

EMN FOCUSED STUDY 2017

Approaches to Unaccompanied Minors Following Status Determination in the Slovak Republic

Top-line factsheet

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 2014,¹ 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,² 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.

The issues related to unaccompanied minors (hereinafter UAMs) are not a priority migration related topic in the Slovak Republic (hereinafter the SR). Despite the challenges related to increasing number of asylum seekers in the European Union (hereinafter the EU) and of migrants coming to the EU in the last years in general, the number of UAMs found in the territory of the SR is low and amounts to approx. 25 children a year. 90% of them are boys. As far as the age composition is concerned, older children aged 16+ prevail.³

Approximately half of UAMs applied for international protection in the territory of the SR while there was no granted asylum or subsidiary protection in 2014 – 2017. There were 4 cases of UAMs granted asylum on humanitarian grounds. The low proportion of granted international protection is also related to the high escape/disappearance rate of UAMs in the SR. The asylum procedure does not reach the stage of issuing the decision on the merits of the issue because the UAM in question disappears.

¹ 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.

² 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

³ Source: Information provided by the FHUM Medzilaborce (interview 13/12/2017)

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Regardless of the intent of the UAM to apply for international protection in the territory of the SR their residence status is solved by issuance of the tolerated residence immediately after placing the UAM into the facility for the enforcement of a court decision. Since 2014, the facility has usually been the Foster Home for Unaccompanied Minors (hereinafter the FHUM). The entire residence legalization process (from finding the UAM until granting tolerated residence) therefore takes only a few days. The problem is that tolerated residence can be granted only to those UAMs who did not attain their age of majority and their stay in the territory of the SR after reaching 18 (the age of majority) is very complicated without granting international protection.

Immediately after detecting a UAM in the territory of the SR, the care decision process starts; the socio-legal protection of children and social guardianship body (hereinafter SPCSG) submits to a court an application to grant the rights of custody of the UAM to the facility and to determine the carer/guardian. The court decides upon granting custody of the UAM to the FHUM within 24 hours. In the reporting period, there was no situation where custody of UAM was granted to other entity. The FHUM provides or ensures provision of complete UAMs care consisting mainly of provision of accommodation, meals, personal equipment, social counselling, social care including professional diagnostics, psychological care and healthcare. The FHUM also provides the UAMs with basic courses in the Slovak language. SPCSG body acts primarily as a carer and later a guardian of UAM and provides legal assistance (in cooperation with the Centre for Legal Aid, International Organization for Migration (hereinafter IOM) and, where appropriate, non-governmental organizations).

The area of care for UAMs is not currently considered a problem in the SR. As the number of UAMs is low in the SR, they are placed solely to the FHUM in Medzilaborce. If the number increases, the SR has additional capacities in other foster homes which are prepared to work with UAMs both materially and in terms of personnel.

What is considered a problem is the practice of some courts: when issuing an urgent measure on granting custody of UAM to the FHUM they do not decide on appointing a carer which prevents the UAM from applying for international protection immediately.

The custody of UAMs is currently granted solely to the FHUM which has primarily an educational function. This means that during the integration of UAMs the emphasis is given primarily to education and in lesser extent to labour market integration. This is related to the situation of the UAMs after attaining their majority: it is complicated for them to stay in the FHUM given their residence status.

Access of the UAMs to education is ensured to the same extent and under the same conditions as of the citizens of the SR, with the only difference in the possibility of extended teaching of the Slovak language.

Access to the labour market is limited for UAMs who are beneficiaries of international protection or rather applicants for international protection unless their application is decided upon within 9 months of its submission. UAMs can obtain unlimited access to labour market, as is the case with minor citizens of the SR, after completing compulsory school education.

The SR does not provide UAMs with any form of financial contributions related to their integration into society, apart from the following: a pocket money given to UAMs during their stay in the FHUM, contribution to become independent which is claimable after leaving the FHUM, and a one-time contribution from the Migration Office of the MoI SR provided after the decision on grant of asylum comes into effect which amounts to 1.5 times the subsistence minimum per one major individual.

The situation of UAMs after attaining majority depends on their residence status. The UAMs who are beneficiaries of international protection can remain in the territory of the SR only if their residence changes to permanent or temporary or if they obtain tolerated residence on other grounds (e.g. respecting private and family life). If they are still students, they can decide whether they remain in the care of the FHUM or leave the foster home; they can remain in its care until the age of 27 at the latest. This applies also to the UAMs who are beneficiaries of international protection, but their residence status does not change at attaining majority.

If a young adult opts to leave the FHUM, integration services will be provided to him/her to the same extent as to other foreigners in the SR who have the same status and regardless of the fact that he/she was UAM in the

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past. However, if he/she agrees to keep in contact with the FHUM employees after leaving the FHUM, he/she can receive the necessary counselling related to becoming independent for a further 2 years.

UAMs who are beneficiaries of international protection can integrate within the support of the "integration project" for beneficiaries of international protection which is currently funded by the Asylum, Migration and Integration Fund with 25% co-funding from the State budget.

The SR does not undertake forced returns of UAMs to their country of origin, however this does not apply if the return of the UAM is in their interest. UAMs can apply for assisted voluntary return and reintegration (hereinafter AVRR) through the IOM. In the reporting period, a decision on return was issued in three cases. In one case a decision on administrative expulsion was issued in relation to the application of a UAM for assisted voluntary return through the IOM. However, the return was not successful as the UAM had disappeared from the FHUM before undertaking it. The remaining two cases concerned the UAMs who were charged with the punishment of expulsion in criminal proceedings for criminal offences: for an offence of counterfeiting and altering a public instrument, official seal, official seal-off, official emblem and official mark pursuant to Section 352 Paragraph 1 of Act No. 300/2005 Coll. Criminal Code as amended (hereinafter referred to as Criminal Code) or for offence of breach of regulations governing state technical measures for labelling goods (smuggling of cigarettes) pursuant to Section 279 of the Criminal Code. Both UAMs were with their agreement and in their best interest handed over to the members of the State Border Service of Ukraine in the territory of Ukraine and back to their families.

UAMs have the right to reintegration aid within the AVRR which can amount to €2,000 and is payable in a form of reimbursement for goods and services. In the reporting period no UAM applied for AVRR through the IOM.

UAMs escaping/disappearing from the FHUM are considered a significant problem in the SR. In 2017, in this respect and in compliance with the expected measures stated in the Integration Policy of the SR, the Institute for Labour and Family Research (ILFR) prepared a research study⁴ focusing on analyzing escapes/disappearances of UAMs as well as on proposing preventative measures to prevent further escapes or disappearances.

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).*

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 return and care/ integration of Unaccompanied minors as deducted*

⁴ Available at www.ivpr.gov.sk/IVPR/images/IVPR/vyskum/2017/Fico/ivpr_mbs_interna_verzia2_net.pdf

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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.

The situation of UAMs after the end of immigration proceedings is not a topic of public debate in the SR. Given the low number of identified UAMs in the SR, the media only cover them marginally⁵ rather in a pan-European⁶ or global context⁷. UAMs are sometimes partially mentioned in the media exposure covering irregular migration in the EU.⁸

In 2014, the Human Rights League released a position publication under the Disappearing Children project which built upon their research conducted between September 2013 and September 2014. The project objective was to improve the care for separated unaccompanied children in compliance with the best interests of the child principle.⁹

The SR does not record a high number of UAMs. In 2016, a total of 23 UAMs were intercepted during unauthorized state border crossing or unauthorized residence in the SR, half of whom were Afghani nationals. Two UAMs applied for asylum in 2016, as compared with 3 cases in 2015, 11 cases in 2014 and 5 cases in 2013.

UAMs escaping from care remain a persistent problem. In 2016, there were 19 cases of UAMs escaping the facility for the enforcement of a court decision, i. e. the foster home for UAMs. Escaping unaccompanied minors are seldom covered by media.¹⁰

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?

No. Given the low number of UAMs in the SR this is not a national priority.

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.

As of 1 July 2014, Act. No. 195/2014 Coll. changing and amending Act No. 578/2004 Coll. on Health Care Providers, Health Professionals and Professional Associations and on changes and amendments to some acts, as amended and on changes and amendments to some acts introduced the possibility to provide nursing care in foster home for unaccompanied minors (hereinafter FHUM) and determined qualification requirements of persons responsible for providing nursing care.

