

# **(Member) States' Approaches to Unaccompanied Minors Following Status Determination**

## *Common Template for EMN Focussed Study 2017*

Final Version: 16<sup>th</sup> October 2017

**Subject:** Common Template for the EMN Focussed Study 2017 on "*(Member) States' Approaches to Unaccompanied Minors Following Status Determination*"

**Action:** EMN NCPs are invited to submit their National Contributions to the Study to the EMN Service Provider by 31<sup>st</sup> January 2018. If needed, further clarifications can be provided by contacting the EMN Service Provider (ICF) at [emn@icf.com](mailto:emn@icf.com).

## **1 BACKGROUND AND RATIONALE FOR THE STUDY**

The number of applications for international protection has significantly increased in the European Union over recent years, mostly related to the ongoing crisis in Syria. According to Eurostat, more than 1.3 million asylum applications were lodged in the EU Member States in 2015, and just under 1.3 million again in 2016, almost five times as many as in 2010. Within the larger group of international protection applicants, the number of unaccompanied minors has increased strongly as well, from about 10,600 in 2010 to over 96,000 in 2015, before decreasing to 63,000 in 2016. According to earlier EMN outputs, while most unaccompanied minors are considered to apply for asylum, a certain number of unaccompanied minors remain outside the asylum procedure.

The overall dramatic increase in people seeking international protection and the arrival of unaccompanied minors in particular resulted in substantial challenges for Member States, including as regards **integration** and **return** policies. Applicants granted international protection and/ or another status need to be integrated into their new host societies, and those who are rejected need to return, preferably on a voluntary basis. Finding the right ways to deal with unaccompanied minors in this regard can appear particularly challenging, not least because unaccompanied minors have child-specific rights and enjoy special safeguards under international, EU and national laws.

A number of studies have been carried out in recent years on integration and return policies and practices, not least by the EMN (see "Relevant sources and literature" below). The EMN has also examined policies towards unaccompanied minors in particular. For example, the (voluntary) return of unaccompanied minors was touched upon in a 2014 EMN study on *Policies, practices and data on unaccompanied minors*. In 2008-2009, a comprehensive EMN study on *Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors* dealt explicitly with the integration of unaccompanied minors, among other aspects. Some of the information included in these studies is somewhat outdated today, however. In addition, the 2016 EMN Annual Report on Migration and Asylum indicated that few Member States actively engaged in the return of unaccompanied minors. Overall, this suggests that an updated inventory of the experiences made in the Member States, and of the challenges at hand and any best practices, would be of importance for future policy-making – both with regard to integration and return measures for unaccompanied minors.

## 2 STUDY AIMS AND OBJECTIVES

The overall aim of the Study is to inform the EMN's target audiences (e.g. practitioners, policy officers and decision-makers at both EU and national level including academic researchers and the general public) on **Member States' approaches to unaccompanied minors following a final decision on their asylum/ other status application**. Thus, the Study will not examine the specific status determination procedure for unaccompanied minors but rather what happens with unaccompanied minors **after its completion**, which, in principle, either consists of the protection status and hence a right to **residence** being granted, followed by integration into the new host society, or the (asylum) application being rejected, followed by the unaccompanied minors being obligated to **return**. In relation to the latter, the Study will also cover instances when an unaccompanied minor is ordered to leave the territory but the **return decision is not or cannot be enforced**. Statuses such as temporary and tolerated stay, those available to child victims of trafficking, as well as the situation of unaccompanied minors who disappear following a decision on status shall be included as well.

More specifically, the Study aims to:

### ★ With regard to **return**:

- › Examine Member States' approaches to **unaccompanied minors whose applications for asylum have been rejected and who are or cannot be (immediately) returned** or have disappeared following a decision on their application;
- › Describe the **legal and organisational set-up** in Member States with regard to the **(voluntary) return** of an unaccompanied minor, including information on the stakeholders involved, what their roles are, and what measures the Member States take when unaccompanied minors are issued an enforceable return decision, to encourage voluntary return;
- › Provide an overview of **challenges to return** and the measures taken to deal with such challenges, identifying good practices, including information and results of any AVR(R) programmes carried out for unaccompanied minors;

### ★ With regard to **integration**:

- › Examine integration approaches in the (Member) States regarding unaccompanied minors after positive decisions on admission or asylum/ other relevant procedures in key areas such as **housing, education and support in labour market entry**, including rights and entitlements awarded to unaccompanied minors (for example family reunification) and whether these are specifically geared towards unaccompanied minors. The Study shall also clarify in what way integration arrangements for unaccompanied minors are different than those for adults;
- › Describe the **organisational set-up** in Member States with regard to the **integration** of unaccompanied minors, including information on which stakeholders are involved and what their roles are;
- › Provide an overview of the **challenges to integration** and the actions taken to deal with such challenges, identifying good practices.

As many unaccompanied minors arriving in the EU are close to **passing the age threshold to adulthood**, the Study shall also examine whether there are any particular arrangements for unaccompanied minors who turn 18 around the point in time when they receive a final decision on status and what impact this may have on their integration trajectories or their return.

While most unaccompanied minors apply for asylum and hence this Study will focus on their situation after completion of the asylum procedure, it is important to keep in mind that not all unaccompanied minors who arrive in the (Member) States actually apply for asylum. If (Member) States receive unaccompanied minors outside their respective asylum procedures and have any other procedures in

place to determine whether they are entitled to stay in the (Member) State or not, such procedures shall also be explored.

### 3 SCOPE OF THE STUDY

The overall focus of this Study are unaccompanied minors from third countries who, following status determination, are entitled to a residence permit, or are issued a return decision, and the approaches put in place by (Member) States to ensure their integration or (voluntary) return respectively. The scope of the Study may also include, at least in some Member States, any statuses given to unaccompanied minors who for some reason cannot be returned immediately (e.g. tolerated stay). Finally, the Study also aims to examine (Member) States' approaches to unaccompanied minors who have disappeared following a final decision on their application for asylum.

Thus, the Study does not cover the actual asylum or other relevant procedures in which the right of an unaccompanied minor to stay in a (Member) State is examined and decided upon.

### 4 EU LEGAL AND POLICY CONTEXT

The European Union, together with its Member States, has been active regarding unaccompanied minors for many years. The existing EU policies and legislation already provide a general framework for the protection of the rights of the child in migration, covering aspects such as reception conditions, the treatment of their applications, and integration. The [EU Agenda on the Rights of the Child](#) (2006) and the EU Action Plan on Unaccompanied Minors (2010-2014) ([COM\(2010\) 213 final](#)) have been instrumental in raising awareness about the protection needs of unaccompanied minors, and in promoting protective actions, such as training for guardians, public authorities and other actors who are in close contact with unaccompanied minors. More recently, the European Commission (the Commission) called for a comprehensive approach to all children in migration, including unaccompanied minors, in its Communication on the protection of children in migration ([COM\(2017\) 211 final](#)), the European Agenda on Migration ([COM \(2015\) 240](#)), the Communication on the state of play of its implementation ([COM\(2016\) 85 final](#)), as well as the EU Action Plan on Integration of Third-Country Nationals ([COM\(2016\) 377 final](#)).

