



## Ad-Hoc Query on detention and removal of minors

Compilation produced on 19<sup>th</sup> January 2015

Responses from Austria, Belgium, Czech Republic, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Romania, Slovak Republic, Spain, Sweden, United Kingdom plus Norway (18 in Total)

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### 1. Background Information

In Belgium, different measures were taken over the last years to avoid detention of minors in the context of migration politics. **Unaccompanied minors** are explicitly excluded from detention by law and are not being detained (except during age assessment procedures). Although families with minor children (**accompanied children**) can legally still be detained under specific circumstances (for a short period and in specifically adapted facilities), minors are in practice not being detained (unless exceptions – for more information see answer below).

Families with minor children are offered alternatives to detention. Specific open family units were created since 2005, which are state-owned private houses or apartments. Families can stay there for the time necessary for the identification and to prepare return. During their stay in the family units, the families are closely assisted by a coach of the Immigration Office. More recently, some families are staying in their own houses until return, and they are also accompanied by a coach.

In conformity with the legal possibility to detain families with minor children in facilities adapted to the needs of families, the new government

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agreement (October 2014) foresees to create in the near future specialized, adapted detention units in the area of one of the detention centres. This would be a measure of last resort to be able to effectively remove the detained minor (and their family).

We are very interested to know what is foreseen in theory and practice in other (Member) States on detention of minors and we would like to have some statistics as well, specifically on the number of detained minors and the numbers that can effectively be removed from the territory.

We realize this ad-hoc query is related to the two 2014 EMN studies. However, many of the national studies are not available yet and/or we cannot find the answer to our specific questions on statistics. Therefore we would be grateful to have a reply on the following two questions. We emphasize that we would like to have an understanding of what happens in practice in your (Member) State on this issue.

We would be very grateful to have a reply on our questions **before Monday 8 December 2014**.

**Questions**

**1. Possibility to detain minors.** Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?

Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?
Unaccompanied minors			
Accompanied minors			

**2. Statistics on detention and forced removal of minors.**

a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.


b) Can you provide some information on the average and maximum period minors are being detained?

	Detention of minors				Forced removal of minors from detention			
	2011	2012	2013	2014	2011	2012	2013	2014
Number of accompanied								


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minors								
Number of unaccompanied minors								
Total								

**2. Responses**

		Wider Dissemination?				
	<b>Austria</b>	<b>Yes</b>	<p><i>1. Possibility to detain minors. Is it possible to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?</i></p>			
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?
			Unaccompanied minors	Yes. Only minors who are younger than 14 years old cannot be detained (Art. 76 para 1a Aliens Police Act).	Foreign nationals below the age of 16 can be detained if accommodation and care are provided that are appropriate for their age and level of development (Art. 79 para 2 Aliens Police Act).  Minors are to be detained separately from adults. If detention was imposed also on the parents or guardians of the minor then he/she is to be detained together with them, unless the well-being of the minor requires separate detention (Art. 79 para 3 Aliens Police Act).  Minors who are 14 years or older can only be detained for a maximum	Austrian legislation does not differentiate between accompanied and unaccompanied minors.



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					period of two months (Art. 80 para 2 subpara 1 Aliens Police Act)			
			Accompanied minors	Yes. Only minors who are younger than 14 years old cannot be detained (Art. 76 para 1a Aliens Police Act).	Foreign nationals below the age of 16 can be detained if accommodation and care are provided that are appropriate for their age and level of development (Art. 79 para 2 Aliens Police Act).  Minors are to be detained separately from adults. If detention was imposed also on the parents or guardians of the minor then he/she is to be detained together with them, unless the well-being of the minor requires separate detention (Art. 79 para 3 Aliens Police Act).  Minors who are 14 years or older can only be detained for a maximum period of two months (Art. 80 para 2 subpara 1 Aliens Police Act)	Austrian legislation does not differentiate between accompanied and unaccompanied minors.		
			2. <i>Statistics on detention and forced removal of minors.</i> <i>Not available.</i>					
	<b>Belgium</b>	<b>Yes</b>	1. Possibility to detain minors.					
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?		
			Unaccompanied minors	No. Unless for a short period during age assessment (see comment).	No. Unless for a short period during age assessment (see comment).	UM are explicitly excluded from detention by law. There is only one exception: if there is doubt about the age of the person claiming to be a minor (doubt on the fact that the person is below the age of 18 years), he or she can be detained during an age assessment for a maximum of 3		

