



# **European Migration Network**

## Ad-Hoc Query on the needs of vulnerable migrants

Requested by EMN NCP LT

Compilation produced on 27<sup>th</sup> October 2009

Responses from [Austria](#), [Belgium](#), [Estonia](#), [Finland](#), [Germany](#), [Hungary](#), [Latvia](#), [Lithuania](#), [Poland](#), [Slovak Republic](#), [Slovenia](#), [Sweden](#), [United Kingdom](#) (13 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**


Aiming to address existing gaps in Lithuanian national asylum system, which currently lacks national mechanisms to identify and address the needs of vulnerable persons including survivors of torture, sexual and gender-based violence and other forms of trauma as required by the EU acquis, in particular the Reception Directive (Art. 17 and 20), Lithuania is looking for the EU best practices in the field.

### **2. Responses**

		<b>Wider Dissemination?</b> 1	Please provide answers on following questions: <b>1. If there is a national mechanism/practice to identify and provide for persons with special needs in your country (as in Reception Directive 2003/9/EC, Art. 17, Art. 20)?</b>
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			<p><b>2. What is the legislative base for such identification?</b> (Please cite and indicate the date and title of document , if document available on Internet in English, please also provide Internet address)</p> <p><b>3. What institutions are responsible for such identification procedures?</b> (Please cite and if possible indicate the legal ground)</p> <p><b>4. If available, please describe identification procedure and procedures following such identification?</b></p> <p><b>5. Who is the national expert to be contacted on these topics for more detailed information or expertise?</b> (Please provide with contact details, if possible name, surname, position, e-mail, phone and fax number)</p>
	<b>Austria</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	<b>Belgium</b>	<b>Yes</b>	<p>1. Yes. There is a mechanism to identify and provide for persons with special needs in Belgium.</p> <p>2. The legislative base for this identification is:          Ø Law 12 January 2007 « Reception of the asylum seekers and certain categories of foreigners »          Ø Royal order 25 April 2007 about identification procedure of persons with special needs</p> <p>3. Fedasil (Federal agency for the reception of the asylum seekers) is responsible for identification procedures (legal ground: law programs 19 July 2001 about the creation of Fedasil)</p> <p>4. The social assistant meets the asylum seeker during his residence time in a reception centre (federal centres, redcross centres, NGO centres and the reception centres organized by the Centre of Public Welfare).</p> <p>After 1 month of residence, the social assistant makes the evaluation of the asylum seeker in regards with the law. He pays attention to the question if the reception centre is the best place for the asylum seeker (with the taking into account the medical, psychological and social situation of the resident).</p> <p>It's an obligation for the social assistant to have one talk with the asylum seeker to prepare this evaluation.</p> <p>The social assistant can ask the opinions of other professionals either internal or external.</p> <p>Thereafter the assistant has to write an evaluation rapport. The assistant can propose a certain arrangement to better meet the needs of the asylum seeker. This can either mean the asylum seeker is helped in the reception centre or by an external expert. In some cases a transfer to an other reception facility can be done when the current reception centre is not suited for the asylum seeker.</p> <p>The evaluation document has to be validated by the responsible of the social service or an other person designee from the direction to do it.</p> <p>The evaluation has to be repeated every six months after the first evaluation. When needed an evaluation can be done before these six months have expired.</p>

			5. The national expert by Fedasil is Ms Bieke Machiels Tel. 02/2134347 Fax 02/2134422 Bieke.Machiels@fedasil.be
	<b>Estonia</b>	<b>Yes</b>	In Estonia the mechanisms to identify persons with special need is not regulated.
	<b>Finland</b>	<b>Yes</b>	<p>1. Yes there is such a mechanism.</p> <p>2. Identification of persons with special needs is based on section 19 of the Integration Act 493/1999 of 9.4.1999 as amended by the Act 362/2005 of 27.5.2005.</p> <p>Under this provision:                      “(1) Reception conditions for asylum seekers contain accommodation, social assistance, necessary social and health services, interpretation services and other means for securing the necessary basic needs. In addition, work and study activities may be organized.                      (2) Accommodation shall be organized so that family members can reside together.                      (3) The asylum seeker’s special needs caused by her age, unprotected situation, and physical or mental condition, must be taken into account in arranging accommodation and other reception conditions.                      (4) In the reception, the best interest of the child must be taken into account. A child, who is in need of special support, must be provided with appropriate counseling and rehabilitation and appropriate mental health care.”</p> <p>3. Reception centres are responsible for identifying asylum seekers’ special needs. In practice, identification is carried out by a nurse in a health screenings that asylum seekers may undergo after settling in a centre, and by a social worker in an initial interview.</p> <p>4. Section 19 of the Integration Act obliges those who are responsible for arranging accommodation and reception conditions to take asylum seekers’ special needs caused by their age, unprotected situation, and physical or mental condition into account. Each asylum seeker may, after settling in a reception centre, go through a health screening carried out by a nurse, and an initial interview carried out by a social worker. Asylum seekers’ special needs, such as physical or mental health problems or disabilities, pregnancy, social problems, problems caused by young or old age or unprotected situation etc. are tried to be identified in this process. In addition to this, any special needs that arise or are identified by the staff of the reception centre during the reception process after the initial stage are, too, taken into account.</p> <p>Identified special needs are taken into account when organising accommodation and the reception conditions <i>e.g.</i> by referring the person concerned to a medical expert to receive necessary medical care, or to antenatal clinic to get the pregnancy followed, or <i>e.g.</i> by offering her accommodation with easy access or with enhanced privacy. The type of help depends always on the type of the needs. It is worth noting that the process of identification is rather flexible and pragmatic: <i>e.g.</i> no formal decisions on existence of vulnerabilities or special needs are taken and there is no right to appeal in the process.</p> <p>5. Please contact the Finnish EMN NCP if you require further information.</p>
	<b>Germany</b>	<b>Yes</b>	<p>1. There is no special procedure in place to ascertain if asylum seekers are in need of special protection. Throughout all stages of the asylum procedure, however, the authorities involved pay attention to signs indicating a special need of protection of asylum seekers.</p> <p>2. n.a.</p>

