

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

Common Template for EMN Focussed Study 2017

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Subject: Common Template for the EMN Focussed Study 2017 on “(Member) States’ Approaches to Unaccompanied Minors Following Status Determination”

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

1 BACKGROUND AND RATIONALE FOR THE STUDY

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

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

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

2 STUDY AIMS AND OBJECTIVES

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

More specifically, the Study aims to:

★ With regard to **return**:

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

★ With regard to **integration**:

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

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

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

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

3 SCOPE OF THE STUDY

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

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

4 EU LEGAL AND POLICY CONTEXT

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

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

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

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

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

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

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

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

5 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The Study will aim to address the following:

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

6 RELEVANT SOURCES AND LITERATURE

EMN Studies

- ★ EMN (2017): Family reunification of Third-Country Nationals in the EU plus Norway: National Practices. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_sr_final.pdf
- ★ EMN (2016): The Return of Rejected Asylum Seekers: Challenges and Good Practices. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_synthesis_report_rejected_asylum_seekers_2016.pdf.

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- ★ EMN (2015): Policies, practices and data on unaccompanied minors in the EU Member States and Norway. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_policies_practices_and_data_on_unaccompanied_minors_in_the_eu_member_states_and_norway_synthesis_report_final_eu_2015.pdf.
- ★ EMN (2015): Integration of beneficiaries of international/ humanitarian protection into the labour market: policies and good practices. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_integration_of_beneficiaries_of_international_protection_eu_2015_en_final.pdf.
- ★ EMN (2014): Good practices in the return and reintegration of irregular migrants: Member States' entry bans policy and use of readmission agreements between Member States and third countries. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_reentry_bans_and_readmission_agreements_final_december_2014.pdf.
- ★ EMN (2010): Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – an EU Comparative Study. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/0_emn_synthesis_report_unaccompanied_minors_publication_sept10_en.pdf.

EMN AHQs

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

Other studies and reports

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

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

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

7 AVAILABLE STATISTICS

EU level

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

National level

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

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

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

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

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

8 DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken mostly from the EMN Glossary v4.0.⁴

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

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

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

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

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

⁴ Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 ADVISORY GROUP

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

- ★ COM: Magнус.OVILIUS@ec.europa.eu; Maria.Zuber@ec.europa.eu
- ★ EMN Service Provider: emn@icf.com; nataliya.nikolova@icfi.com; vittorio.furci@icfi.com
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- ★ UK EMN NCP: Laura.Broomfield@homeoffice.gsi.gov.uk; katharine.beaney@homeoffice.gsi.gov.uk

10 TIMETABLE

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

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

11 TEMPLATE FOR NATIONAL CONTRIBUTIONS

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

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

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

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

- Latest figures on the number and socio-demographic characteristics of unaccompanied minors in your (Member) State, as well as evolution over time (2014-2016 and, where available, the first half of 2017);
- Top five main issues with regard to the care/ integration/ return of unaccompanied minors at present;
- Most important recent or planned changes to law, policy and practice regarding the care/ integration/ return of unaccompanied minors since 2014,⁵ 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,⁶ 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.

Background

From 1996 to 2017, 8 750 unaccompanied minor refugees were granted a resident permit and settled in Norway. At the start of 2017 almost 8 300 of them were still residing in Norway. 42 per cent of them were from Afghanistan, 16 per cent from Somalia and 14 per cent from Eritrea.

During the period 2014 to 2017, 7 200 persons who claimed to be unaccompanied minors applied for asylum in Norway. Parallel to the peak in the total number of asylum seekers in 2015 (31 000), the number of unaccompanied minors also peaked that year (5 500). The main countries of origin were Afghanistan, Eritrea, Syria and Somalia. During 2016 and 2017 the numbers have been very low (approximately 300 and 200).

During the same period, 4 500 unaccompanied minors under 18 years who had applied for asylum were granted some form of residence permit. Almost 700 of them were granted a temporary permit until they turn 18. Almost all of these permits were granted in 2016 and 2017. Nine out of ten unaccompanied minors who

⁵ 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.

⁶ 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

were granted some form of protection during this period were boys. The majority of all were 16 years or older.

At the end of 2015, 74 per cent of the unaccompanied minors in the age group 18-29, who had arrived since 1996 and still lived in Norway, were either in education, employed or participating in the introduction program. This was a lower proportion than for the general population in the same age group (85 per cent). The activity level, particularly the employment level, increased with age and length of residence. The unaccompanied minor refugees from Sri Lanka and Afghanistan were more active than those from Eritrea, Somalia and Iraq.

For the unaccompanied minor refugees, aged 18-29 years in 2015, the share of income from employment accounts for 65 per cent of total income. This is a much lower share than for the general population in the same age group (80 per cent). A large share of their income stems from benefit transfers. The share of income from employment increases with length of residence.

Main issues

There is concern over the situation for the increasing number of unaccompanied minors between 16 and 18 years (almost all from Afghanistan) who are granted a temporary residence permit until the age of 18 and then returned. Concerns have been raised over living conditions in reception centers, the return situation in Afghanistan and disappearances to other European countries.

It is an aim to entrust immigration authorities with a greater responsibility for the return of unaccompanied minors and reunification with caregivers in their home country. The idea is that children should not necessarily have full responsibility for initiating return themselves. This means that immigration authorities will have the opportunity to make use of instruments from both forced return and assisted ('voluntary') return.

Another aim is to settle unaccompanied minor refugees granted refugee status in municipalities relatively close to the reception center they have been staying in (most of the time), and to find a good fit between the individual needs of the minor and the capacity within the host municipality to meet to those needs.

It is important to ensure that unaccompanied minor refugees settled in Norway achieve an education and other qualifications that are necessary to find stable employment, become economically self-sufficient and active participants in all fields of the Norwegian society.

Recent policy changes

In March 2017, the Ministry instructed The Directorate of Immigration (UDI) and The Immigration Appeals Board (UNE) that the return situation of minors should not be given decisive weight in cases where the minors could be granted a temporary permit until the age of 18. In November 2017, the Storting (national assembly), however, decided to cancel this instruction. The Storting also decided that all the unaccompanied minors who have been given this permit after October 1st 2016, and have been referred to an internal flight alternative, should have their asylum case reviewed.

Since July 2017, Norway has implemented a new arrangement for return of unaccompanied minors. This implies to stop making a distinction between 'assisted voluntary' and 'forced' return – and facilitate return in a joint procedure between the Directorate of Immigration and the National Police Immigration Service.

Since 2016, there has been a change in the Immigration Act concerning family immigration affecting the possibility for family reunification, also with unaccompanied minors. A new provision has been made concerning the possibility to make an exception from the right to family immigration. The provision concerns cases where family life can be exercised in a safe country which the family is generally more closely connected to, and the reference person (for example an unaccompanied minor) has a residence permit as a refugee. This 'connection requirement' does not apply after the reference person has been granted a permanent residence permit.

Challenges

Unaccompanied minors who disappear from reception centers is a complex and challenging issue. A majority of the unaccompanied minors who disappear have a temporary residence permit, and disappear shortly before they turn 18. This permit seem to be one of the main reasons for the disappearing.

The variation in how the municipalities approach the task of settling and integrating unaccompanied minors,

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and the concomitant worry that the quality of the care provided will be less than adequate for some, is another issue.

A result of the reduction in the number of new unaccompanied minor asylum seekers granted refugee status is that the number of minors to be settled in municipalities is much lower. The number of municipalities involved is also reduced. It may lead to loss of expertise in this field due to decreasing grants to host municipalities.

