

## EMN STUDY 2014

# Policies, practices and data on unaccompanied minors in 2014

### Executive Summary (Synthesis Report)

### List of Abbreviations

Civil Code	CC
Czech Republic	CR
European Migration Network	EMN
European Union	EU
International Organisation for Migration	IOM
International Protection	IP
Ministry of Education, Youth and Sports	MEYS
Unaccompanied Minors	UAMs
Department for Asylum and Migration Policy	DAMP
Socio-legal Child Protection Authority	(czech abbreviation OSPOD <sup>1</sup> )
Schengen Borders Code	SBC
Refugee Facilities Administration	RFA
Office for the International Legal Protection of Children	(czech abbreviation ÚMPOD <sup>2</sup> )
United Nations High Commissioner for Refugees	UNHCR
Facility for Children-foreigners	Facility

### Top-line 'Factsheet' (National Contribution)

#### National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Please also provide a summary of the main findings of Sections 1-6 below, notably:

- What have been the key changes / improvements in your (Member) State's policy(ies) on UAMs, with a particular focus on developments since 2009?
- Has the phenomenon changed? Have any new challenges with regard to the situation of UAMs arisen / remained in your (Member) State?
- What could be further done at EU level to concretely help your (Member) State deal with the reception and protection of UAMs? Please provide examples of concrete actions and specific suggestions.

<sup>1</sup> „Orgán sociálně-právní ochrany dětí“.

<sup>2</sup> „Úřad pro mezinárodněprávní ochranu dětí“.

The study on *Policies, practices and data on unaccompanied minors in 2014* builds upon an identically focused study drafted in 2009,<sup>3</sup> the outcomes from which were updated and added to by the new study. The study was developed by the national contact point within the European Migration Network (hereinafter, 'EMN') according to a single specifications for all Member States contributing to the study. The outcomes from specific national reports will be subsequently incorporated into a synthesis study of the European Commission, which will compare the results obtained from studies conducted in specific Member States.

The study focuses on unaccompanied minors from third countries and without a nationality, both on persons who apply for international protection and those who do not. It includes minors whose age has been confirmed and those who are yet to be confirmed to be minor. The study was conducted through analysing documents, legal standards and statistics, with consultations with relevant public administration professionals playing a vital role in the process. Staff of Facility for Children-foreigners, Ministry of the Interior, Ministry of Education, Youth and Sports, Ministry of Labour and Social Affairs, Foreign Police of the Czech Republic, Refugee Facilities Administration and the International Organisation for Migration. A detailed list of the sources used is provided at the end of the study.

The study is divided into six chapters with an Annex added containing statistical data (data are not public due to the low number of foreigners and protection of their personal data). The first chapter analyses the motivations and circumstances of unaccompanied minors (hereinafter, 'UAMs') for entering the Czech Republic (hereinafter, 'CR'). The second chapter lists the conditions under which UAMs may enter the territory of the CR. The third chapter deals with receiving and integrating UAMs. Since 2004, the Facility for Children-foreigners (hereinafter, 'Facility') has been operating in the Czech Republic, set up specifically for the purpose of taking care of UAMs and falling under the Ministry of Education, Youth and Sports. Upon placement in the establishment, all UAMs, whether residing in the CR legally or not, have their stay automatically legalised until they are 18, regardless of whether they have applied for international protection, or not.

The fourth chapter focuses on UAMs who escape from the Facility or are missing. The fifth chapter reviews the measures taken to integrate UAMs upon their coming of age. The last, sixth chapter deals with returns and reintegration of UAMs. The statistical data in the Annex give information on the number of UAMs who apply for international protection, and of those who do not (data are not public).

## Section 1: Motivations and circumstances of UAMs for entering the EU

*This section of the Synthesis Report will aim to provide an up to date overview of the motivations and circumstances of unaccompanied minors who enter the EU. The section, along with Sections 2-6, will also aim to provide information, to the extent possible, on the conditions that may contribute to making certain Member States more attractive to unaccompanied minors than others.*

*In question 1, EMN NCPs are asked to indicate which motivations and circumstances apply in their Member State and to provide further information to describe each situation that applies. In question 3, EMN NCPs are also asked to report on any prevention programmes their (Member) State is implementing together with Third Countries in order to address the root causes of migration of unaccompanied minors.*

*Q1. Please state what the **motivations and circumstances of UAMs for entering your (Member) State** are and provide further information (please cite existing evaluation reports / studies / other sources or based on information received from UAMs and/ or competent authorities). Possible motivations and circumstances of UAMs for entering the EU may include:*

- *Fleeing persecution or serious harm and seeking protection (asylum)*

<sup>3</sup> EMN (2013). The Policy of Receiving and Returning and Integration Measures for Unaccompanied Minors in the Czech Republic and statistical data. Available at:

[http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/unaccompanied-minors/03.\\_czech\\_republic\\_national\\_report\\_on\\_unaccompanied\\_minors\\_final\\_version\\_17aug09\\_cz\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/03._czech_republic_national_report_on_unaccompanied_minors_final_version_17aug09_cz_en.pdf)

- Family reunification (e.g. to join family members already in the (Member) State, to apply for asylum followed by family reunification)
- Join migrant/ diaspora community
- Economic and aspirational reasons (including education)
- Transit to another Member State
- Victims of trafficking in human beings
- Facilitated illegal entry / smuggled
- Arrival at external borders
- Inadequate medical facilities in the country of origin / insufficient funds by parents for medical treatment
- Abandonment in a Member State (e.g. because parents have been returned / cannot or do not take care of their child in the (Member) State)
- Runaways / drifters
- UAMs do not know why they have entered the (Member) State
- UAMs are not able to explain why they have entered the (Member) State (e.g. due to their early age)
- UAMs are reluctant to report their motivations and circumstances for entering the (Member) State (e.g. due to trauma)
- Other (please specify)

The percentage of unaccompanied minors-foreign nationals who enter the Czech Republic on purpose is rather low. They are mostly UAMs, who have relatives in the CR, or those who arrive with an intention to pursue a gainful activity, or to take part in sporting competitions representing their respective country. Few children arrive to embark on an educational programme. After a certain period of time spent in the CR, most UAMs try to leave for their communities and relatives abroad, mostly in other Member States of European Union (hereinafter, 'EU'). Also, among these UAMs, repeated occurrence was reported of children who may be referred to as 'trafficked'. As a rule, this applies to minor girls (and exceptionally boys) from Bulgaria, Romania and Slovakia, hence not necessarily third country nationals. These children are often exploited by their own parents or other relatives or acquaintances for petty theft, begging, prostitution or pornography.

Overall, the number of UAMs tends to decrease. Between 1999-2001, the number ranged between 200-300 persons a year, while more recently, it was in the order of several dozens.<sup>4</sup> The number of UAMs from third countries who apply for international protection are in the order of units: nine applications for international protection overall were registered in the CR in 2009, four in 2010, eight in 2011, five in 2012 and two in 2013.<sup>5</sup>

The number of UAMs received by the Facility for Children-foreigners is higher. 88 UAMs were received in 2009, 74 in 2010, 90 in 2011, 58 in 2012 and 49 in 2013.<sup>6</sup> Clients above the age of 15 tend to prevail. Until 2009, boys tended to outnumber girls, while during the years that followed the boys-to-girls ratio evened out.

The ethnic mix of the clients who receive care at the Facility is rather variable, generally reflecting the global political situation. While, at the beginning of the century, clients from Asian countries, especially China and Vietnam, prevailed, the number of children of Slovak origin placed in the establishment has grown since 2009. During 2011 - 2013, the number of UAMs from Afghanistan was observed to grow steeply. The clients also often come from Ukraine, Kazakhstan, Vietnam, the Republic of the Congo and other African countries.

**Q2. Please provide information on any *prevention actions / projects / initiatives that your (Member) State undertakes together with Third Countries* with the aim to address the root causes of UAMs' migration, for example:**

<sup>4</sup> EMN (2009).

<sup>5</sup> Database of Ministry of the Interior of the Czech Republic.

<sup>6</sup> According to information from the Facility for Children-foreigners, the number includes, in addition to UAMs from third countries, both those who apply for international protection, and those who do not, UAMS from EU Member States as well as children who do not fit in the UAM category (they have parents), yet still require the assistance the facility provides.

- Integration of UAMs' migration in key areas of development cooperation, e.g. poverty reduction, education, health, employment, human rights, democratisation and post-conflict reconstruction;
- Targeted awareness-raising activities and training in countries of origin and transit (e.g. aimed at law enforcement officers, border guards, potential victims of trafficking and their communities, children, wider public, etc.);
- Development of child protection systems.

*If possible, please provide a short description of the impact of these specific actions / projects / initiatives.*

As the number of UAMs in the CR is very low, no such programmes are in place.

## Section 2: Entry and assessment procedures including border controls for asylum-seeking and non-asylum seeking UAMs

*This section of the Synthesis Report will aim to provide an up to date overview of the entry procedures including border controls that apply in the situation of unaccompanied minors who enter the EU, as well as the procedures that apply when an unaccompanied minor is apprehended or becomes known to the authorities. (Member) States are also requested to provide information on the procedures that apply when an unaccompanied minor claims to be a minor and once minority is either confirmed or disproved.*

*Section 2.1 Documentation required by unaccompanied minors for legal entry to the (Member) State (non-asylum seeking UAMs, but also asylum-seeking UAMs in some instances)*

*In question 3 below, EMN NCPs are asked to indicate / reconfirm the entry procedures and border controls plus the procedures that apply in their (Member) State and to provide further information to describe each situation that applies:*

**Q3. What documents are required by third-country national UAMs at the border to fulfil the entry requirements to the (Member) State?**

The conditions for entering the territory of the Czech Republic, and, by inference, the territory of the States to the Treaty (the 'Schengen Area') by foreign nationals are mostly regulated under the following legislation:

Regulation (EC) No. 562/2006 of the European Parliament and of the Council, of 15 March 2006, establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);

Council Regulation (EC) No. 539/2001 of 15 March 2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement;

Act No. 326/1999 Sb. (Coll.), on the residence of foreign nationals in the territory of the Czech Republic and amending certain acts, as amended (hereinafter referred to as the 'Foreigners Residence Act'),

Act No. 325/1999 Coll., on asylum, as amended.

Entry documents required by unaccompanied minors	Please provide more information about the types of documents required and the conditions that apply, with a particular focus on developments since 2009.	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
<b>Visa permitting entry and stay</b>	Visa is required where a foreign national is subject to a visa requirement. Visa is not required where a foreign national	

	<p>possesses a document replacing the visa, e.g. a residence permit.</p> <p>Therefore, foreign nationals must possess a residence permit in the form of a visa or residence permit when entering the territory (except for where stipulated otherwise by the law). Foreign nationals who do not possess the visa may be prevented from entering the territory. However, if a foreign national applies for international protection at a border crossing point, they are given a card for a seeker of international protection.</p>	
<b>Passport</b>	<p>Individuals entering the territory are requested to produce a valid travel document at all times. <u>This obligation applies to UAMs as well, except for as regulated by the Asylum Act where the visa or residence permit is missing in specific cases of applications for international protection, see above.</u></p>	<p>As the CR only has external border at airports, where, on boarding a plane, each passenger must produce a valid proof of ID, the chance of a foreign national crossing the external border without a valid travel document is practically eliminated.</p>
<b>Travel documents</b>	See above	
<b>Other (please state)</b>	No	

*Section 2.2 Circumstances where an unaccompanied minor may be refused at the border (non-asylum seeking UAMs)*

Q4. Can a non-asylum seeking unaccompanied minor be **refused entry at the border** if they do not fulfil the entry requirements set out above?

