



Ad-Hoc Query on Challenges for children in the asylum process – a future Conference

Requested by SE EMN NCP on 12th March 2009

Compilation produced on 17th July 2009

Responses from AU, BE, CY, CZ, DE, EE, FI, HU, LT, LV, NL, PL, SE, SI, SK, SP – (16 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

During the Swedish EU-Presidency this autumn, the Swedish Migration Board's Division for Asylum Reception is preparing a European Conference on the topic of challenges regarding to children in migration (no final/formal name). The Conference will be held in Sweden, November 25-26.

The objective for the Conference is twofold:

- To share practical experiences and research on migrant children (especially children in the asylum process)
- To identify and prioritize subjects which need further development




The target group is *civil servants* (both desk officers and decision makers etc.) working with migrant children, and *researchers*. "Good examples" of practical work as well as research results will be presented and discussed during the Conference.

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

The overall aim would be to reach jointly developed best practices. The Conference would represent a platform for further networking among the European countries in order to reach this aim. One expected outcome of the Conference would therefore be that joint projects would be initiated, aiming at further developing identified and prioritized matters and thus ultimately reaching jointly developed best practices.

We have two questions we wish you could help us with before we go further in the planning process. We would very much appreciate your answers by the 24th of mars.







2. Responses¹

		Wider Dissemination? ²	<i>Ad-Hoc Query 1</i> Which are the most pressing challenges concerning children in the asylum process in your country? That is to say; according to the situation and the experiences attained in your country thus far, what would be the most important theme/themes to highlight and discuss during this Conference?
	Belgium	Yes	At a general level, one has to distinguish between several categories of under age asylum applicants: unaccompanied foreign minors, foreign minors whose dossier is not distinct from that of their parents, accompanied foreign minors who have an individual asylum dossier, and foreign minors born in Belgium. Most vulnerable among them are the unaccompanied foreign minors. Their identification as an unaccompanied foreign minor (a category specifically defined in Belgian law) is essential, and age determination is a crucial point in this regard. Among this category, some profiles raise specific problems as to the processing of their application (interview techniques, and their profile has to be taken into account in the asylum decision). Among these profiles are: minors with serious psychological problems, child soldiers, young mothers claiming their new-born or child yet to be born runs a risk of genital mutilation.
	Bulgaria	Yes	
	Czech Republic	Yes	The most pressing challenge concerning children in the asylum process in the Czech Republic are the escapes of unaccompanied minors from the Facility for children of foreign nationals. Some of the children escape already during their diagnostic stay and many of them never come back. The escapes seem to be risky, as the children who were returned to the Facility by the Police were usually ill (TBC, jaundice and others), as they had lived in problematic communities upon their escape. Many unaccompanied minors are not <u>motivated to integration</u> . Even though they were taught Czech throughout their institutional education, many of them leave for their communities when adult and do not profit from the education.








¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."










Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>It is also difficult to <u>determine the exact age</u> of the unaccompanied minors.</p> <p>The most pertinent theme to address at the conference, in our view, would be the <u>escapes of unaccompanied minors</u>, who then most probably migrate within the EU territory without being monitored and are, in consequence, victims of organized crime (migrant smuggling, human trafficking, prostitution, forcing to criminal activity).</p>
	Denmark	Yes	
	Germany	Yes	<p>Dealing with unaccompanied minors is a major challenge. Therefore, it would be useful to discuss some of the following issues at the Conference:</p> <ul style="list-style-type: none"> - Clearing procedure: Is there a „clearing-procedure“ for unaccompanied minors in the Member States? Such a procedure, which takes place prior to the asylum procedure, can offer the possibility, among others, to determine if it is reasonable to lodge an asylum application. - Alternatives to an asylum procedure: Can unaccompanied minors be granted protection even without an asylum procedure? - Age determination: In cases where an unaccompanied minor cannot prove his or her age, or where the age is disputed, which measures to determine the age of unaccompanied minors exist according to the law in the EU member states? (This question regards age determination both at the entry of an unaccompanied minor at the border and as an element of the asylum procedure.) - Search for family members / relatives (in the receiving country and in other EU countries): who is responsible for the search and how does it work? - Interview in the asylum procedure: How can the interview be organised in a way that is appropriate for the child, and in particular, how can former child soldiers be identified? - Comparison of the appliance and implementation of EU legislation related to unaccompanied minors („reception conditions directive“ 2003/9/EC of 27 January 2003, „asylum procedures directive“ 2005/85/EC of 1 December 2005, „qualification directive“ 2004/83/EC of 29 April 2004 and „return directive“ 2008/115/EC of 16 December 2008).
	Estonia	Yes	<p>Foremost officials in Estonia would be interested in the following themes:</p> <ul style="list-style-type: none"> - determining the child's best interests and taking them into consideration in the asylum process and in the decision making process; - interview techniques appropriate for child's age; - the role of a legal guardian in the asylum process (the importance of the information received from the legal guardian in the decision making process; is it allowed to use that information and how to fixate that); - the legal importance of the child specialist's opinions in the decision making process.
	Ireland	Yes	
	Greece	Yes	
	Spain	Yes	<p>In the case of Spain, and due to our profile of applicants, the most pressing challenge could be the social and educational insertion and further on the labour integration for youngsters.</p> <p>Apart from these two subjects, two other main subjects can be: Safe return of unaccompanied minors when they are rejected as Asylum Seekers and Integration as migrants or under any other status of protection or under humanitarian grounds of the rejected asylum seekers who can't be returned and need to find a way out into the Spanish society.</p>



Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.




	France	Yes	
	Italy	Yes	
	Cyprus	Yes	<ul style="list-style-type: none"> - Interview techniques concerning minors and unaccompanied minors - Explanation of legal issues, psychological support to minors and unaccompanied minors - Hosting unaccompanied minors at a reception centre or housing - Language difficulties - Complexities of the eligibility officers examining the case of a minor
	Latvia	Yes	<p>The most important themes to highlight and discuss during the Conference:</p> <ul style="list-style-type: none"> - interviewing of unaccompanied minors and preparing a decision on asylum; - role and responsibilities of guardian of unaccompanied minor during the asylum procedure; - procedures for tracing of family members or relatives; - particularities of age assessment and identification.
	Lithuania	Yes	<p>Answer from the Asylum section, Migration department:</p> <p>We do not have much experience with unaccompanied minors. Therefore we would be very interested in exploring ways and methods for assessing whether unaccompanied minors have possibilities to safely return to their countries of origin. And we are also interested in the issues of the practical implementation of the decisions to return the minors to their countries of origin. We would also like to explore ways of enhancing cooperation among the Member States in dealing with these matters.</p> <p>Answer from the Refugee Reception centre (accommodates all unaccompanied asylum seekers coming to Lithuania):</p> <p>Main challenges:</p> <ol style="list-style-type: none"> 1. Preparation and integration of the unaccompanied minors into the local labor market (after he/she reaches adulthood) 2. Motivation for finishing studies and acquiring a vocation.
	Luxembourg	Yes	
	Hungary	Yes	<ul style="list-style-type: none"> - Majority of the persons claiming to be unaccompanied minors arrive without valid identification, if the eligibility officer suspects that these applicants give false information regarding their age, a medical expert gets involved and it usually prolongs the asylum procedure. - The lack of qualified legal guardians is another issue. - We would like to know how the authorities of the member states are trying to eliminate the above mentioned problems and which instruments they use to shorten the time of the procedure regarding asylum seeker unaccompanied minors. - Dilemmas regarding Dublin procedure – Is it in the child's best interest to be returned to the EU member state he/she firstly

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>applied for asylum. Often unaccompanied minor asylum seekers are included in activities which aim their integration in to the systems of the host country, such as language training, education, child protection. Once integrated in such processes, their return to a different country might have a negative impact on their personal development and might have a traumatic effect.</p> <ul style="list-style-type: none"> - Age assessment – a concise and EU-wise applicable assessment framework might be developed, focusing on minimum standards and best practices.
	Malta	Yes	
	Netherlands	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that it is not disseminated further.
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that it is not disseminated further.
	Poland	Yes	<p>While the right to education of children in the asylum process is guaranteed, many practical aspects remain unsolved: among the important lacunae in this area are the lack of teaching tools and limited multicultural education. Some teachers have problems with responding to the specific needs of alien pupils who don't speak Polish, missed several years of schooling or have experienced trauma.</p> <p>(http://www.forummigracyjne.org/pl/aktualnosc.php?news=91&wid=22)</p> <p>Limited ability of schools to offer children professional psychological support is also a difficulty to solve.</p>
	Portugal	Yes	
	Romania	Yes	
	Slovenia	Yes	<p>Our proposals and suggestions are as following:</p> <ul style="list-style-type: none"> - Arrangement of guardianship for unaccompanied minors (legal representation, care and responsibility for a full development of the child, and so on), - Determination of age/infancy, - When to determine that the education of the parents - applicants for international protection - is inadequate (violence, neglect, abuse, negative attitude vis-à-vis school children, early marriage)? Should we consider the situation when the parents, by punishing the child, transgress the limits of their cultural environment or the criteria that apply to our culture? In which cases can the children be taken away from their parents? - Arrangement of the nursery school (pre-school children), - Integration of school children in education system and language barriers (when and how?), - Custody of unaccompanied minors (residence in asylum reception centres, foster families and so on).
	Slovak Republic	Yes	<p>Even [if] the Slovak Republic is currently not experiencing great number of UAMs, in order to secure appropriate protection, care and assistance to unaccompanied minors in line with the best interest of child there is a need for:</p> <ul style="list-style-type: none"> - Establishing and functioning of a comprehensive system of protection, care, and assistance of unaccompanied minors which would network all necessary human resources, finances, facilities, and services needed. - Ensuring a safe return of unaccompanied minors
	Finland	Yes	<ul style="list-style-type: none"> • Interview: Ensuring that desk officers/officials manage the interview situation appropriate for the child, thus providing a proper













Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>investigation of the minor's asylum reasons along with the legal representative and/or custodian and in line with the CRC. Correlating to this – discussion on which is better for the child: the presence of several adults, like the legal representative, lawyer, social worker or an interview with fewer adults present?</p> <ul style="list-style-type: none"> • Interview: Additional education in recognition of child specific asylum reasons. • Preparing a decision: Evaluation of the best interest of the child in line with the CRC. When preparing a decision the decision maker has usually limited information on the specific circumstances and living condition of the child in his/her home country of country of residence.
	Sweden	Yes	<p>Unaccompanied minors is one of the most pressing challenge, for instance regarding:</p> <ul style="list-style-type: none"> - Ensuring a safe return of unaccompanied minors. This comprises the complexity for desk officers/officials to ensure safe/proper reception in the country of origin; to deliver a negative decision and, at the same time, motivate a safe return. - Preparing a decision. This comprises the complexity of ensuring proper analyses of plausible consequences of a negative decision, taking into consideration the UN Convention on the Right of the Child (CRC). - And – correlating to the above – ensuring that desk officers/officials <i>manage the interview situation appropriate for the child</i>, thus providing a proper investigation of the minor's asylum reasons along with the legal representative and/or custodian and in line with the CRC.
	United Kingdom	Yes	

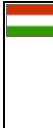

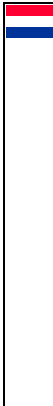






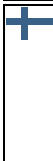
		Wider Dissemination? ³	<p>Ad-Hoc Query 2 Please state which networks of practitioners and researchers exist in your country with regard to migrant children/children in the asylum process</p>
	Belgium	Yes	<p>On the one hand, there is an official network (asylum departments of the Ministry of the Interior : Immigration Department, Office of the Commissioner general for refugees and stateless persons (CGRS); Service des Tutelles [Guardian service for unaccompanied foreign minors] of the Ministry of Justice ; Fedasil (federal agency for the reception of asylum applicants) and on the other hand a network consisting of some twenty NGOs and associations which coordinates the problem of minors in the field and is represented by the Plate-forme Mineurs en exil (www.mena.be).</p>
	Bulgaria	Yes	
	Czech Republic	Yes	<p>The following subjects are active in the field and participate in interagency working group on unaccompanied minors:</p> <ul style="list-style-type: none"> • Ministry of the Interior (department for asylum and migration policy, department for prevention of crime, department for security

³ A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated further. In case of "No", then the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."



Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>policy)</p> <ul style="list-style-type: none"> • Police (order and criminal police, unit for detection of organized crime) • Ministry of Labour and Social Affairs and local administration (serving as custodians) • Ministry of Education, Youth and Sports (Facility for children of foreign nationals) • Ministry of Justice and local courts • NGOs (Counselling Centre for Refugees, Organisation for aid to refugees, IOM)
	Denmark	Yes	
	Germany	Yes	<p>- Federal Association for Unaccompanied Minor Refugees (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge, www.b-umf.de)</p> <p>- Separated Children in Europe Network, German section (http://www.separated-children-europe-programme.org/index.html)</p> <p>- Deutsche Kindernothilfe (http://kindernothilfe.de/)</p>
	Estonia	Yes	<p>Estonian Union of Child Welfare</p> <p>Ministry of Social Affairs- the contact point for unaccompanied minors and trafficked children of the Baltic Council</p>
	Ireland	Yes	
	Greece	Yes	
	Spain	Yes	<p>In the case of Spain, and due to our diversity of institutions, there is no network as such, but there is a constant communication among the main NGO's, and between them and the Authorities in charge and the local and regional authorities running programmes related . The main NGO's are RED CROSS, CEAR and ACCEM and the main public institutions the OAR (Oficina de Asilo y Refugio/Spanish Asylum Board) and the Ministry of Labour and Immigration, responsible for the social assistance. , Other NGO's like IRC, play an important role as regards the connection between the asylum systema and the protection of unaccompanied foreign minors, in particular. There is also a specific organization set up by religious congregations which take care of the MENA issue based on an integral approach. This is the Padres Mercedarios congregation, specialised in migrants and refugees, which has a special programme in management and study, research and activity related with unaccompanied minors who are asylum seekers.</p>
	France	Yes	
	Italy	Yes	
	Cyprus	Yes	<p>The Guardian of unaccompanied minors, according to the Refugee Laws of 200-2007, is the Director of the Social Services- Welfare Office. Therefore, psychological, medical and educational support is provided by the competent governmental bodies, through the decisions taken by the Director according to the best interest of the child.</p>
	Latvia	Yes	<p>Taking into account the amount of cases where unaccompanied minors had been involved during the previous years the special network had not been created. In all cases the solutions are made according to the provisions set up in the Asylum Law.</p>
	Lithuania	Yes	<p>IOM Vilnius participates in Council of the Baltic Sea States network of practitioners created in the framework of the project “Baltic Sea Region Comprehensive Assistance to Children Victims of Trafficking Training Programme“</p>
	Luxembourg	Yes	

