minors may submit an asylum application to the Commissioner-General for Refugees and Stateless pursuant to the regular asylum procedure. On the other hand, guardians may initiate the “particular procedure” for unaccompanied minors on the minor’s behalf, which aims at determining a durable solution for the child. In the latter case, the guardian must address a proposal to the Immigration Office examining the feasibility of the different solutions available: 1) can the minor be reunited with his/her parents, either in the country of origin or in another third country where the parents are residing?; 2) if the foregoing is not possible, can the minor be taken care of by a guardian or institution in his/her country of origin?; 3) if the two previous solutions are not feasible, granting a residence permit shall be considered as a durable solution for the minor’s situation. If one of these two procedures leads to the granting of a residence permit, the unaccompanied minor may stay in Belgium.

15. Transition to adulthood

One of the biggest challenges to the effectiveness of protection services is supporting unaccompanied minors in their transition to adulthood. Transition to adulthood must encompass a series of key factors, including the regularisation of their status upon coming of age¹⁵³, preparing them to become autonomous and to live and independent life¹⁵⁴, continue providing access to education, healthcare, economic,

¹⁵³ ENOC (2017a), point 2.8(a); ENOC (2017b), p, 33, point 2.8(a).

¹⁵⁴ EASO (2018b), pp. 31-32; UN, General Assembly (2010), paras. 131 and 134.

social, and legal services, etc.¹⁵⁵, as well as to individual support and follow-up schemes¹⁵⁶, and enabling their future access to employment¹⁵⁷. The information provided in the paragraphs below refers to positive experiences in terms of measures and initiatives for the protection and social inclusion of unaccompanied minors in their transition to adulthood.

15.1. Upon reaching majority of age, former unaccompanied minors have access to the issuance and renewal of their legal status documents.

Czech Republic: In the Czech Republic, unaccompanied minors have the possibility to be granted a permanent residence permit after coming of age. According to Czech law, foreign minors placed in institutional or foster care by a court decision are entitled to reside permanently in the Czech Republic¹⁵⁸. The law also provides that, once they come of age, foreign nationals entrusted to institutional or foster care can apply, within 60 days, for a permanent residence permit on humanitarian grounds¹⁵⁹. In practice, due to low numbers of unaccompanied minors in the territory of the Czech Republic, almost all are granted a residence permit when they reach the age of majority, even in cases where they leave the institutional facility. Refusal of permanent residence status is based on security reasons. Likewise, unaccompanied minors have easier access to acquiring Czech citizenship. In this respect, the law establishes that unaccompanied minors in institutional or foster care staying in the Czech Republic may acquire citizenship by declaration¹⁶⁰. The declaration can be made on behalf of the child by their legal representative or legal custodian, to which they shall attach the birth certificate of the child and the court decision on their appointment as a legal custodian. Minors over the age of 15 must consent to acquisition of Czech citizenship.

Iceland: In Iceland, unaccompanied minors' applications for international protection are not reviewed once they reach the age of majority. Consequently, unaccompanied minors generally retain their status as refugees/holders of a humanitarian residence permit when they reach adulthood.

15.2. Previously to coming of age, unaccompanied minors are prepared for self-reliance and the aftercare period. This is planned in advance.

Basque Country (Spain): In the Basque Country, unaccompanied minors under the guardianship of the Provincial Council of Álava have access to a specialised care programme called "Bideberria". The programme, under the responsibility of the Provincial Institute of Social Welfare of Álava (Instituto Foral de Bienestar Social, Diputación Foral de Álava), is managed by "Urgatzi" association - responsible for

¹⁵⁵ CoE, Committee of Ministers (2019), paras. 8-26; UN, General Assembly (2010), paras. 135-136.

¹⁵⁶ EU, European Commission (2017), p. 14; UN, CMW (2017b), para. 3.

¹⁵⁷ CoE, Committee of Ministers (2019), paras. 28-29.

¹⁵⁸ Czech Republic, [Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic](#), Section 87(1).

¹⁵⁹ *Ibid.*, Section 87(7)(a)(4).

¹⁶⁰ Czech Republic, [Act No. 186/2013 Coll., on Citizenship of the Czech Republic and on the amendment of selected other laws](#), Section 36.

managing reception centres for unaccompanied minors in Álava - and is divided into 4 independent modules, addressing from the moment of first reception until the transition to adulthood. Within the module “Bideberria 3”, young people aged 17 and under are placed in apartments with the purpose of preparing them for adulthood. The programme aims at promoting young people’s empowerment, through an individualised care plan based on their specific needs, so that they are capable of coping with adult life issues such as managing and saving money, cleaning, cooking, doing laundry, job searching, accessing training, etc. The programme works through an appointment system in order to give minors individual guidance and help them establish routines which will help their future integration into society. At the same time, the programme tries to maintain the existing relationship between the minor and the centre through common activities, including the holding of farewell parties for those leaving the programme and weekly events at the centre. Once minors come of age, they serve as a reference point for new unaccompanied minors arriving at the centre. Results so far show that minors, through a gradual process, are able to live independently before their coming of age.

Catalonia (Spain): In Catalonia, unaccompanied minors have access to the “Servei Social d’Acompanyament mitjançant Itineraris Individualitzats” as an alternative to residential care. This specialised service is addressed to young people, essentially, those aged between 16 and 17, with social difficulties and under care of the DGAIA, and consists in accompanying them in their transition to adulthood and independent living. It comprises the development of an individualised autonomy project for the young person, as well as the signing of a commitment between the young person and his/her assigned professional. The service is structured around 5 major working areas, including legal coverage, which allows assuming guardianship over the minor and guaranteeing his/her comprehensive development; comprehensive socio-educational accompaniment, directed towards the acquisition of skills necessary for independent living; housing and nutrition, in accordance to the young person’s needs and circumstances; integration in the community, aiming at encouraging the acquisition of daily habits to lead an independent life within the community; and, finally, training and employability, including accompaniment and assistance with training and employment. The service encourages co-responsibility amongst relevant actors and allows young persons to have a say in their future. The cost of the service is actually lower than residential care solutions and is perceived as being more appropriate to young people in transition to adulthood.

Italy: In 2002, Italy created the “Protection System for Asylum Seekers and Refugees” (SPRAR). The system aims at providing support to asylum seekers and refugees through an individualised programme designed to achieve their personal independence and effective participation in Italian society, in terms of employment, housing, access to local services, social interaction and school integration. It was later renamed “Protection System for Beneficiaries of International protection and Unaccompanied Foreign minors” (SIPROIMI) in 2018, establishing that access to comprehensive reception services could also be granted to holders of residence permits for special reasons (e.g. victims of THB,

labour exploitation, etc.). SPRAR/SIPROMI is an institutional protocol which defines and activates an integration process for applicants of international protection ranging from first reception and language teaching to vocational training and labour inclusion. Beneficiaries are mostly individuals under the age of 30 and there is a large percentage of unaccompanied minors. The system seeks to promote social cohesion and comprehensive integration through the use of local housing, language, educational and labour resources and under the coordination of the central service of SIPROIMI.

- 15.3.** Upon reaching majority of age, former unaccompanied minors continue to have access to education, economic, social, legal, and health services, as well as individual support and monitoring schemes.

Basque Country (Spain): In the Basque Country, unaccompanied minors under the guardianship of the Provincial Council of Guipúzcoa have access to the programme “GazteON SareLAN”. The programme is aimed at young people aged 16 to 23 at risk of social exclusion, especially migrant minors lacking family support. The programme seeks to develop a new social intervention model which will help young people to successfully deal with their transition to adulthood and achieve their integration into society. The programme addresses young peoples’ transition to adulthood from a three-fold perspective: firstly, through a holistic and multidisciplinary approach, combining resources of different systems; secondly, through a process-based approach, without interruption at the age of 18 until 23; and thirdly, through a community approach and a child-centred perspective. At an individual level, it provides young people with educational, social, economic and housing support. Likewise, it mobilises training (language and education), labour, and local (leisure, culture and sport) resources from other systems at the community level.