<b>Categories of unaccompanied minors that may be refused entry at the border</b>	<b>Please provide more information about the circumstances under which unaccompanied minors may be refused entry at the border: a) in <u>national legislation</u> / policy and b) in <u>practice</u>, with a particular focus on developments since 2009.</b>	<b>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.</b>
<b>Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport</b>	<p>Foreigners (third country nationals), regardless of their age or status, who do not meet all of the entry conditions defined under the Schengen Border Code, should be prevented from entering the territory of any Member State. Such foreigners are obliged to leave the territory without undue delay. The above does not apply where health concerns exist.<sup>7</sup> Further,</p>	

<sup>7</sup> Pursuant to Section 10 of the Foreigners' Residence Act.

	the entry does not have to be denied if a detention requirement is applied in relation to the foreigner concerned. As a rule, non-asylum seeking UAMs are not subject to more lenient conditions and therefore, they, too, may be denied entry.	
<b>Asylum seeking unaccompanied minor arriving at a land / sea border or airport</b>	<p>The entry is not denied. However, administrative proceedings on administrative deportation may be launched where a guardian is assigned to a UAM foreigner. The procedure to be followed by seeker of international protection is defined under the Asylum Act. Where the foreign UAM is in need of social and legal protection, the Police must adopt a similar procedure.</p> <p>More specifically, the Ministry of the Interior shall decide whether a permission to enter the territory will be granted to a foreigner who has expressed an intention to seek international protection in the transit space of an international airport, and transport them to a reception centre within the territory as long as the person concerned is an unaccompanied minor, a parent or a family with minor children or disabled children of legal age, a pregnant woman, or a person who was subject to torture, rape or other forms of mental physical or sexual violence.</p>	
<b>Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child protection service, etc.)</b>	The entry may only be denied to foreigners at the external border.	
<b>Other (please state)</b>		

**Section 2.3 Apprehensions of unaccompanied minors by national authorities (non-asylum seeking UAMs)**

Q5. Please describe the **national rules and procedures** that apply where a **non-asylum seeking unaccompanied minor is apprehended / identified at the border and within the territory** of the (Member) State. Please note that reception and care arrangements are covered in Section 3.

As the Foreigners' Act does not contain an express provision on the placement of UAMs who do not seek international protection, in practice, these foreigners are placed in the Facility once released from the detection facility. A similar treatment is given to UAMs who stay in the territory of the CR, for instance, based on a tourist visa and are detained by the Police.

Specifically, once a minor is detained or identified in the territory of the Czech Republic, the legitimacy of their entry and stay is reviewed. If the statutory conditions are met, administrative proceedings are launched with

the UAM regarding their administrative deportation, with the Police assigning a guardian for the administrative deportation proceedings to them.<sup>8</sup> The Police must notify the UAM of the assignment of a guardian and instruct them on the tasks the guardian must fulfil. If the statutory conditions are met, the UAM concerned may be detained for the purposes of administrative deportation<sup>9</sup> or for the purposes of their delivery or transit<sup>10</sup> – in both cases where it turns out the person concerned indeed is a UAM, s/he must be immediately released from the detention and placed in the Facility. Failing that, assuming the conditions for detention continue to apply, the foreigner shall remain detained at the Foreigners' Detention Facility.

The age assessment shall be conducted by an expert, for instance using an X-ray scan of the wrist.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

#### Section 2.4 Training of Border Guards and / or Police Authorities

Q6a. Does the (Member) State provide **specific training to Border Guards and / or Police Authorities** to recognise the situation of unaccompanied minors who try to enter the territory illegally / are apprehended within the territory, or who may be the victims of trafficking in human beings / smuggling?

Yes

Q6b. If yes, please provide further information below, stating also if this has involved **cooperation with EU agencies**.

The concept of care of UAMs issued by the Ministry of the Interior charges the Ministry of Education, Youth and Sports with an obligation to train their staff in working with children-foreign nationals, on an ongoing basis. Selected staff members of individual departments of the Ministry of the Interior who come into contact with unaccompanied children have gone through tests and special training in the field. The Training of policemen/policewomen appears to be a crucial element in this process - it must be ensured that the policemen/policewomen can identify unaccompanied minors and treat them correspondingly.

A special-purpose training project launched by Frontex is used in this context - combating human trafficking - lasting for 3 + 2 days and focusing on multicultural issues. Some of the specific modules are focused on children and their needs. The trainers are police psychologists specialising in children.

Also, the basic professional training scheme - a dedicated extension for the Foreign Police - has been introduced, incorporating several key topics corresponding to the requirements raised by Frontex:

- identification of victims of human trafficking and addressing the issue of their dependency on assistance
- child protection or non-discriminatory ethnic profiling
- identifying differences between human trafficking and human smuggling
- identifying victims or potential victims of human trafficking
- identifying children's needs
- tasks conducive to ensuring the necessary protection of and assistance to victims
- techniques associated with a adopting a sensitive approach with regard to the needs and the origin of the children
- ethical principles
- respect for the fundamental human rights
- specific child protection needs and their fundamental rights (family rights, protection against separation from their parents, interests of the child and measures preventing the placement of children in establishments with restricted personal freedom)
- organisations providing assistance to children and children's protection

<sup>8</sup> Pursuant to Section 119(9) of the Foreigners' Residence Act.

<sup>9</sup> Pursuant to Section 124(5) of the Foreigners' Residence Act.

<sup>10</sup> Pursuant to Section 129(4) of the Foreigners' Residence Act.

- roles and responsibilities of children's legal guardians
- measures and procedures referring to the relevant bodies for groups of children in need of assistance and protection (UAMs and separated children, children seeking for international protection), potential child victims of human trafficking or other forms of misuse, missing children and children kidnapped by a family member.

Facility also organises a range of training events for their members of staff working in the field, as well as for non-governmental organisations, predominantly through projects financed from the relevant EU funds supporting action in this area. Educational programmes of the Organisation for Aid to Refugees or the training programme for professionals in the area of commercial sexual exploitation of children of the International Organisation for Migration may be mentioned in this context.<sup>11</sup>

### Section 2.5 The organisation of the national asylum procedures for asylum-seeking unaccompanied minors

Q7. Please set out the **national rules and procedures** that apply where an unaccompanied minor apprehended / identified at the border and within the territory of the (Member) State lodges an **application for asylum** (e.g. which authority(ies) the minor is referred to, at what point an application is made, etc.).

A guardian is assigned to each minor international protection seeker as soon as the latter expresses their intention to apply for international protection. Proceedings guardians are appointed for a transient period, i.e. until a conclusive resolution of the relevant District Court is rendered, appointing a residence guardian.<sup>12</sup>

Long-term statistics of the Ministry of the Interior suggest that the UAMs typically apply for international protection at the Foreigners' Detention Facility and at reception centres. Minors only sporadically apply for international protection at a border crossing.

Where an application for international protection is lodged by a UAM, the Asylum Act requires that the Ministry of the Interior notify the locally competent authority for the social and legal child protection attached to the town administration of municipalities with extended competence, which must cooperate with the relevant town administration in adopting the measures necessary to ensure the minor's protection, and lodge a petition, based on which the competent court shall decide whether the child concerned will be placed in the Facility. This procedure is only applied where the child concerned has no links to any eligible natural persons of legal age, either their relatives or close persons, who could be preferentially appointed as their guardian. Upon completing the reception centre procedure, the UAM concerned is placed in an educational facility to undergo institutional education (part of the Facility system) or is consigned to a person designated in the court resolution.

Where the court decides that the minor is to be placed in the Facility and provided the latter has not yet expressed their intention to apply for international protection, they may furnish the expression in writing to the Ministry of the Interior. They shall then receive a visit from a competent employee who will draft the application with them.

Asylum may be granted for the reasons set out under Section 12 of the Asylum Act and for special reasons (those warranting special consideration, i.e. for humanitarian reasons<sup>13</sup>).<sup>14</sup>

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

Q8. Please **describe the specific rules and procedures** that apply in respect of the (asylum) applicant's status as an (unaccompanied) minor. Please indicate, for example:

<sup>11</sup> EMN (2009).

<sup>12</sup> Pursuant to the provision under Section 89 of the Asylum Act.

<sup>13</sup> Pursuant to the provision under Section 14 of the Asylum Act.

<sup>14</sup> EMN (2009).

- Whether and when a **legal guardian** is appointed;
- Whether and when an **asylum interview(s)** is conducted.

As UAMs do not possess legal independence due to their age and they are not qualified to act on their own behalf, they must be assigned a proceedings guardian for international protection as soon as they submit their international protection application, and in any event no later than within 24 hours. The guardian is appointed by the Ministry of the Interior of the CR for a transient period before the competent court appoints a residence guardian.<sup>15</sup>

At the reception centre, an international protection seeker must undergo an entry procedure where the Foreign Police completes their identification, the asylum proceedings are launched and a medical examination is conducted. For minor international protection seekers, the asylum application is added to by a questionnaire, the purpose of which is to establish information on the child's parents or other relatives. The proceedings are conducted in the applicant's mother tongue, or in any other tongue the applicant understands provided they have expressly agreed to that. The costs of the interpretation services are borne by the Ministry of the Interior; the guardian's presence is necessary.<sup>16</sup>

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

Q9. Please describe the **procedure for assessing the age** of an asylum-seeking UAM who claims to be a minor. Please indicate, for example:

- Whether and when the stated age (date of birth) and unaccompanied situation is registered;
- Whether, when, why and how a formal age assessment is undertaken;
- Whether and how the conclusions from an age assessment are registered (e.g. is the registered claimed age (date of birth) replaced by the assessed age or is this age added to the file, etc.).

An overwhelming majority of UAMs enter the CR without any documents and their identity therefore may only be established through a declaration on their honour. As a number of UAMs enter the territory with the assistance of human smugglers, the testimonies they give while being interrogated by the border guards are affected by the instructions they have received from the human smugglers. Certain adult foreigners will falsely claim to be under 18 to be able to capitalise on the advantages guaranteed to minors. On the other hand, the opposite tendency has also been registered with minors declaring on their honour to be over the age of 18 in order to avoid certain restrictions of their freedom of movement applied in the CR with regard to minors.

The CR does not apply compulsory age verification for person who claim to be of minor age. This is due to the medical tests being rather costly and also due to the fact that they do not have to be entirely reliable. Proof of identity is provided by producing a travel document or a declaration on their honour by the applicants. In exceptional circumstances only and where deemed necessary for the issue of the decision on the granting of international protection, the Ministry of the Interior may commission a medical examination with a view to assessing the age of the applicant, with the latter's consent, pursuant to Section 89 of the Asylum Act. The guardian must agree to the examination as well. If an unaccompanied minor refuses to submit to a medical examination, they are treated by the Ministry as an international protection seeker of legal age. The method used for age assessment is the bone test - i.e., an X-ray scan of the metacarpal bones of the left hand, which

<sup>15</sup> The residence guardian is appointed by the court. The guardian should be preferably a natural person of legal age, who is the minor's relative; in practice it is mostly the socio-legal child protection department attached to the town administration of local jurisdiction (according to the place where the minor resides). The residence guardian protects the rights and the interests of the minor, which are protected by the law, during the entire period of their stay in the CR until they reach the age of 18.

<sup>16</sup> EMN (2009).

can be complemented with a dental examination in exceptional circumstances.

Age assessment is further provided for under the Institutional Education Act, which makes it possible for the Director of the Facility to ask a competent medical facility to assess an applicant's actual age, where justified. In this case, the costs of the examination are borne by the relevant facility. This, however, does not happen very often in practice.<sup>17</sup>

Q10. Please provide the average (or where this is not available median) **duration of an asylum procedure** for a UAM.

The ministry shall resolve any application pursuant to the Act within 90 days of the commencement of the proceedings. If the matter cannot be resolved by then, the said time limit may be extended.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

### Section 2.6 Guardianship and age assessment for non-asylum seeking UAMs

Q11. Please describe the **arrangements for guardianship of non-asylum seeking UAMs**. Please specify, for example: who organises guardianship for UAMs, who can become a guardian to a UAM, what the role of a guardian to a UAM is, which UAMs are entitled to a guardian, until what age and whether this depends on the status of the UAM, e.g. does the UAM get another guardian when s/he is granted international protection, etc.

For UAMs who apply for asylum, the appointment of a guardian for a child is specially regulated under Section 89 of the Asylum Act. For UAMs who have not applied for international protection, the appointment of a guardian to protect the child's rights and interests is governed by the general regulation under the Civil Code (hereinafter referred to as the 'CC').<sup>18</sup>

An appointment of a guardian to a UAM (to protect his/her rights and interest in the territory of the CR) must always be decided by the court that issues the ruling on the appointment of a guardian.<sup>19</sup> Similarly to what the case is for UAMs who apply for international protection, for those who do not, relatives or any other close persons to the child should be considered preferentially as the potential guardians as long as they reside in the territory of the Czech Republic, take interest in the child and are capable of meeting the duties under the guardianship. If no such person is available, the court may appoint another eligible person to be the guardian, either a natural person or a legal entity (e.g. a non-governmental organisation). As a last resort only, the relevant social and legal child protection body, namely the Office for the International Legal Protection of Children (hereinafter, ÚMPOD) or the town authorities of a municipality with extended competence, may be appointed as a so-called public guardian of the child.