⁵ Source: EMN media monitoring: <http://slovensko.rtvs.sk/clanky/spolocnost/148426/pribeh-o-migrantoch-2-cast> (consulted on 10/1/2018)

⁶ Source: EMN media monitoring: <http://www.netky.sk/clanok/eurokomisia...na-zvysenie-ochrany-detskych-migrantov> (consulted on 10/1/2018)

⁷ Source: EMN media monitoring: <http://r2.pravda.sk/r.ashx?r=newton&ur...2-detskych-utecencov-vo-svete-pribuda/> (consulted on 10/1/2018)

⁸ Source: EMN media monitoring: <http://www.24hod.sk/v-stredozemnom-mor...nili-okolo-600-utecencov-cl541629.html> (consulted on 10/1/2018)

⁹ Fajnorová, K., Številová, Z., Malangone, A. (2014). Miznúce deti (Disappearing Children). Position publication. Bratislava: Human Rights League. ISBN 978-80-971002-7-8. Available at: <http://www.hrl.sk/publikacie>

¹⁰ Source: EMN media monitoring: <https://www.cas.sk/clanok/557029/z-det...laborciach-usli-piati-mladi-vietnamci/> (consulted on 10/1/2018)

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As of 1 January 2015, Act No. 219/2014 on Social Work and on Conditions for the Performance of Some Professional Activities in the Area of Social Affairs and Family and on changes and amendments to some acts modified the conditions of professional qualification needed to perform social work including, among other things, the social guardianship and social work in the FHUM. As of 20 July 2015, Act No. 131/2015 Coll. on changing and amending Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts has transposed Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 and :

a) introduced that UAMs after applying for asylum stay in an SPCSG facility and are not moved to another facility (as it was before).

b) the obligation was introduced for the socio-legal protection of children and social guardianship body (hereinafter SPCSG body) to cooperate with the International Organization for Migration in ensuring the return of an UAM into the country of origin or in ensuring the travel of UAM into a third country, provided that the UAM shows interest in such return or travel;

c) the obligation was introduced for the FHUM to create conditions for meetings of UAMs with the representatives of the UNHCR and the International Organization for Migration in order to provide the UAM with legal counselling;

d) the pool of bodies to whom the FHUM is obliged to report that an UAM left the FHUM without consent was extended by Ministry of Interior of the Slovak Republic (hereinafter MoI SR) in the case that the UAM is an asylum seeker;

e) validity of the decision on granting custody of UAM to the FHUM by submitting the declaration by which the UAM asked for asylum in the territory of the SR ended;

f) restrictions to the tolerated residence purposes based on which the UAM can remain in the care of FHUM after attaining majority (becoming a "young adult") were introduced; the purposes were restricted to the purpose of respecting private and family life (with simultaneous fulfilment of the condition of a sibling being placed in the FHUM) and to tolerated residence granted because the UAM is a human trafficking victim; at the same time a possibility was introduced to temporarily consider the UAM as a young adult at the time of reviewing their asylum application, the application for tolerated residence or during a period set for deciding on whether to cooperate with law enforcement authorities in investigating a crime related to human trafficking;

g) a possibility was introduced to grant UAMs who were granted subsidiary protection permanent residence for an indefinite period, provided they had been granted subsidiary protection for at least three years during which time they had studied at a school in the territory of the SR.

As of 1 January 2016, Act No. 175/2015 Coll. on changing and amending Act No. 36/2005 on Family and on changes and amendments to some acts as amended and changing and amending some acts introduced assessing the best interest of the child as a primary perspective in choosing and applying the SPCSG measures. At the same time, the possibility to extend institutional care after attaining majority by one year was abolished.

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

An amendment to Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on changes and amendments to some acts (hereinafter SPCSG Act) is currently undergoing negotiations in the National Council of the Slovak Republic. It will amend the Act in a significant manner. The amendment builds on the efforts to deinstitutionalize foster care, creates preconditions to concentrate all types of SPCSG measures into a new type of facilities with multi-functional focus as well as draws a clear boundary between checks performed by the SPCSG bodies and aid provided by the network of aid and support which is outside of the social and legal protection of children and social guardianship.

With regards to UAMs the most significant change is the fact that UAMs who are not beneficiaries of international protection can remain in the care of FHUM as young adults regardless of the reason for granting tolerated residence.

The age of a minor at which the FHUM is obliged to place them into a foster family care changes from 3 to 6 years. A one year deadline for the young adult to return to the care of FHUM after previously having left is introduced.

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The obligation for the FHUM is introduced to, when necessary, provide for a UAM professional aid or activity not performed by the FHUM but by another legal entity or individual who fulfils the required professional preconditions while moving the UAM into another facility is explicitly forbidden.

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.*

The SR uses the tolerated residence to regularize the residence of UAMs. It can be granted based on the application of UAM's carer/guardian or the application of SPCSG body in the case that the UAM is placed in an SPCSG facility and a carer was not yet appointed to them.

If reasons for international protection exist, the SR grants asylum or subsidiary protection to unaccompanied minors. The application for international protection is submitted by the carer/guardian of UAM. Even in the absence of reasons to grant asylum the UAM can be granted asylum on humanitarian grounds.

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?

They are mostly 16 – 17 years of age.

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

They are mostly boys.

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

No.

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

N/A

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 UAM has received a final negative decision on his/ her application for asylum/ another status as a minor (please elaborate below):

The SR grants every UAM (except those who are persona non-grata) tolerated residence regardless of whether the UAM seeks or does not seek international protection. Tolerated residence enables UAMs to reside legally in the territory of the SR until they attain majority. If UAMs are not granted international protection and if, after attaining majority, their application to change the type of tolerated residence or the type of residence (e.g. to temporary residence for the study purpose) is rejected, they are obliged to leave the territory of the SR within 30 days following the day of the enforceability of the decision rejecting the application.

If an UAM is placed in the FHUM the preparation for possible departure from the territory of SR is a part of their Individual Child Personal Development Plan. At least one year before majority of the UAM the plan must include

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a preparation plan for becoming independent which covers this situation, too. The preparation to become independent can in fact begin as soon as they reach fifteen.

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

If UAM became beneficiary of international protection (was granted asylum or subsidiary protection) or if their residence status was solved by another type of tolerated residence¹¹ or by another type of residence after attaining majority and is placed in the FHUM, they can ask the FHUM to provide care until the time they become independent (the time of finding a place to live and a capability to provide for himself/herself alone) at the latest until age 25 or 27 if the young adult is still studying for a profession.

a) – 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 return/ care/ integration. How often is this review being done, e.g. every month, etc.?

The SR currently does not have practical experience with UAM being placed in a care of an individual and not into the FHUM.

The FHUM drafts an Individual Child Personal Development Plan which contains primarily the Plan of Educational Work with the Child, Plan of Social Work with the Child drafted in cooperation with municipality in question and the SPCSG body. The Individual Child Personal Development Plan also contains the process and timing for evaluation of fulfilment of the plan. The Plan of Educational Work with the Child is assessed at least once a month. The Individual Child Personal Development Plan is assessed in a comprehensive manner at least once in 6 months.

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 UAM reaches adulthood, e.g. is there any age threshold?

The Individual Child Personal Development Plan contains also the Preparation Plan for Becoming Independent which corresponds to the needs and possibilities of the child. The FHUM includes it in the Individual Child Personal Development Plan at least a year before the minor attains majority. The preparation for becoming independent may start as soon as age 15, if this is appropriate and purposeful in the given case.

A young adult may ask the FHUM for provision of care until becoming independent, at the latest until they are 25. The FHUM can create conditions for prolonging the residence of an adult individual who had been receiving care from the foster home until age 25, provided that the individual is still studying for a profession. The care may be prolonged at the latest by 24 months, i.e. until age 27.

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 unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please

¹¹For the provisions about young adults to be applied on UAMs with tolerated residence they would have to achieve the tolerated residence based on the purposes of respecting private and family life after attaining majority while at the same time have a sibling placed in the FHUM or tolerated residence based on being a victim of human trafficking. The provisions about young adults temporarily apply to UAMs during deciding on their application for granting/change of tolerated residence and during the period set for deciding on whether to cooperate with law enforcement authorities in investigating a crime related to human trafficking.