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			<p>Accompanied minors</p>	<p>Yes, but only if the detention facilities are 'adapted to the needs of families with minor children' and 'for as short as possible duration'.</p>	<p>No. In practice, in recent years accompanied minors were not being detained. Two remarks (exceptions) must be made:</p> <p>1) Families can now still be detained for a short period on arrival (maximum of 48 hours) or just before departure (the night before a removal).</p> <p>2) In conformity with the legal possibility to detain families with minor children in facilities adapted to the needs of families, the new government agreement (October 2014) foresees to create in the <u>near future</u> specialized, adapted detention units for families with minor children in the area of one of the detention centres. This would be a measure of last resort.</p>	<p>working days, renewable once.</p> <p>Instead of being detained, families at the border and families who are irregularly staying on the territory are now sent to <i>Family Identification and Return Units</i> (below called 'family units') or are being coached from there own houses. More information in the <u>Belgian 2014 EMN study</u>.</p>				
<p>2. Statistics on detention and forced removal of minors from detention.</p> <p>a) See table</p> <p>b) As said, unaccompanied minors can only be detained if there is doubt about the age of the person claiming to be a minor (doubt on the fact that the person is below the age of 18 years). In this case, he or she can be detained during an age assessment for a maximum of 3 working days, renewable once. The average duration of detention in this case is 3 working days. There are no forced removals of unaccompanied minors (hence, no detention prior to removal).</p> <p>Accompanied minors (families with minors) are now still being detained for a short period on arrival (maximum of 48 hours) or just before departure (the night before a removal). Longer detention is at the moment not done.</p>										
			Detention of minors				Forced removal of minors from detention			
			2011	2012	2013	2014	2011	2012	2013	2014
Number of accompanied minors	Statistics not available – only counted	Not available	Not available	Not available 104 persons with children – unfortunately no	Statistics not available (only since	Not available – max 5 familie	Not available – max 5 familie	1 family (until 31/10)		

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					separately since 2014			dissemination between adults and children)	2014) – s s				
					Number of unaccompanied minors	17 (pending age assessment)	19	7	8	0	0	0	0
					Total	Not available	Not available	Not available	Not available	Not available	Not available	Not available	Not available
	<b>Czech Republic</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.										
	<b>Finland</b>	<b>Yes</b>	Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?							
			Unaccompanied minors	Yes. The <i>legal</i> conditions for detention are similar for all aliens, regardless of their status or age.	Yes. The detention of unaccompanied minors is an extreme measure applied only in exceptional circumstances. The cases have been only a few annually and they often involve criminal activity or risk thereof of the detainee.	There is a proposal for a amendment currently being discussed in the Finnish Parliament. The proposal includes e.g. the following elements: - General conditions for all measures are listed in a provision - The last-resort nature of detention is clearly stated - Conditions for detention are according to the provisions of the Reception Conditions Directive - The detention of UAMs under 15 is prohibited. - The detention of UAMs 15 years of age or older is possible only if a decision to deport them has been made enforceable.							

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				<p><u>General conditions for the use of any interim measure</u> are listed in Section 118 of Aliens Act:</p> <p>An alien may be obliged to report at regular intervals to police or border control authorities if this is necessary for:</p> <ol style="list-style-type: none"> <li>1) establishing that he or she meets the requirements for entry into the country; or</li> <li>2) preparing or ensuring the enforcement of a decision on removing the alien from the country, or for otherwise supervising that the alien leaves the country.</li> </ol> <p><u>The specific conditions for detention</u> are included in Section 121 of Aliens Act:</p> <p>Instead of the interim measures referred to in sections 118–120, an alien may be ordered to be held in detention if:</p> <ol style="list-style-type: none"> <li>1) taking account of the alien’s personal and other circumstances, there are reasonable grounds to believe that the alien will prevent or considerably hinder the issue of a decision concerning him or her or the enforcement of a decision on removing him or her from the country by hiding or in some other way;</li> <li>2) holding an alien in detention</li> </ol>		<ul style="list-style-type: none"> <li>- Children can be detained together with their guardian only if it is necessary to maintain the familial bond with them.</li> <li>- The detention period of UA cannot exceed 72 hours. For special reasons this period can be extended for another 72 hours.</li> </ul>	<p>detained together with their guardian only if it is necessary to maintain the familial bond with them.</p> <p>period of UA cannot exceed 72 hours. For special reasons this period can be extended for another 72 hours.</p>
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			<p>is necessary for establishing his or her identity; or</p> <p>3) taking account of the alien's personal and other circumstances, there are reasonable grounds to believe that he or she will commit an offence in Finland.</p> <p>Holding an alien in detention on grounds that his or her identity is unclear requires that the alien gave unreliable information when the matter was processed or refused to give the required information, or that it otherwise appears that his or her identity cannot be considered established.</p> <p>Section 121 of Aliens Act defines the risk of absconding. It may be present e.g. if a person has failed to comply with an interim measure provided for in Sections 118-120.</p> <p>Section 122 regulates the procedure for the detention of children: Before a person under 18 years of age is placed in detention, the representative of social welfare authorities shall be heard.</p>		
		Accompanied minors	See above.	Yes. Minors can be detained together with their guardian(s), but it is also	See above.