Legally, there are certain ongoing changes in relation to key provisions on asylum that address the situation of unaccompanied minors, notably the:

- ★ Recast **Asylum Procedures Directive** (2013/32/EU) which aims at fairer, quicker and better-quality asylum decisions, including greater protection of unaccompanied minors during the asylum procedure (which however is out of scope of this Study). In 2016, the Commission issued a proposal for a new Regulation establishing a single common asylum procedure in the EU and repealing Directive 2013/32/EU ([COM\(2016\) 467 final](#)), which aims at upholding and further enhancing a high level of special procedural guarantees for unaccompanied minors, such as early identification of their needs, provision of support and guidance, appointment of a guardian, and consideration of the best interests of the child in relation to minors in general.
- ★ Recast **Qualification Directive** ([2011/95/EU](#)), which aims to clarify the grounds for granting international protection, make asylum decisions more robust and improve the access to rights and integration measures for beneficiaries of international protection. It emphasises the obligation to take account of the best interests of the child (when relevant) and of gender-related aspects in the assessment of asylum applications, as well as in the implementation of the rules on the content of international protection. In 2016, a proposal for a new Qualification Regulation (COM(2016) 466 final) replacing the Qualification Directive, includes renewed provisions for unaccompanied minors in Article 36, such as appointment of a legal guardian, accommodation appropriate for minors, family tracing, as well as training for professionals working with minors.

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- ★ A proposal for a recast **Reception Conditions Directive** aims to further harmonise reception conditions in the EU ([COM\(2016\)467 final](#)), reinforce the assessment of the best interests of the child and ensure that reception conditions are adapted to the specific situation of children, whether unaccompanied or within families, with due regard to their security, physical and emotional care and provided in a manner that encourages their general development. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account.
- ★ The proposal for a new **Dublin Regulation** ([COM\(2016\) 270 final](#)) envisages new rules for determining the Member State responsible for examining an application lodged by an unaccompanied minor, clarifying that, in the absence of a family member or relative in another Member State, the Member State where the minor first lodged his or her application for international protection will be responsible, unless it is demonstrated that this is not in the best interests of the minor.
- ★ The revised **Eurodac Regulation** ([COM\(2016\) 272 final](#)) proposes to lower the age for taking fingerprints and facial images from asylum-seekers and third-country nationals from 14 years to six years. This will help identify children in cases where they are separated from their families. It shall also strengthen the protection of unaccompanied minors, who do not always formally seek international protection and who can risk harm when absconding from care institutions or child social services.
- ★ The proposal for Regulation transforming the existing European Asylum Support Office (EASO) into a fully-fledged **European Union Agency for Asylum** ([COM\(2016\) 271 final](#)) would expand Agency mandate regarding operational and technical assistance, including providing assistance to Member States in ensuring that all the necessary child rights and child protection safeguards are in place within the framework of their asylum and reception systems. The new Agency shall also assist Member States in developing training activities concerning the handling of applications for international protection made by unaccompanied minors, including as regards the assessment of the best interests of the child, specific procedural safeguards such as respect of the child's right to be heard and child protection aspects such as age-assessment techniques.
- ★ The main legal instrument regulating the EU return policy is the 2008 **Return Directive** ([2008/115/EC](#)), which lays down common EU standards on forced return and voluntary departure, emphasising that voluntary return is preferred, while acknowledging the inevitable need for efficient means to enforce returns where necessary. After the **Informal meeting of EU heads of state or government** held in Malta in February 2017 highlighted the need for a review of the EU's return policy,<sup>1</sup> the Commission published a **new EU Action Plan on Return**, along with an Annex listing the actions to be implemented by Member States to complete, along with a **Recommendation** on making returns more effective when implementing the Return Directive ([C\(2017\) 1600 final](#)),<sup>2</sup> specifying among others that decisions on the legal status and on the return of unaccompanied minors should always be based on individual, multi-disciplinary and robust assessments of their best interests. The Action Plan foresees the adoption of immediate measures by the Member States to enhance the effectiveness of returns when implementing EU legislation, in line with fundamental rights obligations. Based on the results achieved in the implementation of the Recommendation and depending on whether it is estimated that further action should be taken to substantially increase return rates, the Commission may present a proposal to revise the Return Directive.

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<sup>1</sup> Malta Declaration by the members of the European Council on the external aspects of migration: *Addressing the Central Mediterranean route*, 3 February 2017.

<sup>2</sup> Communication on a *More Effective Return Policy in the European Union – a Renewed Action Plan*, *op. cit.*

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In line with the **EU Charter of Fundamental Rights** ([2012/C 326/02](#)), applying the EU *acquis* containing child-sensitive provisions, the principle of best interests of the child must be a primary consideration.

Finally, the EU has committed to a number of international conventions which have placed an obligation to take appropriate protection and prevention measures in relation to migrants and/ or children, including the [UN Refugee Convention](#) and UN Convention on the Rights of the Child ([CRC](#)), the Hague Convention on the Protection of Children ([HCCH](#)), and the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms ([ECHR](#)).

## 5 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The Study will aim to address the following:

- ★ Provide an overview of the legal framework of international law and the EU *acquis* in relation to unaccompanied minors, provisions in place to address the human rights of unaccompanied minors and their fundamental freedoms when it comes to return/ integration and potential gaps;
- ★ Provide information on the legal framework and approaches of (Member) States to (voluntary) return of unaccompanied minors; describe the process (which actors and their roles) in relation to (voluntary) return; provide details of approaches that have been used specifically for the return of unaccompanied minors (e.g. AVR(R)-programmes specifically geared towards unaccompanied minors); describe reintegration measures in third countries; describe challenges and best practices concerning the (voluntary) return of unaccompanied minors, e.g. those who cannot be immediately returned;
- ★ Provide information on the approaches of (Member) States to the care/ integration of unaccompanied minors following status determination; describe the process (which actors and their roles) in relation to integration; provide details on approaches that have been aimed specifically at the integration of unaccompanied minors (e.g. education (including progression to third level), housing, guardianship, labour market entry); describe measures available to support unaccompanied minors in advance/ during/ as a follow-up to their transition to adulthood; describe outcomes, challenges and best practices concerning the integration of unaccompanied minors;
- ★ Describe the status(es) given (if any) to unaccompanied minors who are not granted protection (residence permit, visa) but who cannot be removed from a (Member) State;
- ★ Examine possible reasons for the disappearance of unaccompanied minors from guardianship/ care and whether this has any consequences on their permit to stay, plus measures in place to prevent and respond to disappearances and how effective they have been in practice.

## 6 RELEVANT SOURCES AND LITERATURE

### **EMN Studies**

- ★ EMN (2017): Family reunification of Third-Country Nationals in the EU plus Norway: National Practices. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00\\_family\\_reunification\\_sr\\_final.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_sr_final.pdf)
- ★ EMN (2016): The Return of Rejected Asylum Seekers: Challenges and Good Practices. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn-studies-00\\_synthesis\\_report\\_rejected\\_asylum\\_seekers\\_2016.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_synthesis_report_rejected_asylum_seekers_2016.pdf).