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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? When does the care for unaccompanied minors commence, i.e. before or after status determination?

If an UAM is found in the territory of the SR, the SPCSG body (Office of Labour, Social Affairs and Family – hereinafter OLSAF) in whose scope of responsibility the UAM belongs is obliged to immediately submit to the court a proposal for an urgent measure by which the court temporarily grants custody of UAM to an individual or a legal entity. If granting custody of UAM to a relative present in the territory of the SR is not possible, the court shall decide within 24 hours on placing UAM into the care of the FHUM and determine the SPCSG (OLSAF under whose scope of responsibility the FHUM where the UAM is placed belongs) as the carer.

It is only after securing custody of UAM and their placement into the FHUM that the carer submits an application for granting tolerated residence and, if the UAM is interested, also applies for granting international protection.

The law of the SR also allows the court to only place UAM into the FHUM by an urgent measure but not to decide on the carer at the same time. Also in such a case the SPCSG body has the possibility to claim tolerated residence on behalf of the UAM.

Securing the care of UAM is of the utmost priority in the SR. It is dealt immediately, before the status is determined.

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

The FHUM provides care to UAMs in their custody regardless of their status or even before granting status to the same extent. Provision of care entails, under the provisions of Act on SPCSG, social work, professional diagnostics, aid to overcome crisis, special social counselling, psychological care, education as well as accommodation, meals, other services (cleaning, laundry, ironing and caring about clothing and linen) and personal equipment (clothing, shoes, hygienic items, school items and other personal things). Healthcare is provided to UAMs based on the public health insurance while the insurance is paid for by the State.

c. How does your (Member) State ensure the legal protection of **unaccompanied minors who are not being cared for by national child welfare** (for example, because these unaccompanied minors have never presented themselves after obtaining international protection)?

The law of the SR is concerned primarily with the care about UAMs. If an UAM is detected in the territory of the SR the respective authority immediately informs the SPCSG body. The SPCSG body is then obliged to immediately submit to a court a proposal to issue an urgent measure by which the custody of UAM will be granted to an individual or a legal entity. Courts currently grant custody of UAMs solely to the FHUM. Even if the court decided to grant custody of UAM to individual or legal entity other than the FHUM, SPCSG body would perform socio-legal protection measures for the UAM in question in the same manner as for every child with usual residence in the territory of the SR.

d. 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?

The best interests of the child are considered at all activities, procedures, methods or processes including the decisions that may concern the child while ensuring the proper participation of the child in expressing their opinion (if the age and intellectual abilities of the child permit) about all that concerns them. As far as UAMs are concerned,

the best interests of the child are considered not only from the present but especially from the long-term perspective and in the interest of finding and adopting permanent solutions for them, e.g. possible reunification of the child with their family by means of repatriation, return of the child into their country of origin (if this is a safe country), reunification of the child with their family located in a third-country territory or within the asylum procedure or UAM integration in the territory of the SR.

While determining the best interests of the child the "case conference" method is mostly used in the cases of UAMs: a team of professionals (including the carer/guardian of the minor, a psychologist, a social worker, an educator, a nurse, a special pedagogue and the FHUM director) evaluates individual aspects of the best interests of the child with the active participation of the child and in a language that the child understands (i.e. with an interpreter). Conclusions of the case conference are included in the Individual Child Personal Development Plan which contains the Plan of Educational Work with the Child and the Plan of Social Work with the Child. The best interests of the child are continuously- evaluated and updated in accordance with the individual needs of the UAM.

As far as legislation is concerned, the best interests of the child fall under the provisions of Art. 5 of Act No. 36/2005 on Family and on changes and amendments to some acts as amended which say that "the interest of a minor child is a primary consideration during deciding upon all matters that concern him or her. Primarily the following is considered during determining and assessing the interest of a minor child:

- a) level of childcare,
- b) safety of the child as well as the safety and stability of the environment in which the child is staying,
- c) the protection of dignity as well as mental, physical and emotional development of the child,
- d) circumstances relating to the state of health of the child or the disability of the child,
- e) endangering the child's development by interfering with his or her dignity and endangering the child's development by interfering with the mental, physical and emotional integrity of a person who is close to the child,
- f) conditions for preserving the identity of the child and for developing the child's abilities and talent,
- g) opinion of the child and his or her possible exposure to a loyalty conflict and the consequent feeling of guilt,
- h) conditions for the creation and development of relational ties with both parents, siblings and other close persons,
- i) the use of possible means to preserve the child's family environment when interference with parental rights and obligations is being considered."

Also Section 3 Paragraph 3 of Act on SPCSG refers to the quoted provision. Pursuant to this Act "the primary consideration during selection and application of measures of socio-legal protection of children and social guardianship is the best interest of the child which is determined and evaluated according to the principle of the interest of the child" under the Act on Family.

Apart from the above provisions of the Act on Family the UAM area is governed by the General Comments of the UN Convention on the Rights of the Child No. 6/2005 and 14/2013 as well as the UNHCR BID Guidance, United Nations High Commissioner for Refugees Geneva, 2011). The *Tréningová príručka pre opatrovníkov a sociálnych pracovníkov pracujúcich s maloletými žiadateľmi o azyl bez sprievodu* (Training Guide for Guardians and Social Workers Working with Unaccompanied Minor Asylum Seekers) by IOM is also used.

Recommended procedures which are used by the socio-legal protection of children and social guardianship bodies during the provision of care and protection of rights and legally protected interests of UAMs are defined in the Internal Central Office of Labour, Social Affairs and Family (hereinafter COLSAF) Directive No. IN 105/2015 "Implementation of Measures of Socio-legal Protection of Children and Social Guardianship for Unaccompanied Minors". COLSAF prepared the *"Application Guidelines to the Application of the Best Interests of the Child Principle in all Processes, Measures and Decisions Adopted in Relation to Unaccompanied Minors"* following the aforementioned directive. The Guidelines are intended mainly for SPCSG bodies, foster homes and other bodies providing the UAMs with help. Individual parts of the Guidelines respond to current state of legislation and available professional experience and knowledge and offer a selection of basic attributes which are necessary to be considered during evaluation of best interests of the child.

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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
Ministry of Labour, Social Affairs and Family of the SR	Central public administration authority regarding the socio-legal protection of children and social guardianship.	<ol style="list-style-type: none"> 1. Prepares a conceptual framework of socio-legal protection of children, social guardianship and social prevention. 2. Manages, controls and methodically governs the performance of public administration regarding the socio-legal protection of children and social guardianship. 3. Fulfils tasks stemming from international conventions and the European Union's legal acts. 4. Checks the level of fulfilment of measures according to the Act on Social and Legal Protection of Children. 5. Ensures international cooperation regarding the socio-legal protection of children and social guardianship. 6. Coordinates the activities of public administration bodies of socio-legal protection of children and social guardianship, municipalities, higher territorial administrative units, accredited entities and other legal entities and individuals who are active in socio-legal protection of children and social guardianship.
Central Office of Labour, Social Affairs and Family	A socio-legal protection of children and social guardianship body.	<ol style="list-style-type: none"> 1. Establishes, checks and methodically governs the FHUM and approves its internal organizational structure. 2. Coordinates the provision of aid to UAMs. 3. Reports to the diplomatic mission of the country of habitual residence of UAM all the measures adopted in the interest of return or transfer of UAM and applies for return or transfer to

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		<p>the country in which the UAM has usual residence, provided that the safety of the country of usual residence is obvious and that it is not affected by the international Convention on the Civil Aspects of International Child Abduction.</p> <p>4. Proposes to the diplomatic mission of the country in which UAM does not have usual residence and in which their parent or a person personally taking care of their child is located their reunification and reports the measures adopted in the interest of such reunification.</p> <p>5. Performs other tasks pursuant to Section 73, Paragraph 1 of Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on changes and amendments to some acts.</p>
Office of Labour, Social Affairs and Family	A socio-legal protection of children and social guardianship authority which directly performs tasks related to care of the UAMs.	<ol style="list-style-type: none"> 1. Ensures placing UAM into a facility. 2. Acts as UAM's carer and guardian. 3. Acts as a coordinator, if needed during the implementation of measures of social guardianship for children, aiding children that are tortured, sexually abused, neglected or in whose case there is a sound suspicion of torture, sexual abuse or neglect or who were a victim of human trafficking or during evaluation of UAM's situation and during selection and implementation of measures for UAM while cooperating with other parties. 4. Performs urgent tasks in the interest of a child until a guardian is appointed for a UAM or until the appointed guardian can take up their duties. 5. If needed, provides consensual help and social counselling to UAM who was provided foster family care and to individual who was tasked with foster family care about UAM in order to facilitate the fulfilment of foster family care purpose.