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					possible to detain only one (adult) family member. The detention of families is used as a last resort.																																													
			<p>2. Statistics on detention and forced removal of minors.                  In 2012 average detention period for all children was 10,7 days and for UAMs 12 days. Same figures for year 2013 were 11,8 and 20 days respectively.</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Detention of minors</th> <th colspan="4">Forced removal of minors from detention No information available</th> </tr> <tr> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014 (until 13.10)</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>Number of accompanied minors</td> <td>13</td> <td>22</td> <td>31</td> <td>19</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>Number of unaccompanied minors</td> <td>4</td> <td>4</td> <td>10</td> <td>4</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>Total</td> <td>17</td> <td>26</td> <td>41</td> <td>23</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table> <p>The statistics include only people held in the detention unit of Metsälä (which was the only detention unit in Finland until the end of October 2014). Accompanied minors can be exceptionally detained in police facilities with their adult family members, although this will be forbidden if the abovementioned legislative proposal is accepted by the Parliament. All statistics regarding minors need to be observed bearing in mind that sometimes the status of the person changes during the procedure.</p>					Detention of minors				Forced removal of minors from detention No information available				2011	2012	2013	2014 (until 13.10)	2011	2012	2013	2014	Number of accompanied minors	13	22	31	19	-	-	-	-	Number of unaccompanied minors	4	4	10	4	-	-	-	-	Total	17	26	41	23	-	-	-	-
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	<b>France</b>	<b>Yes</b>	<p>1. Possibility to detain minors.</p> <table border="1"> <thead> <tr> <th>Possibility to detain minors</th> <th>Legally possible? Yes/No Under which circumstances?</th> <th>In practice? Yes/No Under which circumstances?</th> <th>Comments?</th> </tr> </thead> <tbody> <tr> <td>Unaccompanied minors</td> <td>No.</td> <td>No.</td> <td>/</td> </tr> <tr> <td>Accompanied minors</td> <td>Minors can be admitted to a detention facility as accompanied minors, in accordance with the principle of preserving family unity and the right of minors not to be separated from their parents, guaranteed by the International Convention on the Rights of the Child.</td> <td>Since the publication of the circular, a significant reduction in the placement in detention of families has been observed.</td> <td>/</td> </tr> </tbody> </table>				Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	Unaccompanied minors	No.	No.	/	Accompanied minors	Minors can be admitted to a detention facility as accompanied minors, in accordance with the principle of preserving family unity and the right of minors not to be separated from their parents, guaranteed by the International Convention on the Rights of the Child.	Since the publication of the circular, a significant reduction in the placement in detention of families has been observed.	/																																
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			<p>Their placement in detention is carried out in suitable centres. Article R. 553-1 of the Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA) sets out a list of detention facilities that can receive families.</p> <p>The circular of 6 July 2012 stipulates that the placement in detention of families with minor children should only be envisaged as a last resort, when the family has previously failed to comply with an order to leave the French territory (<i>obligation de quitter le territoire français</i>) or has not respected the obligations associated with their assignment to residence (obligation to report to the police, in particular).</p>						
2. Statistics on detention and forced removal of minors.									
		Detention of minors				Forced removal of minors from detention			
		2011	2012	2013	2014 (until 31 <sup>st</sup> October)	2011	2012	2013	2014 (until Novemb
	Number of accompanied minors	487	137	92	67	57	52	56	67
	Number of unaccompanied minors	/	/	/	/	/	/	/	/
	Total	487	137	92	67	57	52	56	67
<p>There is no information available on the average and maximum period minors are being detained. In 2013, the average length of time in detention of all categories of third-country nationals in detention in Metropolitan France was 11.9 days.</p>									

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	<b>Germany</b>	<b>Yes</b>	1. Possibility to detain minors. Is it possible to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?				
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	
			Unaccompanied minors	Yes. Unaccompanied minors “may be taken into custody awaiting deportation only in exceptional cases and only for as long as is reasonable taking into account the well-being of the child” (§ 62 para. 1 sentence 3 of the Residence Act). Generally, according to § 42 para. 1 sentence 1 number 3 of the Social Code Book VIII, Youth Welfare Services are obliged to take unaccompanied minors into care.	Yes. A large number of Federal Länder have imposed further-reaching regulations relating to the detention of minors in decrees and administrative regulations in relation to detention pending deportation. In principle, Berlin, Hesse, Saxony, Schleswig-Holstein and Thuringia say that minors under the age of 16 should not be taken into detention pending deportation, although in some cases they are being detained, as, for instance, in Saxony. In North Rhine-Westphalia on the basis of a decree, – unless they have committed a criminal offence – minors may not be detained if they are attending school, have a training position or a job or are still living with their parents or if they have been taken into care by the Youth Welfare Services in accordance with § 42 para. 1 of the Social Code Book VIII and can be accommodated in a suitable youth welfare facility or if there is no suitable place available at a prison that ensures the well-being of the minor, or if they are under the age of 16. In Rhineland-Palatinate, it is regulated that “an application for detention pending deportation should		