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- ★ EMN (2015): Policies, practices and data on unaccompanied minors in the EU Member States and Norway. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_study\\_policies\\_practices\\_and\\_data\\_on\\_unaccompanied\\_minors\\_in\\_the\\_eu\\_member\\_states\\_and\\_norway\\_synthesis\\_report\\_final\\_eu\\_2015.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_policies_practices_and_data_on_unaccompanied_minors_in_the_eu_member_states_and_norway_synthesis_report_final_eu_2015.pdf).
- ★ EMN (2015): Integration of beneficiaries of international/ humanitarian protection into the labour market: policies and good practices. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn-studies-00\\_integration\\_of\\_beneficiaries\\_of\\_international\\_protection\\_eu\\_2015\\_en\\_final.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_integration_of_beneficiaries_of_international_protection_eu_2015_en_final.pdf).
- ★ EMN (2014): Good practices in the return and reintegration of irregular migrants: Member States' entry bans policy and use of readmission agreements between Member States and third countries. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_study\\_reentry\\_bans\\_and\\_readmission\\_agreements\\_final\\_december\\_2014.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_reentry_bans_and_readmission_agreements_final_december_2014.pdf).
- ★ EMN (2010): Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – an EU Comparative Study. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/unaccompanied-minors/0\\_emn\\_synthesis\\_report\\_unaccompanied\\_minors\\_publication\\_sept10\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/0_emn_synthesis_report_unaccompanied_minors_publication_sept10_en.pdf).

**EMN AHQs**

- ★ 2017.1209 – **On pull factors for unaccompanied minor asylum applicants** – requested 29 June 2017
- ★ 2017.1199 – **Unaccompanied asylum-seeking children followed by family members under Dublin Regulation** – requested 8 June 2017
- ★ 2017.1145 – **Return of unaccompanied minors** – requested on 3 March 2017
- ★ 2016.1071 – **Rules on family reunification of unaccompanied minors granted refugee status or subsidiary protection** – requested 27 May 2016
- ★ 2016.1067 – **Joint ad-hoc query COM & LU EMN NCP on statelessness: minors born in exile and unaccompanied minors (part 2)** – requested 4 May 2016
- ★ 2015.XXXX – **Detention and removal of minors** – requested XXX
- ★ 2014.523 – **Admission/ Residence and guardianship related provisions for unaccompanied foreign and/ or EU minors in vulnerable situations** – requested 18 November 2013
- ★ 2014.523 – **Safe centres for unaccompanied minors victims of trafficking in human beings** – requested 11 December 2013
- ★ 2012.439 – **Return of unaccompanied minors** – requested 13 November 2012

**Other studies and reports**

- ★ **European Commission** (2017). Compilation of data, situation and media reports on children in migration. [http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/data\\_children\\_in\\_migration.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf)

- ★ **European Commission** (2016). Child-specific Provisions in the Common European Asylum Package. [http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/ceas\\_provision\\_on\\_children\\_table\\_updated.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/ceas_provision_on_children_table_updated.pdf)
- ★ **European Commission**, Directorate-General for Education and Culture (2016): Language assessment and integration of unaccompanied minors, Report for Peer Learning Activity in Dresden, May 31 – June 2 2016. [https://ec.europa.eu/education/sites/education/files/peer-learning-dresden\\_en.pdf](https://ec.europa.eu/education/sites/education/files/peer-learning-dresden_en.pdf).
- ★ **House of Lords**, European Union Committee, 2nd Report of Session 2016–17 (2016): Children in crisis: unaccompanied migrant children in the EU. <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldeduc/34/34.pdf>.
- ★ **IOM's Global Migration Data Analysis Centre** (2016). Children and unsafe migration in Europe: data and policy, understanding the evidence base. <http://gmdac.iom.int/gmdac-data-briefing-5>.
- ★ **Save the Children** (2016): Children on the Move in Europe. Save the Children's response to the deepening child refugee and migrant crisis in Europe. <https://savethechildreninternational.exposure.co/children-on-the-move-in-europe>.
- ★ **10<sup>th</sup> European Forum on the rights of the child (2016)**: The protection of children in migration, 29-30 November 2016. [http://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=34456](http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=34456).
- ★ **Wadensjö, E. and Çelikaksoy, A.** (2016): Mapping Experiences and Research about Unaccompanied Refugee Minors in Sweden and Other Countries, Discussion Paper No. 10143, Forschungsinstitut zur Zukunft der Arbeit Institute for the Study of Labour. <http://ftp.iza.org/dp10143.pdf>.
- ★ **Fundamental Rights Agency** (2015). Guardianship systems for children deprived of parental care in the European Union. <http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care>
- ★ **Lemberg-Pedersen, M.** (2015): The rise and fall of the ERPUM pilot. Tracing the European policy drive to deport unaccompanied minors Refugee Studies Centre, Working Paper Series 108. Oxford Department of International Development, University of Oxford. <https://www.rsc.ox.ac.uk/files/files-1/wp-108-erpum-pilot.pdf>.
- ★ **Missing Children Europe** (2015). [Figures and Trends 2015 from Hotlines for Missing Children and Cross-border Family Mediators](http://missingchildreneurope.eu/Portals/0/Docs/Annual%20and%20Data%20reports/Missing%20Children%20Europe%20figures%20and%20trends%202015.pdf). <http://missingchildreneurope.eu/Portals/0/Docs/Annual%20and%20Data%20reports/Missing%20Children%20Europe%20figures%20and%20trends%202015.pdf>
- ★ **NIDOS** (2015). Reception and living in families: overview of family-based reception for unaccompanied minors in the EU Member States. <https://engi.eu/wp-content/plugins/download-attachments/includes/download.php?id=595>.
- ★ **UNICEF** (2015): Children's rights in return policy and practice in Europe. A discussion paper on the return of unaccompanied and separated children to institutional reception or family. [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/childrens\\_rights\\_in\\_return\\_policy\\_and\\_practice\\_in\\_europe.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/childrens_rights_in_return_policy_and_practice_in_europe.pdf).
- ★ **Wadensjö, E. and Çelikaksoy, A.** (2015): Unaccompanied Minors and Separated Refugee Children in Sweden: An Outlook on Demography, Education and Employment, Discussion Paper No. 8963, Forschungsinstitut zur Zukunft der Arbeit Institute for the Study of Labour. <http://ftp.iza.org/dp8963.pdf>.