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		<ol style="list-style-type: none"> 6. Ensures continual protection of life, health and favourable development of the child. 7. Applies for international protection on behalf of UAM. 8. Prepares the Plan of Social Work with the child, their parents or person personally taking care of the child. 9. Cooperates in search for parents or other UAM's family members with the aim of UAM's reunification with their family. 10. On request, obtains legal counselling for UAM. 11. Provides UAM with legal aid. 12. Cooperates with the International Organization for Migration in ensuring the return of UAM into the country of origin or in ensuring the travel of unaccompanied minor into a third country, provided that the UAM shows interest in such return or travel.
Foster Home for Unaccompanied Minors	Performs measures within socio-legal protection of children and social guardianship.	<ol style="list-style-type: none"> 1. Temporarily replaces natural or foster environment to a child. 2. Performs: <ol style="list-style-type: none"> a) social work, b) professional diagnostic work, c) aid in crisis, d) education, e) aid in preparing for schooling, f) psychological care, g) special pedagogic care, h) recreational activities, i) rehabilitation activity. 3. Creates conditions primarily for: <ol style="list-style-type: none"> a) hobbies, b) cultural activity, c) storage of valuables, 4. Ensures the provision of: <ol style="list-style-type: none"> a) meals, b) healthcare, c) education and professional training. 5. Provides care, primarily: <ol style="list-style-type: none"> a) housing, b) meals,

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		<p>c) other services (cleaning, laundry, ironing and care about linen and clothing).</p> <p>d) personal equipment (clothing, shoes, hygienic items, school items and other personal things).</p> <p>6. Creates conditions for Slovak language teaching.</p> <p>7. Provides UAM or young adult who is a dependent child in a professional family with basic needs and reimburses them for increased costs related to health state, age, special needs and sports activity.</p> <p>8. Negotiates the conditions of staying in foster home with young adult and elaborates the Plan for Becoming Independent.</p> <p>9. Elaborates the Individual Child Personal Development Plan which contains primarily the Plan of Educational Work with the Child and the Plan of Social Work with the Child.</p> <p>10. Creates conditions for prolonging the residence of a major individual who had been receiving care from the foster home by the 25th year of age, provided that the individual is still studying for a profession.</p> <p>11. Immediately reports to the closest Police Force department, the Court which ordered an urgent measure and SPCSG body the fact that UAM left the FHUM without consent; if the UAM is an asylum seeker at the same time, it reports to the MoI SR, too.</p> <p>12. Keeps in consensual contact with young adult even after their leaving the FHUM and provides the necessary consulting during their becoming independent phase.</p> <p>13. Keeps UAM's file.</p>
Municipality	Performs measures within socio-legal protection of children and social guardianship.	1. Cooperates in aiding children who are guarded by SPCSG body and contributes to drafting and fulfilling the Plan for Social Work with the Child.

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		<ol style="list-style-type: none"> 2. Aids a young adult leaving institutional care in obtaining housing and employment. 3. Cooperates with the FHUM in helping the young adult become independent.
Higher Territorial Administrative Unit	Performs measures within socio-legal protection of children and social guardianship.	Cooperates with the FHUM in helping the young adult become independent.
Centre for Legal Aid	Legal aid	Ensures that UAM has legal aid in asylum matters, administrative expulsion proceedings and in these matters also before the administrative court and in proceedings before the Constitutional Court of the Slovak Republic.
International Organization for Migration (IOM)	Returns and legal counselling	<ol style="list-style-type: none"> 1. Provides UAMs with legal counselling. 2. Ensures the return of UAM into the country of origin the travel of UAM into a third country, provided that the UAM shows interest in such return or travel.

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

The SR provides UAMs with accommodation in the FHUM. UAMs are currently placed solely to the FHUM in Medzilaborce where 3 separate groups for UAMs are created: 2 for boys and 1 for girls. The overall capacity is 30 UAMs. In case the capacity of the FHUM in Medzilaborce is insufficient, other facilities are in place to act as FHUM.

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

The SR has prepared mechanisms to accommodate young adults outside of the group in the FHUM: in rented houses or apartments.

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

No.

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

No.

- Accommodation with a foster family? Y/ N

UAMs below 6 years of age are placed solely into professional families apart from the following cases: children whose health state is proven to require special care in a specialized separated group and if other solution is in the

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interest of the child (e.g. in order to preserve sibling relationships). Given the age characteristics of UAMs care at the home of one FHUM employee (a professional family) has been provided only in one case of UAM.

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

No.

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.

N/A In the SR, UAMs are currently placed solely in the FHUM facility and professional families, i.e. FHUM employees. Accommodation costs are therefore included in the overall facility budget regardless of whether the allocated capacity is used or not.

In the case that accommodation outside of the facility had to be provided to a young adult, an ad hoc budget would be prepared based on current market rental rates in the area of FHUM.

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

The care for UAMs is currently provided in three separate groups of 10 UAMs each. Three educators work in each group: one of them as a coordinator and two as assistant educators. One social worker, one psychologist and one nurse work for all three groups.

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?

If an UAM decides to remain in the care of the FHUM the decision to stay in the group or live alone depends on the agreement between the UAM and the facility. A young adult can stay in the FHUM care until age 25 or alternatively until age 27 at the latest if the young adult is studying for a profession.

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

Yes – the preparation for becoming independent within the education process starts at the latest when the child reaches 17 and if appropriate and purposeful it can start as soon as the child reaches 15.

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

Yes – the preparation for becoming independent within education process starts when the child reaches 17 (or 15) and continues during the whole time the child remains in care of the facility.

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

Yes, if the young adult agrees, the FHUM keeps in contact for two years after leaving the facility. If the young adult decides to leave the facility, it is impossible to take them back under current legislation. The upcoming amendment of Act on SPCSG, however, considers this possibility under certain circumstances.

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e. Is there any research available in your (Member) State on the **standard of accommodation** provided to unaccompanied minors in your (Member) State? On 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).

No.

Guardianship arrangements

Q10. a. Please describe the arrangements for **guardianship** of unaccompanied minors depending on the status of the UAM, specifying also who can become a guardian to an UAM, the guardian's role, e.g. legal representation, etc., which unaccompanied minors are entitled to a guardian and until what age, etc.

If an UAM is found in the territory of the SR, the SPCSG body in whose scope of responsibility the UAM belongs is obliged to immediately submit to the court a proposal for an urgent measure by which the court temporarily grants custody of UAM to an individual or a legal entity. If granting custody of UAM to a relative present in the territory of the SR is not possible, the court shall decide within 24 hours on placing UAM into the care of the FHUM and register the SPCSG body as carer until a guardian is appointed for the UAM. The scope of rights and duties of the guardian shall be determined by the court in the decision. Court practice in this area is not unified. Some courts in the 24-hour period only decide on the urgent measure and placing the UAM into FHUM care and do not appoint the guardian. Guardianship is decided upon later, often after several weeks even months following the decision on placing UAM into FHUM care.

The court decides on the appointment of a guardian based on the initiative of the socio-legal protection of children and social guardianship body. The legal role of the guardian is to control the scope and means of care provided for the UAM, represent them, manage their property and implement other measures to protect the rights and legally protected interests of UAM.

The court appoints as guardian primarily a relative or a close person present in the territory of the SR. If appointment of an individual as a guardian is not possible, the court appoints the SPCSG body.

Care ends by appointment of a guardian/attaining majority/performing the task the carer was appointed for. Guardianship ceases to exist by attained majority. An individual in the SR attains majority at age 18.

The provisions on appointing carer and guardian apply equally regardless of the UAM's residence status.

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 UAM before, during and after the transition, e.g. information provision, informal follow-up with guardians, etc.?