			<p>3. Besides the Federal Office also the foreigners authorities check if in an individual case a need for special protection is given. The German states (Länder), which normally act on behalf of the foreigners authorities, are in charge of providing accommodation (Asylum Procedure Act [AsylVfG] Section 44) and (medical) care to asylum seekers (Act on Benefits for Asylum Seekers [AsylbLG] Section 10).</p> <p>4. The foreigners authorities take into consideration the personal circumstances of asylum seekers throughout their stay in Germany to ensure that the granted benefits meet the special needs of the latter.</p> <p>If during the implementation of the asylum procedure the Federal Office gets evidence that asylum seekers have special needs, the latter are referred to foreigners authority in charge or the foreigners authority is informed by the Federal Office accordingly.</p> <p>5. A special contact person can't be named.</p>
	<p><b>Hungary</b></p>	<p><b>Yes</b></p>	<p>1. Yes, Hungary transposed these regulations of the Reception Directive 2003/9/EC into its national legislation. See these national provisions below.</p> <p>2. The <b>Act LXXX of 2007 on Asylum</b> (hereinafter referred to as: Asylum Act) and the <b>Governmental Decree 301 of 2007 on the execution of the Act LXXX of 2007 on Asylum</b> (hereinafter referred to as: Gov. Decree) regulates the rules for the identification of, reception of and support for persons with special needs. The Asylum Act in English is available at the English version of the website of the Office of Immigration and Nationality (OIN) fulfilling the tasks of the refugee authority: <a href="http://www.bmbah.hu/jogszabalyok">http://www.bmbah.hu/jogszabalyok</a> . The Gov. Decree is not available in English.</p> <p><b><u>Asylum Act</u></b></p> <p><b>Article 2 point k) defines ‘persons requiring special treatment’</b> as “a vulnerable person, in particular, a minor, unaccompanied minor, elderly or disabled person, pregnant woman, single parent raising a minor child and a person who has undergone torture, rape or any other grave form of psychological, physical or sexual violence and has special needs because of his/her individual situation”.</p> <p><b>As a basic principle Article 4 paragraph (3) stipulates that</b> “(3) The provisions of the present Act shall be applied to persons requiring special treatment with due consideration of the specific needs arising from their situation”.</p> <p><b>Article 29</b> stipulates that “(1) A person seeking recognition - in case of need - shall be entitled to free of charge provision of material conditions and to provisions and benefits specified in separate legal instruments. (2) Besides provisions referred to in subsection (1), persons requiring special treatment shall be entitled to health care provisions suited to their state of health, as determined in a separate legal rule, free of charge in case of need.”</p> <p><b>Article 30 paragraph (2)</b> says “The conditions of reception shall not be revoked or denied in case of persons requiring special treatment”</p> <p><b><u>Gov. Decree</u></b></p> <p>Two Articles under the title “The application of the rules concerning persons requiring special treatment ”</p>