Catalonia (Spain): The Area of Support for Young People in Care and Ex-Guardians (ASJTET), a unit under the DGAIA of the Catalan Government, offers young people aged from 16 to 21 who are, or have formerly been under care of the DGAIA, technical and educational support on the fields of housing, employability, psychologic, economic and legal support through an individual work plan. The housing programme offers temporary housing to young people in order to support their independent development and social inclusion. The employability programme provides young people with career guidance tools as well as training and labour resources. The economic support programme provides financial resources to young people so that their transition to adulthood is smooth and progressive, allowing access to further studies or vocational training. Regarding the legal support programme, young people are supported in administrative procedures (e.g. obtaining a passport, residence and work permits, etc.). Finally, the service offers a psychologic support programme to help young people overcome traumatic experiences that could prove to be an obstacle to their future development and integration into society. The aim of the service is that young people achieve full integration into both the labour market and society autonomously, without need for intervention of specialised services,

through accompaniment, motivation, counselling, orientation, and training actions foreseen in their individual work plan.

Denmark: In Denmark, the DRC offers social support residencies to young unaccompanied refugees up to the age of 23. Young refugees share the apartments, which are located in urban areas. In addition to a housing solution, it provides socio-educational (access to training courses and company internships) and psychosocial (access to psychologists and guardians) support to young refugees. The initiative focuses on preparing young refugees for the labour market and on developing joint leisure activities to strengthen and develop their skills, networks and understanding of Danish society. The ultimate goal is to achieve their integration into society, so that they can be economically and psychologically self-sufficient in their future independent life.

France: In France, the initiative “Contrat Jeunes Majeurs” enables former unaccompanied minors who have come of age to stay in institutional care and, therefore, have access to housing, economic and social resources until the age of 21. The initiative aims at providing material, educational and psychological support to young people facing family, social and educational difficulties and experiencing integration problems due to the lack of resources or family support. The support offered may include a financial contribution in the form of a subsidy in accordance with the young person’s needs and resources; a home help service from an educator and/or psychologist; and coverage of expenditure and temporary housing. The support must be applied for by a written request, specifying the type of benefits requested (e.g. housing, nutrition, socio-educational support, subsidies, etc.); and stating the young person’s life project as well as the commitments undertaken (e.g. educational, etc.). The contract establishes a mutual commitment between the young person and the child protection system for the acquisition of rights and the implementation of obligations, encouraging co-responsibility and engagement.

15.4. Initiatives fostering former unaccompanied minors’ access to the labour market and to employment services are in place.

Austria: In Austria, the Federal Ministry of Social Services has developed the programme “Coordination Unit for School to Work Transition” with the aim of increasing employment opportunities for migrant youth. The programme is addressed to young people aged between 15 and 19; however, it can be extended until the age of 24 in the case of minors with greater social problems. It is based in a series of coordinated measures, consisting in a motivation programme to encourage young people to remain in school; a youth coaching programme; and a support programme for vocational training. Its objectives are to help build a cooperation system between all relevant parties, supporting unaccompanied young migrants through specific mechanisms; to provide orientation and guidance during the transition process from the educational system to the labour market; and to provide individual support tools until the young person’s integration into the education system and/or the labour market.

Although the initiative is coordinated at ministerial level, local agents are the ones responsible for developing it in practice. This initiative ensures a continuous intervention without disruption, preventing school drop-out and, therefore, combatting exclusion from the labour market.

Belgium: Belgium has developed the mentoring pilot programme “Duo for a Job”, which aims at reducing youth unemployment, while at the same time avoiding the loss of social capital created by elderly people. The programme links young migrants and refugees facing employment difficulties (mentees) with people in the last phase of their working life or recent retirees with a long professional career and a well-positioned network (tutors). The objectives of the programme are: to promote the employment of young migrants in Belgium; to reinforce social cohesion (social links and local solidarity); to encourage intercultural and intergenerational relationships; and to raise awareness about how to build more cohesive and inclusive societies. This initiative enables an effective use of elderly people’s social capital, as well as the establishment of relationships between people of different ages and cultures, which, in turn, help strengthen the sense of belonging to a community and fight stereotypes.

Sweden: In Sweden, municipalities are responsible for the practical aspects of reception of unaccompanied minors, including the provision of accommodation, and education, access to social services, and the appointment of guardians. In this regard, the municipality of Trelleborg has adapted the Swedish Fast-Track model, implemented with the National Reform of the Employment System in 2015, by focusing on employment as a means of furthering integration. The Trelleborg model opts for a labour market approach, striving for economic self-sufficiency rather than reliance on welfare support, encouraging the development of individuals. The model provides minors with social and accommodation resources; however, it emphasises co-responsibility and progressive autonomy. An individual labour market plan is developed and a youth and employment officer monitors the minor’s development in five different areas: training and employment, accommodation, healthcare, money management, communication, and integration. The model is structured in three phases: orientation, where the minor is provided with information on all the transition options available; adaptation, in which the minor begins his/her integration process and is supported in the search for training, accommodation, employment, etc.; and exit, in which independence from the follow-up system is achieved and total autonomy is expected at a maximum age of 20. Other municipalities in Sweden are considering the implementation of the Trelleborg model.

4. Final thoughts

This final part is intended to underline certain areas for which no promising practices or positive experiences have been found and therefore, a deficiency in the child protection system is revealed, or, in which a greater effort should be made to ensure the rights of unaccompanied minors. Likewise, those areas in which a high number of promising practices or positive experiences have been identified and thus may serve as a benchmark to define the adequacy level of protection schemes, will also be addressed. It must be recalled that these thoughts, which may also refer to main findings of this study, have been elaborated on the basis of the information provided by contributors.

As a general consideration, it should be reaffirmed that there are two groups of countries which approach child protection and migration policies in a different manner, as already anticipated in the introduction. On the one hand, there are countries that place migration protection interests first, conditioning access to social policies on the request/granting of international protection/asylum; and, on the other hand, there are countries which prioritise child protection interests over migration and thus provide care regardless of whether or not the unaccompanied minor has applied or has been granted international protection/asylum. Having analysed the information, **it can be concluded that those countries in which unaccompanied minors' condition as a child prevails over their condition as an irregular migrant are more in line with the content of international standards on children's rights.** In this regard, unaccompanied minors' well-being and access to safe and effective care should be the primary focus of practice, rather than demands of migration policy. The best interests of the child shall be a primary consideration when reaching a decision concerning the unaccompanied minor and no distinction should be made between unaccompanied migrant children and unaccompanied asylum seeking/refugee children, as unaccompanied minors are first and foremost children.

Also from a general perspective, but on the more specific but extremely important issue of immigration detention, **the best practice is one in which detention is prohibited, as recommended by international standards.** On the basis of the above, **it can be concluded that in those countries in which child protection policies are prioritised over migration ones, the detention of unaccompanied minors for immigration reasons is generally prohibited.** Although the information obtained shows that deprivation of liberty on immigration grounds is not systematically practiced, states should work towards eradicating the practice of child detention in the context of international migration, including during age assessment, for instance, by establishing the prohibition in national law and policy. Instead, alternatives to detention should be explored, such as family- and community-based alternative care options or other appropriate care arrangements.

In line with the abovementioned purposes, the most significant issues within each part of the document ("Cross-cutting measures", "First-reception stage" and "Later reception stages") are summarised in the paragraphs below.