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- ★ **CONNECT Project** (2014): Identification, reception, protection of unaccompanied children, Identifying good practices in, and improving, the connections between actors involved in reception, protection and integration of unaccompanied children in Europe. [http://www.connectproject.eu/PDF/CONNECT-Project\\_Report.pdf](http://www.connectproject.eu/PDF/CONNECT-Project_Report.pdf).
- ★ **CONNECT Project** (2014): Reference document on unaccompanied children: a compilation of relevant EU laws and policy, [http://www.connectproject.eu/PDF/CONNECT-EU\\_Reference.pdf](http://www.connectproject.eu/PDF/CONNECT-EU_Reference.pdf).
- ★ **MinAs Project**. The project "In whose best interest? Exploring Unaccompanied Minors Rights Through the Lens of Migration and Asylum Procedures (MinAs)" is a research project carried out in four European countries (Slovenia, Austria, France and United Kingdom) in the period from June 2014 to December 2015. European Commission finances the project and its main aim is to identify and recommend better procedures and protection measures for unaccompanied minors: <http://www.minasproject.eu/>.
- ★ **Robinson, K. & Williams, L.** (2014): Positive Futures – A pilot project to develop and test a model to assist Appeal Rights Exhausted Care Leavers to consider Assisted Voluntary Return. Evaluation Report: <http://www.secouncils.gov.uk/wp-content/uploads/2012/04/Positive-Futures-Evaluation-Report-Final-18-Aug.pdf>.
- ★ **UNHCR & UNICEF** (2014). Safe & Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe. <http://www.refworld.org/docid/5423da264.html>.
- ★ **ECRE & Save the Children** (2011). Comparative Study on Practices in the Field of Return of Minors, Final report. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/pdf/general/return\\_of\\_children-final.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/pdf/general/return_of_children-final.pdf).
- ★ **Goeman et al.** (2011). Core standards for guardians of separated children in Europe. <http://www.corestandardsforguardians.com/images/22/335.pdf>.
- ★ **Council of Europe** (2010). Life projects for unaccompanied migrant minors. A handbook for front-line professionals. <http://www.refworld.org/pdfid/545ca9e74.pdf>.

## 7 AVAILABLE STATISTICS

### **EU level**

Statistics are available through Eurostat on the number of asylum applicants considered to be unaccompanied minors,<sup>3</sup> which may be indicative of the scale and, to a lesser degree, nature of the phenomenon of unaccompanied minors in the EU plus Norway.

### **National level**

Subject to availability, the following statistical data sources would be very useful for this Study, and should be included insofar as possible:

- ★ Decisions on asylum applications by unaccompanied minors and/ or number of residence permits on grounds such as international protection, temporary/ permanent residence permits, etc. issued to unaccompanied minors, if possible disaggregated by status, gender, age group of the minors;
- ★ Number of asylum applications by unaccompanied minors who have been rejected;

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<sup>3</sup> Eurostat, <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00194&plugin=1>



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- ★ (Estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc.;
- ★ Number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc.
- ★ If available, data/ Indicators pertaining to the integration of unaccompanied minors, for example, number of unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; number of unaccompanied minors who have completed successfully any (civic) integration courses; number of unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); number of cases of successful family reunification involving unaccompanied minors;
- ★ Number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (voluntary and forced), including data on AVR(R)-programmes targeting unaccompanied minors;
- ★ Number of unaccompanied minors disappearing from care/ guardianship and/ or following a return decision;
- ★ Number of temporary/ permanent residence permits for unaccompanied minors on reaching 18 years of age may be available from immigration authorities and other competent authorities responsible for the protection of unaccompanied minors, such as child protection authorities, NGOs, etc.

**NB: The EMN Statistics Working Group is kindly invited to comment on the inclusion of statistics in the Common Template and to trial the collection of statistics in their (Member) State.**

## 8 DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken mostly from the EMN Glossary v4.0.<sup>4</sup>

**'Absconding'** is defined as an "action by which a person seeks to avoid legal proceedings by not remaining available to the relevant authorities or to the court".

**'Applicant for international protection'** is defined as "a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken".

**'Application for international protection'** is defined as "a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately".

**'Assisted voluntary return'** is defined as "voluntary return or voluntary departure supported by logistical, financial and/ or other material assistance".

**'Asylum seeker'** is defined in the global context as a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments; and in the EU context as a person who

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<sup>4</sup> Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/docs/emn-glossary-en-version.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

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has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.

**'Compulsory return'** in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return – to:

- ★ one's country of origin; or
- ★ a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- ★ another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted.

**'Final decision'** is defined as "a decision on whether the third-country national or stateless person be granted refugee status or subsidiary protection status by virtue of Directive 2011/95/EU (Recast Qualification Directive) and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome". Within the context of this Study, other statuses (than refugee status and subsidiary protection) are taken into account as well.

**'Forced return'** in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return – to:

- ★ one's country of origin; or
- ★ a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- ★ another third country, to which the concerned voluntarily decides to return and in which they will be accepted.

**'Integration'** in the EU context is defined as "a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States."

**'Irregular stay'** is defined as "the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State".

**'Reintegration assistance'** is defined as "support - either cash, in kind or combined, provided by a host country to a returnee, with the aim of helping the returnee to lead an independent life after return."

**'Regularisation'** is defined as "in the EU context, state procedure by which illegally staying third-country nationals are awarded a legal status".

**'Residence permit'** is defined as "any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation 265/2010 (Long Stay Visa Regulation)."

**'Rejected applicant for international protection'** is defined as "a person covered by a first instance decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period".

**'Return decision'** is defined as "an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return".

**'Return'** is defined as "the movement of a person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous".

**'Subsequent application for international protection'** is defined as "a further application for international protection made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn their application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Art. 28 (1) of Directive 2013/32/EU."

**'Third-country national'** is defined as "any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Art. 2(5) of the Schengen Borders Code".

**'Tolerated stay'** also refers to the (temporary) suspension of removal of a third-country national who has received a return decision but whose removal is not possible either for humanitarian reasons (as their removal would violate the principle of *non-refoulement* or due to the third-country national's physical state or mental capacity) or for technical reasons (such as lack of transport capacity or failure of the removal due to lack of identification or the country of origin's refusal to accept the person) and for as long as a suspensory effect is granted in accordance with Art. 13(2) of Directive 2008/115/EC.

**'Unaccompanied minor'** is defined as "a third-country national or stateless person below the age of 18 years, who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States." Furthermore, within the context of this Study, unaccompanied minors approaching 18 years of age are generally understood to be in the final couple of years before reaching the age of majority, i.e. 16 to 18 years.

**'Voluntary departure'** is defined as compliance with the obligation to return within the time-limit fixed for that purpose in the return decision.

**'Voluntary return'** is defined as "the assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee"

**'Vulnerable person'** is defined as "minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation".

## 9 ADVISORY GROUP

An "Advisory Group" (AG) has been established within the context of this Study for the purpose of providing support to EMN NCPs during the development of the specifications for the Study, as well as the drafting of the Synthesis Report. In addition to COM and the EMN Service Provider (ICF-Odyseus), the members of the AG for the Study include EMN NCPs from BE, DE, FI, FR, IE, LU, PL, SE and the UK. EMN NCPs are thus invited to send any requests for clarification or further information on the Study to the following representatives of the AG:

- ★ COM: [Magnus.OVILIUS@ec.europa.eu](mailto:Magnus.OVILIUS@ec.europa.eu); [Maria.Zuber@ec.europa.eu](mailto:Maria.Zuber@ec.europa.eu)
- ★ EMN Service Provider: [emn@icf.com](mailto:emn@icf.com); [nataliya.nikolova@icfi.com](mailto:nataliya.nikolova@icfi.com); [vittorio.furci@icfi.com](mailto:vittorio.furci@icfi.com)
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- ★ FI EMN NCP: [rafael.barlund@migri.fi](mailto:rafael.barlund@migri.fi); [johanna.vaananen@migri.fi](mailto:johanna.vaananen@migri.fi)