		<p><b>Article 3</b></p> <p>(1) In the course of the application of the Asylum Act and the Gov. Decree the refugee authority shall examine that whether the rules of persons requiring special treatment are applicable to a person seeking recognition as a beneficiary of international protection or a beneficiary of international protection.</p> <p>(2) In the event of doubt the refugee authority may avail itself of a medical expert or psychologist in order to establish whether a person seeking recognition as a beneficiary of international protection or a beneficiary of international protection requires special treatment. The aforesaid examination may be conducted solely upon the consent of the person seeking recognition as a beneficiary of international protection or the beneficiary of international protection concerned.</p> <p>(3) The refugee authority shall inform the person seeking recognition as a beneficiary of international protection or the beneficiary of international protection on the examination to be conducted by the expert, the importance of the result of the examination, furthermore the consequences of the refusal of consent to the examination according to paragraph (4) in his/her native language or in another language he/she understands in a clear and easily understandable way.</p> <p>(4) If a person seeking recognition as a beneficiary of international protection or a beneficiary of international protection refuses his/her consent to the examination of the expert, the provisions concerning persons requiring special treatment shall not be applicable to him/her.</p> <p><b>Article 4</b></p> <p>(1) If the person seeking recognition as a beneficiary of international protection or a beneficiary of international protection is an unaccompanied minor, the refugee authority shall take the necessary steps to trace a person responsible for the minor, except for when on the basis of information that became available to the refugee authority it can be assumed that</p> <p>a) a conflict of interests exist between the person responsible for the minor and the minor or,</p> <p>b) the tracing of the person responsible for the minor with regard to the best interests of the child is not reasonable for other reasons.</p> <p>(2) The measures of the refugee authority when tracing a person responsible for the minor shall be without prejudice to Article 42 paragraph (1) of the Asylum Act (“<i>Hungarian authority or court may not enter into contact with</i>  <i>a) the country of origin of the person seeking recognition;</i>  <i>b) a country, in respect of which it may be presumed that it forwards information to the country of origin;</i>  <i>c) a person or organisation, in respect of whom or which it may be presumed that s/he or it persecuted or would persecute the person seeking recognition or would forward information to the persecutors of the person seeking recognition, if, as a result of such entry into contact, the persecutors would become aware of the fact that the person seeking recognition submitted an application for recognition or if, as a consequence of such entry into contact, the person seeking recognition or a member of his/her family were exposed to a physical threat or the liberty or security of the family members of the person seeking recognition living in his/her country of origin were exposed to a threat.</i>”) and Article 73 of the Gov. Decree (If the person seeking recognition as a beneficiary of international protection is recognized as a beneficiary of international protection the prohibition of contacting referred to in Article 42 paragraph (1) of the Asylum Act shall be applied until a decision is taken on the withdrawal of this recognition.).</p> <p>(3) When conducting the procedure according to paragraph (1) the refugee authority may avail itself in particular to the refugee authority of another Member State of the European Union, or a third-country, furthermore it may obtain the assistance of the UNHCR, the ICRC (International Committee of the Red Cross), the International Federation of National Red Cross and Red Crescent Societies and further international organizations on supporting persons in need of international protection or beneficiaries of international protection in the framework of international legal assistance according to Article 27 of the Act CXL of 2004 on the General Rules of Administrative Proceedings and Services.</p>
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		<p>Four articles under the title “Reception of persons requiring special treatment”</p> <p><b>Article 32</b> To the reception of persons requiring special treatment as defined by Article 2 point k) of the Asylum Act concerning the benefits and allowances provided for them, this chapter shall be applied with the derogations stipulated by Article 33-34.</p> <p><b>Article 33</b> (1) If it is justified with view to the special situation of a person requiring special treatment who is seeking recognition as a beneficiary of international protection, the refugee authority shall provide a separate accommodation within the reception centre to this person. (2) The integrity of the family – whenever possible – shall be maintained during the separated accommodation of the person requiring special treatment. (3) In the course of reception due account shall be taken to the interests of the minor seeking recognition for international protection. In the framework of accommodation within a reception centre the catering, clothing, mental health, health care, care and education and housing enhancing the physical, mental, emotional and moral growth and appropriate for the age, state of health, and other needs of the child shall be provided. (4) An unaccompanied minor seeking recognition as a beneficiary of international protection – until the age of 18 – shall be accommodated in a reception centre which is suitable for the separated accommodation and catering of minors. (5) The unaccompanied minor may be placed with adult relatives provided that this relative undertakes in writing to the accommodation, catering, and care of the unaccompanied minor and on the basis of the personal relationship of the unaccompanied minor and the relative it is obvious that the placing serves the interests of the unaccompanied minor. (6) Changes of residence of unaccompanied minors shall be limited to exceptional cases taking into account the interest of the minor. (7) When placing the unaccompanied minor the integrity of the family shall be provided by keeping siblings together taking into account their age and degree of maturity.</p> <p><b>Article 34</b> (1) In addition to health care services provided by Article 26 and 27 a person requiring special treatment who is seeking recognition as a beneficiary of international protection is eligible for health care services justified by his/her state of health, rehabilitation services, psychological or clinical psychological services and psychotherapy free of charge.</p> <p>One Article under the title “Benefits and support of beneficiaries of international protection requiring special treatment”</p> <p><b>Article 59</b> The rules from Article 32 to 34 shall be applicable, mutatis mutandis, to the benefits and support of those beneficiaries of international protection requiring special treatment who are accommodated in a reception centre.</p> <p><b>3.</b> It is the responsibility of the employees (case workers, social workers) of the refugee authority to identify the persons requiring special treatment in the asylum proceedings. See legal ground cited above.</p> <p><b>4.</b> There is no such specific identification procedure separated from the asylum proceedings. If a caseworker or a social worker notices that a person requires special treatment it informs the competent actors (e.g.: doctor, psychologist) or takes the necessary steps (e.g.:</p>
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			<p>accommodates the person concerned in a special facility of the reception centre, arranges for special catering, uses special interview techniques appropriate to the special situation of the client etc.)</p> <p>5. For more detailed information or expertise on these topics, please contact the HU NCP.</p>
	<b>Latvia</b>	<b>Yes</b>	<p>1. The identification of persons with special needs is a part of mandatory medical screening procedure which takes place at the beginning of asylum procedure.</p> <p>2. There is no special legislative base for the identification of persons with special needs because it is a part of mandatory medical screening procedure.</p> <p>3. According to the internal rules of the Ministry of Interior the procedure of mandatory medical screening is carried out in cooperation between the Administration of the Asylum Seekers Reception Center and the Health centre of the Ministry of Interior.</p> <p>4. Please, see the answer No.1</p> <p>5. Taking into account that the procedure of identification of persons with special needs is a responsibility of staff of Health centre there is no possibility to point out the detail information about the national expert on this topic.</p>
	<b>Lithuania</b>	<b>No</b>	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.</p>
	<b>Poland</b>	<b>Yes</b>	<p>1. Yes</p> <p>2.</p> <ul style="list-style-type: none"> <li>- Act of 13 June 2003 on Foreigners (consolidated text Journal of Laws of 2006, No. 234, item 1694 with amendments), and</li> <li>- Act of 13 June 2003 on granting protection to aliens within the territory of the Republic of Poland (consolidated text Journal of Laws of 2006 r. No. 234, item 1695 with amendments) - further: "the Act on Protection".</li> </ul> <p>The Act on Protection has been amended several times. The main amendment transposing the Reception Directive was the Act of 22 April 2005 amending the Act of 13 June 2003 on granting protection to aliens within the territory of the Republic of Poland.</p> <p>The Act on Protection is supplemented by several acts of lower legal power issued on the basis of its provisions. Relevant regulations (rozporządzenia) are issued by ministers responsible for the internal affairs and administration and for the health care.</p> <p>Chapter 4 of the Act on granting protection to aliens within the territory of the Republic of Poland ("Procedures with participation of foreigners whose psychophysical state allows presuming that they have been victims of violence or of foreigners with disabilities") - Articles: 61 – 69 in connection with Articles 72 – 73 and the relevant acts of a lower legal power, in particular:</p> <ul style="list-style-type: none"> <li>• the Regulation issued by the Minister of Internal affairs and Administration of 28 May 2008 on the form of application for refugee status (Journal of Laws 2008, no. 92, item 579);</li> <li>• the Regulation issued by the Minister of Health of 3 August 2004 on medical and sanitary examinations of aliens applying for refugee status. (Journal of Laws 2004 no. 202, item, 2079);</li> <li>• the Regulation issued by the Minister of Internal affairs and Administration of 12 August 2003 on the rules of stay in accommodation/reception centres for asylum seekers (Journal of Laws 2003, no. 146, item 1425)</li> </ul>