1. In regards to the first part on “**Cross-cutting measures**”, the following points must be highlighted:

- The right of the child to be heard is not always respected. In general, and except for two isolated examples, unaccompanied minors are not provided with adequate and timely information, neither upon arrival nor at a later stage, on issues such as roles and responsibilities of different actors and professionals, relevant procedures, reception conditions and rights in the host country, protection systems and guardianship, etc. Furthermore, no practices have been found regarding provision of additional information on specialised services for particularly vulnerable children (victims of abuse, violence, THB, etc). Additionally, the few examples identified show that, in general, unaccompanied minors are not informed about age assessment procedures or available social services and assistance institutions in cases where they are assessed to be adults. Apart from one reference, no examples have been found regarding the regular use of interpreters and cultural mediators when communicating with unaccompanied children, and, in general, communication between unaccompanied minors and professionals does not take place freely and in a confident environment, except for a couple of identified cases. Finally, with the exception of one example, unaccompanied minors’ views are not listened to nor taken into account, in administrative and judicial procedures, including during age assessment. Therefore, on the basis of the information obtained, **it can be concluded that more efforts must be done to ensure unaccompanied minors’ right to be heard in all its aspects, for example, by systematizing procedures for the provision of information and establishing specific moments in decision making processes in which unaccompanied minors’ views must be listened to, given due weight (according to their age and level of maturity) and documented.**
- With the exception of a few concrete examples, there seems to be no promising practices regarding the *training of professionals* on issues such as unaccompanied minors’ special needs; children’s rights and child protection systems; identification and treatment of child victims; and applicable administrative and legal frameworks. However, it is worth noting that several countries conduct EASO training on interviewing vulnerable persons, including techniques for interviewing children. Therefore, **states need to make a greater effort to ensure that all professionals working with unaccompanied minors in the reception context, both directly and indirectly, receive necessary and appropriate training.**
- In general, several examples on *cooperation and coordination mechanisms* in relation to first reception and specific issues such as THB and age assessment, determining the roles and responsibilities of all actors involved and enabling them to proceed rapidly and in a coordinated manner, have been identified. Furthermore, various examples of promising practices regarding procedures and applicable safeguards (best interests of the child, *non-refoulement*, etc.) on arrival and first reception have been found.

However, no information on coordination measures between relevant actors during later reception stages has been received. Likewise, there seems to be no remarkable experiences concerning multi-disciplinary and inter-agency information sharing and decision-making, except in one isolated case. In the same way, a lack of standardised procedures to guarantee the disclosure and transferral of information in accordance with applicable data protection and confidentiality measures has also been identified. While it is true that some countries claim that guidelines are in place and that information on data protection measures is circulated among relevant actors, efforts must continue. Moreover, no examples on intercountry cooperation mechanisms for the exchange of information and the establishment of common procedures have been found. However, the lack of cross-border cooperation between states on issues such as family reunification and missing children, despite envisaged in national and European law, has forced Ombuds institutions and children's rights institutions to take action. **It can therefore be concluded that the sharing and transfer of information between relevant actors, both at national and international level, still creates considerable practical difficulties and thus, remains a great challenge. The need for Ombuds institutions' and children's rights institutions' intervention bears out the existence of a deficiency that must be corrected, heightening the need for states to find ways to quickly and effectively exchange sensitive information and to work together.**

- Regarding *monitoring and complaint mechanisms*, no examples worth mentioning have been identified. Likewise, information neither on child-friendly identification and registration procedures nor on the existence of available national records on unaccompanied minors' data has been received. Consequently, it can be concluded that the lack of special and separate identification and registration procedures for unaccompanied minors together with the lack of monitoring and inspection mechanisms leads to difficulties in registering and updating unaccompanied minors' data. However, despite the absence of monitoring and complaint mechanisms within national authorities and institutions, in practice, Ombuds institutions and children's rights institutions act, either as a result of complaints made by the public or, on their own initiative, as complaint and monitoring mechanisms of the situation of unaccompanied minors in host countries. **Action by Ombuds institutions and children's rights institutions help cover existent gaps by detecting and reporting deficiencies in the protection system, actively advocating for improvement.** Information provided by some Ombuds institutions for this research suggests that unaccompanied children may be reluctant to complain about organisations that provide for them. This should be taken into account when thinking about improvements in monitoring and complaint mechanisms.

2. Regarding the second part on "**First reception stage**", the following deficiencies have been identified:

- **More efforts must be done in securing the prompt assignment of a guardian and/or legal representative upon *arrival at the host country*, and in prioritising procedures involving unaccompanied minors, as only a couple of practices have been identified. Furthermore, ensuring minors are not refused entry into the country and the presence of child protection staff during identification and registration procedures (e.g. at border-crossing points and police stations) must become a priority as no examples have been found.**
- On the basis of the information obtained and excluding a couple of cases, it can be said that the individual assessment of unaccompanied minors' particular vulnerabilities, special protection needs and potential risk factors, including referral to specialised services, is not carried out systematically, neither upon arrival nor at later reception stages. Moreover, no examples of promising practices regarding prevention and response mechanisms for missing children (e.g. risk assessment, creation of safety care plans, reporting, follow-up measures, etc.) have been identified. The lack of examples in this area highlights a major shortcoming in protection systems which has led NGOs to take action in order to cover the existent gap. Therefore, **it can be concluded that enhanced efforts are needed to develop reliable and effective child protection risk assessments and security arrangements for the detection and protection of child victims of violence, abuse, THB, exploitation, etc.**
- Access and prioritisation in family tracing and reunification procedures regardless of migration status remains limited, not to say non-existent. In most countries, the initiation of family tracing and reunification proceedings is made conditional on the filing of an international protection/asylum application, but even in these cases, procedures are extremely lengthy and complex. Apart from one isolated example, no information on family reunification based on the child's best interests has been received. **States must take into account the principle of family unity¹⁶¹ when assessing the best interests of the child.**
- **Further efforts must be made to secure the *assignment of unaccompanied minors to child-friendly reception centres* which guarantee access to basic rights and services (e.g. nutrition, healthcare, education, psychosocial assistance, legal assistance, recreational activities, etc.) as only one example has been identified.**

¹⁶¹ European Convention on Human Rights (ECHR), 4 November 1950, Art.8; EU, [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted](#), Official Journal of the European Union L 337, 20.12.2011, p. 9–26, Preamble 18 and Art. 23; EU, [Charter of Fundamental Rights of the European Union](#), Official Journal of the European Union C 326, 26.10.2012, p. 391–407, Art. 24(3); EU, [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection \(recast\)](#), Official Journal of the European Union L 180, 29.6.2013, p. 96–116, Preamble (9) and Art. 23(2); EU, [Regulation \(EU\) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person](#), Official Journal of the European Union L 180, 29.6.2013, p. 31-59, Preamble 16, Arts. 6(3) and 8.

- Although, in principle, most countries claim that *age assessment* procedures are only carried out in cases of reasonable doubt about the child's age¹⁶², in practice, age assessment is undertaken systematically for most minors as there always seems to be doubts about their age, even in cases where minors have documentation proving their minority. In this line, no reliable examples regarding the last resort nature of medical examinations and using the least intrusive methods have been found. While it is true that in some countries medical examinations are only used as a last resort, X-rays are directly applied. Furthermore, no examples on the specific appointment of guardians prior to age assessment have been identified. However, taking into account the information contained in other sections of the discussion paper, unaccompanied minors may have some sort of legal representation or independent support during age assessment. Unaccompanied minors' informed consent is not obtained on a general basis prior to undertaking the age assessment, except in one isolated case. Finally, **further efforts should be made in order to establish and implement holistic and multi-disciplinary age assessments, adapted to gender and cultural sensitivities**, as only one example has been identified, which although not being entirely holistic, due to the fact that medical examinations are not envisaged, it does provide for several procedural guarantees.

3. In regards to the last part on "**Later reception stages**", the following can be concluded:

- With respect to *housing and accommodation*, **a positive trend towards de-institutionalisation as a general policy, prioritising family foster care over institutional placement, has been observed.**
- In relation to *education*, several positive experiences regarding unaccompanied minors' access to compulsory education in the same conditions as nationals, regardless of their migration status, have been found. However, except in a few identified cases, **unaccompanied minors face greater difficulties in accessing post- compulsory education, vocational training and alternative learning programmes.**
- In general, unaccompanied minors are not denied access to *healthcare services*. However, apart from the two examples found, access to mental healthcare and rehabilitation services remains limited. Unaccompanied minors may be in need of mental health and rehabilitation services to overcome traumas and addictions resulting from experiences in their country of origin, in transit or in the host country, added up to long waiting times and the uncertainty about the asylum process. Consequently, **states must make a greater effort to ensure access to mental health and rehabilitation services for unaccompanied children who suffer from psychological difficulties and/or have been victims of violence, abuse, THB, etc.**

¹⁶² In accordance with their national legislation.