Good practices

The Directorate of Immigration has established an "Enforcement team for conflict management in reception centres". Their purpose is to assist reception centres in resolving conflicts when the relevant sectoral authorities cannot provide necessary assistance, or when the nature or extent of the conflict is considered too challenging for the reception centre to handle on its own. The goal is to contribute to safer reception centres for the unaccompanied minors.

The program Our New Children, which was initiated by SOS Children's Villages in coordination with Asker municipality, aims to develop and test a model of good quality care for unaccompanied minor refugees. The municipality sets up what are termed family homes for two to five children "from scratch" by first finding suitable housing and then recruiting foster parents. The family home model is further backed up by close and frequent support from competent professionals. The first evaluation of the family home model characterises it as a promising practice and recommends putting it to use in other municipalities.

In 2016, Red Cross Norway initiated the program Flyktningkompis ("Refugee Friend"), a variant of the more established Refugee Guide program, that focuses on unaccompanied minors and other young refugees. The program links young refugees with young Norwegians, based on their age and interests. A 2012 evaluation of the Refugee Guide program found it to have clear positive integration effects for the refugees involved.

The situation for unaccompanied minor refugees in Norway concerning education, employment, income etc. is monitored on a regular basis, in cooperation with Statistics Norway.

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 care, integration and return of unaccompanied minors as*

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deducted 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.

In the public discourse on unaccompanied minors with a final negative decision a general mistrust towards the immigration authorities and the quality of their decisions is often expressed. A common view is that the best option for any minor is to stay in Norway.

There has been much debate on the situation for unaccompanied minors between 16 and 18 years who do not have any grounds for stay other than that they will be without proper care if he or she returns. Since 2009, they may be given a temporary residence permit until the age of 18 and then returned, but during 2016 and 2017 the numbers with such permits increased significantly due to policy changes. The campaign to undo (some of) these changes and stop/reduce returns had as a result that a majority of the Storting (national assembly) instructed the government to halt returns and make some changes. Cf. Q3a below for details.

Linked to this issue there has been a debate regarding the living conditions for unaccompanied minors in reception centers. This debate was sparked by reports of an increasing occurrence of depression and also many disappearing to other countries following the increased use of temporary permits.

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?

Return of unaccompanied minors has been a policy priority for the last ten years. Those turning 18 years are no longer minors, and are in principle treated as adults regardless of status. The policy issues regarding unaccompanied minors have centred around appropriate care in Norway, safeguarding best interest determination, tracing of family and establishing appropriate return facilities in the countries of origin.

For unaccompanied minors who are granted a residence permit without time restrictions there has not been any shift in focus in recent years. Effective and rapid integration through language training, formal education and work is given 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.

Unaccompanied children between 16 and 18 years who do not have any grounds for stay other than that they will be without proper care if he or she returns, may, since 2009, be given a temporary residence permit until the age of 18. When the minor turns 18, he or she normally has to leave Norway. Use of temporary residence permits may have an important signal effect and lead to fewer unaccompanied children without protection needs traveling to Europe and Norway.

In 2016 and 2017, there was an great increase in such permits because many of the minor asylum seekers were referred to an internal flight alternative, and they did not meet the conditions for getting a permit on strong humanitarian grounds. In March 2017, the Ministry also instructed The Directorate of Immigration (UDI) and The Immigration Appeals Board (UNE) that the return situation of minors should not be given decisive weight in cases where the minors could be granted a temporary permit until the age of 18. In November 2017, the Storting however decided to cancel this instruction. The Storting also decided that all the unaccompanied minors who have been given this permit after October 1st 2016, and have been referred to an internal flight alternative, should have their asylum case reviewed.

Since July 2017, Norway has implemented a new arrangement for return of unaccompanied minors. This implies to

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stop making a distinction between 'assisted voluntary' and 'forced' return- and facilitate return in a joint procedure between the Immigration Directorate and the National Police Immigration Service.

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

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

Minors in need of protection are granted refugee status. In this assessment, account shall be taken of whether the applicant is a child. If the minor does not qualify for protection, the immigration authorities will consider a residence permit on the grounds of strong humanitarian considerations or a particular connection with Norway. To determine whether there are strong humanitarian considerations, an overall assessment shall be made of the case. Importance may be attached to, among other things, whether the applicant is an unaccompanied minor who would be without proper care if he/she were returned. Unaccompanied minors aged 16 or older, may be given a restricted, temporary residence permit until they reach the age of 18, if they do not have any grounds for stay other than that the Norwegian authorities deem that the applicant would be without proper care if he/she were returned, cf. Q 3a

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?**

Mostly close to the age of majority

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

Boys

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

Yes, some, but most have come as individual asylum seekers

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

In Norway the unaccompanied minors are predominantly boys between 14-18 years old from Afghanistan. Mainly Hazara and Pashtuns. We also have a few unaccompanied girls from Afghanistan. Other nationalities we receive larger numbers of unaccompanied minors from are Syria and Eritrea. From Syria we receive Kurds, Arabs and Palestinians. They are both boys and girls from all ages. Many arrive with family members, or have family members in Norway. From Eritrea we receive mainly ethnic Tigrinya, both girls and boys from 15 to 18 years old.

We do not have a large group of unaccompanied minors not presenting themselves to the authorities. If the police or other authorities are in contact with an unregistered minor, they give them information about the right to apply for asylum. In this group there are young persons from North Africa.

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

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

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

See Annex 1

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

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

Regardless of their status every person turning 18 is moved from a reception centre for minors to an ordinary reception centre for adults where they stay until return is implemented.

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

See Q7 c.

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

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When the asylum case of a minor is decided, the age of the minor is determined. Therefore, the relevant authorities are informed and aware of the date when he/she turns 18. The Directorate of Immigration moves the person to an ordinary reception centre and the National Police Immigration Service starts to plan their return if this is the implication of the final decision. Throughout this period the person can apply for assisted voluntary return.

If the person has been granted a residence permit and is settled in a municipality, this age determination is also applied when planning integration measures.

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

Unaccompanied minors with a final decision move from reception centres for this group to reception centres for adults when they turn 18.

When a minor under the purview of child welfare services turns 18, municipalities are obliged to make an individual assessment of whether he or she is equipped to live on his or her own, and to assess the need for after-care measures, which may continue up until age 23. After age 20 however, municipalities have fewer opportunities to receive state funding for after-care.

Empirically, one can observe variation between municipalities as to how this issue is handled. It is up to the municipality to decide which of their agencies has the primary responsibility for the care of unaccompanied minors.

Unaccompanied minors, who are not under the purview of child welfare services, do not have same rights to after-care. Research suggests that, in practice, unaccompanied minors are expected to move out when they turn 18 in some municipalities, while there is an open-ended practice until they turn 20 in others, and in some cases until they are 23.

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

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

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

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

The Directorate of Immigration has the responsibility for the care of unaccompanied minors between 15-18 years old when they stay in the reception centres, before and after status determination, regardless of legal status. The reception centres give care to unaccompanied minors in centres customised for their need for specialised care. Based on the registration of age made by the National immigration police at arrival, the unaccompanied minor is placed in an accommodation specially for them until they turn 18, are moved to a municipality or are returned. In accordance with them turning 18, or if the age assessment set in the status determination defines them as over the age of 18, the unaccompanied minor will be relocated to an accommodation for adults.