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					never be filed for young persons under the age of 18". There is a similar rule for Bavaria. In Baden-Württemberg, Bremen and Saxony-Anhalt by contrast, it is not permissible to detain minors under the age of 14.	
		Accompanied minors	Yes. The provisions set forth in the Return Directive have already been transposed in the German Residence Act, ensuring that "Minors and families with minors may be taken into custody awaiting deportation only in exceptional cases and only for as long as is reasonable taking into account the well-being of the child" (§ 62 para. 1 sentence 3 of the Residence Act). Furthermore, the General Administrative Regulation specifies that, as a rule, an application for "detention pending deportation can only be filed for one parent" in families with underage children (62.0.5 General Administrative Regulations relating to the Residence Act). Decrees issued in the individual Federal Länder supplement this requirement.	Yes. The Addendum to the General Administrative Regulations of the Bavarian Ministry of Home Affairs relating to the Residence Act, says that for instance, subject to certain exemptions, only the father of the family may be detained, although this rule can be waived under certain circumstances (Administrative Regulations of the Bavarian State Ministry of Home Affairs, Construction and Transport relating to the Foreigners Act 1.62a). In addition, the Residence Act, the General Administrative Regulations relating to the Residence Act and decrees issued by the Federal Länder impose conditions for the accommodation of families with children. In Rhineland-Palatinate, the information on application of the law provided by the Ministry of 15 August 2013 says that "the well-being of the child must be safeguarded" before the parents can be detained pending deportation. In Berlin, families with children "are detained for one night at most" which serves the purpose of not		




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			ensured" by either taking away the travel documents or designating a place of residence.													
	<b>Ireland</b>	<b>Yes</b>	<p>The response to question 2 from the Principal Social Worker for the Team for Separated Children Seeking Asylum, TUSLA Child and Family Agency.</p> <p>1. Ireland does not detain minors for immigration or asylum purposes.                  2. a) 0 b) 0                  b) N/A.</p>													
	<b>Italy</b>	<b>Yes</b>	<p>1. Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?</p> <table border="1"> <thead> <tr> <th>Possibility to detain minors</th> <th>Legally possible? Yes/No Under which circumstances?</th> <th>In practice? Yes/No Under which circumstances?</th> <th>Comments?</th> </tr> </thead> <tbody> <tr> <td>Unaccompanied minors</td> <td>No. According to Art. 26,par. 6 of the Legislative Decree No. 25/2008, the administrative detention of UAMs is strictly forbidden. Although, in the event that a UAM is accused of a criminal offense (a proceeding is opened), they are assigned to the Centre for Juvenile Justice (CGM). If a guardian was not already appointed, it is done at this time, and this responsibility is given to the mayor. The child is quickly identified, whereas CGM remains in charge of any relevant responsibilities and educational support.</td> <td>No. According to Legislative Decree No. 25/2008, a UAM should be entrusted to reception centres/facilities. In practice, UAMs are initially hosted in Initial Reception Centres (CPSA), in which they are supposed to remain for no more than 48. They are then placed in reception centres for children or in foster care in families.</td> <td></td> </tr> <tr> <td>Accompanied minors</td> <td>No. According to Art. 31 of the Consolidated Act on Immigration, AMs are registered on their parents' residence permits, since they share</td> <td>If an adult parent is detained in a Centre for Identification and Deportation (CIE), the minor is entrusted to a family member, inter alia, through their return to the</td> <td></td> </tr> </tbody> </table>		Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	Unaccompanied minors	No. According to Art. 26,par. 6 of the Legislative Decree No. 25/2008, the administrative detention of UAMs is strictly forbidden. Although, in the event that a UAM is accused of a criminal offense (a proceeding is opened), they are assigned to the Centre for Juvenile Justice (CGM). If a guardian was not already appointed, it is done at this time, and this responsibility is given to the mayor. The child is quickly identified, whereas CGM remains in charge of any relevant responsibilities and educational support.	No. According to Legislative Decree No. 25/2008, a UAM should be entrusted to reception centres/facilities. In practice, UAMs are initially hosted in Initial Reception Centres (CPSA), in which they are supposed to remain for no more than 48. They are then placed in reception centres for children or in foster care in families.		Accompanied minors	No. According to Art. 31 of the Consolidated Act on Immigration, AMs are registered on their parents' residence permits, since they share	If an adult parent is detained in a Centre for Identification and Deportation (CIE), the minor is entrusted to a family member, inter alia, through their return to the	
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			<p>the same legal status. According to Legislative Decree No. 286 of 1998, if one parent is irregular, the minor is entitled to a residence permit on the grounds of minor age, since the prohibition of removal and detention also applies to AMs. If the parent is removed, the child is entitled to follow him/her to the country of origin.</p>	<p>country of origin after family tracing. If voluntary return is not possible for reasons of safety and interest of the minor, the minor is entrusted to the Social Services. The Social Services will place the child in a reception centre within the national territory while awaiting placement with a foster family or repatriation, depending on age.</p>						
			<p>2. Statistics on detention and forced removal of minors. a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments. b) Can you provide some information on the average and maximum period minors are being detained?</p>							
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			2011	2012	2013	2014	2011	2012	2013	2014
			Number of accompanied minors	0	0	0	0	0	0	0
			Number of unaccompanied minors	0	0	0	0	0	0	0
			Total	0	0	0	0	0	0	0
	<b>Latvia</b>	<b>Yes</b>	<p><b>1.</b> Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances? Immigration law defines that a minor foreigner, who has reached the age of 14 years can be detained, if there are grounds to believe that he or she will avoid the removal procedure or will impede the preparation thereof or there is a risk of absconding of the foreigner, and it is substantiated by any of the circumstances defined in the Immigration law. A detained minor foreigner who is at the age of 14 to 18 years and is not accompanied by parents or his or her legal representative, up to the end of the time period of detention is accommodated in the State Border Guard Detained Foreigners' Accommodation Centre in Daugavpils or in the relevant State Police structural unit, where the appropriate food and medical care can be provided. Detention is applied as last resort measure. In case if there is an unaccompanied minor foreigner who is under the age of 14 on the territory of the Republic of Latvia, he /she is placed in child care center or with the guardian appointed. In practice accompanied minors are not detained and are accommodated together with their detained parents. ⇒ Additional information received: <i>Adult family members are detained in accordance with provisions of Immigration law. With regard to each adult family member a</i></p>							