If any court proceedings are in progress with regard to a UAM regarding the court's care of minors,<sup>20</sup> a special guardian representing the child in these court proceedings must be appointed to the UAM. As a rule, the court appoints the relevant social and legal child protection authorities (ÚMPOD, or the town administration of a municipality with extended competence) as such a process guardian.<sup>21</sup>

If the UAM's parents are not alive, their identity is not known or where they cannot meet their parenting duties to the child for any other reason, a guardian must be appointed to the UAM, who, in essence, exercises all rights and obligations with regard to the child instead of the parents, except for the maintenance

<sup>17</sup> Ibid.

<sup>18</sup> Specifically pursuant to the provision under Section 465 et seq., Part One of the CC and the provision under Section 943 et seq., Part Two of the CC.

<sup>19</sup> Under proceedings pursuant to the provision under Section 466 et seq. of the Special Court Proceedings Act (z.z. ř.).

<sup>20</sup> pursuant to Section 466 et seq. z. z. ř. (e.g., proceedings to order institutional care).

<sup>21</sup> Pursuant to Section 469 z. z. ř.

obligation.<sup>22</sup> Once again, the court must give preference, in appointing the guardian, to any relatives or other close persons to the child, or another eligible natural person. Unless a natural person may be appointed as the guardian, the competent social and legal child protection authority (attached to the town administration of a municipality with extended competence) acts as a guardian with regard to the UAM.

Q12. Please describe the **procedure for assessing the age of a non-asylum seeking UAM** who claims to be a minor. Please specify different situations (e.g. UAMs who apply for asylum, at the border, illegally staying UAMs, etc.). Please indicate, for example:

- Whether and when the stated age (date of birth) and unaccompanied situation is registered;
- Whether, when, why and how a formal age assessment is undertaken;
- Whether and how the conclusions from an age assessment are registered (e.g. is the registered claimed age (date of birth) replaced by the assessed age or is this age added to the file, etc.).

As a general rule, administrative bodies use the personal data, including those on the age, given by the foreigner as background information. Where justified doubts exist<sup>23</sup> whether the foreigner concerned is a UAM, the latter may be detained by the Police<sup>24</sup> until such time as their actual age is ascertained. The Police must commence action to determine the age of the UAM as soon as the latter is detained. At a request of the detention unit, the foreigner may be transported to a hospital to get an X-ray of their carpal bones, with the scan to be saved on a flash drive. Then, the detention unit must send the request, including the X-ray of the wrist to the Motol University Hospital in Prague, where an expert opinion is produced on the age of the foreigner. Where it turns out the foreigner is a UAM, s/he must be immediately released from the detention and placed at the Facility; otherwise, provided the detention conditions continue to apply, the foreigner remains at the Foreigner's Detention Facility where any acts conducive to the determination of the foreigner's true identity and to their deportation from the territory of the Czech Republic are undertaken. The entire procedure takes about seven days to complete.

### Section 2.7 Residence permits granted to unaccompanied minors (both asylum- and non-asylum seeking UAMs)

Q13a. Please provide details on the **possible residence options available to unaccompanied minors not applying for asylum** and to those **whose claims for asylum have been rejected**.

As a rule, with regard to foreigners, it follows from the law that a foreigner placed in alternative care through resolution of the competent body may stay in the territory if at least one natural person to whom the foreigner is consigned, is registered as a permanent resident in the territory or if the territory includes an institution to which the child is consigned (so-called legal fiction of permanent residence - for the purposes of the rights and obligations foreigners are treated as foreigners with a permanent residence permit).

Within the application of international protection, the reasons for granting of both asylum and subsidiary protection are reviewed (the decision is within one proceeding). Where the Ministry of the Interior decides to grant subsidiary protection, the UAM may stay in the territory of the CR as long as the reason, for which the subsidiary protection has been granted, applies. The Police may provide a minor who has been granted subsidiary protection, at the latter's request, with a permanent residence permit provided that their stay in the territory will exceed 1 year in duration and that the reasons for which the protection has been granted continue to exist. Some of the reasons warranting the granting of such protection, as stipulated by the Asylum Act, include instances where, in the UAM's country of origin or a third country willing to accept the UAM, adequate reception and care are not available upon the UAM's arrival with reference to the needs corresponding to their age and degree of independence.

<sup>22</sup> Pursuant to Section 878(2) and Section 928 et seq. CC

<sup>23</sup> Pursuant to Section 124(5) of the Foreigners' Residence Act.

<sup>24</sup> Due to the reasons referred to under Paragraph 1, Section 124 of the Foreigners' Residence Act.

Where international protection has not been granted to the UAM and no legal steps conducive to the legalisation of their stay have been taken (application for a permanent residence permit), the Ministry of the Interior hand an exit order to the UAM stating a time limit within which the same must leave the CR. The time limit for lodging a residence permit application is within 60 days of reaching the age of 18.<sup>25</sup>

Q13b. Please provide **details of the residence permit granted to unaccompanied minors whose claims for asylum are successful** (e.g. refugee status, residence permit issued on other grounds than international protection, etc.).

Once placed in the Facility by court order, all UAMs, whether residing in the CR legally or not, have their stay automatically legalised until they are 18, regardless of whether they have applied for international protection, or not. On reaching the age of 18, however, the situation principally changes, where the stay of each young foreigner must be formalised individually – the scope of rights and obligations varies depending mainly on the fact whether it is a foreigner who has been granted international protection, or not (see below).<sup>26</sup>

Q13c. Please provide details of the **(temporary) residence permit granted to unaccompanied minors who do not fulfil the entry requirements of the (Member) State but are not refused entry at the border / or who are apprehended in the territory of the (Member) State** (e.g. tolerated stay, etc.).

As far as the protection status is concerned, the CR grants to UAMs practically the same rights as to adult foreigners. In contrast to the legal fiction of permanent residence, which is guaranteed by the law, the Foreigners' Residence Act does not provide for a specific regulation of (temporary) residence in the territory for asylum-seeking UAMs and those who have been placed to an institutional facility through a court resolution.

Categories of unaccompanied minors	Please describe the residence permits granted to unaccompanied minors	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
<b>Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport</b>		
<b>Non-asylum seeking unaccompanied minor apprehended in the territory of the (Member) State</b>		
<b>Asylum seeking unaccompanied minor arriving at a land / sea border or airport</b>		
<b>Asylum seeking unaccompanied minor apprehended or identified in the</b>		

<sup>25</sup> Pursuant to Section 66(1)(a) of the Foreigners' Residence Act. EMN (2009).

<sup>26</sup> Ibid.

<b>territory of the (Member) State</b>		
<b>Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child protection service, etc.)</b>		
<b>Other (please state)</b>		

### Section 3: Reception arrangements, including integration measures for UAMs

This section of the Synthesis Report will provide a factual, comparative overview of the reception arrangements in place for asylum-seeking and non-asylum seeking unaccompanied minors that exist in the EU, including integration measures such as access to healthcare, education and employment.

Please note: If there are different reception arrangements / integration measures for confirmed UAMs and UAMs who claim to be minors but are not confirmed, please elaborate on this difference in your answers to the questions in this section and provide a summary of the different arrangements / measures in Section 3.9 (e.g. more comprehensive measures available to confirmed UAMs (than UAMs who claim to be minors but are not confirmed), etc.).

#### Section 3.1: Reception and care arrangements for unaccompanied minors

Q14. Please provide an overview of the **national legal framework** of your (Member) State **with regard to the reception and care arrangements available to UAMs from first arrival until a durable solution is found.**

Please distinguish between the provisions in place for:

- UAMs who are seeking asylum or have been granted international protection;
- UAMs who are not seeking asylum, including those who entered irregularly and/ or are in a trafficked situation;
- UAMs who are not yet confirmed as minors.

#### UAMs who seek international protection (IP) or to which IP has been granted:

- Act No. 325/1999 Coll., on asylum, as amended (the Act regulates the legal position of UAMs, while their legal position is associated with other instruments to ensure reception of UAMs),
- Act No. 359/1999 Coll., on social and legal child protection, as amended, (the standards for UAMs seeking IP or IP beneficiaries are identical to those applicable to Czech or EU nationals).

#### Non-IP seeking UAMs, including those who have entered the territory of the CR irregularly and/or are in a trafficked situation:

- Act No. 326/1999 Coll., on the residence of foreigners in the territory of the Czech Republic, as amended,
- Act No. 359/1999 Coll., on the social and legal child protection, as amended (the Act also applies to UAMs residing illegally in the territory of the CR (Section 2(3)) subject to the protection granted in special cases (Section 37), when they can be placed in the Facility requiring immediate assistance).

#### UAMs whose age has not been confirmed:

- Act No. 325/1999 Coll., on asylum, as amended, (where reasonable doubts exist regarding the age, a medical examination may be conducted in order to assess the age of the UAM; the

- person concerned shall be treated as a UAM until the results of the examination are known),
- Act No. 326/1999 Coll., on the residence of foreigners in the territory of the Czech Republic, as amended,
  - Act No. 359/1999, Coll., on social and legal child protection, as amended.

Q15. Which ***national authorities and organisations*** (including Non-Governmental Organisations where relevant) are ***responsible for the reception and care of UAMs*** from first arrival until a durable solution is found, indicating also the arrangements for ***funding*** (e.g. reception centres, healthcare, schooling, etc.)?

Please distinguish between national authorities and organisations deciding and administering the reception and care of:

- UAMs who are ***seeking asylum*** or have been granted international protection;
- UAMs who are ***not seeking asylum***, including those who entered irregularly and/ or are in a trafficked situation.

Where an application for international protection is lodged by a UAM, the Asylum Act requires that the Ministry of the Interior notify the locally competent authority for the social and legal child protection attached to the town administration of municipalities with extended competence, which must cooperate with the relevant town administration in adopting the measures necessary to ensure the minor's protection, and lodge a petition, based on which the competent court shall decide whether the child concerned will be placed in the Facility. This procedure is only applied where the child concerned has no links to any eligible natural persons of legal age, either their relatives or close persons, who could be preferentially appointed as their guardian. During ten years of operation of the Facility, however, no UAMs have been placed in foster care. The maximum duration of any tentative arrangement in this area, as specified by the Civil Code of Procedure must not exceed six months.

Upon completing the reception centre procedure, UAMs are therefore placed in an educational facility to undergo institutional education (part of the Facility system) or are consigned to the persons designated in the court resolution.

Where a minor foreigner does not apply for international protection, the social and legal child protection authorities concerned must contact the embassy of the country of which the minor is a national and the Office for the International Legal Protection of Children. If a body of the country, of which the minor is a national, does not take any measures conducive to addressing the minor's situation in a given time period, the social and legal child protection authority concerned must arrange for their institutional care at the Facility or foster care for the minor, based on the related court resolution.

The institution specifically designated for taking care of UAMs is the Facility. The facility is an allowance organisation with legal personality. Its competence covers the entire territory of the CR and it belongs to the remit of the Ministry of Education, Youth and Sports. The functioning of the Facility for Children-foreigners and of the facilities<sup>27</sup> it consists of is regulated under the Act on Institutional Care and Implementing Decree No. 334/2004, which provides, in detail, the exercise of institutional care and protective care at educational facilities.

As regards the concept underlying the issues at the level of creating and implementing policies, the central document is the *Policy of placement and care of children exposed to a language barrier, including minor asylum-seeking unaccompanied minors, in institutional care facilities*,<sup>28</sup> which clearly shows that the situation of UAMs may only be addressed through collaboration of a wide range of actors. The said collaboration mainly takes place within the *Interdepartmental working group with non-governmental organisations to address the situation of minor foreigners in the territory of the Czech Republic*,<sup>29</sup> which deals with topical issues in this area and suggest efficient

<sup>27</sup> Parts of the Facility for Children-foreigners as per the list in the Register of Educational Facilities: Diagnostic Institute, Children's Home and School, Educational Institute, Educational Care Center, Primary School, Vocational Schools and School Cafeteria.