and others referring to unaccompanied minors and the material assistance for asylum seekers.

#### Chapter 4

#### Procedures with participation of foreigners whose psychophysical state allows presuming that they have been victims of violence or of foreigners with disabilities

##### Art. 61.

1. The authority admitting the application for granting the refugee status, submitted by an unaccompanied minor shall apply immediately to the custody court having jurisdiction over the place in which such minor stays, with an application to establish a custody to represent the minor in the proceeding for granting the refugee status and place the minor in care and educational centre.

In case the fact that the applicant is an unaccompanied minor is disclosed already during the proceeding, the President of the Office shall submit the application referred to in subpar. 1.

The President of the Office, as far as possible and taking into consideration Art. 9 shall undertake actions aimed at finding any relatives of such unaccompanied minor.

##### Art. 62.

1. The authority admitting the application shall bring an unaccompanied minor to professional non-related with the child foster family functioning as emergency shelter in crisis situations, or care and educational centre.

2. The unaccompanied minor shall stay in the professional non-related with the child foster family functioning as emergency shelter in crisis situation or in care and educational centre until the moment of giving decision by the custodian court.

##### Art. 63.

The costs of unaccompanied minor stay in professional non-related with the child foster family functioning as emergency shelter in crisis situation care and educational centre and the *costs of medical care until completion of the proceeding for granting the refugee status* by a final decision shall be financed from state budget, from the part of the minister competent with respect to internal affairs is the disposer, from the means at the disposal of the President of the Office.

##### Art. 64.

1. The Chief of the Office shall inform the custodian of the unaccompanied minor about the date and place of hearing.

2. Notification should be delivered to the custodian within the time limit enabling him/her informing the unaccompanied minor about the importance and possible consequences of the hearing and about the way of getting prepared to the hearing, not later than 7 days prior to the date of such hearing.