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			<p><i>detention protocol is made. Immigration law defines that the minor, who is under the age of 14 years shall not be detained. Taking into account that there are no other relatives staying in Latvia, with whom the minor could stay and placement of the minor in child care center is not in the best interests of the child, the minor is accommodated together with his/her parents. The Immigration law defines such possibility to place not detained children with their parents in detention center. The conditions in the detention center also allows that (children are provided with appropriate food, health care, leisure time, education, etc.). At the same time in accordance with family unity principle and because of the best interests of the minor - to be with his/her family, the minor is placed in detention center together with his/her parents (there is a separate section for families in the detention center in Latvia). The alternative to placement of minors with their parents in detention centre can be placement in child care center</i></p> <p>2. Statistics on detention and forced removal of minors.  a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.  b) Can you provide some information on the average and maximum period minors are being detained?  There was only one case of minor detained in Latvia in 2014, who after the detention was removed. The length of the detention of this minor was 48 days. The minor was removed with his relatives.  Taking into account that since 2011 there has been only one case of minor's detention with further removal, it is not possible to provide an average period of detention. The maximum period of detention of minors is the same as for adults. In accordance with Immigration law the total time period of detention may not exceed six months. The Immigration law provisions defines that a judge may take a decision on extension of the time period of detention for the time period not exceeding additional 12 months, if the foreigner refuses to co-operate or delays the receipt of the necessary documents from third countries.  ⇒ Additional information received:  <i>In reply to the second question I would like to inform that there was only 1 case of detained unaccompanied minor in 2014. He is not removed yet because of family tracing. During the time period from 2011 till 2013 there were no cases of detention of UAM.</i></p>																			
	<b>Lithuania</b>	<b>Yes</b>	<table border="1"> <thead> <tr> <th colspan="4" data-bbox="607 1038 2101 1070">1. Possibility to detain minors</th> </tr> <tr> <th data-bbox="607 1070 1037 1198">Possibility to detain minors</th> <th data-bbox="1037 1070 1464 1198">Legally possible? Yes/No Under which circumstances?</th> <th data-bbox="1464 1070 1789 1198">In practice? Yes/No Under which circumstances?</th> <th data-bbox="1789 1070 2101 1198">Comments?</th> </tr> </thead> <tbody> <tr> <td data-bbox="607 1198 1037 1385">Unaccompanied minors</td> <td data-bbox="1037 1198 1464 1385">No. UAMs are not detained. In case of UAMs the court applies alternative to detention – accommodation at the Refugees' receptions center (a social institution).</td> <td data-bbox="1464 1198 1789 1385">No.</td> <td data-bbox="1789 1198 2101 1385">Persons who claim to be UAMs and whose age has not been assessed cannot be detained as well. Lithuania faces a problems that these persons when accommodated at the social institution abscond from it.</td> </tr> <tr> <td data-bbox="607 1385 1037 1420">Accompanied minors</td> <td data-bbox="1037 1385 1464 1420">Yes. Accompanied minors can be</td> <td data-bbox="1464 1385 1789 1420">Yes. They are</td> <td data-bbox="1789 1385 2101 1420"></td> </tr> </tbody> </table>				1. Possibility to detain minors				Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	Unaccompanied minors	No. UAMs are not detained. In case of UAMs the court applies alternative to detention – accommodation at the Refugees' receptions center (a social institution).	No.	Persons who claim to be UAMs and whose age has not been assessed cannot be detained as well. Lithuania faces a problems that these persons when accommodated at the social institution abscond from it.	Accompanied minors	Yes. Accompanied minors can be	Yes. They are	
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				detained but only in exceptional cases and taking into account best interests of a child.	accommodated at the Foreigners registration center with other irregular migrants.					
1. Statistics on detention and forced removal of minors from detention										
			Detention of minors		Forced removal of minors from detention					
			2011	2012	2013	2014	2011	2012	2013	2014
		Number of accompanied minors	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		Number of unaccompanied minors	4*	0	0	0	1	0	0	0
		Total	4	0	0	0	1	0	0	0
*Detained awaiting return.										
	<b>Luxembourg</b>	<b>Yes</b>	1. Possibility to detain minors.							
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?		In practice? Yes/No Under which circumstances?		Comments?		
			Unaccompanied minors	Yes. Article 120 (1) of the amended law of 29 August 2008 on free movement of persons and immigration foresees that an unaccompanied minor can be placed in detention in an appropriate place adapted to the needs of his/her age and the best interest of the child has to be respected.		No. In practice UAMs are not placed in the detention centre by Luxembourgish authorities.		The Administrative Court in judgment n° 30869 of 25 July 2012, questioned the reliability of the age assessment test. Thus, since that judgment, an applicant for international protection claiming to be a minor will continue to be treated as such, even though the age test assessed him as being major, and the ad hoc administrator will continue to represent his/her interests during		