<sup>28</sup> Approved by Government Resolution No. 395 of 17 April 2002.

<sup>29</sup> Representatives of the Ministry of Education, Youth and Sports, Ministry of the Interior (Department of the Asylum and Migration Policy, Administration of Refugee Facilities, the Foreign Police and other departments of the Police, Security Policy Department, Unit for Combating Organised Crime, Criminal Police and Investigation Services), Ministry of Labour and Social Affairs, Ministry of Health, Ministry of Justice, Counselling Centres for Refugees, Refugee Aid Organization, IOM, UNHCR.

ways to address them. Thus it plays a central role in coordinating activities, addressing topical issues and formulating effective practical procedures. This so-called expert commission meets regularly, directly at the Facility.

The concept charges the specific ministries with tasks related to the UAMs within their remit of responsibilities (e.g., the task that was entrusted to the Ministry of Education, Youth and Sports in September 2002 is to provide ongoing vocation training to the their staff working with children-foreign nationals).

An important role, in this context, is played by the *Interdepartmental methodology related to the trafficking of children* and *Methodological advice on the procedure of municipal authorities with extended competence while delivering social and legal protection of unaccompanied minor foreigners* of the Ministry of Labour and Social Affairs. UAMs are also covered by the *Family policy concept* or the *National plan for combating commercial sexual exploitation of children*. Another important document is the *Programme to support and protect victims of human trafficking* which, however, does not include measures targeted specifically at children.

As regards the general institutional coverage of UAMs, the actors contributing to the activities in this area include:

*Ministry of the Interior* – Asylum and Migration Policy Department, Crime Prevention Department, Security Policy Department and Administration of Refugee Facilities:

- proceedings to grant international protection (asylum/subsidiary protection), appointment of administrative proceedings guardians for international protection, filing proposals to appoint a residence guardian

*Police of the Czech Republic* – riot, criminal and foreign police services, Unit for Combating Organised Crime:

- identification, issuing the visa, detentions, etc.

*Ministry of Labour and Social Affairs* - social and legal child protection authorities, and *municipal authorities of municipalities with extended competence*:

- social and legal child protection authorities attached to municipal administration bodies act as guardians: overseeing and representing UAMs with a view to ensuring the verdict on them is in the latter's best interest
- *Office for the International Legal Protection of Children*: assistance in searching for their relatives, providing social and legal counselling to UAMs
- ensuring the child receives adequate protection and accommodation

*Ministry of Education, Youth and Sports*:

- founder of the Facility for Children-foreigners

*Ministry of Justice and courts of local jurisdiction*:

- Regional Courts and the Supreme Administrative Court: ruling on actions lodged against the Ministry of the Interior of the CR, cassation complaints

*Ministry of Foreign Affairs*:

- contact with embassies

*Ministry of Health*:

- legal framework of health care and insurance

*Non-governmental organisations* – Organization for Aid to Refugees, La Strada, Association for Integration and Migration, Councelling Centre for Integration etc.

*International organisations* - IOM Prague, United Nations High Commissioner for Refugees (UNHCR), International Red Cross<sup>30</sup>

<sup>30</sup> Lásková (2006).

Non-governmental organisations play an important role in the care for UAMs - this mainly concerns the activities developed by the Organisation for Aid to Refugees and the Association for Integration and Migration as regards their acting as guardians and providers of social and legal counselling and organiser of the children's leisure activities. As regards returns to the country of origin, the role of the International Organisation for Migration (IOM) Prague is indispensable. In addition, non-governmental organisations raise funds to cover individual needs of minors and to prevent human trafficking with regard to minors – they explain to them the positive aspects of their stay at the Facility, especially with a view to prevent children escaping from these facilities.<sup>31</sup>

**Q16a. What is considered a durable solution for the child in your (Member) State (could also be derived from practices in place, guidelines used by reception / care facilities, etc.)?**

The main durable solution offered in the Czech Republic involves integration, which includes, as its integral part, among other things, family reunification and returning the child to their parents or at least one of them. Where such a solution is unfeasible, another solution of the UAM's situation that may be regarded as durable consist in granting international protection to them, which mainly involves the following:

- consigning the child to the care of one of their relatives or close persons,
- placing the child in alternative foster care to individuals other than their relatives or close persons,
- placing the child in institutional care.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

**Q16b. How quickly do the competent authorities take decisions on durable solutions for UAMs based on the best interests of the child? Please specify the starting point for the time taken by (Member) States to identify durable solutions (e.g. date of apprehension / application, etc.).**

No specific time limits are specified for court rulings on the care of minors,<sup>32</sup> such as on the placing of the child to foster care or to institutional care, yet the law stipulates, as a fundamental requirement, that the court resolve matters associated with care of minors as quickly as possible.<sup>33</sup>

Where the UAM seeks international protection, the maximum application processing period is 90 days.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

### Section 3.2: Accommodation and other material reception provisions

**Q17. Please describe in the tables below the reception and care arrangements granted to UAMs in your (Member) State (in accordance with Directive 2003/9/EC<sup>34</sup>) from first arrival until a durable solution is found. Where relevant, please distinguish between UAMs who are seeking asylum or have been granted international protection and UAMs who are not seeking asylum, including those who entered irregularly and/ or are in a trafficked situation.**

<sup>31</sup> EMN (2009).

<sup>32</sup> Pursuant to Section 466 et seq. z. z.ř.

<sup>33</sup> Pursuant to Section 471 z. z. ř.

<sup>34</sup> Please note that Ireland does not participate in this Directive.

	<p><b>Please state (Y/N) whether the accommodation types and other material reception provisions listed are available to UAMs (in cash or in kind) in each of the categories below, and provide a brief description of the facilities available in each case:</b></p>	
<p><b>Accommodation type and access to other care and material reception provisions</b></p>	<p><b>UAMs seeking asylum or have been granted international protection</b></p>	<p><b>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.</b></p>
<p><b>Accommodation with adults</b></p>	<p>No. The only exception involves the case where the UAM has been consigned to the care of an adult close person and remains in an asylum facility that falls under the Refugee Facilities Administration (hereinafter referred to as 'RFA'). If that is the case, the UAM may be accommodated with adults (e.g. where families are accommodated). It depends on the individual assessment of each specific situation.</p>	
<p><b>Accommodation with a foster family</b></p>	<p>Yes</p>	
<p><b>Accommodation / reception facilities specifically for minors</b></p>	<p>Yes. UAMs seeking international protection are relocated from a reception centre to the Facility for Children-foreigners. The UAMs who do not seek international protection are also placed in such a facility.</p>	
<p><b>Accommodation / reception facilities with special provisions for minors</b></p>	<p>Yes. Asylum facilities that fall under the RFA include a so-called protected zone - accommodation separated from that of the other categories of international protection seekers.</p>	
<p><b>Specialised accommodation facilities available for UAM victims of trafficking</b></p>	<p>No</p>	
<p><b>Specialised accommodation facilities available to UAMS to</b></p>	<p>No</p>	

<b>meet specific identified needs</b>		
<b>Other types of accommodation (please state, e.g. in adult accommodation facilities if over 16 years of age)</b>	No	
<b>Food (please indicate how this is arranged in practice, e.g. meal vouchers to buy or prepare own meals, prepared meals, etc.)</b>	<p>As stipulated under the law, the boarding at the asylum facilities is arranged for by the RFA itself. At the same time, pocket money is provided (EUR 1.2 per person per day). Meals are available three days a day for adults and five times a day for children.</p> <p>Where permitted by the specific conditions in each asylum facility, asylum seekers are provided with a financial contribution, the amount of which depends on the minimum subsistence level. The purpose of the contribution is for the asylum seekers to arrange their own boarding. The contribution applies to the facilities that include furnished kitchens where the asylum seekers may prepare their own meals. The amount of the contribution per person is EUR 4.5/day.</p> <p>As regards the Facility, specific institutions within the facility provide their clients with free meals, among other things.</p>	
<b>Clothing (please indicate how this is arranged in practice, e.g. provision of a budget to buy clothes, provision of second-hand clothes, etc.)</b>	<p>Where required, UAMs are provided with necessary clothes financed by their own money, or they may use a social wardrobe operated by non-governmental organisations within asylum the facilities, with the support of the RFA. In addition to clothing, asylum seekers are provided with further equipment and resources (hygiene products, school equipment, etc.)</p> <p>Specific institutions within the Facility provide their clients with material assistance, among other things.</p>	
<b>Allowance / pocket money (please provide details on what possibilities there are to earn pocket money in reception facilities, what</b>	<p>According to the law, pocket money at an amount of EUR 1.2 per person per day is provided at asylum facilities. At the Facility, a child is further entitled to full direct board and lodging.<sup>35</sup> The entitlement further applies to children for whom protective care was ordered and to dependents. The pocket money provided to them is also at an amount of EUR 1.2 per person per day.<sup>36</sup></p>	

<sup>35</sup> Pursuant to Section 20 of the Act on institutional education.

<sup>36</sup> Regulated under Section 31 of the Act on institutional education, which stipulates that the child is not entitled to the pocket money for the days they are on the run from the facility, in detention or in prison. A similar interpretation is to be adopted for the provision under Section 2(8) of the Act on institutional education, i.e. during a period when the child's stay at the facility was suspended, the child receives full board and logging from the persons they have been consigned to

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Q18. Please explain if UAMs have the **freedom to make their own choices with regard to the provisions available** to them (e.g. do UAMs have the possibility to prepare their own meals, buy their own clothes, etc.) with the ultimate **goal of preparing them for the transition to adulthood** (please see also section 5).

Where permitted by the specific conditions in a residential facility falling under the RFA, foreigners are provided with a financial contribution, the amount of which depends on the minimum subsistence level. The purpose of the contribution is for the foreigners to arrange their own boarding. The contribution applies to the facilities that include furnished kitchens where the asylum seekers may prepare their own meals.

While at the Facility, UAMs benefit from all services provided to children-Czech nationals according to the applicable legislation regulating institutional education.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

Q19. **Which organisations** (governmental and non-governmental) are **responsible for the provision of accommodation / other material reception conditions** of UAMs (if different from above)?

UAMs seeking international protection are placed in reception centre of RFA, from where they are removed to the Facility (administrated by the MEYS) after their identity is confirmed. UAMs who do not seek international protection are also placed in the Facility upon detention, based on a court preliminary measure.

The Act on the social and legal protection of children stipulates, at the general level, the obligations of the social and legal child protection authorities with regard to minors where the child's rights to agreeable development and proper education could be compromised. The Act refers to facilities for children in need of immediate assistance. According to the law, these facilities provide assistance to the child until the court rules on the petitioned lodged by municipal authorities with extended competence to institute a preliminary measure. In practice, however, UAMs are not assigned the beds referred to above.

The Act on the social and legal protection of children also stipulates a reporting obligation of state authorities, mandated persons, schools, health and other establishments with regard to the social and legal protection of children in the case referred to under Section 6 of the Act on the social and legal protection of children. For UAMs, the body that first comes into contact with such a child is obligated to report the fact to the social and legal child protection authority of local jurisdiction. The latter then must lodge a petition to issue a preliminary measure, indicating, in the petition, the relevant school establishment, currently the specialised diagnostic institute of the Facility, as the entity to which the minor is to be consigned. Unless any more serious issues are encountered, the entire process should be completed within 24 hours.

Q20. Please provide more **information on the staff (e.g. care/ social workers, etc.) responsible for the reception and care of UAMs**, for example:

- What are **the main tasks** of the staff;
- Is there a **specific training** for the staff (if yes, please describe);
- In general, what is the staff to UAMs **ration** (the number of UAM per staff member).

A UAM who has applied for international protection and resides at a reception centre is placed in the protected zone where s/he is in everyday contact with a social worker. Social workers of RFA meet the qualification requirements set out under the Act on social services (they must have a university degree and be subject to ongoing training). The staff of each reception centre further includes a leisure educationalist, or an educator at a child centre which offers an array of leisure activities (art workshops, sports activities, film projections, lessons of

Czech). Where the UAM has been consigned to the care of their adult relative with whom they remain at the asylum facility even after the entry procedures are completed,<sup>37</sup> they are removed to a residential centre. Even there, they may be accommodated within a protected zone, they keep in touch with social workers and may choose from a wide range of leisure activities.