Legally, guardianship over the UAM ceases to exist on reaching adulthood (Age 18). The UAM's preparation for becoming independent begins at the latest one year before attaining majority. The FHUM includes the Preparation Plan for Becoming Independent which corresponds to the needs and possibilities of UAM into their Individual Child Personal Development Plan. The preparation for becoming independent in fact starts as early as age 15.

Even in cases of UAMs deciding to remain in the care of FHUM even after attaining majority (this is done by agreement between the FHUM and the young adult who is fully legally competent), their competence is not restricted in any manner. The scope of rights and duties related to the young adult remaining in the care of FHUM stems from the agreement with the FHUM. The Preparation Plan for Becoming Independent is a part of the agreement. Among other things it concerns the potential assistance of the municipality in helping the UAM to find accommodation and employment after leaving the FHUM.

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FHUM keeps in consensual contact with each young adult even after they leave the foster home and provides the necessary consulting while they become independent.

UAMs with granted asylum or subsidiary protection can enter the "integration project" after attaining majority. It is currently funded by the Asylum, Migration and Integration Fund. An individual integration plan is prepared for each client and financial support is provided during a 6 month period. The following services are provided free of charge: Slovak language teaching, assistance in finding suitable accommodation and employment, assistance in various other areas needed for integration into society such as cultural orientation, legal or psychological counselling.

c. Is there any research available on the **standard of guardianship** provided to unaccompanied minors in your (Member) State? On 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).

1. Fajnorová, K. a Mittelmanová, M. (2015). Trvalé riešenia pre odlúčené deti v Európe (Permanent Solutions for Separated Children in Europe). National Report: Slovakia, Máj 2015. Available at: <http://www.hrl.sk/publikacie>

The authors of the report point to court practice in Slovakia: the courts appoint a carer for UAMs to represent them in all legal actions instead of a guardian as stipulated by Section 29 of Act on Social and Legal Protection of Children. They stress the difference in the functions of guardian and carer.

2. Fajnorová, K., Številová, Z., Malangone, A. (2014). Miznúce deti (Disappearing Children). Position publication. Bratislava: Human Rights League. ISBN 978-80-971002-7-8. Available at: <http://www.hrl.sk/publikacie>

The authors point to the fact that in Slovakia, carers not guardians are appointed for UAMs. They suggest that the courts decide on the matters of care and custody also ex officio. They also point to the disunited approach of courts when interpreting legislation on care and guardianship and to belated submission of proposals for appointing carer/guardian by SPCSG bodies.

Challenges and good practices

Q11. 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.

COLSAF employees who act as carers and guardians of UAMs consider the most prominent issue to be the disunified approach of the courts during deciding on the urgent measure by which the custody of a UAM is granted to the FHUM. Some courts do not include the decision on care or guardianship of UAMs when issuing the urgent measure. A UAM who is not represented by a carer or a guardian cannot apply for international protection in the SR.¹²

Q12. 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.).

N/A

¹² Source: Information provided by the OLSAF Medzilaborce (interview conducted on 13/12/2017).

*(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

Q13. a. What **priority** is given to the integration of unaccompanied minors in your (Member) State?

The Integration Policy of the SR from January 2014¹³ gives special attention to UAMs. The Government of the SR by this document agreed with the commitments stemming from the UN Convention on the Rights of the Child and with EU integration policies concerning the UAMs. *“The Integration Policy promotes the permanent improvement of the system of protection of unaccompanied minors and acknowledges the need to adopt special integration measures. The child’s best interests as well as the effort to establish the same status for unaccompanied minors as that of children who are citizens of the SR are the primary principles on which the Integration Policy is built, taking into consideration their specific needs, cultural differences and increased vulnerability.”* (Integration Policy of the SR, p. 36)

Primary attention is given to the high escape rate of UAMs. The Integration Policy of the SR contains the following measure: *“To identify the causes of runaways/disappearance of unaccompanied minors and to adopt preventative measures.”* (Integration Policy of the SR, p. 37)

As for education of UAMs the Integration Policy stresses *“the adoption of targeted measures within the existing educational system that will ensure equal opportunities to quality education for all children.”* (Integration Policy of the SR, p. 25) as a reaction to a specific situation of UAMs and specific educational needs caused by it.

b) Please provide a brief 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 UAM defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

Before attaining majority, the status for UAMs has no influence over integration measures. The UAMs in the care of the FHUM are provided complete care within the facility (see Q8) which contains education, social and psychological counselling and basic healthcare. They also take basic Slovak language (hereinafter SL) courses and attend compulsory school. Depending on the type of school they can also prepare for a future profession. COLSAF provides the UAMs with legal counselling.

After attaining majority, the scope of services depends on the status of UAM.

First of all, only persons with permanent, temporary and some types of tolerated residence may stay within the FHUM care as young adults and receive the services of the facility. This applies for the UAMs who are beneficiaries of asylum or subsidiary protection. They are, for the purposes of residence, considered persons with permanent residence (in the case of granted asylum) or temporary residence (in the case of granted subsidiary protection).

Integration Policy of the SR is available at: <https://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/vlastny-material-integracna-politika-januar-2014.pdf>

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If an UAM after attaining majority decides to leave the FHUM, the integration services (apart from one exception – counselling in becoming independent which can be provided by the FHUM to UAM, with UAM's consent) will be provided to them in an extent equal to that of integration services provided by the SR to individual types of foreigners depending on the type of granted international protection or the type of residence regardless of the fact that they used to be a UAM.

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

Services provided to the UAMs are above standard compared to accompanied minors or adults especially as for the period of their provision as this is a vulnerable group of persons.

As far as aid provision from the Asylum, Migration and Integration Fund for beneficiaries of international protection through "integration project", it is currently granted to both beneficiaries of asylum and subsidiary protection in equal extent. What differs is the period of aid provision; as a standard it is provided to all beneficiaries of international protection for at least 6 months but in the case of vulnerable groups where the UAMs belong it is longer and specific on individual basis. UAMs granted asylum or subsidiary protection can be included into the "integration project" after attaining 18th year of age regardless if they stay or leave the FHUM care.

The Ministry of Interior of the Slovak Republic also grants a beneficiary of asylum a one-time contribution amounting to 1.5 times the subsistence minimum per adult individual. Minor children younger than 16¹⁴ are obliged to attend compulsory school within the State educational system.

MoI SR does not yet grant a one-time contribution to beneficiaries of subsidiary protection. As compared to asylum beneficiaries to whom healthcare is provided based on public health insurance, MoI SR pays for healthcare provided to the beneficiaries of subsidiary protection (if they do not have public health insurance, e.g. due to employment) in the territory of the SR on the same basis as public health insurance.

MoI SR provides other integration services such as social, psychological or legal counselling as well as material and financial aid to beneficiaries of international protection through non-governmental organizations.

Compulsory school attendance applies also to minor children of foreigners who are not asylum seekers while basic and supplementary courses of the SL are organized by schools attended by the foreigners and paid for from the Regional School Authority budget and municipal budget.

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?

Information from 7c applies.

Q14. 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
Ministry of Labour, Social Affairs and Family of the SR	Coordination of all bodies ensuring integration of foreigners in the SR.	Department of migration and integration of foreigners of MoLSAF SR coordinates the application of proposed integration measures stemming from the

¹⁴Compulsory school attendance ends at the end of the school year in which the child attains the 16th year of age.

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		Integration Policy of the SR in cooperation with other central public administration bodies, non-governmental and inter-governmental organizations, social partners and self-government authorities.
Central Office of Labour, Social Affairs and Family	A socio-legal protection of children and social guardianship body.	<ol style="list-style-type: none"> 1. Coordinates the provision of aid to the UAMs. 2. Performs other tasks pursuant to Section 73, Paragraph of Act on SPCSG¹⁵
Migration Office of the Ministry of Interior of the SR	Integration of asylum beneficiaries and beneficiaries of subsidiary protection.	Migration and Integration Department of the Migration Office of the MoI SR which cooperates with the involved public administration bodies, self-governments and non-governmental organizations in integration of asylum beneficiaries and beneficiaries of subsidiary protection into society, in particular in the area of housing, employment, social security, healthcare and education.
FHUM	Care of the UAMs.	The FHUM provides the UAMs and young adults with complete care which contains education, social and psychological counselling and basic healthcare. They provide also basic SL course and prepare the UAMs for becoming independent within the socio-educational process.
IOM	Education, requalification, employment counselling.	Within the Migration Information Centre, the IOM provides the UAMs with language and education courses and in the case of young adults offers also requalification courses and employment counselling.
Labour Office	SPCSG measures	Implements SPCSG measures, prepares the Plan of Social Work with the Child aiming to ensure the best interests of the child and aids in searching and facilitating employment.