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										all the procedure.
			Accompanied minors	Yes. A family accompanied by a minor cannot be detained for more than 72 hours according to Article 6 (3) of the Law of 28 May 2009 concerning the Establishment and Organisation of the Detention Centre.	Yes. In practice, families with children are usually detained no longer than 24 hours in order to guarantee the return process.					

2. Statistics on detention and forced removal of minors from detention.

	Detention of minors				Forced removal of minors from detention			
	2011	2012	2013	2014	2011	2012	2013	2014
Number of accompanied minors	11	55	28	52	6	49	20	52
Number of unaccompanied minors	0	0	0	0	0	0	0	0
Total	11	55	28	52	6	49	20	52

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	<b>Netherlands</b>	<b>Yes</b>	Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	
			Unaccompanied minors in detention - forced return	Yes, but only as a last resort to realize forced return and under strict conditions and for as short as possible, in line with the European return directive 2008/115/EG. Since October 2014 UMA's are placed in de closed family facility.	Yes, as a last resort to realize forced return, for as short as possible and under strict conditions (see 'comments')	Detention of UAM's is only applied if strictly necessary and under strict conditions Since 2011, an UAM can only be placed in detention if: <ul style="list-style-type: none"> <li>• he/she is suspected of committing crime or has been convicted of a crime;</li> <li>• the departure of the UAM can be realized within 14 days;</li> <li>• the UAM has previously left the reception centre for an unknown destination or he/she has not kept to a previously imposed duty to report or measure limiting his/her liberty;</li> <li>• entry was refused to the UAM at the external border and the age of minority has not yet been established.</li> </ul> The introduction of the above mentioned criteria in 2011 has resulted in a decrease of unaccompanied minors in detention and a shorter duration of their stay. Before, unaccompanied minors were detained in a juvenile offenders institution, separate from the young offenders and with a specific daily program. From 1 October 2014, unaccompanied minors are detained in a specialized closed facility. This facility specifically addresses the needs of children and does not give the impression of a regular detention facility. The UAMs reside in a separate pavilion, where there is a supervisor. Doors are not locked. They can move freely within the boundaries of the location, which is fenced to ensure that they do not leave the facility. So the risk of absconding is reduced. A small store, a playground and internet facilities are available at the location. Furthermore there is an activity program and educational activities are provided.	necessary