- Regarding *guardianship and child protection systems*, the few examples found show that **more efforts must be done to ensure a BIA assessing the child's needs and particular circumstances is systematically carried out and translated into an individual care plan which is updated on a regular basis in order to ensure the provision of appropriate care.** Furthermore, except in two cases, guardians' functions must be strengthened, including accompaniment, support and guiding of unaccompanied minors through a trust relationship in their access to social and local services and day-to-day life. In the same line, **states must make a greater effort to develop support structures for guardians in order to provide assistance, advice and expertise when needed**, as it seems that these are only available in a couple of cases. Finally, no examples regarding the existence of care policies, protocols or guidelines stating the functioning and operating rules of everyday life for unaccompanied minors have been found.
- In regards to *legal assistance*, **unaccompanied minors usually have access to free legal assistance and representation from an early stage, although it appears that it is mostly limited to international protection/asylum procedures.**
- In relation to *integration and participation*, there are several examples of integration programmes available for unaccompanied minors, especially those which promote the establishment of links with host communities. Actions directed at promoting unaccompanied minors' integration in host communities are paramount in order to effectively respond to minors' needs and avoid/reduce the risk of attitudes of rejection, intolerance, and social discrimination. However, the few examples identified show that **more efforts must be done to ensure unaccompanied minors' easy and equal access to social services, including leisure time activities and sport.** Furthermore, **regularisation of the status of integrated unaccompanied minors as well as upon their coming of age must become a primary focus of state policy** as only a few examples have been found.
- Finally, with *regard to transition to adulthood*, the fact that, in general, **when unaccompanied minors' come of age, they continue to have access to social policies**, (e.g. education, healthcare, economic and social services, etc.) **as well as to individual support and follow-up measures should be seen in a very positive light.**

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Annex A

Vitoria-Gasteiz, October 7 2019

Dear Ombudspersons,

I am addressing this letter to you with a view to requesting your co-operation in an investigation my office is currently working on pursuant to an IOI request.

Indeed, the International Ombudsman Institute's (IOI) European Board decided in a meeting in Barcelona on 4.4.2017 that it would be useful to undertake an investigation on refugees and asylum seekers in Europe. This investigation was commissioned to a steering committee composed by the Dutch National Ombudsman, the Greek Ombudsman and the Ombudsman of the Basque Country. This investigation, which later on materialised as a discussion paper, was subsequently divided into four chapters, including: reception and application; integration, minors, and returns. In this regard, the Basque Ombudsman was entrusted with conducting the investigation on the chapter relating to unaccompanied minors.

The aim of the chapter is to identify and disseminate best practices when it comes to protection services for foreign unaccompanied minors in the light of the latest recommendations and reports of European and international human rights organisations on the matter. The intended outcome of the investigation is a guide of best practices on protection services for unaccompanied minors in Europe. The target group of the document are national governments, intergovernmental organisations and Ombuds institutions.

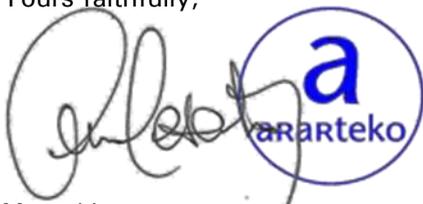
In order to identify the best practices applied in your country, we need your support as specified in the document enclosed hereby. Your contributions will be essential in order to understand the different realities which exist throughout Europe as a means to elucidate subsequently which ones could be considered as best practices. The examples of those best practices that comply with the identified standards will then be incorporated into the guide. This will be disseminated and become known internationally, serving thus as guidance to other countries.

The results of the discussion paper will be presented in the IOI 12th World Conference which will take place in Dublin on 17-22 May 2020.

We thank you in advance for your collaboration and look forward to receiving your contributions.

Let me request you, dear Sir/Madam, to accept the assurances of my highest consideration.

Yours faithfully,



Manuel Lezertua
Ararteko – Ombudsman of the Basque Country

Annex B

INDICATIONS FOR THE CONTRIBUTIONS OF OMBUDS INSTITUTIONS IN IDENTIFYING BEST PRACTICES

In order to develop a guide of best practices on protection services for unaccompanied minors in Europe, and as part of the investigation that is being carried out by our office, we would kindly ask your institution to participate and submit some indications in writing.

Having analysed the relevant international documents on the subject, a common set of standards regarding the different stages of the reception process for unaccompanied foreign minors in host countries have been identified and numbered. These standards have grouped into the three sections of the document (*Cross-cutting measures, First reception stage and Later reception stages*).

Our aim is to gather information on best practices relating to the identified international standards that are contained in this document for ease of reading. The best practices may relate to one or to various standards, which are numbered below. We are interested in best practices carried out both by the Public Administration/Human rights organisation in your country and by your institution in its role to ensure compliance with those standards. In this regard, we would like you to provide the information in the way it is reflected by the following table:

<u>Public Administration's best practices:</u>	<u>Ombuds institution's best practices:</u>
1. Public Administration/Human rights organisation:	1. Name of action (resolution, recommendation, own initiative investigation, communication measures, etc.):
2. Name of protocol, programme, tool, etc. (where applicable):	2. Description and objectives (20-30 lines max.):
3. Description and objective (20-30 lines max.):	3. Duration/start date:
4. Duration/start date:	4. Case study/story:
5. Impact assessment:	
6. Reasons to be considered a best practice:	
7. Number of standard(s) the best practice is related to:	
8. Contact details:	

****Note: Fill in a table for each best practice. Copy the table as many times as necessary, depending on the number of practices you wish to recount.***

The table contains two different parts, one for the best practices of Public Administrations/Human rights organisations and the other for the best practices of Ombuds offices.

In the part regarding the **Public Administration**, a number of points that we would like you to answer have been included. These points relate to:

1. the Public Administration (or Human rights organisation, if relevant to your context) that is applying the best practice;
2. the name of the protocol, programme or tool in which the best practice is embodied (in case it has one);
3. the description and objectives of the best practice;
4. the duration or implementation date of the best practice;
5. the assessment of the impact, effects or results of the best practice (in case it has been made);
6. the reasons why you consider it to be a best practice;
7. the number of the standard(s) to which it relates according to the number assigned to each standard below (e.g. 13.1);
8. the contact details of the Public Administration, Human rights organisation, etc., in case you do not possess the necessary information so that we can access it directly.

In the part referring to the **Ombuds office**, the points we will like you to answer concern the following:

1. name of the action carried out by your office, if it is in the form of a resolution, a recommendation, an own initiative investigation, etc.;
2. the description and objectives of the best practice;
3. the duration or implementation date of the best practice;
4. an example of the specific actions taken by your office, illustrated with a complaint, a case study, a story, etc. (where relevant).

You are not expected to answer to the whole document. Please feel free to focus on the standards you have knowledge about or that are most relevant to your office. Likewise, do not hesitate in seeking assistance from other institutions, bodies, etc. to gather the necessary information.

We kindly ask you to answer this questionnaire and to submit your reply to the Ararteko's office by **8 November 2019** at international@ararteko.eus. The contributions can indistinctly be written in one of the following languages: **English, French, German, Italian or Spanish**.

If you have any further question or doubt regarding the content of the outlined standards or the filling in of the table, please do not hesitate to contact us at international@ararteko.eus. If you wish to contact us via telephone, send us an email with your telephone number and we will get in touch with you promptly.

CROSS-CUTTING MEASURES

Standards included in this section of the questionnaire refer to measures that are applicable at all stages of the reception process (both in first reception and later reception stages) and can take place in any place or situation the unaccompanied minor is present (e.g. at border controls, police stations, court, accommodation facilities, schools, etc.).

1. The right of the child to be heard

Due to the particular relevance of some elements of the right of the child to be heard (right to information and participation) at certain moments of the reception process, in addition to their inclusion in this first section of the questionnaire, they have also been incorporated in specific points of the subsequent sections.