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	Hungary	Yes	<ul style="list-style-type: none"> - “Menedék” Hungarian Association for Migrants http://menedek.hosting1.deja.hu/en/, is promoting the participation of migrant children in the Hungarian educational system. - “Hungarian Interchurch Aid” http://www.hia.hu/object.9ff13eb0-ffaf-4ec7-9401-651b4b19111f.ivy, launched a special program for unaccompanied minors at the Reception Center where they are accommodated during the asylum process.
	Malta	Yes	
	Netherlands	Yes	<p>Practitioners, amongst others:</p> <ul style="list-style-type: none"> - Ministry of Justice (policy making) - Ministry of Justice , Immigration and Naturalisation Service (execution of policy) - Ministry of Justice, Repatriation and Departure Service - Ministry of Justice , Central Agency for the Reception of Asylum Seekers - SAMAH (helps, advises unaccompanied minors) - Defence for Children (informs on rights of children) - Nidos (guardianships) <p>Research field, amongst others:</p> <ul style="list-style-type: none"> - Ministry of Justice, Research an Documentation Centre (WODC) - Immigration and Naturalisation Service, Information and Analysis Centre (INDIAC) - Advisory Committee on Migration Affairs (ACVZ) <p>Research units linked to universities as Erasmus, University of Nijmegen, etc</p>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that it is not disseminated further.
	Poland	Yes	The Nobody's Children Foundation (www.fdn.pl) is the most known NGO dealing with the issues regarding to migrant children.
	Portugal	Yes	
	Romania	Yes	
	Slovenia	Yes	<ul style="list-style-type: none"> - Slovene Philanthropy, an Association for the Promotion of Voluntary Work (www.filantropija.org), - Legal-informational centre for nongovernmental organisations, Slovenia (www.pic.si), - Society Ključ – centre for fight against trafficking in human beings (www.drustvo-kljuc.si)
	Slovak Republic	Yes	There is no formal network of such practitioners/researchers in the Slovak Republic. However, the agenda of UAMs is primarily in hands of the Ministry of Labour, Social Affairs and Family (with close cooperation with Migration Office in case of children asylum seekers) which also coordinates (networks) assistance of other state/non-state bodies involved.
	Finland	Yes	<p>In Finland there are several NGO’s working with migrant children. For example Multicultural Network for Child’s Best Interest* consists of nearly twenty NGO’s. Network’s aim is to promote child’s best interest through discussions and statements addressed to policy makers and officials.</p> <p>*E.g. The Finnish Refugee Advice Centre, Human rights League in Finland, Save the Children Finland, The Finnish Red Cross, Unicef</p>

Disclaimer: *The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

			<p>Finland, Plan Finland, The Family Federation, Central Union for Child Welfare in Finland, SOS-Center, Allianssi, Finnish Refugee Council.</p> <p>The Family Federation's (Väestöliitto) Kotipuu functions as a centre for expertise and resources on psychosocial issues concerning immigrants, particularly relating to family life, childrearing and parenthood.</p>
	Sweden	Yes	<ul style="list-style-type: none"> • The Nordic network between the Nordic governmental agencies/bodies on Migration; • GRACE, Gothenburg Research Group on Asylum Seeking Children in Europe • the Nordic School of Public Health, NHV; Nordic Network for Research Cooperation on refugee Children's health and wellbeing www.nhv.se
	United Kingdom	Yes	