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Regarding return, employees in these reception centres are responsible to keep the minors well informed about their asylum status and their possibilities to return to their home country. This is regardless of their asylum status. The Directorate of Immigration has developed guidelines for how to have structured conversations with the minors about assisted return.

In addition, the Directorate has developed a pilot-project where employees in UDI and in the police aim to find the unaccompanied minors' families (caretakers) in their home countries. The purpose of this is that they can return safely. For further information, see Q25a.

The Directorate for children, youth and family affairs is responsible for the care of unaccompanied minors under the age of 15.

Unaccompanied minors are given priority in the process of allocating refugees to Norwegian municipalities. The target set by the government is for settlement within three months after a residence permit has been granted, as opposed to six months for adult refugees. The Directorate of Integration and Diversity (IMDi) and The Office for Children, Youth and Family Affairs (Bufetat) strive to settle unaccompanied minors in a host municipality in relative proximity to the reception center. IMDi and Bufetat furthermore aim for a good fit between the individual needs of the unaccompanied minor and the capacity within the host municipality to meet to those needs.

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

Accommodation for unaccompanied minors between 15 and 18 years old is required in the Immigration Act, and is not subject to specific legislation different from that concerning adult accommodations. Beyond these quite general provisions, the entire framework for Norwegian reception and care arrangements are laid out in administrative guidelines, instructions and practice notes made by The Directorate of immigration. These give detailed guidelines for operators of reception centres, including specific guidelines for how reception centres should organise the care for unaccompanied minors. This is outlined in eight circulars. RS 2011-034 (Requirements for care work for unaccompanied minors in reception centres) closely regulates the requirements for the reception centres responsibilities to give proper care.

Accommodation for unaccompanied minors under the age of 15 are more closely regulated by law and regulations in a separate chapter within the Child Welfare Act.

The legislation, policy and practice with regard to 'legal guardians' for unaccompanied minors have been reformed. Considering asylum seekers, the guardians are now referred to as 'representatives'. A representative will be allocated to the unaccompanied minor at the time of the registration of the asylum claim. This is also the case when there is reason to doubt that the age indicated by the minor is correct, and an age test thus is agreed upon.

When the unaccompanied minor obtains a residence permit and is settled in a municipality, a 'legal guardian' will be appointed. The primary responsibilities of the guardian are to exercise legal actions on behalf of the minor, to ensure that his or her rights are being respected, and to manage his or her financial situation. Before settling in a host municipality, there is a transfer of information about the background, needs, and resources of the unaccompanied minor. Municipalities are encouraged to send a delegation or a contact person to visit the unaccompanied minor in the reception center. The aim is to prepare the unaccompanied minor for the upcoming relocation, and to provide information about his or her new home and surroundings. The same persons should welcome the unaccompanied minor on the day of relocation. Unaccompanied minors are placed in different forms of accommodation and care arrangements, based on a consideration of their individual needs.

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

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If unaccompanied minors over the age of 15 receive a positive, unrestricted permit, they are settled in a municipality as soon as feasible, and preferably within three months according to policy aims. The Directorate of Integration and Diversity (IMDi) is responsible for this settlement. The Directorate of Immigration supplies IMDi with the necessary information regarding the unaccompanied minor, including information about their individual needs for care, regulated in the circular RS 2012-018 (Requirements for individual mapping and measure plan for unaccompanied minors in reception centres). The reception centres map their individual needs and resources throughout their stay.

The Office for Children, Youth and Family Affairs are responsible for the settling unaccompanied minors under the age of 15 in municipalities.

The best interest of the child is the primary consideration in the process of allocating unaccompanied minors to host municipalities. The best interest of the child should also be the primary consideration determining accommodation and care arrangements for unaccompanied minors.

The Convention on the Rights of the Child is incorporated into Norwegian law, and may override other legislation in instances of contradiction. The Child Welfare Act regulates the obligation of municipalities to provide care for unaccompanied minors in accordance with their best interests.

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
The Directorate of Immigration (UDI)	The central agency in the Norwegian immigration administration. The directorate implements and helps to develop the government's immigration and refugee policy.	Responsible for ensuring that all asylum seekers are offered somewhere to stay while they wait for their applications to be processed, and for finding good solutions for those who wish to return to their home countries. Responsible for the care of unaccompanied minors between 15-18 years while they stay at reception centres.
The operators of reception centres	UDI uses public tenders to buy the services at an open market. There are different actors that run centres on behalf of the directorate, and there are three different types of operators: municipalities, non-governmental organisations, and private companies.	UDI has delegated the responsibility for running reception centres for those between the age of 15-18 to the operators. The centres are required to ensure the rights of unaccompanied minors to maintain communication with their legal representative.
The Directorate of Integration and Diversity (IMDi)	IMDi's goal is to contribute to equality in living conditions and diversity through employment, integration and participation.	Allocating unaccompanied minor refugees (over 15) to host municipalities. Compensating municipalities with financial grants. Providing guidance to municipalities.

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The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) and The Office for Children, Youth and Family Affairs (Bufetat)	The main task of the directorate and the regional offices is to provide children in need of help and support with appropriate, high-quality assistance for nationwide.	The directorate has the overall responsibility for all children living in the country. The office in Region East is responsible for the accommodation and care for unaccompanied minors below the age of 15. Most of the minors under the age of 15 live in care centres facilitated by the office and in some cases operators. They can also live in foster families.
The County Governor (Fylkesmannen)	The County Governor works for the implementation of regulations decisions and passed by the Storting or the central government.	Responsibility to recruit, appoint, train and supervise legal guardians. Experts from the County Governor's office also supervise, advise and instruct the local and regional public authorities.
The local and regional public authorities and the host municipalities	The local and regional public authorities and the municipalities are responsible for the schools, healthcare, the police and the child welfare services have the same responsibility for unaccompanied minors as for other children within their jurisdiction.	The local and regional public agencies and the municipalities are responsible for having routines and procedures to identify special needs and to implement necessary measures. The host municipalities provide accommodation and care arrangements for unaccompanied minor refugees in accordance with their individual needs. Many municipalities place the prime responsibility for unaccompanied minor refugees with their child welfare services. In municipalities where this is organised differently, child welfare services are nonetheless obliged to intervene when necessary.

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

Yes

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

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Yes

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

Yes

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

Yes

- Accommodation with a foster family? Y/ N

Yes

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

Most of unaccompanied minors either live in a reception centre run by The Directorate of Immigration, or a care centre run by The Office for Children, Youth and Family Affairs. Every minor may, based on individual assessments made by the child welfare services or the health authorities, be placed at some kind of an institution. The Office for Children, Youth and Family Affairs may provide housing for those between 15-18 of age when they have siblings below 15 years old upon arrival. Unaccompanied minors with adult siblings, relatives etc. can be staying in reception centres for adults. When an unaccompanied minor travelling with an adult arrives and wishes to live with the adult, local child welfare services shall be alerted in order to assess the care needs of the minor and the capability of the adult.

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.

For unaccompanied minors over the age of 15 in the care of The Directorate of Immigration, the reception centres receive an annual grant per child. In 2017, the amount was set to 654 498 NOK. In addition to this, every unaccompanied minor gets 3 135 NOK monthly to cover costs like food, clothes, etc. Minors that live with an adult care provider (an uncle, older sister etc.) get about 2 000 NOK (the same amount as children living with their parents).

For unaccompanied minors under the age of 15 in the care of The Office for Children, Youth and Family Affairs, state run care centres receive an annual grant based on a set number of places in the centres. Private care centers receive financing only when they actually have unaccompanied minors in their centers.