- 1.1. Information provided to unaccompanied minors is adapted to their age, maturity, level of understanding, gender, language, culture, special needs and individual circumstances.¹⁶³
- 1.2. Information on the following issues is provided to unaccompanied minors (non- exhaustive list): roles and responsibilities of all actors working with unaccompanied minors; protection systems; guardianship arrangements; legal assistance; social services; complaint mechanisms and appeal procedures; etc.).¹⁶⁴
- 1.3. Interpreters and cultural mediators are used to communicate with unaccompanied minors.¹⁶⁵
- 1.4. Communication with unaccompanied minors takes place freely and in a confidential environment, allocating sufficient time and resources. Relevant professionals have adequate access to unaccompanied minors, to the places where they live and to their personal files.¹⁶⁶
- 1.5. The views of unaccompanied minors are heard and taken into account in all matters affecting them.¹⁶⁷

¹⁶³ CoE (2018), pp. 27, 29 and 45; EASO (2018b), p. 18;

¹⁶⁴ CoE (2018), pp. 20-21, 58, 65, 72, 84-86, 79, 88, 102 and 117-118; CoE, Committee of Ministers (2011b), pp. 8 and 11; CoE, Committee of Ministers (2019), p. 6; EASO (2018b), pp. 17-19 and 43; ENOC (2017a), point 1(g), ENOC (2017b), p. 30, point 1(g); UN, CMW (2017b), para. 17(j); FRA (2015), pp. 28, 38, 41-42, 54, 58 and 61; FRA (2018b), p. 8; UN, CRC Committee (2005), para. 37.

¹⁶⁵ EASO (2018a), pp. 48, 50 and 72; EASO (2018b), pp. 19, 24 and 37; ENOC (2017a), point 1(i); ENOC (2017b), p. 30, point 1(i); EU, European Commission (2017), p. 14; CoE (2018), p. 25.

¹⁶⁶ CoE (2018), p. 25; EASO (2018b), pp. 19-20; ENOC (2017a), points 1(p) and 2.7(b); ENOC (2017b), pp. 31 and 33, points 1(p) and 2.7(b); UN, CMW (2017b), paras. 17(d), (f) and (g); UN, CRC Committee (2005), para. 25.

¹⁶⁷ EASO (2018b), p. 29; ENOC (2017a), points 2.1(a), 2.3(b) and (d); ENOC (2017b), pp. 31 and 32, points 2.1(a), 2.3(b) and (d); ICRC *et al.* (2004), p. 42; UNCHR (1994), p. 126; UN, CMW (2017b), para. 13; UN, CRC Committee (2005), para. 40; UN, General Assembly (2010), para. 57.

2. Training of professionals

- 2.1. All professionals working with unaccompanied minors, both directly and indirectly, are trained to deal with unaccompanied minors' special needs, their background, and the issues concerning them.¹⁶⁸
- 2.2. All professionals working with unaccompanied minors, both directly and indirectly, receive training on children's rights, child protection, communicating with children, child participation, cultural and gender sensitivity, etc.¹⁶⁹
- 2.3. Professionals working with unaccompanied minors receive specific training on identifying situations of abuse, violence, exploitation, trauma, trafficking, etc.; addressing the needs and rights of these children; and referral mechanisms.¹⁷⁰
- 2.4. All professionals working with unaccompanied minors, both directly and indirectly, receive training on the relevant legal and administrative framework; migration, international protection and asylum issues.¹⁷¹

3. Cooperation and coordination mechanisms

- 3.1. Standard protocols or guidelines establishing the operational procedures, safeguards and responsible actors are in place. All actions and decisions regarding unaccompanied minors are taken in accordance with the above protocols or guidelines.¹⁷²
- 3.2. Collected data, information, and personal files of unaccompanied minors are transferred to all relevant actors in compliance with data protection and confidentiality measures.¹⁷³
- 3.3. Multi-disciplinary and inter-agency information sharing and decision-making sessions take place with all relevant actors in order to develop in unison the unaccompanied minor's care plan.¹⁷⁴
- 3.4. Cross border cooperation mechanisms are in place, which include collection and exchange of comparable data between states, the allocation of

¹⁶⁸ EASO (2018b), pp. 35-37; ENOC (2017a), point 2.5(f); ENOC (2017b), p. 33, point 2.5(f); EU, European Commission (2017), p. 12; UN, CRC Committee (2005), para. 96;

¹⁶⁹ CoE (2017), para. 158; CoE, Committee of Ministers (2011b), p. 13; EASO (2018b), pp. 35-35; ENOC (2017a), point 1(p); ENOC (2017b), p. 31, point 1(p); EU, European Commission (2017), p. 15; FRA (2015), 35-36 and 46-47; FRA (2018b), pp. 4 and 8; UN, CMW (2017a), para 18; UN, CRC Committee (2005), paras. 33 and 96; UN, General Assembly (2010), paras. 57 and 103.

¹⁷⁰ EASO (2018b), p. 44; CoE, Committee of Ministers (2011b), p. 13; UN, CMW (2017b), para. 43.

¹⁷¹ UN, CMW (2017a), para 18.

¹⁷² CoE, Parliamentary Assembly (2016), para. 8.1.1; EASO (2018b), pp. 23-26; ECRE (2014), Annex 1, pp. 7-8; ENOC (2017a), points 1(k), 3.1(c) and 3.3(b); ENOC (2017b), pp. 30 and 34, Points 1(k), 3.1(c) and 3.3(b); EU, European Commission (2017), pp. 7-8; FRA (2015), pp. 42-43, 62 and 79.

¹⁷³ CoE, Parliamentary Assembly (2016), para. 8.2.1; ENOC (2017a), point 1(q); ENOC (2017b), p. 31, point 1(q); UN, CMW (2017a), para. 17; UN, CRC Committee (2005), paras. 29 and 30.

¹⁷⁴ CoE (2018), p. 83; EASO (2016), pp. 48-49; EASO (2018b), pp. 23-34; EU, European Commission (2017), p. 10; FRA (2015), p. 75; UN, CMW (2017b), para. 17(j); UN, CRC Committee (2005), para. 33.

responsibility among all actors involved, procedures, safeguards, etc. (e.g. in fields such as family reunification or procedures concerning missing children).¹⁷⁵

4. Monitoring and complaint mechanisms

- 4.1. Monitoring, inspection, evaluation and accountability mechanisms are in place and effective.¹⁷⁶
- 4.2. Unaccompanied minors have access to effective child-friendly complaint mechanisms and appeal procedures.¹⁷⁷

FIRST RECEPTION STAGE

In relation to issues of arrival of unaccompanied minors at the host country and first contact with national authorities, the following standards have been identified:

5. Arrival at the host country

- 5.1. Protocols regarding arrival and reception procedures, establishing the division of roles and responsibilities, the collection of information, and applicable procedural safeguards (e.g. child's best interests; *non-refoulement*; presumption of being a child; access to information; guardianship and legal representation; right to be heard; multi-disciplinary and rights compliant age assessment; right to an effective remedy; no detention; etc.) are in place.¹⁷⁸
- 5.2. Unaccompanied minors shall never be refused entry into the country and shall be prioritised in all status determination procedures¹⁷⁹. The presence of child protection staff at border controls and during identification and registration stages is required¹⁸⁰. Unaccompanied minors are promptly assigned a guardian and/or legal representative¹⁸¹.

¹⁷⁵ CoE, Parliamentary Assembly (2016), para. 8.1.1; EASO (2016), pp. 48-50; EASO (2018b), p. 21; ENOC (2017a), points 2.2(b) and 3.3(d); ENOC (2017b), p. 31, points 2.2(b) and 3.3(d); EU, European Commission (2017), pp. 8 and 10; UN, CRC Committee (2005), para 31(v).

¹⁷⁶ CoE, Committee of Ministers (2011b), pp. 13 and 15; EASO (2018b), pp. 13 and 19; ENOC (2017a), point 1(r); ENOC (2017b); p. 31, point 1(r); EU, European Commission (2017), p. 9; FRA (2015), pp. 40 and 52; FRA (2018b), pp. 6 and 8; ICRC *et al.* (2004), pp. 45-46; UN CRC Committee (2005), para. 35; UN, General Assembly (2010), para. 128.

¹⁷⁷ CoE (2017), pp. 6 and 36; CoE (2018), pp. 99-100; CoE, Parliamentary Assembly (2017), EASO (2018a), pp. 37, 60 and 65; ENOC (2017a), points 1(p) and 3.2(b); ENOC (2017b), pp. 31 and 34, points 1(p) and 3.2(b); FRA (2010), p. 57; FRA (2015), p. 54; UN, CMW (2017a), para. 36; UN, CMW (2017b), paras. 16, 17(b) and (h); para. 6.4.