At the Facility, comprehensive care is provided to the clients by professionals, focused on both the child's direct needs and comprehensive diagnostics monitoring each client's current condition. An individual personality development plan and individual educational plan are tailored for each UAM. The two documents referred to above constitute the reference based on which the client is subjected to gradual integration into the Czech educational system and the Czech society. The tasks set out under specific programmes are designed, among things, to prepare the children for their leaving the facility.

Moreover, a socialising programme is designed for specific clients, developed with contributions from the facility's professionals. Approximately 1 year before leaving the facility, each client is prepared for independence; they are provided with important information on their rights and assistance possibilities, important contacts (the curator, the Employment Office, the Foreign Police, health insurance companies, embassies, non-governmental making organisations, etc.); and their accommodation and employment options are jointly surveyed. UAMs who are long-term clients of such facilities and are already secondary school or university students leave the diagnostic institute for the educational department attached to the diagnostic institute. The rules and the regime that apply there already respect the higher degree of independence and responsibility enjoyed by the clients. Still, even here, the clients are accompanied by professionals and the individual plan set out for each client continues to be respected.

In 2014, a so-called try-out apartment will be opened as the final stage of the clients' stay at the facility. The clients to be placed in the try-out apartment will be those who manage their study at the school of their choice and who get ready for leaving the facility. The purpose is to encourage them to adopt responsibility for their own housing, acquire financial literacy, learn to organise time, perform at school, seek contact with authorities and schools independently, cultivate social contacts within the Czech community and lead an independent life in the Czech society.

*Q21. What is the **overall assessment of the standard of accommodation / material reception conditions** provided to UAMs in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information.*

*Do you foresee an **evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)**<sup>38</sup>?*

The current legislation creates an extensive framework for arranging for special care, protection and individual services and assistance to unaccompanied minor seekers of international protection. They are provided with independent representation in the international protection proceedings, protection against discrimination and prevention of the risk of being exploited; free health care, primary education, sound accommodation, free access to above-standard social and psychological assistance and the possibility to embark on leisure activities leading to self-actualisation of their own choosing and based on their interests.

Until 2004, unaccompanied children were placed in children's homes according to the local jurisdiction and, for older children, in selected residence facilities for asylum seekers, where, although the said facilities included a protected zone established specifically for these children, the opportunity for them to attend Czech language courses was limited and the attendance was not compulsory, leisure opportunities were scarce and educational care was missing as was its clearly defined regime and further education plans. In order for the problem to be solved, a system of the Facility started to operate in 2004 thanks to collaborative efforts of the Ministry of the Interior, Ministry of Education, Youth and Sports, Ministry of Labour and Social Affairs and non-governmental organisations. Specific institutions clustered under the facility provide free logging, boarding, health care, education, hobby clubs, material assistance, etc. Minors even get pocket money. The children are consigned to

<sup>37</sup> Pursuant to the provision under Section 46 of the Asylum Act.

<sup>38</sup> Please note that Ireland does not participate in this Directive.

these facilities by a court decision, namely through the so-called preliminary measure.

The care received at these facilities similar to that provided to Czech children at similar facilities, with certain extra services provided, such as interpretation services or enhanced Czech language lessons - 20 lessons of Czech a week. At the facilities, the services are provided by professional and specialised employees in an environment reflecting the children's ethnic and religious diversity so that the foreigners could apply the social and cultural habits the children have brought from their country of origin. The priority and the corner stone of the programme is the effort to remove the language barrier. Individual programmes for children with mental trauma are also created there. The educational and adaptation programmes are adjusted to the environment from which the children come.

Within the facility, unaccompanied minors are first placed in a diagnostic institute with a school establishment in Prague (the so-called Blue School) where each child undergoes a medical examination, an interview with a psychologist, and an entry interview is conducted with the child with an interpreter present, where the child is explained how the establishment works. Based on the results of diagnostic, educational, therapeutic and social activities, the diagnostic institute produces a comprehensive diagnostic report along with a proposal for addressing specific educational needs of each child. While at the facility, the children go to school where they are taught the basics of Czech. The length of their stay at the facility was initially 2 months after which, until 2012, the UAMs were relocated to a children's home specialising in foreigners with a school establishment, the so-called Permon site. Within the home, the foreigners went to a special primary school for foreigners or to two year secondary school. The tuition focused mainly on the Czech language, the mastery of which at a level necessary for the children to understand the subject taught was conceived of as the main criterion in the process of the foreigners' integration in the Czech society. The students who met this condition then could advance to the regular network of Czech schools depending on their interests, potentials and personal qualities. At a specialised children's home, the children would stay until their coming of age, or, if they embarked on a study programme, until they turned 26.<sup>39</sup>

With effect from 1 September 2012, with reference to the new *Concept of protection and care of foreign unaccompanied minors*, however, the Ministry of Education, Youth and Sports terminated the Permon site's operation. Roughly 50 children who were staying at Permon at that time, including those who had not mastered the Czech language at an adequate level by then, were distributed to regular children's homes or educational institutions across the CR. Officially, the Permon site was discontinued for financial reasons. The Concept generally points to the lowering number of UAMs and the need to introduce a system of individual assessments for specific applications. A greater emphasis should be placed on returning the UAMs to their families or to alternative foster care.<sup>40</sup>

*Section 3.3: Access to legal advice*

Q22: Please describe **access by UAMs to legal advice** in your (Member) State.

<b>Legal advice</b>	<b>UAMs seeking asylum or have been granted international protection</b>	<b>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of</b>
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<sup>39</sup> EMN (2009).

<sup>40</sup> Concept of protection and care of foreign unattended minors (2012); The care of unattended minor foreigners will be rendered more efficient (2012); The Ombudsman's Criticism: The conditions existing in facility for children-foreigners are appalling and illegal (2012).

		<i>the minor.</i>
<b>Legal advice and other forms of legal support</b>	<p>Legal counselling services are provided free of charge, both at asylum facilities and at the Facility and by non-governmental organisations. Bearing in mind the specificity of the group of UAMs, the Organization for Aid to Refugees set up a specialised team composed of a lawyer and a social worker in 2003. The workers regularly come to the Facility where they provide free social and legal counselling services, and, among other things, contribute to addressing the residence situation of the clients. At the time being, Organization for Aid to Refugees is the only non-governmental organisation, which systematically deals with this specific group of clients, responds to the current system of care of UAMs, its potential shortcomings and strives to fill any gaps in the system of care of UAMs in the territory of the CR through their activities.</p> <p>Workers of Organization for Aid to Refugees also keep in touch with former UAMs who came of age upon their leaving the Facility and continue to provide them with social and legal counselling services, especially in terms of social assistance in looking for jobs, housing or while interfacing with the authorities.<sup>41</sup></p>	

**Q23: Which organisations (governmental and non-governmental) are responsible for the provision of legal support to UAMs (if different from above)?**

Among public administration bodies, the responsibility for providing social and legal counselling to UAMs rests with the Office for the International Legal Protection of Children (ÚMPOD) with its registered office in Brno, and the municipal authorities of municipalities with extended competence depending on the place of residence of the child. ÚMPOD provides comprehensive social and legal protection of children internationally, including protection of UAMs who seek international protection in the territory of the CR or those who do not seek the international protection. In addition, ÚMPOD must cooperate with public administration bodies and other organisations in other countries and help look for the parents or other relatives of the UAMs pursuant to Section 35(2)(j) of the Act on the social and legal protection of children. Legal counselling services are also provided by non-governmental organisations (see the answer to the previous question).

**Q24: What is the overall assessment of the provision of legal support to UAMs in your (Member) State (e.g. cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information.**

Legal counselling services are provided free of charge, both at asylum facilities and within the Facility and by non-governmental organisations. From the viewpoint of the representatives of the Facility, the most frequent and the highest-quality legal assistance services are provided by the Organization for Aid to Refugees. Its staff keep according to representatives of the Facility in direct touch with clients and respond very flexibly to their needs.

**Section 3.4: Healthcare**

**Q25: Please describe access by UAMs to healthcare in your (Member) State.**

Persons seeking international protection in the CR are entitled to the same free health care services as the parties to the public health insurance system. The costs associated with the provision of health care services are borne by the

<sup>41</sup> RAO. Available at: <<http://www.opu.cz/cz/co-nabizime/socialni-poradenstvi-a-integrace/nezletili-bez-doprovodu/>>

respective health insurance companies which are public law institutions, or the state. The health care services provided and reimbursed include all the aforementioned categories, i.e. acute care, general practitioner's services, specialist care and clinical psychologist's services. If a UAM that does not seek international protection demands the acute health care, they are entitled to receive it regardless of the type of their residence and insurance. An uninsured person must pay for health care services using their own funds.<sup>42</sup> In all of the above cases, no special procedure is specified for minors whose age has not been determined, insofar as the provision of health care services is provided.

If the UAMs are placed in the Facility, basic health care is provided to them on a free-of-charge basis, with the child's health insurance contribution paid by the state.

	<b>Please state (Y/N) whether the healthcare types listed are available to UAMs in each of the categories below, and provide a brief description of the healthcare available in each case:</b>	
<b>Healthcare</b>	<b>UAMs seeking asylum or have been granted international protection</b>	<b>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.</b>
<b>Emergency treatment</b>	See above	
<b>Basic medical care</b>	See above	
<b>Essential / specialised healthcare if required</b>	See above	
<b>Psychological support / counselling</b>	Yes (subject to the scope of the public health insurance). A psychologist is also available at both the Facility and asylum facilities of RFA.	
<b>Other (please state)</b>	No	
<b>Do UAMs have equal access to healthcare as child citizens in the (Member) State?</b>	Yes. Access to acute care is unlimited if needed by the UAM. Provision of other types of care is subject to the condition that its reimbursement has been arranged for (especially under a public or commercial health insurance scheme, or using a direct payment by the patient). The same conditions apply to Czech nationals. Involvement in the public health insurance scheme in the CR is not tied to nationality, but to permanent residence or	

<sup>42</sup> Foreigners are entitled to health insurance after granting of permanent residence permit. Foreigners can apply for this permission after living in the territory of the CR for at least 5 years. Since that time third-country nationals can be insured in the public system in principle only on the basis of employment or must have private health insurance.

	employment in the CR.	
<b>Are UAMs assessed to ensure their healthcare needs are met (e.g. through a health assessment)?</b>	Yes, each client is registered with a contractual pediatrician, who closely monitors and evaluates his/her condition.	
<b>Do UAM have access to health insurance? If yes, under what conditions?</b>	<p>Yes. Foreigners with permanent residence in the CR, including asylum seekers, subsidiary protection holders, holders of temporary protection or beneficiaries of a permanent residence permit for the purposes of scientific research, etc., are entitled to public health insurance. Under certain conditions, health care services are covered by the state even if the foreigner is not a party to the public or commercial health insurance system (international protection seekers, persons with tolerated residence, temporary protection, foreigners who serve a sentence in prison or are in custody).</p> <p>Moreover, they may enter into a contractual health insurance policy.<sup>43</sup></p> <p>The cost of insurance for UAMs staying at the Facility is borne by the state. The scope of insurance provided is identical to that provided to a Czech child.</p>	
<b>How is reception organised for UAMs with psychiatric problems or addictions?</b>	The conditions are identical to those applying to Czech children. Interpretation services are arranged for where necessary.	

Q26: Which **organisations** (governmental and non-governmental) are **responsible for the healthcare of UAMs** (if different from above)?

The main public administration authority responsible for health care is the CR Ministry of Health. Public health insurance is provided by several insurance companies with special licenses. Commercial health insurance is also provided by several insurance companies to choose from.

Reimbursement of health services which UAMs are entitled to provide health insurance companies, which are public institutions, respectively Ministry of the Interior of the CR.<sup>44</sup>

Q27: What is the **overall assessment of the standard of healthcare provided to UAMs** in your (Member) State (e.g. as cited in existing evaluation reports / studies / other sources or based on publically available information received from competent authorities, please give references)? Please provide references to these sources of information.