##### Art. 65.


1. Prior to the hearing, the President of the Office shall instruct an unaccompanied minor about actual and legal circumstances, which may affect the result of proceeding for granting the refugee status and about the possibility to make a request for being heard in the presence of an adult person indicated by him/her.


2. The hearing shall be held in a language understandable for the unaccompanied minor, in a manner considering the age of unaccompanied minor, his/her maturity and mental state as well as the fact that his/her knowledge of the real situation in the country of his/her origin may be limited.


3. The unaccompanied minor shall be heard in the presence of:

		<p>1)custodian,                  2)an adult person indicated by him/her if it does not hinder the proceedings,                  3) a psychologist or a pedagogue, who prepares an opinion about psychophysical state of the unaccompanied minor .                  4. During the hearing the custodian may ask questions or raise remarks..                  5. The authority carrying the proceeding shall inform the custodian about the possibility of recording the hearing by means of audio-video equipment.</p> <p><b>Art. 66.</b>                  The activities undertaken during procedure for granting the refugee status with participation of an unaccompanied minor shall be performed by a person, who meets at least one of the following conditions:                  1) has completed the master degree education at the faculty of law and has worked for 2 years in institutions dealing with child care;                  2) has completed a master degree education or higher vocational education and has worked for 2 years in public administration and who has passed a training in the scope of carrying out the proceedings for granting the refugee status with participation of minors;                  3) has completed a master degree at the faculty of pedagogy, psychology or sociology and has worked for 2 years in public administration,</p> <p><b>Art. 67.</b>                  1. An unaccompanied minor, who has been refused granting the refugee and against whom a decision on expulsion was rendered shall be remained in the care and educational institution until he/she is handed over to the authorities or the organizations of his/her country of origin, whose statutory functions include issues of the minors.                  2. In the event referred to in subpar. 1 the costs of stay of unaccompanied minor in the care and educational institution and the costs of his/her medical care shall be financed from the state budget, from its part which is at the gestion of the minister competent for internal affairs, from funds being at the disposition of Chief Commanding Officer of Border Guard.</p> <p><b>Art. 68.</b>                  1. The Chief of the Office shall ensure carrying medical or psychological examinations to foreigners who informs the authority carrying the procedure that was a violence victim, is disabled or whose psychophysical status allows to assume that he was the victim of violence, in order to acknowledge such circumstances.                  2. In case the medical or psychological examination confirms that the foreigner was a victim of violence or that he/she is disabled, further proceedings in the matter granting the refugee statues shall be affected:                  1) in conditions assuring a freedom of speech, in a particularly tactful manner, adjusted to the foreigner’s psychophysical state;                  2) on a date adjusted according to his/her mental and physical status, taking into consideration the dates of medical treatments undergone by such foreigner;                  3) with participation of a psychologist or MD and – if need be – of an interpreter of the sex indicated by the foreigner.                  3. In special events, justified by the health state of the foreigner, performance of the activities in the procedure for granting the refugee status shall be held in the place of his/her residence..                  4. The foreigner placed in the centre, if this is justified by his/her psychical or psychological status, shall be provided with a transport in order to give testimonies and statements in the proceedings for granting the refugee status or undergo the medical treatment..</p> <p><b>Art. 69.</b>                  Activities undertaken during the procedure for granting the refugee status or activities commentated with granting the assistance in the centre to the foreigner whose medical examination confirmed his/her being the victim of violence or his/her disability, may be carried out</p>
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		<p>by a person of the sex indicated by a foreigner and who has received a vocational training on the work of victims of crimes or violence and with persons with disabilities..</p> <p>[...]</p> <p><b>Art. 72.</b></p> <p>1. Social assistance may be granted in form of benefit in money in the events associated with organizational considerations or when it is necessary in order to:</p> <ol style="list-style-type: none"> <li>1) ensure safety to the foreigner, with special consideration for lonely women situation;</li> <li>2) secure public order;</li> <li>3) protect and maintain family relations</li> <li>4) prepare a foreigner to carrying independent life outside the centre, after rendering decision on granting the refugee status or decision refusing granting the refugee status, in which the supplementary protection or consent for tolerated stay shall be given.</li> </ol> <p>2. Decision on granting social assistance in form of monetary benefit shall be provided by the President of the Office, on foreigner's request.</p> <p>3. The President of the Office shall state expiry of a decision on granting social assistance in form of benefit in money in the following events:</p> <ol style="list-style-type: none"> <li>1) Discontinuation of any circumstances, which justified granting such assistance;</li> <li>2) Presence of any circumstances, referred to in Art. 70 subpar. 2 p. 3-6.</li> </ol> <p><b>Art. 73.