¹⁷⁸ EU, European Commission (2017), pp. 6-11; ENOC (2017a), point 1(a); ENOC (2017b), p. 30, point 1(a); UN, CMW (2017a), para. 32(c).

¹⁷⁹ CoE, Parliamentary Assembly (2011), paras. 5.3 and 5.8; CoE, Parliamentary Assembly (2016), para. 8.2.11; EU, European Commission (2017), p. 6; ENOC (2017a), point 1(n); ENOC (2017b), p. 31, point 1(n); UN, CMW (2017a), para. 29; UN, CMW (2017b), paras. 17(a) and (g); UN, CRC Committee (2005), para. 70.

¹⁸⁰ ENOC (2017a), point 1(f); ENOC (2017b), p. 30, point 1(f); EU, European Commission (2017), p. 6; UN, CMW (2017a), para. 32(h); UN, CMW (2017b), para. 13.

¹⁸¹ CoE (2017), para. 156; CoE, Parliamentary Assembly (2016), para. 8.2.6; EASO (2018a), p. 42; EASO (2018b), p. 17; ENOC (2017a), point 1(p), ENOC (2017b), p. 31, point 1(p); FRA (2015), pp. 55 and 61; UN, CMW (2017a), para. 36; UN, CMW (2017b), para. 17(j); UN, CRC Committee (2005), paras. 21, 24 and 33; UN, General Assembly (2010), para. 19.

- 5.3.** Unaccompanied minors are identified and registered as children through child-friendly procedures, indicating they are unaccompanied.¹⁸²
- 5.4.** Unaccompanied minors' vulnerabilities, protection needs and potential risk factors are individually assessed. Special attention is paid to vulnerable groups, children with special protection needs or in risk situations and additional information is provided correspondingly. When needed, they are referred to specialised institutions or bodies.¹⁸³
- 5.5.** Unaccompanied minors are provided with information and support on: identification and registration procedures, including data protection rights; rights in the host country; administrative and legal procedures and safeguards; international protection, asylum and migration status; family tracing and reunification; material reception conditions and entitlements; etc.¹⁸⁴
- 5.6.** Unaccompanied minors have access to family tracing and reunification procedures, regardless of their migration status.¹⁸⁵
- 5.7.** Unaccompanied minors are prioritised in family tracing and reunification procedures.¹⁸⁶
- 5.8.** Family reunification decisions are based on a best interests assessment.¹⁸⁷

6. Assignment to first reception centres

- 6.1.** The stay of unaccompanied minors in first reception centres is limited to the time strictly necessary for initial registration and evaluation of their situation.¹⁸⁸
- 6.2.** First reception centres have child-friendly conditions and guarantee free access to services (e.g. nutrition, healthcare, education, psychosocial assistance, legal assistance, protection, recreational activities, etc.).¹⁸⁹

¹⁸² CoE, Parliamentary Assembly (2014), para. 9.4.; CoE, Parliamentary Assembly (2016), para. 8.2.3; EU, European Commission (2017), pp. 6 and 8; FRA (2018a), p. 8; UN, CMW (2017a), para. 32(h); UN, CRC Committee (2005), paras. 31(i) and (iii).

¹⁸³ CoE (2018), pp. 30, 33-35, 42-43 and 47; CoE, Parliamentary Assembly (2011), paras. 5.4 and 5.7; CoE, Parliamentary Assembly (2016), para. 8.2.3; EASO (2018b), pp. 22-25; EASO (2019), p. 29; ENOC (2017a), point 1(a), (i), (k) and (f); ENOC (2017b), p. 30, point (a), (i), (k) and (f); EU, European Commission (2017), pp. 6 and 9; FRA (2015), pp. 75, 77-79 and 80-82; UN, CMW (2017a), paras. 13 and 32(h); UN, CMW (2017b), paras. 13, 17(a), 41 and 43; UN, CRC Committee (2005), paras. 31(iii) and 53.

¹⁸⁴ CoE (2018), pp. 41, 51, 56, 58, 65, 89, 97-99, 102, 104 and 117; CoE, Parliamentary Assembly (2011), para. 5.6; CoE, Parliamentary Assembly (2016), para. 8.2.4; EASO (2016), pp. 48-49; EASO (2018b), p. 21; ENOC (2017a), points 1(g) and 2.2(b); ENOC (2017b), pp. 30 and 35, points 1(g) and 2.2(b); EU, Commission, pp. 14 and 16; FRA (2018a), p.8; UN, CMW (2017a), para. 25; UN, CMW (2017b), para. 17(j).

¹⁸⁵ Court of Justice of the European Union (CJEU), Case C-550/16, [A and S v Staatssecretaris van Veiligheid en Justitie](#), 12 April 2018; EASO (2016), p. 49; EU, European Commission (2017), p. 10.

¹⁸⁶ EASO (2016), p. 48; EU, European Commission (2017), p. 10.

¹⁸⁷ EASO (2016), pp. 48 and 49; EASO (2018b), p. 21; ENOC (2017a), point 2.2(b); ENOC (2017b), p. 35, point 2.2(b); UN, CRC Committee (2005), paras. 81-82.

¹⁸⁸ ENOC (2017a), point 1(c); ENOC (2017b), p. 30, point 1(c).

¹⁸⁹ CoE (2017), para. 51; CoE, Parliamentary Assembly (2016), para. 8.2.7; ENOC (2017a), points 1(p) and (o); ENOC (2017b), p. 31, points 1(p) and (o); UN, CMW (2017b), para. 50; UN, CRC Committee (2005), para. 41.

- 6.3.** Prevention and response mechanisms for missing children (risk assessment, creation of safety care plans, reporting, etc.) in reception centres are in place.¹⁹⁰
- 6.5.** Multi-agency work and follow-up measures continue after unaccompanied minors are found.¹⁹¹

7. Age assessment

- 7.1.** Unaccompanied minors are subjected to age assessment procedures as a measure of last resort, only in cases of reasonable doubt about the child's age.¹⁹²
- 7.2.** Unaccompanied minors are assigned a guardian before any age assessment procedure takes place.¹⁹³
- 7.3.** The views of the child are heard and taken into account at all stages of the age assessment procedure.¹⁹⁴
- 7.4.** Age assessment is conducted following a holistic, multi-disciplinary and child-sensitive approach adapted to gender and cultural sensitivities.¹⁹⁵
- 7.5.** Medical examinations are applied as a measure of last resort and using the least intrusive methods. Radiation-free methods are prioritised in cases where medical examinations are deemed necessary.¹⁹⁶
- 7.6.** Unaccompanied minors are provided with information on age assessment (purpose and motives; methods and procedures; accuracy and intrusiveness of methods; right to refusal and consequences; etc.)¹⁹⁷. Informed consent should be obtained from unaccompanied minors and their guardians or legal representatives prior to conducting an age assessment¹⁹⁸.
- 7.7.** The benefit of the doubt is applied throughout the whole age determination process and the margin of error of age assessment results is applied in favour of unaccompanied minors.¹⁹⁹

¹⁹⁰ CoE (2018), pp. 25, 41 and 79; EU, European Commission (2017), p.7.

¹⁹¹ Missing Children Europe (2016), pp. 103 and 104.

¹⁹² CoE, Parliamentary Assembly (2017), para. 6.1; FRA (2018a), p.7; UN, CMW (2017b) para.4.

¹⁹³ EASO (2018a), pp. 26 and 60; ENOC (2017a), point 1(p); ENOC (2017b), p. 31, point 1(p); EU, European Commission (2017), p. 10; FRA (2015), p. 101; FRA (2018a), p. 8.

¹⁹⁴ CoE (2017), paras. 7, 73-74 and 150; EASO (2018a), pp. 28-29; UN, CMW (2017b), para. 4.

¹⁹⁵ CoE (2017), pp. 5-6, 25-26 and 28; CoE, Parliamentary Assembly (2014), para. 9.5; CoE, Parliamentary Assembly (2016), para. 8.2.5; CoE, Parliamentary Assembly (2017), para. 6.6; EASO (2018a), pp. 38 and 61; ENOC (2017a) point 1(p); ENOC (2017b), p. 31, point 1(p); UN, CMW (2017b), para. 4.