Do you foresee an **evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)**?

The Ministry of Health is not aware of any studies focusing specifically on the evaluation of health services provided to UAMs.

In the context of the adoption of the revised Reception Directive (2013/33/EU) no changes are envisaged in either the national legislation, or practice, since the above Directive is applied to the conditions for receiving seekers of

<sup>43</sup> EMN (2013); EMN (2009).

<sup>44</sup> EMN (2013).

international protection (including UAMs). According to the existing wording of the Asylum Act, international protection seekers (including UAMs) are provided with free health services subject to the scope of the services reimbursed under the public health insurance scheme under the Act on public health insurance. The standard is therefore identical to that applied for Czech nationals and the Directive is more lenient in this respect as it merely requires that the Member States provide international protection seekers with the so-called necessary and urgent health care.

*Section 3.5: Education*

Q28: Please describe **access by UAMs to education** in your (Member) State.

	<b>Please provide information on the issues raised below on access to education by UAMs:</b>	
<b>Education</b>	<b>UAMs seeking asylum or have been granted international protection</b>	<b>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.</b>
<b>Is access to education (appropriate to the age and needs of the UAM) provided for in legislation in your (Member) State?</b>	Yes	
<b>How quickly can a UAM access education in the (Member) State?</b>	On completing the entry procedure, UAMs are placed in a school establishment, based on a court decision, whose operation is in the competence of the Ministry of Education, Youth and Sports. That means that clients of the Facility are integrated in the educational process as soon as they are received at the establishment.	
<b>How does the (Member) State ensure that the education provided to UAMs are adapted to their age, level of education in the country of origin and the degree of the language barrier (e.g. individual assessments etc.)?</b>	The care at facility specialising in children-foreign nationals is provided by professionals and specialists. An environment is created which reflects the children's ethnic and religious diversity so that the foreigners could apply the social and cultural habits the children have brought from their country of origin. The priority and the corner stone of the programme is the effort to remove the language barrier. Individual programmes for children with mental trauma are also created there. The educational and adaptation programmes are adjusted to the environment from which the children come.	
<b>What support measures are</b>	The Facility places a great emphasis on the	

<p><b>available to help the UAM with the transition to education in the (Member) State (e.g. language training, mentoring, vocational training, other support mechanisms – please state?)</b></p>	<p>lessons of Czech. The clients are provided with Czech lessons at the school attached to the facility, with an increased number of lessons, and, moreover, Czech lessons are arranged for in the form of tutoring and one-to-one courses. Depending on specific capacities, the clients are placed in interest and leisure groups outside the facility, i.e. among their Czech peers.</p>	
<p><b>Do UAMs have the same right to education as other children in the (Member) State?</b></p>	<p>Yes</p>	
<p><b>Do UAMs receive education in specialised educational establishments? If yes, does the (Member) State have plans to integrate these UAMs in the general education system?</b></p>	<p>See above - at the Facility, the services are provided by professional and specialised employees in an environment reflecting the children's ethnic and religious diversity so that the foreigners could apply the social and cultural habits the children have brought from their country of origin. The priority and the corner stone of the programme is the effort to remove the language barrier. Individual programmes for children with mental trauma are also created there. The educational and adaptation programmes are adjusted to the environment from which the children come.</p>	
<p><b>How does the education provided to UAMs support their social integration in the (Member) State?</b></p>	<p>If a client of the Facility demonstrates sufficient linguistic and personal competence to be integrated in the Czech system of schools, they enter the regular network of their Czech peers.</p>	
<p><b>How does the (Member) State prepare UAMs for accessing their labour market (e.g. provision of training, vocational guidance, etc.)?</b></p>	<p>As part of individual programmes managed by the professionals of the Facility and employees of non-governmental organisations. The Ministry of the Interior organises the so-called National Integration Programme focused on providing assistance to international protection beneficiaries in their efforts to integrate within the society. It rests on three pillars – international protection beneficiaries are provided with assistance in arranging their housing and when entering the labour market and they are provided with free lessons of Czech via non-governmental organisations. For UAMs who have been granted international protection, the National Integration Programme was added to by the option of a so-called individual integration plan, through which individual assistance and care is provided to minors, adjusted to their needs. The plan is also provided to those persons who</p>	

	<p>had already come of age by the time of the international protection grant, yet at the time of lodging the application, they were still UAMs.</p>	
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Q29: Which **organisations** (governmental and non-governmental) are **responsible for the education** of UAMs (if different from above)?

Predominantly the Facility for Children-foreigners, and also non-governmental organisations. As an example, the Counselling Centre for Integration launched a project in 2013 entitled 'Education for successful integration', which was targeted at the group of UAMs staying at the institutional school establishments, specifically on the long-term support of their integration in Czech society, to the main educational stream and employability in the labour market.

Q30: What is the **overall assessment of the standard of educational support provided to UAMs** in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publically available information received from competent authorities, please give references)? Please provide references to these sources of information.

Do you foresee an **evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)**?

The care received at the Facility is similar to that provided to Czech children at similar facilities, with certain extra services provided, such as interpretation services or enhanced Czech language lessons - 20 lessons of Czech a week. The services available at these facilities are provided by professional and specialised employees. An environment is created which reflects the children's ethnic and religious diversity so that the foreigners could apply the social and cultural habits the children have brought from their country of origin. The priority and the corner stone of the programme is the effort to remove the language barrier. Individual programmes for children with mental trauma are also created there. The educational and adaptation programmes are adjusted to the environment from which the children come.

Within the Facility, UAMs are first placed in a diagnostic institute with a school establishment in Prague (the so-called Blue School) where each child undergoes a medical examination, an interview with a psychologist, and an entry interview is conducted with the child with an interpreter present, where the child is explained how the establishment works. During 8 weeks, professional workers develop comprehensive diagnostics for each client - i.e. special educational, psychological, social and legal, health and tuition-related diagnostics. Based on the results of diagnostic, educational, therapeutic and social activities, the diagnostic institute produces a comprehensive diagnostic report along with a proposal for addressing specific educational needs of each child. While at the facility, the children go to school where they are taught the basics of Czech and other subjects as per the approved school education programme. Since 2012, the practice has been employed where the clients for whom an extensive language barrier is diagnosed, which prevents their active integration at a regular Czech school and in the Czech environment of regular children's homes, for a so-called long term stay at the Facility. During that time, they acquire the necessary language, social, cultural and knowledge-related skills so as to be able to enter the Czech educational system as soon as possible. The situation of each client is assessed individually with the optimal place of their stay chosen depending on their needs, potentials and skills. In certain cases, the UAMs may be placed in the educational care of children's homes for children who are Czech nationals.<sup>45</sup>

### Section 3.6: Access to support to employment

Q31: Please describe **access by UAMs to employment** in your (Member) State.

<sup>45</sup> EMN (2009).

A UAM who seeks international protection may not be employed in the CR within the initial 12 months of the date on which they applied for the international protection.<sup>46</sup> Unless the proceedings are completed within one year of the application, the applicant may apply for a work permit.<sup>47</sup> The permit is issued to the applicant regardless of the situation in the labour market (without the labour market test run). Where the applicant is granted international protection, they have free access to the labour market.<sup>48</sup> The above applies regardless of their minority.

In addition, the following applies for minors regardless of their nationality:

Full legal capacity is acquired on coming of age.<sup>49</sup> Majority is reached on turning 18. A minor who has not yet acquired full legal capacity is eligible to take legal acts depending on whether the nature of such acts is adequate to the intellectual and moral maturity of minors of their age. For the purposes of employability, 2 groups of minors are distinguished:

Minors who have reached the age of fifteen and completed their compulsory school attendance: a minor who has turned fifteen and completed compulsory school attendance may commit to dependent employment.<sup>50</sup> However, before they turn 18, these employees are subject to special protection defined under the Labour Code.<sup>51</sup>

Minors without personality under the employment law: a person who has not met the above criterion may only pursue a gainful activity in arts, culture, sports or advertising,<sup>52</sup> based on prior permission of the activity.

	<b>Please state (Y/N) whether the measures to support access to employment listed are available to UAMs in each of the categories below:</b>	
<b>Access to support to employment</b>	<b>UAMs seeking asylum or have been granted international protection</b>	<b>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.</b>
<b>What is the minimum age a UAM can take up employment in the (Member) State?</b>	Minors under the age of 15 cannot work legally in the CR. The exceptions are listed under the Labour Code. Special conditions for the employment of youth apply to minors under the age of 18. <sup>53</sup>	
<b>Is access to employment for UAMs conditional upon obtaining legal (residence)</b>	Work permit is not required where the UAM concerned has been granted permanent residence, international protection, subsidiary protection or is a relative of a Czech national or a foreigner with permanent residence or	

<sup>46</sup> Pursuant to Section 99 of the Employment Act.

<sup>47</sup> Pursuant to Section 97(e) of the Employment Act.

<sup>48</sup> Pursuant to Section 98(c) of the Employment Act.

<sup>49</sup> Pursuant to Section 30(1), Civil Code.

<sup>50</sup> Pursuant to Section 35, Civil Code.

<sup>51</sup> E.g. employment conditions pursuant to Sections 243 to 247, working hours scheduling, etc.

<sup>52</sup> Pursuant to Sections 121-124 of the Employment Act.

<sup>53</sup> Ibid.

<b>status, a work permit, etc.?</b>	asylum.	
<b>Under what circumstances does a UAM receive a permit to work in the (Member) State once the minimum age is reached?</b>	Work permit is not required where the UAM concerned has been granted permanent residence, international protection, subsidiary protection or is a relative of a Czech national or a foreigner with permanent residence or asylum. <sup>54</sup>	
<b>Is labour market access limited to a maximum number of days per year?</b>	The working hours per week must not exceed 40 hours as defined by the law. <sup>55</sup>	
<b>Can UAMs take up paid employment / household tasks for pocket money from the accommodation facilities where they are residing?</b>	N/A	
<b>What other forms of support are available to UAMs once working age is reached if they are unable to find employment?</b>	The Facility also provides assistance to UAMs who have come of age in looking for accommodation and jobs, namely through negotiations with employers, surveying conditions, etc. <sup>56</sup>	

Q32. Which **organisations** (governmental and non-governmental) are **responsible for providing employment access support** to UAMs (if different from above)?

The Ministry of the Interior (*National Integration Programme*), Facility for Children-foreigners, non-governmental organisations.<sup>57</sup>

Q33. What is the **overall assessment of the standard of employment access support** provided to UAMs in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information.

Do you foresee an **evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)**?

The situation UAMs face in the labour market is not an easy one. Even a temporary employment during their study is relatively hard to arrange. At the time being, they can hardly dispense with the assistance of the Facility and non-governmental organisations.

### Section 3.7: Other integration measures

Q34. Does your (Member) State have any **other integration measures in place supporting UAMs**? If yes, please provide further information below.

This mainly concerns the programmes of specific non-governmental organisations. For the Facility, this applies mainly to cooperation with the Counselling Centre for Integration.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

**Section 3.8: Withdrawal of reception and integration support**

**Q35. Under what circumstance can any of the above reception and integration support provisions be withdrawn from UAMs?**

	<b>Circumstances for withdrawal of reception / integration support</b>	
<b>Type of support (please list)</b>	<b>UAMs seeking asylum or have been granted international protection</b>	<b>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.</b>
All depends on the conditions under specific programmes.		

**Q36. Are there any complaint mechanisms available to UAMs in case of withdrawal of reception and integration support? If yes, please specify below.**

Each client of the Facility is entitled to raise objections and file complaints to the competent authorities.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

**Section 3.9 Identified challenges and good practices**

**Q37. Please indicate any challenges associated with the reception, care and integration of UAMs in your (Member) State (based on existing studies/ evaluations or information received from competent authorities) and how these can be overcome.**

Encouraging UAMs to integrate within the Czech society used to be a problem in the past. The situation has changed recently. Clients who complete their secondary or university study programme at a Czech school generally perform the profession they have studied to take up.

Considering the specificity and complexity of the issue of UAMs, it turns out that efforts will have to be deployed to present to a broad range of members of staff who may come in touch with UAMs good practices and consistent adherence to them. This mainly concerns members of the Police. Foreigners should therefore be placed, as soon as possible after their identification/detention, in the Facility where they may be provided with professional care services.