The Directorate of Integration and Diversity compensates host municipalities by an "integration grant" and a "special grant for the settlement of unaccompanied minors". The former runs over five years, while the latter runs until the year the unaccompanied minor turns 20. These grants are not earmarked to specific costs, but intended to cover a number of different costs, accommodation being one among them. Unfortunately, an estimate of average costs associated with the accommodation of unaccompanied minors is not readily accessible.

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

Reception centres for unaccompanied minors are manned 24 hours a day. A specific staff member is appointed to each minor. All reception centres are required to have one employee with appropriate pedagogical training, as well as an employee specialised in child welfare. The reception centre is the care provider as long as an unaccompanied minor is living in their facility. They must attend to individual needs, appoint an individual contact person among the staff for every minor and must ensure a structured daily life for them. Every minor should receive an individual plan to ensure systematic follow-up, and ensure that necessary information reaches the sectoral authorities when

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needed as well as new caregivers when they move from the reception centre. The systematic mapping process is required throughout the stay. The norms for staffing, staff skills and competences is regulated by the directives and circulars.

The care centres run by The Office for Children, Youth and Family Affairs also have psychologists mapping the children. The staff/unaccompanied minor ratio is higher than in a reception centre, and a larger part of the staff (about 50%) are specialised in child welfare or have other relevant education. The norms for staffing, staff skills and competences is regulated in defined formal norms in the Child Welfare Act.

It is the responsibility of the host municipality to assign staff to provide care for unaccompanied minors. Characteristics of the staff and their tasks may vary between municipalities, and according to the form of accommodation and care arrangement decided upon. In any case, it is imperative for unaccompanied minors that they have specific adult persons around them who can provide care, guidance, and a sense of safety and stability. Host municipalities are encouraged to maintain a team of staff that can harness and develop an expertise in the field of working with unaccompanied minors.

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?

Unaccompanied minors with a final decision move from reception centres for unaccompanied minors to reception centres for adults when they turn 18.

When a minor under the purview of child welfare services turns 18, municipalities are obliged to make an individual assessment of whether he or she is equipped to live on his or her own, and to assess the need for after-care measures, which may continue up until age 23. After age 20 however, municipalities have fewer opportunities to receive state funding for after-care.

Empirically, one can observe variation between municipalities as to how this issue is handled. It is up to the municipality to decide which of their agencies has the primary responsibility for the care of unaccompanied minors. Unaccompanied minors who are not under the purview of child welfare services, do not have same rights to after-care. Research suggests that unaccompanied minors are in practice expected to move out at age 18 in some municipalities, while there is an open-ended practice until age 20 in others, and in some cases until age 23.

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

Yes

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

Yes

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

With the same resources and following the same guidelines as for other adults with a final decision, the reception centres follow-up, overlap with the previous centre and focus on identifying special needs after a transition.

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

- The **standards of accommodation** provided to unaccompanied minors? Y/N

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- 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).

NHRIs (Norwegian National Human Rights Institution) – report from 2016, *Omsorg for enslige mindreårige asylsøkere* (Care for unaccompanied minors) conclude that unaccompanied minors over the age of 15 years are exposed to unequal treatment/discrimination in violation of the Convention on the Rights of the Child.

<http://www.nhri.no/getfile.php/131692/nim/Nyhet/Temarapport%202016%20-%20Omsorg%20for%20enslige%20mindre%C3%A5rige%20asyls%C3%B8kere.pdf>

Levekår for barn i asylsøkerfasen (Living conditions for children in the asylum seeking process) Berit Berg and Kristian Rose Tronstad (NTNU Social Research), 2015. This study is part of the follow-up of the White Paper «Barn på flukt» (Meld. St. 27 2011-2012) where asylum-seeking children's living conditions was a central point (measure 6). The key recommendations are that the directorate should initiate studies regularly to provide continuous information of living conditions for children in the asylum-seeking phase, available professionals with expertise on children, youth and health in the centres, provisions of recreational activities and recruitment of visitor friends, refugee guides and support persons.

https://www.bufdir.no/Global/Barnevern/Kunnskap/Laevekar_for_barn_i_asylsoekerfasen.pdf

Levekår i mottak for enslige mindreårige asylsøkere (Living conditions for unaccompanied minors in reception centres), Hilde Lidén (Institute for Social Research) 2013. The conclusions from the study are mentioned in Q 10c, Q 16c and Q 17c. https://www.udi.no/globalassets/global/forskning-fou_i/asylmottak/levekaar-i-mottak-for-enslige-mindrearige-asylsokere.pdf

There has been some research on the different forms of accommodation arrangements for unaccompanied minor refugees in the municipalities. However, this research has generally not been designed in a manner that would enable it to make conclusions about the effects of those accommodation arrangements on integration.

Garvik, Paulsen, and Berg (2016) and PWC (2016) both chart out the existing menu of housing arrangements, and make inquiries with stakeholders (unaccompanied minors, staff, administrative leaders) about their experiences with them. The most frequently used form of placement is shared accommodation with staff present around the clock. Other forms of accommodation include foster home, kinship care, child welfare institution placement, shared accommodation with regular (or in some cases more periodic) follow-up from staff, single living with follow-up, encapsulated single living with a host family, and folk high school placement.

Perhaps the most recurrent theme running through this research is the variation between municipalities in how they organize and approach their work with unaccompanied minors, both generally and with regard to housing arrangements. The worry is thus that not all municipalities are able to provide housing and care arrangements that adequately match the needs of unaccompanied minors.

References:

- Garvik, Paulsen, and Berg (2016). "Barnevernets rolle i bosetting og oppfølging av enslige mindreårige flyktninger" (The role of child welfare services in housing and following up unaccompanied minor refugees). NTNU Samfunnsforskning. URL: <https://samforsk.no/Publikasjoner/2016/EM-rapport%202016%20-%20webversjon.pdf>
- PWC (2016). "Kommunenes håndtering av enslige mindreårige flyktninger" (Municipalities' work with unaccompanied minor refugees). URL: <http://www.ks.no/globalassets/vedlegg-til-hvert-fagomrader/utvikling/fou/kommunenes-handtering-av-enslige-mindrearige.pdf>

Guardianship arrangements

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

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

All unaccompanied minors are appointed a representative when they are registered at the Immigration police upon arrival. This is authorized in the Immigration Act chapter 11A. The representative shall ensure that all decisions take into account the best interest of the child, that the child is heard, and that the child gets suitable care, housing, education, language support and health care as long as they live in the country and are underage. In addition to advocating on behalf of the child, the representative provides advice and assists in investigating whether parents can be traced. The representative does not have responsibility for the day-to-day care of the child.

When a residence permit is granted, the responsibilities of the representative are phased out and a guardian will be appointed for the unaccompanied minor. It is the responsibility of the County Governor's office where the unaccompanied minor is settled to appoint a guardian. It is also the responsibility of this office to recruit, educate, and supervise guardians. Guardians are required to go through a training program and to show certification of a clean record.

The primary responsibilities of the guardian are to exercise legal actions on behalf of the minor, to ensure that his or her rights are being respected, and to manage his or her financial situation.

The Country Governor is responsible to recruit, appoint, train and supervise both the representatives and the legal guardians. The representatives and the legal guardians must provide a police certificate before their appointment, and the County Governor determines whether the person is suited for the job. Any person appointed as representative or a legal guardian must be suitable for the task and must consent to the appointment.