¹⁹⁶ CoE (2017), paras. 10, 107, and 127-129; CoE, Parliamentary Assembly (2017), para. 6.5; EASO (2018a), pp. 21, 31-33, 43, 61 and 76.

¹⁹⁷ CoE (2017), pp. 5, 15, 19, 27 and 31; CoE (2018), pp. 41-42, 51, 59, 61 and 117; CoE, Parliamentary Assembly (2017), para. 6.2; EASO (2018a), pp. 27-28, 37, and 60; FRA (2018a), p. 8.

¹⁹⁸ CoE (2017), pp. 5 and 19; CoE (2018), pp. 56 and 117; EASO (2018a), pp. 29-30, 42 and 60; ECtHR, *Yazgül Yılmaz v. Turkey*, No. 36369/06, 1 February 2011; FRA (2018a), p. 7.

¹⁹⁹ CoE (2017), pp. 6, 11 and 29; CoE, Parliamentary Assembly (2017), para. 6.8; EASO (2018a), pp. 22, 24-25, 41 and 60-61; ENOC (2017a), point 1(p); ENOC (2017b), p. 31, point 1(p); EU, European Commission (2017), p. 10; UN, CRC Committee (2005), para. 31(i).

7.8. Unaccompanied minors are provided with information on available social services and assistance institutions (accommodation, healthcare, education, social support, legal counselling, etc.) in the event of determination of their majority of age.²⁰⁰

8. Access to international protection

8.1. Unaccompanied minors are supported in accessing international protection, asylum and regularisation of migration status procedures.²⁰¹

8.2. Unaccompanied minors are provided with comprehensive and follow-up information on international protection, asylum and regularisation of migration status procedures.²⁰²

9. Detention

9.1. Guarantees to prevent the detention of unaccompanied minors on the basis of their migration status are in place.²⁰³

9.2. Guarantees to prevent the detention of unaccompanied minors throughout age assessment determination procedures are in place.²⁰⁴

9.3. Alternatives to detention (e.g. residential homes or foster placements, residence restrictions, regular reporting to the police, etc.) are in place and applied.²⁰⁵

9.4. Unaccompanied minors are provided with child-friendly information on the reasons for their detention.²⁰⁶

10. Data and records

10.1. Disaggregated, data protected national records of unaccompanied minors are available.²⁰⁷

²⁰⁰ CoE (2018), pp. 61 and 118.

²⁰¹ CoE, Parliamentary Assembly (2011), para. 5.8; CoE, Parliamentary Assembly (2016), para. 8.2.6; EASO (2018b), p. 19; ENOC (2017a), points 1(n) and 2.2(a); ENOC (2017b), p. 31, point 1(n) and 2.2(a); EU, European Commission (2017), pp. 11 and 14; UN, CMW (2017b), para. 15; UN, CRC Committee (2005), para. 70.

²⁰² CoE (2018), pp. 97-100; EASO (2018b), pp. 18-19; ECRE (2014), p. 38; EU European Commission (2017), pp. 14 and 16; UN, CMW (2017a), para. 35; UN, CMW (2017b), para. 17(b); UN, CRC Committee (2005), para. 25.

²⁰³ CoE, Parliamentary Assembly (2010), para. 9(1)(9); CoE, Parliamentary Assembly (2014), para. 3.9.2; CoE, Parliamentary Assembly (2016), para. 8.2.3; FRA (2010), p. 55.

²⁰⁴ CoE, Parliamentary Assembly (2017), para. 6.8.

²⁰⁵ CoE, Parliamentary Assembly (2011), para. 5.9; CoE, Parliamentary Assembly (2014), paras. 6.9.6, 9.7 and 9.9; ENOC (2017a), point 1(b); ENOC (2017b), p. 30, point 1(b); EU, European Commission (2017), p. 9; UN, CMW (2017b), para. 12; UNHCR (2012), paras. 36 and 40.

²⁰⁶ ECHR, 4 November 1950, Art. 5(2); CoE (2018), p. 106.

²⁰⁷ CoE, Parliamentary Assembly (2011), para. 6.3; ENOC (2017a), points 3.1(a) and (b); ENOC (2017b), p. 25, points 1(a) and (b); EU, European Commission (2017), pp. 15-16; UN, CMW (2017a), para. 16; UN, CRC Committee (2005), paras. 99-100.

LATER RECEPTION STAGES

In regard to issues concerning later reception stages and integration processes in the host country, the following standards have been identified:

11. Housing and accommodation

11.1.The administration moves towards de-institutionalisation as a general policy, prioritising family or community-based solutions to institutional placements. In the event of placement in a residential facility, those enabling living conditions as close as possible to family life should prevail.²⁰⁸

11.2.In case of institutionalisation, accommodation facilities are small-sized and integrated into the community, allowing effective access to relevant services (e.g. education, healthcare, legal assistance, asylum authorities, leisure activities, etc.).²⁰⁹

11.3.In case of institutionalisation, unaccompanied minors are placed in accommodation facilities separate from those where adults are accommodated.²¹⁰

11.4.Communication between unaccompanied minors and their families, friends, guardians, etc. is facilitated.²¹¹

12. Education

12.1.Universal access to compulsory education is granted to unaccompanied minors in the same conditions as nationals, regardless of their migration status.²¹²

12.2.Universal access to post-compulsory education, vocational training and alternative learning programmes is granted to unaccompanied minors in the same conditions as nationals, regardless of their migration status.²¹³

12.3.Integration of unaccompanied minors into mainstream education systems is prioritised over placement in separate schools for migrant and refugee children.²¹⁴

²⁰⁸ CoE, Committee of Ministers (2011b), p. 10; EASO (2018b), pp.27-28; ICRC *et al.* (2004), pp. 42-43, 46 and 54; UN, CMW (2017a), para. 32(f); UN, CMW (2017b), para. 13; UN, CRC Committee (2005), para. 40; UN, General Assembly (2010), para. 22; UNHCR (1994), p. 127; UNHCR (1997), paras. 10.7 and 10.8.

²⁰⁹ EASO (2018b), pp. 40, 52-53 and 58; ENOC (2017a), point 2.3(a); ENOC (2017b), p. 32, point 2.3(a); UN, General Assembly (2010), para. 123.

²¹⁰ ENOC (2017a), point 2.3(f); ENOC (2017b); p. 32, point 2.3(f).

²¹¹ EASO (2018b), p. 61; UN, General Assembly (2010), paras. 81 and 151.

²¹² CoE, Parliamentary Assembly (2016), para. 8.2.7; ENOC (2017a), point 2.5(a); ENOC (2017b), p. 32, point 2.5(a); ICRC *et al.* (2004), p. 49; UN, CMW (2017b), para. 59; UN, CRC Committee (2005), para. 41; UNHCR (1997), para. 7.12; UN, General Assembly (2010), para. 85.

²¹³ CoE, Parliamentary Assembly (2016), para. 8.2.7; EASO (2018b), p. 45; ENOC (2017a), point 2.5(a); ENOC (2017b), p. 32, point 2.5(a); ICRC *et al.* (2004), p. 49; UN, CMW (2017b), para. 59; UN, CRC Committee (2005), para. 41; UNHCR (1997), paras. 7.12 and 7.14; UNHCR (1994), pp. 112 and 114-115; UN, General Assembly (2010), para. 85.

²¹⁴ CoE, Parliamentary Assembly (2016), para. 8.2.7; EASO (2018b), p. 44; ENOC (2017a), point 2.5(b); ENOC (2017b), p. 32, point 2.5(b); ICRC *et al.* (2004), p. 49; UN, CMW (2017b), para. 62; UNHCR (1994), p. 112.