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School	Education	Organizes basic and supplementary courses of national language to overcome language barriers. School director places the UAMs to class based on the evaluation of their previous education and the level of SL knowledge.
Municipality	Aid in searching for employment	Aids young adult after the end of foster personal care, foster care and institutional care in obtaining housing and employment.
Higher Territorial Administrative Unit	Help to the UAMs with becoming independent.	Helps a disabled young adult who cannot become independent due to their health after the end of institutional care at the age of 18 by placing them into a protected housing facility or other facility which provides services corresponding to their needs, if they are dependent on such services.

Access to education

Q15. 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? Does this group of unaccompanied minors have the same right to education as nationals of the (Member) State? Y/ N

Access to education in the SR is automatic and does not depend on the status of the UAMs. The rights and obligations of UAMs in the educational process are the same as those of Slovak nationals.

- 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 UAM, etc.? Y/ N

In the SR, 10 years of school attendance is compulsory (until the end of school year in which the child reaches 16) for each child with usual residence in the SR. The UAMs after coming to the FHUM take a basic SL course which takes 4 – 6 months. Within three months they enter the educational process in public schools based on age, level of SL and the education achieved in their home country. One practical problem is that the UAMs do not have documents on completing basic education in their home country which is required in Slovakia when enrolling into a secondary school. Even older children are therefore placed into the last year of elementary school and after completing it they move on to study at secondary schools.

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

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* 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?

A special emphasis is given to teaching of the SL as it is usually a very complicated language for the UAMs given the countries of origin they usually come from. Currently, there is no option for the UAMs to study in another language. Language education of the UAMs has several levels. Firstly, teaching of the SL starts immediately after placement into the FHUM. Currently there are three classes a week, each of them 2-hour long. The UAMs can attend supplementary courses in the SL outside of the basic courses. They are organized by the IOM under the Migration Information Centre project. Supplementary courses can be taken also after they start attending school classes in the SL.

- 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

Only basic SL courses are provided in the FHUM before entering school. The rest of the education takes place in the national educational system.

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

The individual needs of the UAMs are also considered by the FHUM in education. If there is a need to further educate the UAM in a subject, the FHUM has the option to provide individual tutoring.

a) – 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 UAM before, during and after such a transition, e.g. information provision, education pathway/ plan, personal adviser, etc.?

Continuation of education is the basic requirement if an UAM wants to remain in the FHUM care even after reaching majority. Similar measures are used for young adults as for the UAMs. The Plan for Becoming Independent is regularly updated and evaluated and the young adult has access to career counselling, social counselling and a psychologist.

c. Is there any research available on the **quality of education** provided to unaccompanied minors in your (Member) State? On the educational performance of unaccompanied minors? On the **effects** of the access to education 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).

Fajnorová, K., Mittelmannová, M.: Trvalé riešenia pre odlúčené deti v Európe (Permanent Solutions for Separated Children in Europe). National Report: Slovakia, May 2015. Available at: <http://www.hrl.sk/publikacie>

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The authors point to the need to place the UAMs in schools as soon as possible. They mention the possibility of durable solution for their status by granting permanent residence for an indefinite period.¹⁶

Access to (support to) employment

Q16. a. When providing **access to employment**¹⁷ 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? 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

No. A UAM with tolerated residence on the grounds of being an UAM does not have access to the labour market. There is no possibility to obtain a special work permit with this kind of residence. It is partially related to the fact that this residence is granted only until reaching majority. The UAMs are placed into the FHUM where education of minors is of primary importance.

- 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

Only the UAMs who are beneficiaries of asylum or subsidiary protection can access the labour market. Asylum seekers can access labour market after 9 months from the beginning of asylum procedure unless the application has been decided upon. Work of the UAMs is restricted by the minimum age of 15/completion of compulsory school attendance. Until that time they can only do easy work which by nature and scope does not threaten their health, safety, further development or school attendance as a part of the following:

- a) performing or co-performing in cultural and artistic performances,
- b) sports events,
- c) promotion and advertisement activities.

The same restrictions apply to minor citizens of the SR while minors under 18 are generally allowed to sign the following 3 types of agreements: 1. Agreement on Temporary Work of a Student (max. 20 hours a week), 2. Work Activity Agreement (max. 10 hours a week), 3. Work Agreement (max. 350 hours a calendar year per one employer).

- 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

No.

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

N/A

¹⁶ It can be applied under the condition that an UAM with a tolerated residence has studied in the SR at least three years till reaching adult age (Section 46 paragraph 2 Letter e) of Act on the Residence of Aliens).

¹⁷ Please note that this need not apply to unaccompanied minors who are still in full-time education.

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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 UAM before, during and after the transition, e.g. ongoing employment support as part of integration pathway/ plan, personal adviser, etc.?

Support for the UAMs who reached majority in their access to labour market depends on whether they decide to remain in the FHUM's care or not. If they do, the Plan for Becoming Independent is drafted and regularly updated and the FHUM in cooperation with SPCSG body or municipality provides UAM with career and social counselling.

If they do not remain in FHUM's, the services will be provided to them to the same extent as to any other foreigner in Slovakia with equal status, regardless of the fact that they used to be UAM. In the case of a beneficiary of international protection, the work and social counselling and other integration services needed for integration into society will be provided by non-governmental organizations within projects funded by the EU resources by means of the "integration project" funded by the Asylum, Migration and Integration Fund with 25% co-funding from the State budget. The Mol SR is the authority responsible for the Asylum, Migration and Integration Fund while the Migration Office monitors the quality of provided services.

The situation is similar with the UAMs who after reaching majority stay in Slovakia on the basis of permanent, temporary or tolerated residence: they will be able to use the work counselling services which are provided by the IOM to foreigners from third countries with regular stay in the SR under the Migration Information Centre project.

There is only one exception: the foster home keeps in consensual contact with young adult even after they leave the FHUM and provides the necessary consulting during their process of becoming independent.

c. Is there any research available on the **quality of employment access support** provided to unaccompanied minors in your (Member) State? On the **effects** of the access to employment 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).

No.

Family reunification

Q17. 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."

N/A

Other integration measures supporting unaccompanied minors

Q18. a. Does your (Member) State have any **other integration measures** in place supporting unaccompanied minors, for example healthcare, recourse to public funds, etc.? Y/ N

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

Healthcare is provided to the UAMs based on public health insurance paid for by the State.

UAMs placed in the FHUM get pocket money and also material gifts (during special occasions in their lives).

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 the above-mentioned right(s) up to that stage, for example:

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- Is there any welfare benefits cut-off and/ or cut-off of family reunification rights, etc. when unaccompanied minors reach 18 years of age? Y/ N

Pocket money and material gifts are provided also to young adults if they remain in the FHUM care after reaching majority and prepare for a profession there.

Provision of healthcare to a young adult depends on their residence status. In the case of beneficiaries of asylum, the healthcare is provided based on public health insurance paid for by the State. The MoI SR pays for the healthcare of young adults who are beneficiaries of subsidiary protection in the same extent as in public health insurance. Young adults with tolerated residence would not be entitled to public health insurance and would have to have commercial health insurance (having health insurance is an obligation of every foreigner staying legally in the SR). Similarly, this applies in the case of a young adult with a temporary residence where access to public health insurance depends whether the individual earns their living (by employment or entrepreneurship). A young adult with permanent residence would have access to the public health system but would have to pay for it (self-payer) or alternatively if the young adult would be constantly preparing for a profession by studying, the State would pay for it.

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

1. Young adults receive a one-time contribution to help with independence at the time of their leaving the FHUM.

2. Young adults who cannot become independent due to their health state after the end of institutional care at the age of 18 are entitled to the help of the FHUM who, in cooperation with municipality, higher territorial administrative unit and SPCSG body, help them obtain placing into a protected housing facility or other facility which provides services corresponding to their needs, if they are dependent on such services.