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			<p>Accompanied minors - border Detention</p>	<p>Yes, but only if the criteria for the border screening are not met and for a maximum period of in principle two weeks.</p>		<p>absconding is reduced. Families can prepare their own meals. On the location a shop, a playground and internet facilities are available. Furthermore there is an activity program and educational activities are provided.</p> <p>Since 1 September 2014 a border screening for families with minor children is into force. This implies that families with minor children who arrive at the external borders, who don't comply with the formal grounds for entry into the Netherlands and who ask for asylum, are screened. The screening looks specifically at reasons for refusing entry, which include a doubtful familial relationship, or the suspicion of child smuggling and human trafficking and signs of breach of public order.</p> <p>If the outcome of this screening is that there are no demonstrable reasons to refuse entry, then the family will be placed in a regular open reception centre. If there are suspicions of child trafficking or human smuggling, then entry will be refused to the adult and he/she will be placed in border detention, after which further investigations will be carried out. The child can then be placed under temporary guardianship. If further investigations are necessary for other reasons, then entry to the Netherlands will be refused to the whole family and they will be placed in the closed family facility.</p> <p>This facility, which opened on October 1<sup>st</sup> 2014, specifically addresses the needs of children and their families and does not give the impression of a regular detention facility. Children and their parents will reside in pavilions and can move freely. The pavilions can be locked by the families and families can prepare their own meals. On the location a shop, a playground and internet facilities are available. The location is fenced to ensure that families do not leave the facility and so the risk of absconding is reduced. The fence is hidden by plantation as much as possible (a "green fence").</p>	
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										<p>Taking into account the current experiences, it is expected that only in the case of a few families further investigations will be required and that after screening the great majority of families can be placed in a regular open reception centre.</p>																																												
			<p>2. Statistics on detention and forced removal of minors from detention.</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Detention of minors</th> <th colspan="4">Forced removal of minors from detention</th> </tr> <tr> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>Number of accompanied minors</td> <td>320</td> <td>350</td> <td>170</td> <td>Not yet available</td> <td>250</td> <td>250</td> <td>120</td> <td>Not yet available</td> </tr> <tr> <td>Number of unaccompanied minors</td> <td>90</td> <td>50</td> <td>30</td> <td>Not yet available</td> <td>40</td> <td>40</td> <td>20</td> <td>Not yet available</td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>									Detention of minors				Forced removal of minors from detention				2011	2012	2013	2014	2011	2012	2013	2014	Number of accompanied minors	320	350	170	Not yet available	250	250	120	Not yet available	Number of unaccompanied minors	90	50	30	Not yet available	40	40	20	Not yet available	Total								
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	<b>Romania</b>	<b>Yes</b>	<p>1. Possibility to detain minors. Is it possible to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?</p> <table border="1"> <thead> <tr> <th>Possibility to detain minors</th> <th>Legally possible? Yes/No Under which circumstances?</th> <th>In practice? Yes/No Under which circumstances?</th> <th>Comments?</th> </tr> </thead> <tbody> <tr> <td>Unaccompanied minors</td> <td>No. See below</td> <td></td> <td></td> </tr> <tr> <td>Accompanied minors</td> <td>No. See below</td> <td></td> <td></td> </tr> </tbody> </table> <p>The unaccompanied minors that are apprehended illegally staying in Romania cannot be object of the administrative measure of public custody, this principle being applied also in the cases of accompanied minors. The later may accompany the adults against whom the measure of public custody was taken. In this period they benefit from other right provided for by the law for those cases.</p> <p>2. Statistics on detention and forced removal of minors.                  a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.                  b) Can you provide some information on the average and maximum period minors are being detained?</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Detention of minors</th> <th colspan="4">Forced removal of minors from detention</th> </tr> <tr> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>								Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	Unaccompanied minors	No. See below			Accompanied minors	No. See below				Detention of minors				Forced removal of minors from detention				2011	2012	2013	2014	2011	2012	2013	2014															
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			Number of accompanied minors	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
			Number of unaccompanied minors	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
			Total	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
			2. a. Not applicable 2. b. Not applicable 2. c. Not applicable								
	<b>Slovak Republic</b>	<b>Yes</b>	1. Possibility to detain minors. Is it possible to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?								
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?			In practice? Yes/No Under which circumstances?			Comments?	
			Unaccompanied minors	No. Unaccompanied minors cannot be detained under any circumstances.			No. Unaccompanied minors cannot be detained under any circumstances.			N.A.	
			Accompanied minors	Yes, accompanied minors can be detained according to the law only in cases when reasonably necessary and for as short time as possible.			Yes, accompanied minors can be detained according to the law only in cases when reasonably necessary and for as short time as possible.			If parents with children are detained they are placed in a police detention facility for aliens for vulnerable groups. The family is placed together and is provided with separate accommodation.	
			2. Statistics on detention and forced removal of minors. Vulnerable persons including accompanied minors can be detained only when reasonably necessary (for example if a third-country national represents a security risk for the Slovak Republic) and for the time reasonably needed up to a maximum of six months. The period of detention of vulnerable persons cannot be extended.								