</b></p> <p>1. Medical care shall include the health care services within the scope t in which the persons covered by compulsory or voluntary health insurance are entitled to the services on the basis of the Act of August 27. 2004 on health care services financed from the public funds (the Journal of Laws No. 210, item 2135 as amended), with exclusion of treatment in health-resort.</p> <p>2. Supporting a foreigner with medical care shall be provided on the basis of civil law contracts concluded between the President of the Office and service providers within the meaning of the Act, referred to in subpar. 1</p> <p><b>Art. 74.</b></p> <p>1. Social assistance and medical care shall be provided during the time of carrying the proceedings for granting the refugee status and for the period of 2 months from the date of delivery of final decision in this matter, and in the event in which the proceedings for granting the refugee status was discontinued – within the period of 14 days from the day of delivery of final decision on discontinuation of the proceedings.</p> <p>2. In case in which the foreigner notified the President of the Office in writing on his/her intention of voluntary repatriation, the period of granting social assistance and medical care shall be extended until the day, on which the foreigner should leave the territory of the Republic of Poland in a way arranged by the President of the Office.</p> <p>3. In case the separate proceedings for granting the refugee status are pending in relation to spouses staying in the centre, the periods of assistance granted to the spouses and the minor children accompanying them shall expire simultaneously with lapse of the longer period of granting the assistance.</p> <p><b>Ad.3.</b> The procedure of identification is entirely implemented by the state. Persons work in Asylum Proceeding Department and social workers being deployed in Refugee Centres are in charge of identification. All of those persons work in one governmental central institution called the Office for Foreigners.</p> <p>Other persons involved in the procedure of identification and verification the person with special needs are psychologists, whose are part</p>
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			<p>of the medical and health care service and practice on the base of civil law contracts concluded between the President of the Office and service providers.</p> <p>As it was mentioned above, the main “actors” are the Office for Foreigners, which is placed in the structure of the Ministry of Internal Affairs and Administration, and its department – the Bureau of Organization of Centres for Aliens Applying for Refugee Status or Asylum as well as doctors, social workers and psychologists working for centres.</p> <p>It seems that the assistance of NGO-s is not excluded, but rather on the next stages, during the alien’s stay in the centre, because Article 79 of the Act states that the President of the Office shall provide for and organize the running of the centres but the President may delegate its responsibility for running the centres to social organizations, associations or other natural and legal persons. They may report to the Office on identification of a person with special needs.</p> <p><b>4</b> Submitting an application for refugee status, an applicant should provide information on his/her health condition, diseases, degree of disability, information that he/she was tortured, etc.</p> <p>According to the Regulation of 12 August 2003 issued by the Minister of Internal Affairs and Administration on rules of stay in accommodation/reception centres for asylum seekers an asylum seeker is obliged to agree for medical screening after his/her arrival (paragraph 9 of the Regulation of 28 May 2008). It may help to identify asylum seekers with special needs.</p> <p>Identification is carried out by different ways:</p> <ol style="list-style-type: none"> <li>1. within the process of questioning of asylum seeker             <ul style="list-style-type: none"> <li>_ question number E, point 6 an application for granting the refugee status</li> <li>_ question number 1 the Introductory Study Protocol of asylum seeker prepared within introductory medical procedure.</li> <li>_ during the asylum seeker detailed interview (by case maker and/or social worker)</li> </ul> </li> <li>2. within the process of observation (by social workers and by case makers)</li> <li>3. on the base of statement of asylum seeker him/herself</li> <li>4. during the psychologist procedure</li> </ol> <p>The identification procedure uses different means above. This means can go together or independently, but the last word belong to the psychologist, who gives the written opinion and decide, if the person is qualified as a person with special needs or not. Every psychologist work due to his/her practice and use also other means of identification, which depends on his/her practice. Every psychologist has also own, independent questionnaire and the way of working with the asylum seeker.</p> <p><b>5</b> Ms. Justyna Jakubaszek, senior expert in The Refugee Proceeding Department, Office for Foreigners, e-mail: <a href="mailto:liliat@interia.pl">liliat@interia.pl</a>, phone number: +48 22 60 147 19</p>
	<p><b>Slovak Republic</b></p>	<p><b>Yes</b></p>	<p><b>I.</b> There is no legal provision dealing with mechanisms of such identification. Section 3, subsection 1 and 2 of the Law on Asylum could be applied here as a legal base (although it concerns only asylum facilities not the mechanism to identify persons with special needs as such). In this regard the law states:</p> <ol style="list-style-type: none"> <li>(1) The Ministry (of Interior) shall create appropriate conditions for the accommodation of minors unaccompanied by their representative at law on the territory of the Slovak Republic, for families with children and persons requiring special care in asylum facilities.</li> <li>(2) When placing an alien in an asylum facility the Ministry (of Interior) shall consider his/her age, health, and relatives, religious, ethnic and national specific features. Men shall be placed separately from women, minors from adults while taking into account</li> </ol>