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- ★ FR EMN NCP: [tamara.buschek-chauvel@interieur.gouv.fr](mailto:tamara.buschek-chauvel@interieur.gouv.fr); [christelle.caporali-petit@interieur.gouv.fr](mailto:christelle.caporali-petit@interieur.gouv.fr)
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## 10 TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
3 <sup>rd</sup> August 2017	Advisory Group meeting to discuss the Concept Note for the Study
31 <sup>st</sup> August 2017	Circulation of <u>Version 1 of the Common Template</u> for the Study to COM and AG members
25 <sup>th</sup> September 2017	Circulation of the <u>revised Common Template</u> for the Study to COM, AG members and EMN NCPs
Mid-October 2017	Finalisation of the Common Template and official <u>launch</u> of the Study
31 <sup>st</sup> January 2018	<u>Submission of National Reports</u> to EMN Service Provider by EMN NCPs
28 <sup>th</sup> February 2018	Circulation of <u>Version 1 of the Synthesis Report</u> for the Study to COM and AG Members
15 <sup>th</sup> March 2018	Circulation of the <u>revised Synthesis Report</u> for the Study to COM, AG members and EMN NCPs
Mid-April 2018	<u>Finalisation</u> of the Synthesis Report for the Study and of the National Reports for publication on the EMN website

## 11 TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template provided below outlines the information that should be included in the National Contributions of EMN NCPs to this Focussed Study. The indicative number of pages to be covered by each section is provided in the guidance note. For National Contributions, the total number of pages should **not exceed 40 pages**, including the questions and excluding the Statistical Annex. A limit of **40** pages will also apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

# EMN FOCUSED STUDY 2017

## (Member) States' Approaches to Unaccompanied Minors Following Status Determination

Top-line factsheet [max. 2 pages, *please respect the page limits provided here*]

The top-line factsheet will serve as an overview of the **National Contribution** introducing the Study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers.

Please provide a concise summary of the main findings of Sections 1-6 below, for example, focussing on:

- Latest figures on the number and socio-demographic characteristics of unaccompanied minors in your (Member) State, as well as evolution over time (2014-2016 and, where available, the first half of 2017);
- Top five main issues with regard to the care/ integration/ return of unaccompanied minors at present;
- Most important recent or planned changes to law, policy and practice regarding the care/ integration/ return of unaccompanied minors since 2014,<sup>5</sup> for example, as a result of the increase in the number of unaccompanied minors (and TCNs in general) seeking asylum in the EU between 2014 and 2016, the European Agenda on Migration,<sup>6</sup> etc.;
- Identified challenges and good practices, for example, as a result of the (Member) State coping with the large increase in applications from unaccompanied minors between 2014 and 2016, e.g. how were unaccompanied minors housed, educated, etc.
- Any suggestions for EU level action on unaccompanied minors that might be useful for your (Member) State.

Executive Summary [max. 5 pages]

The Executive Summary of the **Synthesis Report** will provide an overview of the Study, as well as form the basis of an EMN Inform, which will have EU and national policy-makers as its main target audience. The Executive Summary will be prepared by the EMN Service Provider (ICF).

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<sup>5</sup> As the previous EMN study on Unaccompanied minors was completed in 2014, the proposed reference period for the Study is 2014 onwards with some flexibility if (Member) States believe there to be a significant change to law/ policy/ practice outside this period.

<sup>6</sup> Communication from the Commission on a European Agenda on Migration, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm)



*(Member) States' Approaches to Unaccompanied Minors Following Status Determination***Section 1: Overview of the international and EU legislative framework on unaccompanied minors [max. 5 pages]**

*This section of the **Synthesis Report** will briefly outline the EU legal framework guiding national legislation on unaccompanied minors. It will provide a mapping of the substantive and procedural provisions in the EU acquis that regulate the protection of unaccompanied minors. The section will also highlight how the EU acquis relates to the broader international legal framework on unaccompanied minors. This section will be developed by the EMN Service Provider, hence no input from the EMN NCPs is required here.*

**Section 2: Overview of the situation of unaccompanied minors in the (Member) State [max. 3 pages]**

*This section of the Synthesis Report will provide an up-to-date overview of the national situation with regard to unaccompanied minors in the (Member) States, including figures on the scale and nature of the phenomenon, e.g. number of residence permits issued to unaccompanied minors, number of unaccompanied minors reunited with family in (Member) States, etc. The section further sets out the context for the Study by providing information on the overall approaches of (Member) States to the care, integration and return of unaccompanied minors as deduced from the latest changes to law/ policy and/ or practice concerning this group of migrant children. The section will be drafted on the basis of data available from Eurostat or other relevant sources and complemented by national data provided by EMN NCPs (in Annex 1).*

**Q1.** Please provide an overview of the current **public debate** with regard to unaccompanied minors who have received a final decision on their application for asylum/ another status in your (Member) State.

**Q2.** Are unaccompanied minors that fall in this category a **national policy priority**, including those turning 18 years of age? Has this changed over the last few years, i.e. since 2014 onwards? Has there been a shift in focus within policy issues concerning unaccompanied minors?

**Q3. a.** Please provide an overview of **recent changes to law, policy and practice** in relation to what happens with unaccompanied minors after they have received a final decision on their application for asylum/ another status in your (Member) State since 2014 onwards. Please provide an account of such changes also in relation to those unaccompanied minors turning 18 years of age, as well as unaccompanied minors disappearing from guardianship/ care and/ or following a return decision.

**b.** Please indicate **any planned changes** to law/ policy/ practice regarding the care/ integration/ return of unaccompanied minors going forward.

**Q4.** What **statuses** does your (Member) State typically grant to unaccompanied minors and in what circumstances (e.g. asylum, humanitarian protection, temporary/ tolerated status, etc.)? *Please do not provide details here on the different status determination procedures (as this is not the focus of the Study), but rather on what status(es) they result in for unaccompanied minors.*

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination*

**Q5. a.** Please provide any further qualitative information available in your (Member) State on the **characteristics of unaccompanied minors**, as follows:

- Are unaccompanied minors **mostly close to the age of majority** when a final decision on their application for asylum/ another status is issued, or (much) younger?

- Are they **boys or girls** predominantly?

- Are they **resettled and/ or relocated** unaccompanied minors whose right to reside in your (Member) State has been clarified?

- Please provide any other qualitative information available *not covered above, for example, unaccompanied minors not presenting themselves to the authorities, etc.:*

**b.** Please complete the Excel document in Annex 1 (including data as well as metadata) if you have **national statistics** on:

- The total number of accepted/ rejected applications for asylum by unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total number of residence permits issued to unaccompanied minors on grounds such as asylum, humanitarian protection, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- If available, data pertaining to specific integration outcomes for unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor (e.g. unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; unaccompanied minors who have completed successfully any (civic) integration courses; unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); cases of successful family reunification involving unaccompanied minors). *If such data are not available, please provide below any existing qualitative information in relation to outcomes for unaccompanied minors;*
- The total number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (through voluntary and forced returns), including data on AVR(R)-programmes targeting unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;

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- The total (estimated) number of unaccompanied minors disappearing from care/ guardianship and/ or following a return decision, if possible disaggregated by age/ sex/ country of origin of the minor.

*Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.*

**Q6. a.** Please provide a general overview of what happens with unaccompanied minors in your (Member) State **when they turn 18 years of age**, including a brief description of the approach (e.g. transitional measures/ plans) of your (Member) State:

- when an unaccompanied minor has received a **final negative decision** on his/ her application for asylum/ another status as a minor (please elaborate below):

- when an unaccompanied minor is **granted a status as a minor** (please elaborate below):

**b.** Please describe how unaccompanied minors who are approaching 18 years of age are **identified** in your (Member) State so that transitional measures/ plans can be introduced as part of their care/ integration/ return. How often is this review being done, e.g. every month, etc.?

**c.** When are **transitional measures/ plans** for those unaccompanied minors turning 18 years of age likely to commence in your (Member) State, e.g. how many months / years before? And for how long can such measures continue after the unaccompanied minor reaches adulthood, e.g. is there any age threshold?

### Section 3: Care arrangements for unaccompanied minors, including after-care for unaccompanied minors turning 18 years of age [max. 10 pages]

*This section of the Synthesis Report will provide a factual, comparative overview of the care arrangements in place for unaccompanied minors in the (Member) States – including any transitional/ after-care available for unaccompanied minors turning 18. Whilst the aim of this section is to report on care measures available specifically to unaccompanied minors following status determination, some care provisions are accessible for unaccompanied minors without a determination on their applications/ 'legal' status. Where the provisions differ from those for unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.*

#### *Overview of care provisions and organisational set-up in the (Member) State*

**Q7. a.** What **priority** is given to the care for unaccompanied minors in your (Member) State (over their return, for example)? When does the care for unaccompanied minors commence, i.e. before or after status determination?

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**b.** Please provide a summary overview of the provisions in place in your (Member) State for the **care** of unaccompanied minors following their status determination, including accommodation, guardianship, etc., indicating in particular how the legal status of the unaccompanied minor defines his/ her specific care arrangements (e.g. refugees, unaccompanied minors not seeking asylum, etc.).

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**c.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the care for unaccompanied minors following a positive decision on status. Is this set out in legislation or any other internal administrative regulations?

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**Q8.** Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the care of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of accommodation, guardianship, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
<i>Please add rows as necessary.</i>		

**Accommodation arrangements**

**Q9. a.** Please provide information on the **accommodation** options available for unaccompanied minors in your (Member) State following status determination, as follows:

- Accommodation specifically for minors? Y/ N

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- General accommodation with special provisions for minors? Y/ N

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- Specialised accommodation for unaccompanied minors with specific identified needs? Y/ N

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- Specialised accommodation for (unaccompanied) minors victims of trafficking? Y/ N

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- Accommodation with a foster family? Y/ N

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- Other types of accommodation for unaccompanied minors, e.g. accommodation with adults if the unaccompanied minor is over 16 years of age, etc.? Y/ N

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**b.** Please provide an estimate of the **costs** associated with the accommodation of unaccompanied minors, as well as how these are measured/ defined in your (Member) State, e.g. per day/ child, etc.

**c.** Please provide information on the **staff** responsible for the care of unaccompanied minors, for example, main tasks, any child-specific training received, etc.

**d.** What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their accommodation arrangements up to that stage?

- Do these unaccompanied minors turning 18 years of age change accommodation, or do they stay in the same accommodation, for example, until they reach a certain age? If so, what is the age threshold?

- Does your (Member) State have any measures in place to support the unaccompanied minor before the transition, e.g. information provision, etc.? Y/ N

- Does your (Member) State have any measures in place to support the unaccompanied minor during the transition, e.g. pathway plan, personal adviser, etc.? Y/ N

- Does your (Member) State have any measures in place to support the unaccompanied minor after the transition, e.g. formal follow-up or after-care service, open-door policy at accommodation facility, etc.? Y/ N

**e.** Is there any research available in your (Member) State on:

- The **standards of accommodation** provided to unaccompanied minors? Y/N
- The **effects** of accommodation arrangements on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

**Guardianship arrangements**

**Q10. a.** Please describe the arrangements for **guardianship** of unaccompanied minors in your (Member) State following status determination, specifying in particular who can become a guardian to an unaccompanied minor,

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination*

the guardian's role, e.g. legal representation, etc., which unaccompanied minors (e.g. asylum/ non-asylum seeking) are entitled to a guardian and until what age, etc.

**b.** What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their guardianship arrangements up to that stage, e.g. are these unaccompanied minors still entitled to a guardian and until what age, or are they expected to become fully autonomous, also in terms of finances, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. information provision, informal follow-up with guardians, etc.?

**c.** Is there any research available in your (Member) State on:

- The **standard of guardianship** provided to unaccompanied minors? Y/ N
- The **effects** of guardianship on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

*Consequences of a temporary residence permit on the care arrangements for unaccompanied minors*

**Q11.** What impact does the expiration of a **temporary residence permit** have on the above-mentioned care arrangements for unaccompanied minors in your (Member) State, e.g. unaccompanied minors disappearing from care, etc.?

*Challenges and good practices*

**Q12.** Please indicate the main **challenges** associated with the care of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18 years of age, and/ or the competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

**Q13.** Please describe any examples of **good practice** in your (Member) State concerning the care of unaccompanied minors, including those turning 18. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*



*(Member) States' Approaches to Unaccompanied Minors Following Status Determination***Section 4: Integration of unaccompanied minors, including transitional arrangements for unaccompanied minors turning 18 years of age [max. 10 pages]**

*This section of the Synthesis Report will provide a factual, comparative overview of the integration measures in place for unaccompanied minors in the (Member) States, such as access to education and employment – including any transitional arrangements in place for unaccompanied minors turning 18. The aim of this section is to report on integration measures available specifically to unaccompanied minors following status determination (and not to duplicate information covered in other EMN studies on general integration measures). Where the provisions differ from those unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.*

**Overview of integration provisions and organisational set-up in the (Member) State**

**Q14. a.** What **priority** is given to the integration of unaccompanied minors in your (Member) State (over their return, for example)?

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**b.** Please provide a summary overview of the provisions in place in your (Member) State for the **integration** of unaccompanied minors following their status determination, indicating in particular how the legal status of the unaccompanied minor defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

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**b.** Do the above provisions **differ** from those for accompanied minors, as well as for adults and if so, how?

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**c.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the integration of unaccompanied minors. Is this set out in legislation or any other internal administrative regulations?

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**Q15.** Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the integration of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of education, employment support, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
<i>Please add rows as necessary.</i>		

**Access to healthcare**

**Q16. a.** When providing access to **healthcare** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

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- Is access to healthcare **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to healthcare as nationals of the (Member) State? Y/ N

- Please describe what this access to healthcare **includes**, for example, emergency treatment, basic medical care, essential or specialised medical care, counselling, etc.? Y/ N

- Does the (Member) State undertake any form of **individual assessment** to ensure that the medical care provided to unaccompanied minors corresponds to the minor's specific physical, as well as mental health needs? Y/ N

- Please provide any **other important information** in relation to the healthcare available for unaccompanied minors *not covered above*.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to healthcare, including counselling up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, etc.?