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

The assignment as legal representative is terminated when the unaccompanied minor turns 18 years old, or is found to be over 18 years of age in a decision by the Directorate of Immigration.

From the age of 18, young people are formally expected to perform their own legal actions and to manage their own finances. However, unaccompanied minors who turn 18 are likely to need additional legal and economic guidance. Municipalities are encouraged to ensure that such guidance is provided.

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

- The **standard of guardianship** provided to unaccompanied minors? Y/ N Yes
- 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 Yes

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).

The study *Levekår i mottak for enslige mindreårige asylsøkere* (Living conditions for unaccompanied minors in reception centres), Hilde Lidén, Institute for Social Research, 2013 has considered how contact with and involvement of legal guardians affects the everyday lives of unaccompanied minors. The study concludes that the level of assistance from legal guardians varies. Although most legal guardians provide important legal follow-up and support, the lack of such support may have significant consequences for those who do not receive it. https://www.udi.no/globalassets/global/forskning-fou_i/asylmottak/levekaar-i-mottak-for-enslige-mindreaarige-asyisokere.pdf

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

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

The expiration of a temporary residence permit is on the 18th birthday, and this can lead to an increased chance of disappearing and that the minors need more attention and care from the staff at the reception centres when they come close to turning 18.

Challenges and good practices

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

Disappearance of unaccompanied minors from care and asylum reception centers is a complex and challenging issue. As stated in section 6, a majority of the unaccompanied minors who disappear has a restricted, temporary residence permit, and disappear shortly before they turn 18. This type of residence permit is probably one of the main reasons for their disappearance.

As the Directorate of Immigration is downscaling the reception capacity due to low influx of asylum seekers many unaccompanied minors must move from the closing reception centre and into a new one. Both the minors, the operators/staff in the reception centres, the local public agencies and NGOs have reported that this is challenging for the minors. The constant up- and downscaling according to variations in influx leads to a general challenge of attracting qualified personnel, due to the uncertainty compared to other jobs. When upscaling, finding qualified operators and staff is a challenge.

Unaccompanied minors with temporary permits may reside over long periods in the reception system (some over two years) with uncertainty of their future. As described in Section 6, in 2017 a large part of this group disappeared from the reception centres, many of them shortly before they turned 18 years old. Both the unaccompanied minors, the operators/staff in the reception centres, the local public agencies, NGOs and researchers have identified this as a challenge for the minors. The reception system is intended to provide temporary accommodation and it is not adapted to such long stays.

That there is no specific staff-to-unaccompanied minors ratio required at the centres, and the low ratio of staff with relevant formal qualifications have also been identified by all the above mentioned as a challenge.

As described under Q9 e), one central challenge associated with the care of unaccompanied minor refugees who have been settled in a municipality is the variation in how the municipalities approach this task, and the concomitant worry that the quality of the care provided will be less than adequate for some.

A second challenge, raised by various stakeholders through the media in recent times, stems from the reduction in the number of newly arrived unaccompanied minor refugees. While municipalities are encouraged to maintain teams of staff that can harness and develop an expertise in the field of working with unaccompanied minors, a process of downsizing such competencies presently seems more likely in many municipalities, as a result of decreasing grants.

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

The Directorate of Immigration has cooperated with health authorities and The Regional Office for Children, Youth and Family Affairs to develop programs where they guide staff in the reception centres in how to manage the care responsibilities in the centres. The directorate has also established an "Enforcement team for conflict management

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in reception centres". Their purpose is to assist centres in resolving conflicts when the relevant sectoral authorities can't provide necessary assistance, or when the nature or extent of the conflict is considered too challenging for the centre to handle on its own. The goal is to contribute to safer reception centres for the unaccompanied minors. These measures have been identified as important by the reception centres and the local public agencies to fulfil the care responsibility.

Reception centres can also apply for extraordinary cost measures deemed necessary for the residents or staff. The centres can be compensated for costs needed to strengthen security, care, more staff, rent of accommodation outside the centre (shielding of residents), preventive measures, and miscellaneous costs due to unforeseen incidents.

The strength of the care centres run by The Office for Children, Youth and Family Affairs, is the density of staff and the small units which provide for a safe environment. Also, the staff are trained in working with children who struggle with trauma. The extent of the responsibility for care is regulated in legal framework, and the regulations on quality control provide for the quality of the care centres being equal to other children institutions. An identified good practice is that they have established a pool of qualified providers of the care centre services which make the system more flexible. If there is a need for more care centre capacity, the office will run an advertisement for framework agreements. They also have capacity to establish more state run places in case of increased need.

In the White paper on integration (Meld. St. 30 (2015-2016) <https://www.regjeringen.no/en/dokumenter/meld.-st.-30-20152016/id2499847/>), the Norwegian Government highlights the program Our New Children, which was initiated by SOS Children's Villages in coordination with Asker municipality. It aims to develop and test a model of good quality care for unaccompanied minor refugees. The municipality sets up what are termed family homes for two to five children "from scratch" by first finding suitable housing and then recruiting foster parents. The family home model is further backed up by close and frequent support from competent professionals. The first evaluation of the family home model characterizes it as a promising practise and recommends putting it to use in other municipalities.

Reference: Berg and Haugen (2018). Evaluering av familiehjem som bo- og omsorgsløsning for enslige mindreårige flyktninger («Evaluation of the family home model as a living and care arrangement for unaccompanied minor refugees»). NTNU Samfunnsforskning. URL: <https://www.sos-barnebyer.no/familiehjem-en-god-losning-for-barn-alene-pa-flukt>.

Section 4: Integration of unaccompanied minors, including transitional arrangements for unaccompanied minors turning 18 years of age [max. 10 pages]

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

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

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

From registration throughout the case processing asylum seeking unaccompanied minors are informed about return, while simultaneously receiving training in Norwegian language and social studies. For those minors, who are granted a restricted, temporary residence permit until they turn 18, return is also the priority. For all others

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granted refugee status and a residence permit, the priority is integration.

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

The Directorate of Integration and Diversity allocate grants to host municipalities, intended to cover the costs of integration measures for unaccompanied minor refugees, among several other costs. IMDi also allocate grants to the voluntary sector, including immigrant organizations. It is the responsibility of the host municipality to provide suitable integration measures for unaccompanied minor refugees, which may take a wide variety of forms. Toward this end, municipalities are encouraged to cooperate with the voluntary sector.

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

It is not a requirement that such provisions should differentiate unaccompanied from accompanied minors, or unaccompanied minor refugees from adult refugees. Target groups for different integration measures are bound to vary.

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?

The Convention on the Rights of the Child is incorporated into Norwegian law, and may override other legislation in instances of contradiction. Provisions intended to foster the integration of unaccompanied minor refugees should not compromise the best interests of the child.

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

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
The Directorate of Integration and Diversity (IMDi)	IMDi's goal is to contribute to equality in living conditions and diversity through employment, integration and participation	Allocating grants to municipalities and the voluntary sector
Host municipalities	Settling and integrating refugees	Encouraging and implementing integration measures
Voluntary sector	Assisting the public sector to achieve successful integration of refugees	Implementing integration measures.

Access to healthcare

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

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

Yes

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

While staying in reception centers minors have access to emergency treatment, basic medical care, essential or specialised medical care and counselling

Normally, unaccompanied minor refugees, who are settled in a municipality, have been through a health check at the reception center stage. Municipal healthcare services should seek to obtain the resulting information, make further assessments about the individual minor's health, and assess the need for specialised medical care. Vaccination status is mapped and vaccines are offered in accordance with the Children Vaccination Program. They should also assess the need for treatment of any trauma-related ailments.