			<p>family ties. Transfer of aliens from one asylum facility to another asylum facility shall only be executed in the necessary cases.</p> <p>2. Law No. 480/2002 Coll. on Asylum and Amendment of Some Acts -“Law on Asylum ” (the current English version is not available online)</p> <p>3. As mentioned above, there is no legal ground for such identification procedure, however in practice the following steps are undertaken regarding the identification of persons with special needs:</p> <p>The main responsible body would be the Migration Office of the Ministry of Interior –its social workers and decision makers (observations during the interview, recommendations for contacting the medical experts), medical specialists (in the asylum facility or in the hospital).</p> <p>Other responsible bodies would be NGOs operating in the asylum facilities – their social workers and in case of need a special psychologist can be invited.</p> <p>4. Socio-psychological profile of an asylum seeker (according to observation, interviews, etc., please see also above)</p> <p>5. There is no national expert in this area in the Slovak Republic.</p> <p><i>Note: We also recommend to visit the CIRCA database where all the questionnaires filled in by Eurasil participating states are uploaded (regarding WS on Traumatized Persons in the Asylum Procedure).</i></p>
	<p><b>Slovenia</b></p>	<p><b>Yes</b></p>	<p>1. In the Republic of Slovenia, the area of international protection (asylum) is governed by the International Protection Act that does not define directly the procedures for recognising the persons with special needs. However, there is indeed a procedure which is in more detail described under the point 4 of your query.</p> <p>2. In the second paragraph of Article 15, the International Protection Act (Official Gazette of RS no. 111/07, 111/08 – decision by the Constitutional Court /CC RS/ and no. <a href="#">58/2009</a>) defines as follows: The special needs and vulnerability by virtue of this Act shall be established on the basis of the assessment of the needs of an individual applicant, a refugee or a person who has been granted subsidiary protection.”</p> <p>3. The Ministry of the Interior is responsible for implementing the asylum policy in Slovenia and consequently the International Protection Act. It is necessary to underline that the Ministry pays special attention to these issues. In Asylum Centre there are namely special programmes being implemented to establish the vulnerability and to provide assistance to vulnerable persons with special needs. This assistance takes the form of individual and group psycho-therapeutic treatment. The programmes have been approved and co-funded by the European Refugee Fund. The victims of sexual and gender based violence in Asylum Centre are dealt with by a special working group including besides the Ministry of the Interior also the United High Commissioner for Refugees, the Ministry of Justice and non-governmental organisations, the Society “Ključ” (Key) – Centre for Countering Trafficking in Human Beings, Society for Non-violent Communication and the International Jesuit Refugee Service - Europe, Legal Information Centre of the Slovene NGOs and the Slovene Philanthropy. The basis for the activities of this working group is the signed agreement on the SOP (Standard Operative Procedures). The goal of this group is to allow the cooperation of all the above signatories in preventing sexual and gender based violence as well as in acting if such a case has been</p>

			<p>detected. The result of the signatories' common action is the action plan, containing the necessary measures to protect these victims.</p> <p>4. The first identification is based on the allegations of the person applying for international protection, made to the competent official in the procedure of submitting the application. Certain forms of vulnerability by virtue of the International Protection Act are not difficult to identify (children, unaccompanied minors, disabled persons, elderly persons, pregnant women, single parents etc.). It is more difficult to identify the cases involving victims of rape, torture and other forms of physical or sexual violence, particularly if the applicant is not willing to disclose such information. These forms of vulnerability are normally identified later, as the applicant starts trusting the Asylum Centre's personnel or members of the non-governmental organisations and reveals his or her problems. After the suspicion that the person might be a victim the SOPS, the working group is engaged on the initiative of the person who expressed the suspicion. The SOPS working group who is (if necessary) joined by the relevant experts deals with each case individually and prepares the action plan of measures regarding the treatment and the rehabilitation.</p> <p>5. Detailed information is available at the Migration and Integration Directorate – International Protection Division or Asylum Centre (phone: 00386-1-200-84-01, e-mail: <a href="mailto:smz.mnz@gov.si">smz.mnz@gov.si</a> and <a href="mailto:dmi.mnz@gov.si">dmi.mnz@gov.si</a>).</p>
	<p>Sweden</p>	<p>Yes</p>	<p>I. Yes, there are – yet a thorough presentation on the mechanism/practice and thus what applies for unaccompanied children, other children, individuals exposed for torture, rape and/or other serious forms of psychological, physiological or sexual violence, as well as individuals with special needs would however be quite a comprehensive presentation. Several diverse groups are involved, all with different needs, and the responsibility for these individuals is distributed amongst for instance the Migration Board, the County Council and the local authorities/municipality.</p> <p>According to the Law (1994:137) on Reception of Asylum Seekers and others, in short “LMA” [<i>lagen (1994:137) om mottagande av asylsökande m.fl., LMA</i>], the Migration Board has the main responsibility for the reception of asylum seekers. In the Migration Board’s task to provide accommodation (§ 14, LMA) includes such support that allows the foreigner to manage his/her living at an accommodation centre. The Board arranges necessary support measures – managed by the Board or procured service – for instance for individuals with mental disorder, various handicap, elderly suffering form senile dementia, protected accommodation for women etc. etc. The Board covers the expenses for these support measures.</p> <p>In accordance with the legislation for social welfare, the residence municipality and the local authorities are responsible for shelter for <i>all</i> youth and children – and this regardless if they are living in the municipality or seeking asylum. Public reimbursement is provided the municipality.</p> <p>The residence municipality is also accountable for providing asylum seeking children, if required, special school (including for mentally retarded children). The municipality shall furthermore assign children, who by physical, psychological or other reasons need special support for their development, a place in nursery school or children’s leisure centre – unless the child’s needs are provided for by other means. The municipalities shall, through visiting work, find out which children needs to be assigned such place(es). No public reimbursement is provided, yet after special assessment/examination, the Migration Board may compensate a municipality or a County Council for extra costs related to pupils with special needs, as well as other extraordinary costs for nursery schools. In such cases, the Board covers the actual cost for the required resources for the individual pupil.</p> <p>From July the 1<sup>st</sup>, 2006, the municipalities are responsible for the reception of unaccompanied children. The municipalities shall provide children accommodation and make sure they receive necessary support and assistance. The municipalities receive public reimbursement</p>