12.4.Schools integrate unaccompanied minors' different cultural features into school life and are respectful of cultural diversity²¹⁵. Prevention mechanisms against bullying, xenophobia, etc. are in place.²¹⁶

12.5.Support measures to overcome special educational barriers or gaps (e.g. due to language, culture, gender, experienced trauma or abuse, different schooling system or delayed schooling in countries of origin, etc.) are in place.²¹⁷

13. Healthcare

13.1.Access to healthcare services is provided to unaccompanied minors in the same conditions as national children, regardless of their migration status. Unaccompanied minors receive support in accessing health services.²¹⁸

13.2.Access to mental healthcare services is provided to unaccompanied minors in the same conditions as national children, regardless of their migration status. Unaccompanied minors receive support in accessing mental health services.²¹⁹

13.3.Additional rehabilitation and counselling services for unaccompanied minors who have been exposed to trauma, stress, anxiety, depression, drug addictions, etc. are in place.²²⁰

14. Guardianship and child protection system

14.1.Guardians carry out a case-by-case holistic analysis, evaluating and balancing the needs and personal circumstances of the unaccompanied minor. The assessment is translated into an individual care plan for the child, which contains the needs, opportunities, objectives etc. of the child, allowing for a suitable provision of social services and his/her comprehensive development. The care plan of the child is continuously updated on the basis of a best interests assessment.²²¹

14.2.Guardians act as a reference for unaccompanied minors through a trust relationship, supporting, accompanying, and guiding unaccompanied minors in their access to social and local services and in everyday life activities as necessary.²²²

²¹⁵ ENOC (2017a), point 2.5(d); ENOC (2017b), point 2.5(d); UNHCR (1994), p. 114.

²¹⁶ EASO (2018b), p. 44; ENOC (2017a), points 2.5(e) and (h); ENOC (2017b), p. 33, points 2.5(e) and (h); UN, CMW (2017b), para. 63; UNHCR (1994), p. 117.

²¹⁷ EASO (2018b), pp. 44-45; ENOC (2017a), point 2.5(a), (b) and (c); ENOC (2017b), p. 31, point 2.5(a), (b) and (c); UN, CMW (2017b), para. 62; UNHCR (1994), pp. 111-112.

²¹⁸ EASO (2018b), pp. 39-40; ENOC (2017a), point 2.4(b) and (e); ENOC (2017b), p. 32, point 2.4(b) and (e); UN, CMW (2017b), paras. 55-56; UN, CRC Committee (2005), para. 46; UNCHR (1997), para. 7.9.

²¹⁹ EASO (2018b), pp. 40-41; ENOC (2017a), points 2.4 (a), (c) and (e); ENOC (2017b), p. 32, points 2.4 (a) (c) and (e); UN, CMW (2017b), para. 55; UN, CRC Committee (2005), para. 48; UNHCR (1997), para. 7.11.

²²⁰ EASO (2018b), p. 41; UN, CRC Committee (2005), para. 48.

²²¹ EASO (2018b), pp. 22-24; EASO (2019), p. 29; FRA (2015), pp. 72-74 and 80-82.

²²² EASO (2018b), pp. 17 and 30-31; FRA (2015), p. 70.

14.3. Guardians have access to support structures (e.g. a multi-disciplinary team of professionals) to provide assistance, advice and expertise.²²³

14.4. A guardianship authority responsible for organising and managing the functioning of the guardianship service (e.g. procedures, methods, guidelines and standards, codes of conduct, recruitment, qualifications, training, evaluation and supervision, etc.) is in place.²²⁴

14.5. A care policy or protocol, guidelines on standards, and documents stating the functioning and operating rules of everyday life for unaccompanied minors are in place and accessible.²²⁵

14.6. Security arrangements to protect unaccompanied minors against abuse, exploitation, sale, abduction, trafficking, etc. are in place. Guardians ensure violence is not employed in disciplinary measures carried out by any professionals working with the child.²²⁶

15. Legal assistance

15.1. Legal representation throughout administrative and judicial procedures is provided from early stages to unaccompanied minors free of charge.²²⁷

15.2. Unaccompanied minors are heard and participate in all administrative and judicial procedures affecting them.²²⁸

16. Integration and participation in the community

16.1. Easy and equal access to social services is provided to unaccompanied minors, including leisure and cultural activities, sport, etc. A monetary allowance is provided for this purpose.²²⁹

16.2. Participation in civil society is facilitated to unaccompanied minors. Unaccompanied minors participate in common activities with local youth.²³⁰

²²³ FRA (2015), pp. 51-52, 70 and 104.

²²⁴ FRA (2015), pp. 33, 35, 40-54 and 65; FRA (2018b), p. 8; UN, CRC Committee (2013), para. 87.

²²⁵ CoE, Committee of Ministers (2011b), p. 10; EASO (2018b), p. 31; ENOC (2017a), points 2.1(a) and 2.3(b); ENOC (2017b), pp. 31 and 32, points 2.1(a) and 2.3(b); UN, CMW (2017b), para 50; UN, General Assembly (2010), paras. 55, 69-71 and 155.

²²⁶ EASO (2018b), pp. 22, 30, 31 and 57; UN, CRC Committee (2005), para. 40; UN, General Assembly (2010), paras. 92-93 and 96.

²²⁷ CoE (2018), pp. 84-86 and 118; CoE, Committee of Ministers (2011a), paras. 38-39 and 104; EASO (2018a), p. 28; EASO (2018b), pp. 17-18 and 20; ENOC (2017a), points 1(o) and 2.7(a); ENOC (2017b), pp. 31 and 33, points 1(o) and 2.7(a); FRA (2010), p. 62; FRA (2015), pp. 38-39; UN, CMW (2017a), paras. 32(c) and 36; UN, CMW (2017b), paras. 16 and 17(f); UN, CRC Committee (2005), paras. 21, 33, 36, 63 and 69; UN, CRC Committee (2009), para. 36.

²²⁸ EASO (2018a), p. 30; EASO (2018b), p. 19; FRA (2015), pp. 28 and 53; UN, CMW (2017a), paras. 37 and 39; UN, CMW (2017b), para. 17(d). UN, CRC Committee (2005), paras. 25 and 37; UN, CRC Committee (2009), paras. 26, 32-34 and 57-67.

²²⁹ CoE, Committee of Ministers (2011b), pp. 9 and 11; EASO (2018b), pp. 33 and 50; ENOC (2017a), points 2.1(d) and 2.6(c); ENOC (2017b), pp. 31 and 33, points 2.1(d) and 2.6(c).

16.3.Integration programmes are in place and accessible to unaccompanied minors.²³¹

16.4.Possibilities for regularisation of integrated unaccompanied minors' migration status in the host country are in place.²³²

17. Transition to adulthood

17.1.Upon reaching majority of age, former unaccompanied minors have access to the issuance and renewal of their legal status documents.²³³

17.2.Previously to coming of age, unaccompanied minors are prepared for self-reliance and the aftercare period. This is planned in advance.²³⁴

17.3.Upon reaching majority of age, former unaccompanied minors continue to have access to education, economic, social, legal, and health services, as well as individual support and monitoring schemes.²³⁵

17.4.Initiatives fostering former unaccompanied minors' access to the labour market and to employment services are in place.²³⁶

²³⁰ CoE, Committee of Ministers (2011b), pp. 7-8; CoE, Committee of Ministers (2019), pp. 7,8 and 9; EASO (2018b), p. 34; ENOC (2017a), point 3.3(a); ENOC (2017b), p. 34, point 3.3(a); UN, CMW (2017a), para. 39.

²³¹ CoE, Committee of Ministers (2019), p. 7; ENOC (2017a), point 2.1(c); ENOC (2017b), p. 31, point 2.1(c); UNHCR (1997), p. 15.

²³² ENOC (2017a), point 2.2(d); ENOC (2017b); p. 31, point 2.2(d).

²³³ ENOC (2017a), point 2.8(a); ENOC (2017b), p. 33, point 2.8(a).

²³⁴ CoE (2018), p. 119; EASO (2018b), pp. 31-32; ENOC (2017a), point 2.8(c); ENOC (2017b), p. 33, point 2.8(c); UN, General Assembly (2010), paras. 131 and 134.

²³⁵ CoE, Committee of Ministers (2019), pp. 4-7; EASO (2018b), pp. 29 and 31; ENOC (2017a), points 2.8(b) and (c); ENOC (2017b), p. 33, points 2.8(b) and (c); EU, European Commission (2017), p. 14; FRA (2015), p. 63; UN, CMW (2017b), para.3; UN, General Assembly (2010), paras. 135-136.

²³⁶ CoE, Committee of Ministers (2019), p. 6; ENOC (2017a), point 2.8(b); ENOC (2017b), p. 33, point 2.8(b).





www.ararteko.eus
international@ararteko.eus