Children and young people in need of long-term and coordinated healthcare services have the right to have an individual plan drawn up. The plan should contribute to a comprehensive and coordinated service across sectors.

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

Yes

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

In this area as in others, municipalities organize their work in different ways. Municipalities are encouraged to organize their healthcare work towards unaccompanied minors in interdisciplinary teams.

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

This depends on their legal status when they turn 18. If their application has been rejected already, or they have had a restricted, temporary permit and turn 18, they are expected to return. As adults in this position they only have the right to emergency help.

After age 16, the minor can himself or herself legally make decisions of consent in matters of healthcare. Before this age, the guardian must give consent on behalf of the unaccompanied minor. Both before and after age 18, unaccompanied minors have the same right as other legal residents to a "regular general practitioner" and access to emergency medical care.

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

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

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

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There is little research directly assessing the quality of healthcare provided to unaccompanied minor refugees who have passed through the asylum seeking stage and have been settled in a municipality. It follows that we have little knowledge of the potential effects of access to healthcare on the integration of unaccompanied minor refugees.

However, it should be noted that there has been research on living conditions during the reception center stage, of which healthcare has been among the areas of interest. Moreover, there has been a strain of research focusing on mental health such as PTSD symptoms. It has been demonstrated that unaccompanied minors are more prone to psychological problems than comparable groups of children and young people. See

Jakobsen, deMott og Heir. 2014. Prevalence of psychiatric disorders among unaccompanied asylumseeking adolescents in Norway: Clinical practice and epidemiology in mental health, 10(1).

Jensen, Skårdalsmo og Fjermestad. 2014. Development of mental health problems – a follow-up study of unaccompanied refugee minors. Child and adolescent psychiatry and mental health, 8(1).

Keles m.fl. 2016. Depression among unaccompanied minor refugees: The relative contribution of general and acculturation-specific daily hassles. Ethnicity and health, 21(3).

Oppedal og Idsøe. 2015. The role of social support in the acculturation and mental health of unaccompanied minor asylum seekers. Scandinavian journal of psychology, 56(2).

Seglem, Oppedal og Roysamb. 2014. Daily hassles and coping dispositions as predictors of psychological adjustment: A comparative study of young unaccompanied refugees and youth in the resettlement country. International journal of behavioral development, 38(3).

Considering those residing in reception centers, one study concludes that the health situation of the long term residents is especially critical, because nutritious diet and medical treatment is not prioritised due to a low level of economic support. (*Levekår i mottak for enslige mindreårige asylsøkere* (Living conditions for unaccompanied minors in reception centres), Hilde Lidén (Institute for Social Research) 2013.

https://www.udi.no/globalassets/global/forskning-fou_i/asylmottak/levekaar-i-mottak-for-enslige-mindrearige-asyloskere.pdf)

Access to education

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

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

All children have the same legal right to formal education in Norway. According to the Education Act article 2-1, the municipality is required to offer education to children in the asylum procedure as soon as possible, and within one month upon arrival. The school is obliged to provide the education and tailored schooling. There are limitations when it comes to kindergarten, secondary education and higher education.

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

The school authorities are responsible to provide individual assessments and provide tailored schooling.

- 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?

There are special measures to support the education of newly arrived minors who are not sufficiently proficient in Norwegian to follow the regular instruction. These measures do not, however, differentiate unaccompanied minors from other minors who are also not sufficiently proficient. For up to two years, newly arrived pupils may be organised in introductory classes, with adapted language training.

Language training typically takes place in public schools. However, unaccompanied minors over 16 may receive language training within an adult language training program.

Children aged 6-16 have both the obligation and the right to regular schooling (primary and lower secondary). At the age of 16, newly arrived unaccompanied minors may typically not immediately qualify for upper secondary education, in which case they have the right to primary or lower secondary education for adults. This may take place within the context of an adult education institution or alternatively, young people may receive this training within the context of an upper secondary school.

- 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

Unaccompanied minors over the age of 15 receive education in the reception centres in the transit stage (the period from arrival until they are interviewed by The Directorate of Immigration). When they move from a transit reception centre to an ordinary reception centre they are a part of the mainstream schooling system, or other suitable education arrangements provided by the school authorities or other arrangements provided by the municipality for refugees and asylum seekers.

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

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

After turning 18, unaccompanied minors with a restricted, temporary permit no longer have the right for education.

Unaccompanied minors turning 18, with a renewable residence permit, may continue on the educational path that they may be on. While access to upper secondary education is dependent on having completed lower secondary school, they have the right to lower secondary school for adults as described above.

Unaccompanied minors who turn 18 less than two years after being settled in a municipality may also take part in the Introduction Program, which is a full-time qualification program for newly arrived adult refugees.

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

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

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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).

The existing research on the quality of education provided to unaccompanied minor refugees does not appear to be extensive. However, on the basis of fieldwork in schools and interviews with stakeholders, Pastoor (2015) suggests that an insufficient amount of attention is paid to unaccompanied minors' psycho-social challenges, and claims that school staff is insufficiently refugee-competent.

We are not aware of any research into the educational performance of unaccompanied minors, per se. However, Statistics Norway monitors the activity status of unaccompanied minor refugees over time. In particular, the focus is on whether or not they are involved in education and/or employment, x years after being settled in a municipality. Wiggen in Dalgard et.al (2018) reports among unaccompanied minor refugees who were settled in Norwegian municipalities between 1996 and 2015, 74 per cent of those aged 18-29 were in some form of employment and/or education in November of 2015. By comparison, the corresponding share for this age group among the total population was 85 per cent.

We are not aware of any research designed in such a way as to enable an assessment of the effects of the access to education on the integration of unaccompanied minors.

References:

Pastoor (2015). The mediational role of schools in supporting psychosocial transitions among unaccompanied young refugees upon resettlement in Norway. *International journal of educational development*, volume 41. URL: <https://www.sciencedirect.com/science/article/pii/S0738059314001060>

Dalgard et.al (2018). «Enslige mindreårige flyktninger 2015-2016» (Unaccompanied minor refugees 2015-2016. Demography, child welfare, employment, education and income). Statistics Norway Reports 2018/3. URL: <https://www.ssb.no/en/arbeid-og-lonn/artikler-og-publikasjoner/unaccompanied-minor-refugees-2015-2016>, (summary in English)

Access to (support to) employment

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

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

Access to employment is automatic for unaccompanied minors upon obtaining a residence permit, in the sense that no work permit is required once a residence permit is obtained. For unaccompanied minor refugees over the age of 13, there are thus no particular legal barriers prohibiting them from taking up some form of employment.

While unaccompanied minors may take up employment, municipalities' primary emphasis is typically on assisting them in entering and completing education. Municipalities may however also assist them in finding employment (of varying forms).

The Working Environment Act, Chapter 11, regulates the working conditions for all minors, including

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

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unaccompanied minor asylum seekers/refugees.

<https://www.arbeidstilsynet.no/contentassets/e54635c3d2e5415785a4f23f5b852849/working-environment-act-october-web-2017.pdf>

Is this subject to rules generally applicable to the profession and to the public service? No

Is this conditional upon obtaining a work permit, etc.? No

- 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

There is legislation prohibiting children under the age of 13 from most forms of employment, limiting the extent of work possible for children between the ages 13 and 15, and providing protection for those in any form of work between the ages 15 and 18. These limitations are the same for unaccompanied minors as for minors in general.