Further monitoring of unaccompanied minors' transition to adulthood

Q19. 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.

Further monitoring of young adults after they leave the FHUM is allowed only with their consent. If the consent is given, the FHUM employees keep in touch for further two years. They provide any counselling needed for becoming independent.

Consequences of a temporary residence permit on the care/ integration of unaccompanied minors

Q20. What impact does the expiration of a **temporary residence permit** have on the above-mentioned care arrangements/ 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, unaccompanied minors disappearing from care, etc.?

Any services and measures related to the UAMs or young adults are tied to authorized residence. If the UAMs do not benefit from international protection, the SR grants them only tolerated residence until reaching majority. After reaching majority they can receive care in the FHUM only if they manage to change the type or purpose of their stay. A change of tolerated residence to temporary (e.g. for the purposes of study) or permanent is very complicated for the UAMs as it requires the possession of a valid passport and legalized documents proving its integrity from their home country (apart from other documents that can be obtained in the SR). In the case of changing the tolerated residence to permanent residence for an indefinite period, at least 3 years of study in the territory of the SR before reaching the age of majority are required.

Change to a different type of tolerated residence is easier for the UAMs. However, only two purposes of tolerated residence authorize them to have the young adult provisions applied. Specifically, it is the tolerated residence

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based on the purposes of respecting private and family life (while at the same time a condition has to be fulfilled that they would need a sibling to be placed in the FHUM) or tolerated residence based on being a victim of human trafficking. Tolerated residence granted on other grounds would authorize them to only stay in the territory of the SR and use integration services only to the same extent as other persons with the same residence status in the SR, regardless of the fact that they used to be a UAM in the past.

Challenges and good practices

Q21. 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.

N/A

Q22. Please describe any examples of **good practice** in your (Member) State concerning the integration of Unaccompanied minors – including those turning 18, as well as disappearing unaccompanied minors – 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.).

N/A The SR has minimal experience with successful integration of UAMs.

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 Nie

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 Nie

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.

N/A

- Possibility for an unaccompanied minor to return to the country of origin through an **assisted voluntary return**? Y/ N No

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.

Even forced returns of the UAMs are not performed, they can be voluntarily returned to their country of origin or of usual residence through the Assisted Voluntary Return and Reintegration Programme of the IOM if they apply for it and if it is proven that the return is in the best interest of the child, i.e. not automatically after issuing

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negative decision. Consent to return through the AVRR Programme is granted by the Bureau of the Border and Aliens Police of the Police Force Presidium (hereinafter BBAP PFP). The programme and its reintegration element are intended for all age groups of irregular migrants including the UAMs. The return of the UAM to their country of origin is governed by IOM special internal directives and rules and is organized in compliance with international documents on the rights of the child which apply the principles of the best interest of the child and safety of minors.¹⁸

During the stay of the UAM in Slovakia, the IOM contacts the UAM via their carer and interpreter with the objective of obtaining information on their situation. Both affected missions, i.e. the mission of IOM in Slovakia and in the country of origin, must have a written consent including the application for voluntary return from both the UAM and their parents. A written record of family conditions having been examined must be drafted.

A personal consent and voluntary declaration of UAM stating the wish to come home are needed for a successful return. Furthermore, a travel document enabling successful identification of the UAM in question including age verification, is needed as well. The travel document is usually issued by the diplomatic mission of the UAM's country of origin.¹⁹

The transfer of the UAM is organized with an IOM escort and during the handover at the airport a protocol is signed between the two IOM missions. The protocol is then sent to relevant institutions which were organizing the UAM's stay in Slovakia.²⁰

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

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.

A UAM cannot be administratively expelled to their country of origin or to another country. However, if the expulsion is in their interest, this does not apply.²¹

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).*

BBAP PFP does not have exact procedure how to determine the best interest of a child in connection with the issuance of the administrative expulsion. Approach is very individual and depends on a concrete case, in practice it's very rare. From the existed practice it can be said that if expulsion is in UAM interest a police unit issues decision on administrative expulsion, it applies in case when presence of UAM's family members in the return country was proved. It's necessary to fulfil the needs of a child. If a child does not have family relatives (or it's not possible to trace them) in the country of origin, it's not possible to return such a child.

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 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.

¹⁸EMN Study: Efektívnosť návratov v SR: výzvy a osvedčená prax spojená s pravidlami a štandardmi EÚ (Effectivity of Returns in the SR: Challenges and Best Practice Connected to the EU Rules and Standards)

¹⁹ Ibidem

²⁰ Ibidem

²¹ Source: EMN Study: Efektívnosť návratov v SR: výzvy a osvedčená prax spojená s pravidlami a štandardmi EÚ (Effectivity of Returns in the SR: Challenges and Best Practice Connected to the EU Rules and Standards) (Upcoming)

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Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
BBAP PFP	Issue of the decision on return and its implementation.	The police departments under the BBAP PFP are generally responsible for issue of the decision on administrative expulsion and its execution. The best interests of the child are considered when issuing the decision. The UAM's return is possible in the SR only if in their best interest.
COLSAF		<p>The COLSAF includes the Department for SPCSG which cooperates in the returns of minors according to the Brussels II Regulation with the CIPC and the Offices of Labour, Social Affairs and Family.</p> <p>SPCSG body cooperates in searching for parents or other family members of the UAM aiming to reunify them. It also provides the UAM with both legal counselling on their request and legal aid under a special provision.</p> <p>Central Office of Labour, Social Affairs and Family</p> <ul style="list-style-type: none"> -Coordinates the provision of aid to UAMs. - Performs tasks in the interest of UAM pursuant to Section 29 Paragraph 1 Letter b) and c) of Act No. 305/2005, i.e.: - Reports to the diplomatic mission of the country of habitual residence of UAM all the measures adopted in the interest of return or transfer of UAM and applies for return or transfer to the country in which the UAM has usual residence, provided that the safety of the country of usual residence is obvious and that it is not affected by the international Convention on the Civil Aspects of International Child Abduction. - Proposes to the diplomatic mission of the country in which the UAM does not have usual residence and in which their parent or a person

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		personally taking care of the child is located their reunification and reports the measures adopted in the interest of such reunification.
Labour Office	Cooperates with the IOM in the search for family and in the efforts towards family reunification during assisted voluntary return.	Is responsible for SPCSG including the evaluation of the possibility of UAM's reunification with their family. Cooperates in the search for parents or other UAM's family members with the aim of the UAM's reunification with their family. Cooperates with the IOM in ensuring assisted voluntary return of UAM into the country of origin or in ensuring the transfer of UAM into a third country, provided that the UAM shows interest in such return or transfer.
IOM	Responsible for AVRR	Works for assisted voluntary return of the UAMs into their country of origin as well as for reintegration aid. As the above organizations, also the IOM considers the best interests of the child during assisted voluntary return.

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?

The UAMs cannot be administratively expelled to their country of origin or to another country unless this is in their interest.²² In the case of AVRR, the return depends especially on whether the UAM has a travel document as well as on the cooperation with respective embassy, with family in the country of origin (in evaluating social and economical status of the family, i.e. family assessment) and on the best interest of the child.

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:

N/A

- **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:

²² Source: EMN Study: Efektívnosť návratov v SR: výzvy a osvedčená prax spojená s pravidlami a štandardmi EÚ (Effectivity of Returns in the SR: Challenges and Best Practice Connected to the EU Rules and Standards) (Upcoming)

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N/A

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

N/A

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.

In the case of AVRR the processes are governed by the IOM internal directives and rules. Apart from the above mentioned information in Q25, the social and economic status of family/carer in the country of origin is evaluated, i.e. whether they are willing and able to take care of the UAM starting from their return and until their majority. Social, economic and health conditions of the country of origin are examined, too. Furthermore, a legal representative/carer has to be identified, escort has to be arranged and measures have to be agreed upon with carers in the host country, country of origin as well as with the entity providing transfer. The handover and reception of the child has to be agreed upon as well.

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.

In the case of AVRR, UAM's family is contacted after their consent while the IOM mission in the country of origin helps to establish the contact. Both the carers in the country of origin and in the host country must agree in writing that the return of the UAM is in their best interest.