**c.** Is there any research available in your (Member) State on:

- The **quality of healthcare, including counselling**, provided to unaccompanied minors? Y/ N
- The **effects** of the access to healthcare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

### **Access to education**

**Q17. a.** When providing access to **education** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to education **automatic** for unaccompanied minors who have obtained a status which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to education as nationals of the (Member) State? Y/ N

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- Does the (Member) State undertake any form of **individual assessment** to ensure that the education provided to unaccompanied minors is adapted to the age, level of education in the country of origin, degree of language barrier of the unaccompanied minor, etc.? Y/ N

- Are any **special measures** to support access to education specifically for unaccompanied minors available in the (Member) State, in particular language training\*, guidance regarding the national education system, etc.? Y/ N

\* Are there specialised institutions for the language training of unaccompanied minors? Does language training take place in public schools, in specialised language courses for unaccompanied minors or minors in general, or within adult language learning programmes for foreign citizens?

- Do unaccompanied minors receive **education in accommodation centres**, or as part of the **mainstream schooling system**? Or are there **other education arrangements** for unaccompanied minors in your (Member) State? Y/ N

- Please provide any other important information in relation to access to education for unaccompanied minors *not covered above*.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to education up to that stage, e.g. do unaccompanied minors have the possibility to continue compulsory education post-18, to progress to third-level education, vocation studies and training, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, education pathway/ plan, personal adviser, etc.?

**c.** Is there any research available in your (Member) State on:

- The **quality of education** provided to unaccompanied minors? Y/ N
- On the educational performance of unaccompanied minors? Y/ N
- The **effects** of the access to education on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination***Access to (support to) employment**

**Q18. a.** When providing **access to employment**<sup>7</sup> to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to employment **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? What does the access include, e.g. internships, traineeships, vocational preparation, etc.? Is this subject to rules generally applicable to the profession and to the public service? Is this conditional upon obtaining a work permit, etc.? Y/ N

- Is the access to employment for unaccompanied minors **limited** in any way, for example, open only to unaccompanied minors of a certain minimum age after status determination, or restricted for a certain period and/ or limited to a maximum number of days per year? Are these limitations for unaccompanied minors same as those applied to minors who are nationals of the (Member) State? Y/ N

- Are any **special measures** to support access to employment specifically for unaccompanied minors available in the (Member) State, in particular vocational guidance, jobseeker allowance for unaccompanied minors not able to find employment, etc.? Y/ N

- Please provide any other important information in relation to access to employment for unaccompanied minors *not covered* above.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to employment up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. ongoing employment support as part of integration pathway/ plan, personal adviser, etc.?

**c.** Is there any research available in your (Member) State on:

- The **quality of employment access support** provided to unaccompanied minors? Y/ N
- The **effects** of the access to employment on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

<sup>7</sup> Please note that this need not apply to unaccompanied minors who are still in full-time education.

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**Family reunification of unaccompanied minors**

**Q19. a.** Please provide here any updated information on the **possibility for family reunification** for unaccompanied minors since the 2016 EMN Focussed Study on "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices," including any information on the effects of family reunification on the integration of unaccompanied minors in your (Member) State (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to family reunification up to that stage, for example:

- Is there any cut-off of family reunification rights when unaccompanied minors reach 18 years of age? Y/ N

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Y/ N

- Please provide any other important information in relation to family reunification for unaccompanied minors *not covered above*.

**c.** Is there any research available on the **effects** of family reunification on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

**Social welfare supporting unaccompanied minors**

**Q20. a.** Does your (Member) State provide any **social welfare/ assistance** to support unaccompanied minors? Y/ N

If yes, please provide information on this below, citing any evidence on the **effects** of social welfare/ assistance on the integration of the unaccompanied minors where available (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to social welfare/ assistance up to that stage, for example:

- Is there any benefits cut-off when unaccompanied minors reach 18 years of age? Y/ N

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- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Y/ N

- Please provide any other important information in relation to social welfare for unaccompanied minors *not covered above*.

**c.** Is there any research available on the **effects** of social welfare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

#### *Further monitoring of unaccompanied minors' transition to adulthood*

**Q21.** Further to any information on after-care already provided above, please describe any (other) **monitoring mechanisms/ reviews/ evaluations** ensuring the effective transition of unaccompanied minors to adulthood, including the types of measure(s) undertaken and the duration of the monitoring period after unaccompanied minors reach 18 years of age.

#### *Consequences of a temporary residence permit on the integration of unaccompanied minors*

**Q22.** What impact does the expiration of a **temporary residence permit** have on the above-mentioned integration measures for unaccompanied minors in your (Member) State, e.g. possibility for education-related extension of a temporary residence permit originally granted on grounds of international/ humanitarian protection, etc.?

#### *Challenges and good practices*

**Q23.** Please indicate the main **challenges** associated with the integration of unaccompanied minors in your (Member) State experienced by both unaccompanied minors (including those turning 18 years of age), and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

**Q24.** Please describe any examples of **good practice** in your (Member) State concerning the integration of unaccompanied minors – including those turning 18 – identifying as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).



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## Section 5: Return of unaccompanied minors [max. 10 pages]

This section of the **Synthesis Report** will report on the return arrangements for unaccompanied minors as stipulated in Directive 2008/115/EC (i.e. Art. 10, Art. 17) without duplicating information covered in the forthcoming EMN study on 'The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards.'

### *Overview of the return procedure and its legal and organisational set-up in the (Member) State*

**Q25. a.** Does your (Member) State foresee the **return** of unaccompanied minors? Y/ N

If so, please provide a brief overview of the provisions in place in your (Member) State with regard to the **return** of unaccompanied minors to the country of origin when the minor receives a negative decision on his/ her application for asylum/ another status:

- Possibility for an unaccompanied minor to return to the country of origin through a **voluntary return**? Y/ N

If yes, please describe the procedures/ processes under which an unaccompanied minor may be returned voluntarily to the country of origin according to national legislation/ policy and practice, including any challenges.

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- Possibility for an unaccompanied minor to return to the country of origin through an **assisted voluntary return**? Y/ N

If yes, please describe the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State and the procedures/ processes under which an assisted voluntary return of an unaccompanied minor may be carried out, including any challenges.

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- Possibility for an unaccompanied minor to return to the country of origin through a **forced return**? Y/ N

If yes, please describe the procedures/ processes under which an unaccompanied minor may be subject to a forced return to the country of origin according to national legislation/ policy and practice, including any challenges.

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**b.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** once a negative decision has been reached. Is this set out in legislation or any other internal administrative regulations? *Please [cross-reference/ summarise](#) here any aspects of the BID procedure for unaccompanied minors subject to a return decision already covered under the EMN study on return (see above) and provide any additional information).*

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**Q26.** Which **national authorities and organisations** (including NGOs where relevant) are responsible for the return of unaccompanied minors? Please describe briefly the competent authorities involved in return, family

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tracing, etc., as well as any other stakeholders concerned, what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account in the return of the minor, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
<i>Please add rows as necessary.</i>		

**Enforcement of return decisions and key arrangements pre/ during/ post departure**

**Q27.** What is the estimated timeframe within which your (Member) State **implements** a return decision following a rejection of an unaccompanied minor's application for asylum/ another status? If there are delays (deviating from this timeframe), what are the usual reasons for such delays?