- 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

Depending on the circumstances, unaccompanied minors may receive vocational guidance and/or qualify for various forms of allowance, but there are no special measures in this regard which differentiate unaccompanied minors from other young people. Unaccompanied minors who turn 18 less than two years after being settled in a municipality may enroll in the Introduction Program, in which case they participate on a par with other adult refugees.

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

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

It is the responsibility of the municipalities to prepare and assist unaccompanied minors through this transition, in accordance with their needs and resources.

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

- The **quality of employment access support** provided to unaccompanied minors? Y/ N No
- The **effects** of the access to employment on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N No

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).

There is little or no research on the quality of employment access support provided to unaccompanied minors in

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Norway.

Family reunification of unaccompanied minors

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

Since 2016, there has been a change in the Immigration Act concerning family immigration (chapter 6) affecting the possibility for family reunification, including the possibility for family reunification with unaccompanied minors.

A new provision has been made concerning the possibility to make an exception from the right to family immigration in cases where family life can be exercised in a safe country which the family is generally more closely connected to, and the reference person (for example an unaccompanied minor) has a residence permit as a refugee.

In order to refuse a residence permit under this provision, the applicant must most likely have a citizenship, formal residence permit or an equivalent status, in a safe country that respects refugees and asylum seekers' fundamental rights. The country must be accessible to the family through safe and legal entry. This connection requirement does not apply after the reference person has been granted a permanent residence permit. When assessing whether a residence permit is to be denied, emphasis must be placed on the overall connection the family, including accompanying children, has through the period of residence, language, education, work, relatives and network, etc., to the country in question, compared to the connection to Norway. The best interests of the child shall be a fundamental consideration. A residence permit cannot be refused if the family life would be exercised in a refugee camp. See the Immigration Act section 51 third paragraph of the Immigration Regulations section 9-9.

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

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

Yes, when unaccompanied minors reach 18 years of age, they no longer have a right to family reunification with parents and siblings. However, after reaching 18 years of age they will have a right to family immigration with spouse, cohabitant, child and the other categories of family members which can be granted a permit according to the Immigration Act.

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

No

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

Unaccompanied minors who are granted refugee status, have the right to family reunification with parents and siblings under 18 years. Unaccompanied minors with a residence permit on humanitarian grounds will as a main rule not be granted family reunification. Unaccompanied minors with a temporary residence permit until the age of 18, does not have the right to family reunification.

c. Is there any research available on the **effects** of family reunification on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N **No, not specifically concerning this group.**

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

Social welfare supporting unaccompanied minors

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

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

Yes. Before the age of 18, financial support is typically received by a guardian or by foster parents, on behalf of the unaccompanied minor refugee. At a minimum, unaccompanied minor refugees are entitled to a child benefit ("barnetrygd") and a child support replacement ("barneforskott"). Depending on the circumstances, unaccompanied minor refugees may also qualify for various other forms of financial assistance. Unaccompanied minors over 16 who are enrolled in primary, lower secondary, or upper secondary school, may be entitled to a refugee stipend ("flyktningstipend").

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

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

Yes. The child benefit and the child support replacement cease to apply when the unaccompanied minor reaches 18. Those who enrol in the Introduction Program when they reach 18 are entitled to an introduction benefit ("introduksjonsstønad"). Unaccompanied minor refugees over 18 may qualify for social assistance ("sosialhjelp") in the event that they are unable to sufficiently support themselves through employment or education activating stipends.

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

It is the responsibility of the municipalities to prepare and assist unaccompanied minors through this transition.

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

c. Is there any research available on the **effects** of social welfare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N **No, not that we are aware of**

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

Further monitoring of unaccompanied minors' transition to adulthood

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

As described under Q17c., Statistics Norway keeps registry data longitudinally monitoring the activity status of unaccompanied minor refugees. At the municipal level however, any monitoring mechanisms are left up to the initiative of the responsible agencies.

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

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

Unaccompanied minors with a restricted, temporary residence permit until the age of 18 are not eligible for settlement in a municipality at any point. Depending on the time for return they will be moved to a reception centre for adults after they have turned 18 years old. They will stay at the reception centre until the scheduled time for return.

Such restricted, temporary permits are not used for unaccompanied minors who are granted refugee status. There is no section in the Norwegian immigration act that regulates the possibility to grant extension of a temporary permit granted on humanitarian grounds for education.

Challenges and good practices

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

See Q9c and Q12.

The main and quite complex challenge is to which extent unaccompanied minor refugees settled in Norway are able to get an education and other qualifications that are necessary to find stable employment, become economically self-sufficient and active participants in all fields of the Norwegian society. The various policies and measures described in the questions in section 3 and 4 are efforts to overcome this challenge.

In this regard it is important for the government to monitor regularly the situation for unaccompanied minor refugees in Norway. This is done in cooperation with Statistics Norway. See, as mentioned, the most recent monitor/report:

Dalgard (2018). «Enslige mindreårige flyktninger 2015-2016» (Unaccompanied minor refugees 2015–2016. Demography, child welfare, employment, education and income). Statistics Norway Reports 2018/3. URL: <https://www.ssb.no/en/arbeid-og-lonn/artikler-og-publikasjoner/unaccompanied-minor-refugees-2015-2016>, (summary in English)

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

Under the umbrella of the Our New Children program, mentioned under Q13, SOS Children's Villages is currently piloting the project SAMMEN ("Together") in 15 municipalities. The project aims to foster contact and friendship

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between unaccompanied minors and native-born young people in their communities. Groups of three unaccompanied minors and three native-born youth are coupled together to work out their own joint project, of their own choice. While the groups are backed up with supervision and resources from the municipality, the project aims to stimulate the active engagement of the young people themselves. The SAMMEN project has yet to be independently evaluated.

In 2016, Red Cross Norway initiated the program Flyktningskompis ("Refugee Friend"), a variant of the more established Refugee Guide program that focuses on unaccompanied minors and other young refugees. The program couples young refugees with young Norwegians, based on their age and interests. A 2012 evaluation of the Refugee Guide program found it to have clear positive integration effects for the refugees involved.

Reference: Paulsen, Thorshaug, Haugen and Berg (2012). Flyktningsguiden som døråpner: Nasjonal evaluering av Flyktningsguiden i Røde Kors («The Refugee Guide as door-opener: National evaluation»). NTNU Samfunnsforskning. URL: <https://samforsk.no/SiteAssets/Sider/publikasjoner/Flyktningsguiden%20som%20d%C3%B8r%C3%A5pner.pdf>

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

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

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

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

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

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

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

Yes. See below.

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

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

Yes. In the summer of 2017, a new project started where one of the purposes is that immigration authorities take responsibility for the return to a greater extent in cases involving unaccompanied minors. The main aim is reunification with caregivers in their home country. The idea is that children should not necessarily have full responsibility for initiating return themselves. This means that immigration authorities will have the opportunity to make use of instruments from both forced return and voluntarily return. A precondition for return is that the minor is returned to parents/ legal guardians (or other care arrangements). The responsibility of the Norwegian authorities will vary in such cases, according to country and the age of the minors. The target group is minors with refusals and those with a restricted, temporary permit until the age of 18 years. Direct counselling will be provided to the minor and/or caregivers, and assistance to contact caregivers prior to return and providing family

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tracing.

Unaccompanied minors returning through this scheme will receive reintegration benefits of up to NOK 42 000. In addition, NOK 10 000 will be paid to carers who cooperate on returning the minors and who meet the minor when returning to their home country.