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?²³ Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

N/A

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).*

The AVRR is conducted under the same procedures as other UAMs.

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.

The IOM in the SR monitors the UAMs only in the case of provided reintegration assistance/help (i.e. it does not do that if the case is only a return), on average for three months following the conclusion of the implementation of reintegration.

²³ 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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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.

The SR did not sign any cooperation agreements focusing on the UAMs.

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 Nie

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

N/A

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

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.

The UAMs in principle belong to the group of the vulnerable migrants within the AVRR programme. They are entitled to reintegration help while they are preferred in accessing it. Evaluation of vulnerability within the voluntary return and reintegration framework for the AVRR programme clients is conducted by the IOM Bratislava. It is performed as a part of return and reintegration counselling by operational or reintegration employees. If needed, the vulnerable migrants including the UAMs are referred to specialists who evaluate specific needs of migrants in detail. Reintegration is consequently adapted individually to these needs.

Reintegration aid is provided as a reimbursement for goods and services such as one-time contribution for education, housing, health assistance and other types of aid according to the needs of the minor. The amount of financial aid starts at €1,300. In the case of vulnerable migrants an increased reintegration grant can be awarded to them, up to € 2,000. The IOM Bratislava Selection Commission decides upon granting and amount of the reintegration grant. The Commission considers the information provided by the migrant, information from the IOM mission in the sending country or the country of origin and information from specialists.²⁴

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

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

N/A

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.

Beneficiaries of reintegration aid within the AVRR programme in the SR are generally monitored after 3 months from the last payment within the reintegration implementation.²⁵ This applies for both adults and the UAMs.

²⁴Source: EMN Study: Efektívnosť návratov v SR: výzvy a osvedčená prax spojená s pravidlami a štandardmi EÚ (Effectivity of Returns in the SR: Challenges and Best Practice Connected to the EU Rules and Standards) (Upcoming)

²⁵Source: Mittelmanová, M.: Politiky, prax a štatistiky o maloletých bez sprievodu v SR (Policies, Practices and Data on Unaccompanied Minors in the Slovak Republic). Small topical study of the EMN National Contact Point in the SR. Bratislava: IOM, 2014. Information provided by the IOM Bratislava.

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

Regardless of whether the UAM receives a negative decision on granting international protection, their residence is legalized by tolerated residence until they reach 18 years. Tolerated residence is granted to the UAMs immediately after placing them into the FHUM. The SR does not grant tolerated residence only to persona non-grata.

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.

N/A

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?

N/A

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.

N/A

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?

N/A

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,²⁶ 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.*

²⁶ 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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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.).

N/A

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

Q33. 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?

Disappearance/escapes of the UAMs from the FHUM is considered the biggest problem as nearly all children who are not reunified with their family disappear from the facility. The SR experienced the UAMs leaving the facility both with positive and negative decisions on asylum issued. The decision on status (considering the fact that the majority of the UAMs leave the FHUM in the first two months of their stay there) therefore cannot be considered the primary motivation of escaping.²⁷

Q.34 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?

1. According to the employees of the FHUM, disappearance of the UAMs is mainly caused by the fact that the SR is not their destination country. Motivation to escape is often increased by the group they travel with as well as contact with relatives who often persuade them to continue with their travel. Another factor is the age composition of the UAMs in the SR: boys aged 16+ comprise the majority. The issue is furthermore complicated because in Slovakia no significant communities exist which would be composed of foreigners coming from the country of origin of the escaping minors who would help the minors in difficult situations.²⁸

2. Fajnorová, K., Številová, Z., Malangone, A. (2014). Miznúce deti (Disappearing Children). Position Paper. Bratislava: Human Rights League. ISBN 978-80-971002-7-8. Available at: <http://www.hrl.sk/publikacie>

The authors of the publication identified the following causes of disappearance/escapes of the UAMs in the SR:

- a) presence of relatives or family members in another EU country,
- b) continuation of travel to the destination country,
- c) vision of better perspective in the Western Europe,
- d) desire for education,
- e) insufficient care,
- f) need to earn money.

Disappearance of the UAM does not influence residence status if they return to the facility.

²⁷ Source: Information provided by the FHUM (interview 13/12/2017)

²⁸ Ibidem

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Q35. 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

The UAMs found in the territory of the SR are placed solely into the FHUM, i.e. into an open facility. Escape prevention measures are therefore very limited and consist mainly of the following: informing the UAMs on the risks of escaping, education, building trust, provision of social counselling and other forms of social work, provision of legal counselling, improving the conditions for the UAM's integration, psychological support.²⁹

The police do not perform any preventative measures to avoid the UAMs escaping the FHUM.

When searching for missing UAMs, the Police Force of the SR inputs the data on them into the PATROS system which is connected to the SIS II online. If the BBAP PFP obtains information on the missing UAM, they input the data into the MIGRA system. Photographs of the UAMs are uploaded in the systems as well. Fingerprints of the UAMs are not used.

When searching for minors, the Police cooperates with the non-profit organization *Linka detskej istoty* (Helpline for children) which helps in obtaining information on missing minors.

- **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

After the FHUM discovers that a UAM has left the FHUM without consent, they immediately report it to the closest Police Force department, to the court which had ordered the urgent measure and to SPCSG body. If the UAM is an asylum seeker, they report also to the MoI SR. The Police initiate the search by drafting the report on a reported missing person and afterwards start the search for the missing person in the PATROS information system and start the regular searching process of the Police. The procedure is standard and does not differ from the procedure in searching for missing citizens of the SR. They continuously inform the foster home about the results of the search. If the UAM is found abroad, the search process is terminated in the territory of the SR and the FHUM is informed.³⁰

Q36. 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.

The above procedures apply.

Q37. 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.*

Based on the negative development of escape rates the preventative measures to prevent escapes of the UAMs were intensified by the FHUM and SPCSG. They include specific regime measures in the FHUM, adding personnel to education of groups, closer cooperation with the Police Force and the creation of preventative and protective conditions to prevent the causes of escapes. In this respect, the MoLSAF SR in cooperation with the COLSAF initiated the preparation and implementation of the *"Identification of Causes of Escaping/Disappearing*

²⁹ Ibidem

³⁰ Source: Police Force Presidium, Office of Criminal Police, Department of Search and Criminal Investigation and Technical Activities

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Unaccompanied Minors” research task which was processed by the Institute for Labour and Family Research in 2017. The report gathers data on 119 unaccompanied minors who were placed in Medzilaborce FH in last years. With regards to social, demographic and other characteristics of minors it identifies the factors influencing disappearances (escapes) and proposes preventative measures which will contribute to prevention of further escapes or disappearances and will improve the possibilities and conditions for adopting permanent solutions and integration of the UAMs into society. According to the report, the escape rate has continually been lowered between 2014 – 2017 as a result of intensified psychological, educational and social work, social and legal counselling, leisure time activities, strengthening of professional and personal capacities of the FHUM, provision of interpreting into a language understood by the minor and support for individual care in the area of cultural, religious and language differences of the UAM. Protective factors include adoption of measures in a timely manner, meticulous protection of rights and legally protected interests of the UAMs, regular direct contact and cooperation with the carer/guardian of the UAM, professional and educational team in the FHUM and cooperation with international and national non-governmental organizations. The proposed measures are continually implemented into the application practice for the sake of creating generally good conditions for care of the UAMs.

The analysis is currently awaiting comments from the ordering party (MoLSAF SR).

Experience of the FHUM employees and the SPCSG bodies suggest that insufficient information from the Police on the results of the search is a problem as in some cases they do not have any information (positive or negative) on the results of the search for the UAM even after considerable time has passed.³¹

The MoLSAF SR thinks it appropriate to strengthen/introduce monitoring of the facilities for the UAMs by PF units.

Q38. 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.).*

According to the FHUM employees and based on their experience, the risk of the UAMs escaping from the FHUM decreases proportionally to the length of their stay in the facility (the longer they stay the less they escape). They consider slow and purposeful building of trust between the UAM and their educator as the most important preventative measure. It usually results in the following: even if the escape/disappearance of the UAM cannot be prevented, the UAM contacts the educator from abroad and let them know that they managed to find their relatives and that they are ok.

³¹ Source: Information provided by the FHUM (interview 13/12/2017)