During recent years, the system of aftercare of minors has improved as well.<sup>58</sup> In this context, the system of individual integration plans for UAMs who have been granted international protection deserves a special mention here. One aspect that is well received is the option the clients have to stay at the facility even after coming of age, i.e. after they complete their institutional education, subject to a so-called contractual relationship. This concerns the legislation based on which even children who are Czech nationals may stay at a children's home until their complete their career, up to their turning 26. Therefore, if a UAM has embarked on a study programme, they may

<sup>58</sup> Ibid.

remain a client of the establishment until they turn 26.

#### Section 4: UAMs that go missing / abscond from reception / care facilities

Q38. Have **evaluations or studies on the number/ rate / country of origin of UAMs who go missing or abscond from guardianship/ reception/ care facilities** been undertaken in your (Member) State? Please provide details and references below.

Escapes of foreigners used to be a big issue in the past. The problem still exists, although to a much lesser degree than in the past. Generally, this concerns the clients whose original country of destination was a different EU Member State where their contacts are, or even where they have pre-arranged a job opportunity. Very often, this concerns clients above the age of 18 who, however, reported a lower age on being captured.

Q39. What are the **possible reasons for the disappearance of UAMs**, including absconding from guardianship/ reception / care facilities (as cited in existing evaluations/ studies/ other sources or based on publicly available information received from competent authorities)?

See above. Clients in a trafficked situation form a specific category. Kidnapping occurs in exceptional cases.

Q40. What is the **socio-demographic profile of UAMs that go missing / abscond** from reception / care facilities (e.g. asylum seekers or non-asylum seekers, nationality, appointed with a guardian or not, etc.)?

It is impossible to say whether within the group of clients who escape, international protection seekers prevail or not. The prevailing nationality cannot be determined either. This must be assessed on a case by case basis.

Q41. **When are UAMs most likely to disappear** from guardianship/ reception/ care facilities (e.g. within first few days of arrival, during weekends, before / after age assessment procedures, etc.)? Please provide evidence cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities.

These children mostly disappear still during the diagnostic stage of their stay and many of them never return.<sup>59</sup>

Q42. Please provide **any other evidence that may be available of the impact of guardianship/ reception/ care facilities on the proportion of missing or absconding UAMs**.

N/A

Q43. What **measures** has your (Member) State **developed to a) prevent or to b) react to disappearances of UAMs** (e.g. existence and use of support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, NGO networks such as Missing Children Europe and their member organisations, taking fingerprints and photographs of UAMs as an aid for tracing, etc.)? Is there any evidence to suggest how effective these measures have been in practice (e.g. cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities)?

The Facility highly appreciates the cooperation with the Police of the CR. Missing persons are reported via SIRENE and Interpol.

Q44. What are the **procedures and practices of your (Member) State to a) report and b) deal with disappearances** of UAMs (e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.)?

<sup>59</sup> Ibid.

N/A

Q45. How is the **registration of disappearances of UAMs** organised in your (Member) State (e.g. by child, by incident, etc.)?

The Facility keeps its register of escapes reported to the police units. If a client turns 18 while on the run, they are removed from the investigation.

Q46. Please indicate any **challenges associated with UAMs who go missing or abscond** from guardianship/ reception/ care facilities in your (Member) State (based on existing studies/ evaluations or publically available information received from competent authorities) and how these can be overcome.

See above. This involves a small number of cases only.

Q47. Please provide any examples of proven (e.g. through evaluation reports / studies) **good practices** regarding UAMs who go missing or abscond from guardianship/ reception/ care facilities in your (Member) State. Please specify the source (as cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities).

N/A

## [Section 5: Arrangements in the \(Member\) States for UAMs when turning 18 years of age](#)

This section examines the arrangements for former UAMs, both those seeking asylum and those not seeking asylum, once they reach the age of 18 years.

Q48. Please describe the **situation in your Member State for former UAMs once they reach the age of 18 years**.<sup>60</sup>

Public employment services (Employment Office of the Czech Republic) provide pupils and students with career counselling services within the premises of their Information and Counselling Centres. The counselling services are provided in cooperation with educational consultants at schools. Employment services provide a wide array of information materials and counselling instruments including those assisting pupils and students to get a clearer picture of their professional prospects. On coming of age, the clients are provided with counselling services focused on the labour market, career choice and employment mediation, both to registered job applicants and to general public. Natural persons only which are eligible to become employees under the Labour Code may figure as parties to the legal relationships according to the Employment Act, i.e. as employment applicants. In order to be eligible to become an employee, the applicant must be at least 15 years old and must have completed their compulsory primary school attendance. In addition, persons who systematically prepare for employment are not eligible to become employees, except for where they obtained, during the relevant period<sup>61</sup>, through employment or another gainful activity, at least 12 months of pension insurance.

UAMs, as well as asylum holders or beneficiaries of subsidiary protection, are entitled to the social services under the Act on social services, as amended. The Act on social services does not define any specific services targeted at this particular target group, yet the latter may be defined by specific providers at the registration stage. As regards assistance to people in unfavourable social situations, they may respond to them with various types of social services, both social care services (for example day care, personal assistance, sheltered housing), prevention service (e.g. shelter, low-threshold facilities for children and youth, halfway houses) and social counselling. If a person falls to one of the categories defined under the aforementioned Section 4 of the Act on social services, the entitlement to specific

<sup>60</sup> Ibid.

<sup>61</sup> Two years before being entered in the applicant register.

services is assessed with regard to their needs and their specific unfavourable social situation, which they seek to address by the service concerned (e.g. unsaturated need of care for people with health disabilities).

Accordingly, certain social services, within the definition of the target group, are specialised in the 'immigrants and asylum holders' group (however, a 'UAM' group is not defined). This mainly concerns professional social counselling, outreach programmes and halfway houses. In principle, it may be stated that the obligation to provide basic counselling services, within the meaning of the Administrative Code, in relation to entitlements to non-insurance social benefits rests with the administrative office in charge of such services, i.e. the Employment Office of the Czech Republic. UAMs who have come of age may use the social counselling services under the Act on social services, as amended, for both basic and, more importantly, professional social counselling.

	<b>Please describe the situation in your Member State for former UAMs once they reach the age of 18 years</b>
<b>Arrangements for former UAMs</b>	<b>UAMs seeking asylum or who have been granted international protection</b>
<b>What residence permit provisions are in place for the UAM turning 18 years of age in your (Member) State? What are the consequences for the rights and obligations of the former UAM in accordance with these residence provisions?</b>	<p>Each UAM may apply for a permanent residence permit within 60 days of coming of age, namely through application for a permanent residence permit for humanitarian reasons or for any other special reasons worthy of special consideration. Applying for a permanent residence permit requires that a foreigner who was previously subject to administrative deportation order uses the statutory option to apply for the order to be revoked. The Police may revoke the administrative deportation order<sup>62</sup> where the foreigner concerned has been consigned to alternative care; who has turned 18; and for whom the competent social and legal child protection authorities have declared that they effort to integrate within the territory. For the purposes of the proceedings to issue a permanent residence permit, the foreigner must provide further documents required by the law for such an order - a valid passport and a document attesting to accommodation arranged in the territory.</p> <p>A foreigner who has been granted some form of international protection shall obtain a residence permit in the territory of the CR. Also a residence permit card of international protection beneficiary is issued for him. A foreigner with a status of an international protection beneficiary has the same rights and obligations as a Czech national, except for the voting right and certain restrictions faced in the area of employment in public administration. Provided they meet the conditions required by the law, they may also apply for citizenship. As an international protection beneficiary, they are free to enter the <i>National Integration Programme</i> (see below).</p> <p>A foreigner who has turned 18 and is still subject to the asylum procedure, may be removed to a residential facility of RFA for adult international protection seekers.<sup>63</sup></p>
<b>Are there any exceptions to the residence provisions that are in place for UAMs who are turning 18 years of age? If not, what are the implications of these provisions for the reception</b>	No

<sup>62</sup> Pursuant to Section 122(6)(b) of the Foreigners' Residence Act.

<sup>63</sup> Ibid.

<b>arrangements and integration measures that have supported the UAM up to that stage?</b>	
<b>What measures are in place to support the UAM in advance of the transition (e.g. integration support, return support)?</b>	See above - counselling services provided at the Facility.
<b>What measures are in place to support the former UAM after the transition (e.g. formal follow up or after-care service, open door policy at residential homes, personal adviser, pathway plan, etc.)?</b>	<p>As an international protection beneficiary, the UAM may enter the National Integration Programme, under which, on reaching the age of 18, they may stay at an integration asylum centre or be provided with assistance while arranging their own housing outside the centre (unless they have embarked on a study and decide to stay at the Facility). The programme is voluntary, administrated by the Ministry of the Interior and focused on assistance to international protection beneficiaries in their efforts to integrate within the society. It rests on three pillars – international protection beneficiaries are provided with assistance in arranging their housing and when entering the labour market and they are provided with free lessons of Czech via non-governmental organisations. For UAMs who have been granted international protection, the National Integration Programme was added to by the option of a so-called individual integration plan, through which individual assistance and care is provided to minors, adjusted to their needs. The plan is also provided to those persons who had already come of age by the time of the international protection grant, yet at the time of lodging the application, they were still UAMs.</p> <p>A foreigner who has turned 18 and is still subject to the asylum procedure, may be removed to a residence facility of RFA for adults seeking international protection.</p> <p>A provision is made for the clients to stay at the Facility until the age of 26 in the event the latter have embarked on a degree. Individual qualities of the clients are developed as per the plans compiled.</p>
<b>What are the implications of the change in residence status for the access to education and/ or training of the former UAM?</b>	No changes occur in the approach to education within the Facility.
<b>What are the implications of the change in residence status for the access to employment of the former UAM?</b>	See above.

Q49. Please describe the **monitoring mechanisms in place to ensure the effective transition** of unaccompanied minors from the age of minority to 18 years of age, including the types of measure undertaken and the duration of the monitoring period, where the situation in the Member State has changed since 2009, or where the (Member) State did not take part in the 2009 Study.

N/A

Q50. Please indicate any **challenges** associated with the transition to 18 years of age experienced by unaccompanied minors in your (Member) State (based on existing studies / evaluations or information received from competent authorities) and how these can be overcome.

See above (question Q48)

Q51. Please provide any examples of proven (e.g. through evaluation reports / studies) **good practices** regarding the transition to 18 years of age of UAMs in your (Member) State. Please specify the source (e.g. cited in existing evaluations/ studies / other sources or based on publically available information received from competent authorities).

See above - a programme for UAMs who have embarked on a study programme and who may stay at the Facility after coming of age.

## Section 6: Return practices, including reintegration of UAMs

*This section of the Synthesis Report will provide an overview of (Member) States' Return policies with regard to unaccompanied minors. (Member) States are also requested to provide information on the procedures that apply when an unaccompanied minor claims to be a minor and once minority is either confirmed or disproved.*

Q52. **Can an unaccompanied minor be returned** (through voluntary or forced return) to the country of origin if s/he does not fulfil the entry requirements set out in Section 2?

Returns of minors from the CR take place on a voluntary basis. As a rule, UAMs are not returned to third countries unless they ask for it and at the time it is clearly demonstrated that the return is in their best interest - i.e. the level of care in the country of origin is at the same level as is the case in the CR. Therefore, the CR does not apply any special national mechanisms targeted at reintegration in the country of return. Most children from third countries are not returned as they do not express the interest. While looking for their relatives, the information shared by the child him/herself is used in the first place since, especially for children from third countries those items of information are frequently the only ones available.

For minors who do not seek international protection, the competence social and legal child protection concerned must inform the country of origin.<sup>64</sup> As a rule, the authority also informs the embassy of the country of origin in the CR and the Office for International Legal Protection of Children. These institutions then look for the parents or survey other relevant information on the child. After the situation is surveyed, the children are either consigned directly to their parents or to an educational institution in the country of origin. On being returned, the children are either accompanied by one of their parent or a court-appointed person who is mandated to take over the child and arrange for him/her to be returned - in practice, it is usually an employee of the embassy, a representative of the locally competent child care authority or a representative of the IOM. They also cooperate with non-governmental organisations in the country of origin.