Another aim of the project is to improve focus on return throughout the asylum process, from arrival to return, and to ensure that individual cases will be followed up closely during this process with regard to return. It is important that return-based measures, such as verification and family tracing, are started as quickly as possible because the outcome of the case may depend on this work. Including the assessment of the minor's care situation in the home country.

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

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

Yes. The Directorate of Immigration (UDI) and the National Police Immigration Service (NPIS) have started close cooperation in order to return unaccompanied minors. The aim of the cooperation is to enhance the authorities' possibility to return third country minors, a task that has proven to be one of the most complex return issues. In practice, very few return to their home country, and hardly any have been returned involuntarily over the past years. The main obstacle for return is that Norwegian authorities *only* may return an unaccompanied minor if there is a parent, responsible care person or an acknowledged care institution in place to receive them on arrival, physically on the airport (cf. Immigration Act § 90, sentence 8). This provision is in practice hard to accomplish.

The program is based on the idea that return will be easier to accomplish if the authorities for both voluntary and forced return work together to enforce return, hence that the distinction between voluntary and forced return is more or less erased. The authorities seek to find the best solution in each particular case, depending on the information in each case (age, nationality, information on family relations etc.). A key issue is to encourage the minors to cooperate with the authorities, and encourage him/her to contact care persons/relatives in his or her home country. The operational procedures for the return will depend on e.g. the established return procedures for the receiving country, and to what extent the minors cooperate with the Norwegian authorities (in terms of clarifying correct ID and tracing family members). Police escort on the return flight may or may not be necessary, depending on the case. The assessment of which return procedures that should be employed is made in cooperation between the UDI and the NPIS, depending on the case at hand.

The programme also entails providing financial support both to the minors (in-kind support after return) and cash payment to the receiving family member/ caretaker, upon arrival.

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).*

This is set out in legislation. Once a negative decision has been reached we aim to establish contact with their families in order to facilitate their return. This means that we have to reassure that their family will show up at the airport upon arrival. UDI also explains to their families the reason why they have got a negative decision.

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.

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Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
The Directorate of Immigration (UDI)	The central agency in the Norwegian immigration administration. The directorate implements and helps to develop the government's immigration and refugee policy.	Return counselling/motivation Family tracing Government initiated return Voluntary assisted return and reintegration
The National Police Immigration Service (NPIS)	The unit in the Norwegian Police Service handling immigration cases	Forced returns Escorted returns
IOM or other NGOs. (Different procedure in each country of origin)		Implementing partner for voluntary assisted return program (VARP)

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?

When a minor has received a negative decision he is obliged to return within three weeks.

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:

See answer to Q25 a and b.

- **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:

Referring to the response given to Q25a above, the UDI and the NPIS cooperate with the return of most unaccompanied minors. There is as such no clear distinction between voluntary and forced return. Return with the IOM for unaccompanied minors is, however, still an opportunity. Some return cases may be enforced primarily through the NPIS, using police operational methods, but these cases will also be proceeded through the *new* program. The program was established in 2017 and there have been a few successful returns so far.

The return rate of third country unaccompanied minors nevertheless remains low. The main reasons are few cases at hand, as not many minors are given a return decision that comes to effect before the age of 18. It is also difficult to trace family members or care takers in the home countries of the minors, particularly if they are not willing to cooperate. In such cases, return is highly resource-demanding, and in some cases, nearly impossible.

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

Each individual can get individualised courses in order to promote return in the best possible way. This might be e.g driver licence, computer courses.

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

The minor stays in reception centres until departure. To ensure a safe journey home an adult will accompany the minor to his/her caregivers in the home country. The minor and the caregivers are well informed before departure.

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.

UDI has close cooperation with the embassies. In Afghanistan, there is an agreement with a local lawyer.

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?⁸ Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

For the moment, there are no 'adequate' reception facilities in the countries of origin for returnees.

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).*

See answer to Q25a

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.

See answer to Q25a

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.

There are no cooperation arrangements with countries of origin when it comes to the return of unaccompanied minors.

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

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

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

⁸ 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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See answer to Q25a

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

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.

See answer to Q25a

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

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

Minors returning by force to Afghanistan receive NOK 10 000

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.

In the new arrangement for return of unaccompanied minors a monitoring mechanism carried out by the operator of the program in the country of origin is included.

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?

No

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.

We never postpone return decisions, unless there are special reasons such as health issues.

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?

See answer to Q32 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.

We do not move a minor because of the reasons mentioned above. The reception centres have to deal with the

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minor's well-being.

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?

The majority of the minors who get a return decision are boys. Their main challenges are for instance that they are discouraged, do not sleep, drop-out of school, disciplinary challenges.

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,⁹ good practices in return of unaccompanied minors should only include voluntary return following a robust, individual BID procedure with all procedural safeguards, as well as holistic support, preparation and reintegration assistance.*

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

See answer to Q25a. This arrangement is recently established. We have returned 3-4 minors through this scheme and we have not evaluated as such the success of their return.

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

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

Disappearance of unaccompanied minors has been an issue, especially in 2017. A majority of the unaccompanied minors who disappear have a temporary residence permit, and disappear shortly before they turn 18. This status is one of the main reasons for disappearing.

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

⁹ 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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Also, what are the **consequences** of their disappearance on their permit to stay? For example, can their status and/ or residence permit be withdrawn?

Possible reasons: Expiration of temporary residence permit, negative decisions on their application, long period of residence, frequent shifts between accommodation facilities.

Consequences: If they disappear before they have a decision on their case, it will be put on held. If they disappear following a decision on status, the status will remain.

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

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

Prevent: Cooperation with other public agencies e.g. police, child welfare, school, health services. Extra staff at the reception centres that can inform about the consequences of disappearing, and give adequate care to the unaccompanied minors. Give information about return programs.

Reaction/Report/Respond: The staff at the reception centre report to the police and child welfare if they have reason to believe that an unaccompanied minor has disappeared. The Directorate of Immigration is responsible for identifying and protect potential victims of trafficking.

- **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

Actions are the same as described above.

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

Actions are the same as described in Q37.

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

The main challenges regarding this issue are that the authorities lose contact and track of those who disappear. We know from on-going studies and media reports that they leave Norway, and that they migrate to different EU-countries, especially France, and all over the world.

UDI cooperates with NGO's and municipalities in the majorcities in Norway. Through them we receive some information about the group and their challenges. The unaccompanied minors live voluntarily in a reception centre, so the employees cannot prevent disappearance in other ways than through dialogue and involving the sectoral authorities.

A relevant research report NIBR Report 2016:17 (Berit Aasen, Evelyn Dyb and Stian Lid): Forebygging og oppfølging av enslige mindreårige asylsøkere som forsvinner fra mottak og omsorgssentre (Prevention and follow up of unaccompanied minor asylum seekers that disappear from reception centres and care centres for unaccompanied minors in Norway). <http://www.hioa.no/Om-HiOA/Senter-for-velferds-og-arbeidslivsforskning/NIBR/Publikasjoner/Forebygging-og-oppfoelqing-av-enslige-mindrearige-asylsoekere-som->

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[forsvinner-fra-mottak-og-omsorgssentre](#)

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

Our good practice is that the Norwegian authorities is constantly aiming to improve their cooperation with NGO's and other stakeholders.

Section 7: Conclusions [max. 7 pages]

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

Annex 1 National statistics (in Excel)

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

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

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

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



EMN-UAMs-Stats
Annex-Final.xlsx

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