		<p>for cost related to the reception of unaccompanied children.</p> <p>The Law (2008:344) on Health- and Medical Treatment for Asylum Seekers and Others [<i>lagen (2008:344) om hälso- och sjukvård åt asylsökande m.fl.</i>] entered into force on June the 1<sup>st</sup> 2008, and regulates the County Councils' obligation to provide asylum seekers and others health-, medical care and dental care. The law codifies the manner previous prescribed in specific agreements between the State and the Swedish Association of Local Authorities and Regions (SALAR). Asylum seeking children shall be provided the same health- and medical treatment as well as dental care as other children living in Sweden. Also children keeping away from execution of a decision of refusal or expulsion are provided care on the same conditions as youth and children living within the County Council. Adult asylum seekers are provided care and dental care that cannot be deferred/postponed, such as maternity health, contraception consultation and care in conjunction with abortion.</p> <p>Public reimbursement is paid according to the Ordinance (1996:1357) on Public Reimbursement for Health- and Medical Care for Asylum Seekers. The National Board on Health and Welfare's General Directions provide advice and direction for psychiatric care of minors exposed to unfair treatment/acts of cruelty, neglect, abuse, torture or cruel, inhumane or degrading treatment, or that have been subject to armed conflicts. In addition, more advice and direction for individuals with special needs is provided in a particular section on psychiatric efforts and on individuals in need for long lasting care.</p> <p><i>2. Relevant regulations for the Migration Boards responsibility:</i> Law (1994:137) on Reception of Asylum Seekers and others; Ordinance (1994:361) on Reception of asylum Seekers and others; Ordinance (1996:1357) on Public Reimbursement for Health- and Medical Care for Asylum Seekers; Ordinance (2002:1118) on Public Reimbursement for Asylum Seekers and others; Ordinance (1994:362) on healthcare fees etc. for some foreigners.</p> <p><i>Relevant regulations for the Municipalities:</i> Social Service Act (2001:453), Chapter 1, Paragraph 2; chapter 2, Para. 2; chapter 4, para.1; chapter 5, Para. 1; chapter 11, Para. 1; chapter 14, Para. 1. In addition; Ordinance (2001:976) on education, nursery school activities and schoolchildren care for asylum seeking children and others; as well as the Law on Education (1985:1100).</p> <p><i>Relevant regulations for the County Council:</i> The Law on Health- and Medical Care (1982:763), Paragraph 2; Law on Dental Care (1985:125), Paragraph 6; Law (2008:344) on Health- and Medical Care for Asylum Seekers and others; the National Board on Health and Welfare's General Directions (1995:4) Healthcare for refugees and asylum seekers.</p> <p><i>3. Answer:</i> Regarding asylum seekers with special needs, for instance elderly and disabled, the division of duties and responsibilities for various social efforts between different authorities are somewhat blurred. For instance, the division of responsibilities in these matters between the Migration Board and the residence municipalities are disputed. Please, see also the answer presented under question No. 2 above.</p> <p><i>4. In one of the Migration Board's Handbooks (Utlämningshandboken – directly translated to " the foreigners handbook"), it is stated that by the registration at a Reception Unit it should be noted if the foreigner have special needs. Regarding children and their families, a special children/family focused introductory discussion should be held in purpose to, amongst other things, assess any possible needs for support during the time they are registered in the reception system. A social investigation shall be made as soon as possible when a probable need has been identified. The social investigation constitute the basis for the decision on support efforts of social nature. If it could be suspected that the child is maltreated/neglected/abused etc., an assessment of possible urgent actions shall be made immediately.</i></p>
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	<p><b>United Kingdom</b></p>	<p><b>No</b></p>	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.</p>

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