Where the children are taken over by their parents who come for them to the Czech Republic, their returns are no longer monitored by the CR. However, there is a risk of the children being (repeatedly) exploited as part of trafficking of children or committing crime. In this respect, it was observed that both state administration and non-public organisations found it difficult to identify potential children victims. This applies where the parents or statutory representatives arrive at a police station, or at a social and legal child protection authority annexed to the municipal authorities in order to take the child over hastily, with the preliminary order yet to be issued, and before the child is placed at the Facility; if that is the case, the mere suspicion on the part of a staff member of the social and legal child protection authority regarding the child being in a potential trafficked situation may not warrant a refusal to consign the child to the parents or a statutory representative. Even if the preliminary measure has already been issued, it may be difficult to prevent the child from being trafficked if they are picked up by a parent who is involved in the trafficking.

The practice in returning UAMs in the CR corresponds to the provisions under Articles 10 and 14(1) of the Directive on the common standards and procedures for Member States, whereby illegally staying third-country nationals may be removed from their territories. An international protection seeker may also in certain cases contact the Ministry of the

<sup>64</sup> Pursuant to Section 37 of the Act on the social and legal protection of children.

Interior with a request for compensation of the expenses associated with a voluntary return to the country of origin (so-called repatriation application). The application, however, must be filed during the asylum proceedings, or, failing that, within 24 hours of the legal force of the ruling in the appellate proceedings. For minors, the repatriation is complicated as the CR is obligated to provide these children with protection and care until such time as their parents or responsible persons are found in cooperation with the embassy.<sup>65</sup>

<b>Categories of unaccompanied minors that may be returned to the country of origin</b>	<b>Please provide more information about the circumstances under which unaccompanied minors may be returned <u>voluntarily</u> to the country of origin a) in <u>national legislation</u> / policy and b) in <u>practice</u>, with a particular focus on developments since 2009.</b>	<b>Please provide more information about the circumstances under which unaccompanied minors may be the subject of a <u>forced return</u> to the country of origin / Dublin country / transit country a) in <u>national legislation</u> / policy and b) in <u>practice</u>, with a particular focus on developments since 2009.</b>	<b>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.</b>
<b>Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport</b>	See above		
<b>Non-asylum seeking unaccompanied minor apprehended in the territory of the (Member) State</b>	See above		
<b>Asylum seeking unaccompanied minor arriving at a land / sea border or airport</b>	See above		
<b>Asylum seeking unaccompanied minor apprehended in the territory of the (Member) State</b>	See above		
<b>Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child</b>	See above		

<sup>65</sup> Ibid.

<b>protection service, etc.)</b>			
<b>Other (please state)</b>	See above		

Q53a. Can unaccompanied minors be **detained whilst awaiting return**?

Yes

Q53b. If yes, please provide **more information about the circumstances** under which unaccompanied minors may be **detained whilst awaiting return**, and the legal basis for such detention.

The category of applicants for international protection belonging to vulnerable groups (including UAMs) is completely exempted from detention pursuant to the Asylum Act. The category of foreign nationals who are subject to treatment under the Act on the Residence of Foreign nationals and who are vulnerable persons is not exempted from detention. Nevertheless, the law defines a different treatment for some of these persons. Unaccompanied minor foreign nationals younger than 15 years are not subject to detention and are placed in a special facility for foreign children. Unaccompanied minor foreign nationals (from 15 to 18 years of age) can only be detained on special grounds (if there is a reasonable risk that they might threaten state security or might seriously disrupt public order)<sup>66</sup> and only for a reduced period (i.e. 90 days)<sup>67</sup>. In practice, unaccompanied minors are not subject to detention.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

Q54. Are there any alternatives to detention in place in the (Member) State for unaccompanied minors awaiting return? If yes, please provide more information in this regard.

No

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

Q55a. Does the (Member) State provide **reintegration support to unaccompanied minors returning** to their country of origin under return procedures? Please consider both voluntary and forced return in your answer.

No

Q55b. If yes, please describe the **reintegration measures in place to support unaccompanied minors before, during and after their return** under return procedures.

See above. Returns of minors from the Czech Republic take place on a voluntary basis. Specific projects targeted exclusively at UAMs are not implemented in the CR.

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

<sup>66</sup> Section 124(5) and Section 129(4) of the ARFN.

<sup>67</sup> Section 125(1) of the ARFN.

Q55c. Please describe the **monitoring mechanisms in place to ensure the effective reintegration** of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

See above. Returns of minors from the Czech Republic take place on a voluntary basis. Therefore, the CR does not apply any special national mechanisms targeted at reintegration in the country of return.<sup>68</sup>

*NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.*

## [Section 7: Overview of the International and EU Legislative Framework](#)

*This section of the Synthesis Report will briefly outline the EU legal framework guiding national legislation in relation to unaccompanied minors. It will provide a mapping of the substantive and procedural provisions in the EU acquis that regulate the protection of UAMs. The section will also highlight how the EU acquis relates to the broader international legal framework on UAMs.*

***This section will be developed by the EMN Service Provider and no input from the EMN NCPs is required.***

## [Section 8: Conclusions](#)

*The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level. Member States should include any overall conclusions in the Topline Factsheet at the beginning of the Common Template rather than duplicate information in this Section.*

The purpose of the submitted study was to map the situation of unaccompanied minors entering the Czech Republic from third countries. Overall, the number of UAMs in the CR tends to drop, ranging in the order of dozens a year, while the number of international protection seekers is in the order of units. A low percentage of UAMs intentionally direct to the CR. They are mostly UAMs, who have relatives in the CR, or those who arrive with an intention to pursue a gainful activity, or to take part in sports competitions representing their respective country. Few children arrive to embark on an educational programme. After a certain period of time spent in the CR, most UAMs try to leave for their communities and relatives abroad, mostly in other EU Member States. Also, among these UAMs, repeated occurrence was reported of children who may be referred to as 'trafficked'. More lenient conditions only apply on entering the CR for UAMs seeking international protection. UAMs who do not seek international protection are subject to the same conditions as other third country nationals when entering.

UAMs seeking international protection are placed in a reception centre falling under the Refugee Facilities Administration. There, the foreigner is kept within a protected zone where s/he is in everyday contact with a social worker, teachers or an educational worker at a child centre, which offers a range of leisure activities. Where the UAMs have been consigned to the care of their adult relative with whom they remain at the asylum facility even after the entry procedures are completed, they are removed to a residence centre. Even here, they may be accommodated within a protected zone, they keep in touch with social workers and may choose from a wide range of leisure activities. UAMs seeking international protection are relocated for the reception centres to the Facility for Children-foreigners, which is specifically intended for taking care of UAMs. In the event the UAM does not seek international protection they are also removed to the Facility for Children-foreigners immediately after detained, based on a preliminary measure issued by the court. A similar treatment is given to UAMs who stay in the territory of the CR, for instance, based on a tourist visa and are detained by the Police.

At the Facility for Children-foreigners, comprehensive care is provided to the clients by professionals, focused on both the child's direct needs and comprehensive diagnostics monitoring each client's current condition. An individual personality development plan and individual educational plan are tailored for each UAM. The two documents referred to above constitute the reference based on which the client is subjected to gradual integration into the Czech educational system and the Czech society. The tasks set out under specific programmes are designed, among things,

<sup>68</sup> Ibid.

to prepare the children for their leaving the facility. In the CR, foster care is also available as an option, which, however, is not used in practice.

The Facility for Children-foreigners is regarded as a very important and positive step in the area of taking care of UAMs. The diagnostic institution with a school establishment and a children's home/educational institute with a school establishment began to operate in the CR in 2004. Specific institutions clustered under the facility provide free lodging, boarding, health care, education, hobby clubs, material assistance, etc. Minors even get pocket money. The care received at these facilities is similar to that provided to Czech children at similar facilities with certain extra services, such as interpretation services or enhanced Czech language lessons. Individual programmes for children with mental trauma are also organised. At the facilities, the services are provided by professional and specialised employee in an environment reflecting the children's ethnic and religious diversity. In 2014, a so-called try-out apartment will be opened as the final stage of the clients' stay at the facility. The clients to be placed in the try-out apartment will be those who manage their study at the school of their choice and who get ready for leaving the facility.

Once placed in the Facility by court order, all minors, whether residing in the CR legally or not, have their stay automatically legalised until they are 18, regardless of whether they have applied for international protection, or not. On reaching the age of 18, however, the situation essentially changes and the residence of each foreign young person must be treated individually.

The Facility also provides assistance to UAMs in looking for accommodation and jobs, namely through negotiations with employers, surveying conditions, etc. In recent years, the system of after-care for unaccompanied minors has also been markedly improved. In this context, the system of individual integration plans for UAMs who have been granted international protection specifically deserves to be mentioned in this respect. One aspect that is well received is the option the clients have to stay at the facility even after coming of age, i.e. after they complete their institutional education, subject to a so-called contractual relationship.

A number of ministries and other governmental and non-governmental institutions contribute to coordinating the situation of UAMs in the CR. A special interdepartmental working group cooperating with non-governmental organisations is set up to address current issues in this area. The non-profit making sector mainly involves providing free-of-charge social and legal assistance, but also provides special programmes targeted, for example, at the education of UAMs. Although the number of UAMs in the CR is very low, the range of activities targeted at them is relatively broad.

UAMs seeking international protection are provided with health care subject to the scope provided under the public health care insurance system. If the UAMs are placed in a Facility, basic health care is provided to them on a free-of-charge basis, with the health insurance contribution paid by the state. A psychologist is also available at both Facility and asylum facilities of RFA.

Education primarily takes place within the Facility for Children-foreigners. If a client of the Facility demonstrates sufficient linguistic and personal competence to be integrated in the Czech system of schools, they enter the regular network of their Czech peers. When looking for jobs, UAMs are assisted both under programmes organised by the Ministry of the Interior (the *National Integration Programme*) and the Facility for Children-foreigners and non-governmental organisations.

Legal counselling services are provided free of charge, both at asylum facilities and at the Facility and by non-governmental organisations.

The most problematic aspect identified under the study was data collection, especially statistical data. The reason is the fact that the UAM agenda is fragmented between a range of ministries and other organisations. The statistical data available at the national level often do not correspond to the categories designated in the study specifications which makes it difficult to arrange for the required data to be provided (e.g., on the number of unaccompanied minors seeking international protection consigned to the care of facilities other than the Facility). Statistics on the future directing of the UAMs who come of age are also limited.

Some issues were not relevant to the CR. For instance, due to the low number of UAMs, co-operation with third countries is practically non-existent in this area. Since returns of UAMs occur in the CR on a voluntary basis only (and the number of assisted and voluntary returns is equal to zero), no reintegration programmes are implemented.

Neither are there any alternatives to detention with regard to UAMS in the CR, and the actual detention is not done in practice.

## Sources

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Care of unaccompanied minors to be rendered more efficient (2012). Available at: <<http://www.mvcr.cz/clanek/pece-o-nezletile-cizince-bez-doprovodu-se-zefektivni.aspx>>

### **Legislation**

Policy of the protection and care of unaccompanied minors of 6 September 2012.

Regulation (EC) No. 562/2006 of the European Parliament and of the Council, establishing a Community Code on the rules governing the movement of persons across borders

Council Regulation (EC) No. 539/2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement;

Implementing Decree No. 334/2004, which regulates, in detail, the exercise of institutional care and protective care at educational facilities

Government Decree No. 395 of 17 April 2002 on the concept of placing, educating and bringing up children with language barriers, including asylum seeking unaccompanied minors at institutional education facilities

Act No. 108/2006 Coll., on social services

Act No. 109/2002 Coll., on the exercise of institutional education or protective education at educational establishments and on preventive and educational care at educational establishments

Act No. 292/2013 Coll., on special court proceedings

Act No. 325/1999 Coll., on asylum

Act No. 326/1999 Coll., on the residence of foreigners in the territory of the Czech Republic and amending certain acts, as amended

Act No. 359/1999, Coll., on social and legal child protection

Act No. 435/2004 Coll., on employment

Act No. 89/2012 Coll., Civil Code

Act No. 99/1963 Coll., establishing the Code of Civil Procedure