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**Q28.** Please describe the measures (if any) taken by your (Member) State to:

- encourage **voluntary return** when an enforceable return decision is issued to an unaccompanied minor:

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- **enforce** return decisions against unaccompanied minors; please clarify in particular how your (Member) State perceives the forced return of unaccompanied minors, as well as what is considered effective in this context:

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- mitigate any negative impact (please specify) of a return decision on the **well-being of unaccompanied minors**:

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**Q29. a.** Please provide an overview of key arrangements for the **return of unaccompanied minors** to the country of origin, in particular information, support, services and preparation before departure, safeguards for unaccompanied minors during the operation, transfer of custodial care, etc.

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**b.** Please describe the policy/ practice of your (Member) State with regard to **family tracing** in the country of origin, including when such measures are taken, which authority/ organisation is responsible, as well as the contribution and responsibility of the guardian.

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c. How does your (Member) State interpret the term '**adequate**' **reception facilities** in the country of origin, as one of the requirements for removing an unaccompanied minor from EU territory according to the Return Directive?<sup>8</sup> Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

d. Please indicate any **special/ transitional arrangements** for the return of unaccompanied minors approaching 18 years of age. *Please do not cover here any aspects of the return of former unaccompanied minors, i.e. adults, as this is subject of a separate EMN study on return (see above).*

e. Please provide information on the **follow up** of unaccompanied minors once they have returned, such as duration of such follow up, competent service, etc.

f. Please elaborate on any **existing cooperation arrangements** between your (Member) State and countries of origin when it comes to the return of unaccompanied minors, such as bilateral readmission agreements concerning unaccompanied minors.

**Q30. a.** Does your Member State provide any **reintegration assistance** to unaccompanied minors returning to their countries of origin (*please cross-reference/ summarise here to any aspects of the reintegration support for unaccompanied minors already covered under the EMN study on return (see above) and provide any additional information*):

- through **voluntary return**? Y/ N

If yes, please describe the kind of supports available before, during and after the voluntary return of an unaccompanied minor.

- through **assisted voluntary return**? Y/ N

If yes, please describe the kind of supports available under the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State before, during and after the assisted voluntary return of the unaccompanied minor.

- through **forced return**? Y/ N

If yes, please describe the kind of supports available before, during and after the forced return of an unaccompanied minor.

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<sup>8</sup> Art. 10(2) of Directive 2008/115/EC stipulates that before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that s/he will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

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**b.** Please describe the **monitoring mechanisms** (if any) in place in your (Member) State to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

*Alternatives to return*

**Q31.** Does your (Member) State provide for any **alternative solutions to stay** for unaccompanied minors, such as regularisations, etc.? How do you **inform** unaccompanied minors of such possibilities to stay following a negative decision on their application for asylum/ another status?

*Dealing with unaccompanied minors who cannot be immediately returned*

**Q32. a.** Please describe the procedure of dealing with **unaccompanied minors who are not/ cannot be returned immediately** in your (Member) State, specifying the circumstances whereby the enforcement of a return decision has been deferred/ postponed, for how long such a deferral/ postponement is possible, where unaccompanied minors are housed during the deferral/ postponement period, whether unaccompanied minors have the possibility to be granted a status/ right to stay in the (Member) State (e.g. tolerated status), etc.

**b.** What is the impact of a deferred return decision on the **well-being** of unaccompanied minors (as cited in existing evaluations/ studies/ other sources or information received from competent authorities, please provide references)? Does your (Member) State provide any state-guaranteed healthcare, including counselling, guardianship, etc. to the unaccompanied minor during this state of limbo?

**c.** Please provide any other information available in your (Member) State on the **well-being** of unaccompanied minors during the above-mentioned state of limbo, such as instances of unaccompanied minors transferred to another reception facility because of disciplinary reasons, unaccompanied minors involved in incidents, number of consultations with psychologists, school absenteeism or school drop-out rates, etc.

*Challenges and good practices*

**Q33.** Please indicate the main **challenges** associated with the implementation of the return of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18, and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and the measures (that could be) taken to overcome these challenges. For example, do boys face different challenges than girls (and vice versa) when it comes to return and if so, how does your (Member) State deal with such challenges?

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**Q34.** Please describe any examples of **good practice** in your (Member) State concerning the return of unaccompanied minors. *Please note that, in order to comply with children's rights and EU policy positions,<sup>9</sup> good practices in return of unaccompanied minors should only include voluntary return following a robust, individual BID procedure with all procedural safeguards, as well as holistic support, preparation and reintegration assistance.*

*Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

## Section 6: Disappearances of unaccompanied minors from guardianship/ care facilities and/ or following a return decision [max. 5 pages]

**Q35.** Is the **disappearance of unaccompanied minors** an issue in your (Member) State? If so, can this be linked to i) the decision on their application for asylum/ another status in terms of the point in time, i.e. before/ after a decision on status is issued, and ii) in terms of the outcome of the procedure, i.e. positive/ negative decision?

**Q36.** If your (Member) State has recorded cases of **unaccompanied minors disappearing from accommodation facilities and/ or guardianship care** following a decision on status, what are the possible **reasons** for such disappearances (e.g. running away from guardianship/ care facilities, expiration of a temporary residence permit, etc. as cited in existing evaluations/ studies/ other sources or information received from competent authorities, *please provide references*)?

Also, what are the **consequences** of their disappearance on their permit to stay? For example, can their status and/ or residence permit be withdrawn?

**Q37.** Does your (Member) State have any procedures/ measures in place to:

- **Prevent and react** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, Missing Children Europe and its member organisations, fingerprinting/ photographing unaccompanied minors as an aid for tracing, etc.? Y/ N

<sup>9</sup> For example, the Commission Recommendation on making returns more effective when implementing the Directive 2008/115/EC, C(2017) 1600 final, see above.

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- **Report and respond** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.? Y/ N

**Q38.** If your (Member) State has cases of **unaccompanied minors disappearing following a return decision**, please describe the actions (if different from the above) taken by your (Member) State to decrease the **risk of such disappearances**, as well as any **follow-up measures** in case of disappearances.

**Q39.** Please indicate the main **challenges** associated with the disappearance of unaccompanied minors in your (Member) State for the competent authorities, as well as the minors themselves and the measures (that could be) taken to overcome these challenges. For example, do you have evidence of instances of disappearances of unaccompanied minors linked to any negative consequences for the minors (e.g. exploitation, radicalisation, etc.)? *Please base this information on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc. and provide references.*

**Q40.** Please describe any examples of **good practice** in your (Member) State concerning the issue of disappearances of unaccompanied minors. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

## Section 7: Conclusions [max. 7 pages]

*This last section of the **Synthesis Report** will outline the main findings of the Study and present conclusions relevant for policy-makers at EU and national level. (Member) States should include any overall conclusions from their National Contribution in the top-line factsheet above rather than duplicate information in this section.*

### Annex 1 National statistics (in Excel)

**Q41.** With reference to **Q5.b.** above, please complete the following table with national statistics on the (estimated) number of unaccompanied minors in your (Member) State, if available.

Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy, etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a 'total EU estimate' for the Study.

*Please provide your answer by completing the Excel document provided below. NB that statistics provided in another format (e.g. Word) would not be processed centrally.*

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Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.



EMN-UAMs-  
Annex-

To the extent possible, the statistics provided here will be presented under the main sections of the Synthesis Report (rather than as an annex as they are requested in this Common Template).