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Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A																																							
	<b>Spain</b>	<b>Yes</b>	<p>1. Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?</p> <table border="1"> <thead> <tr> <th>Possibility to detain minors</th> <th>Legally possible? Yes/No Under which circumstances?</th> <th>In practice? Yes/No Under which circumstances?</th> <th>Comments?</th> </tr> </thead> <tbody> <tr> <td>Unaccompanied minors</td> <td>No</td> <td>No</td> <td></td> </tr> <tr> <td>Accompanied minors</td> <td>Minors can accompany their parents when these must be detained in a detention facility, if the General Prosecutor's Office informs favourably and there are units in the detention facilities that guarantee the unity and family privacy.</td> <td>In practice, this possibility is rarely used.</td> <td></td> </tr> </tbody> </table> <p>2. Statistics on detention and forced removal of minors. a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments. b) Can you provide some information on the average and maximum period minors are being detained?</p>	Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	Unaccompanied minors	No	No		Accompanied minors	Minors can accompany their parents when these must be detained in a detention facility, if the General Prosecutor's Office informs favourably and there are units in the detention facilities that guarantee the unity and family privacy.	In practice, this possibility is rarely used.																																	
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			Detention of minors				Forced removal of minors from detention				
			2011	2012	2013	2014	2011	2012	2013	2014	
			Number of accompanied minors	Not available	Not available	Not available	Not available	Not available	Not available	Not available	Not available
			Number of unaccompanied minors	0	0	0	0	0	0	0	0
			Total								
	<b>Sweden</b>	<b>Yes</b>	1. Possibility to detain minors. Is it possible to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?								
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?			In practice? Yes/No Under which circumstances?		Comments?		

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			Unaccompanied minors	<p>Yes. A child may be detained if</p> <ol style="list-style-type: none"> <li>1. it is probable that the child will be refused entry with immediate enforcement or the purpose is to enforce a refusal-of-entry order with immediate enforcement,</li> <li>2. there is an obvious risk that the child will otherwise go into hiding and thereby jeopardise an enforcement that should not be delayed and</li> <li>3. it is not sufficient for the child to be placed under supervision.</li> </ol> <p>A child may also be detained if</p> <ol style="list-style-type: none"> <li>1. the purpose is to enforce a refusal-of-entry order in other cases than those mentioned above or an expulsion order and</li> <li>2. on a previous attempt to enforce the order it has not proved sufficient to place the child under supervision.</li> </ol>	In practice, UAMs are very seldom detained. When it occurs, it is usually for one night in connection with the removal.					
			Accompanied minors	The same rules as above for unaccompanied inors apply	Minors in a family are usually not detained. Sometimes one parent can be detained and the other parent stays with the children.					
2. Statistics on detention and forced removal of minors.										
			Detention of minors		Forced removal of minors from detention		Not available			
			2011	2012	2013	2014	2011	2012	2013	2014


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			Number of accompanied minors	37	26	37	24																			
			Number of unaccompanied minors	8	16	10	2																			
			Total	45	42	47																				
			<p>As for number of forced removals of minors from detention, those statistics are not available. What is available is the number of UAMs turned over the police for a forced removal, 81 for 2011, 144 for 2012, 80 for 2013 and 76 and for 2014 (until Dec 7). If these minors were actually removed by the police cannot be verified.</p> <p>The average time spent in detention measured in days were:</p> <table border="1"> <thead> <tr> <th></th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>All minors</td> <td>8,1</td> <td>12,3</td> <td>1,1</td> <td>Not available</td> </tr> <tr> <td>UAMs</td> <td>1,0</td> <td>3,9</td> <td>1,0</td> <td>Not available</td> </tr> </tbody> </table>										2011	2012	2013	2014	All minors	8,1	12,3	1,1	Not available	UAMs	1,0	3,9	1,0	Not available
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			Accompanied children	Yes but only in exceptional circumstances.	Only in exceptional circumstances. In those exceptional circumstances where Border Force detains children or families with children, their cases are prioritised so that they are held for the shortest possible time, usually within a short term holding facility at the port, though depending on the circumstances of the individual case, a family may be moved to Tinsley House Immigration Removal Centre which has better facilities. Port holding rooms are only designed to hold detainees for up to 24 hours and being provided by the port operator vary in standard. Many of the larger airport locations now however have family rooms within the facilities and this may allow for family groups to be placed separately from other adults and may also, in limited circumstances, provide other facilities such as toys, furniture, nappies etc. for children.	See above			
2. Statistics on detention and forced removal of minors.									
a) The UK does not provide statistics that separate accompanied and unaccompanied minors in detention. The table below provides data for all children in detention.									
Table1:Detention and removal of minors from detention									
		Detention of minors				Forced removal of minors from detention			
		2011	2012	2013 (P)	Jan-Sep 2014 (P)	2011	2012	2013 (P)	Jan-Sep 2014 (P)
Number of accompanied minors	*	*	*	*	*	*	*	*	
Number of unaccompanied minors	*	*	*	*	*	*	*	*	
Total	130	242	229	66	61	108	84	42	
(P) Provisional figures.									

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			<p>*breakdown not available</p> <p>b) As can be seen from the table below, the vast majority of minors that are detained, are detained for 3 days or less.</p> <p>Table 2: Length of detention for Minors (accompanied and unaccompanied)</p> <table border="1"> <thead> <tr> <th>Length of detention</th> <th>2011</th> <th>2012</th> <th>2013(P)</th> <th>January-September 2014 (P)</th> </tr> </thead> <tbody> <tr> <td>3 days or less</td> <td>83</td> <td>184</td> <td>172</td> <td>56</td> </tr> <tr> <td>4-7 days</td> <td>23</td> <td>38</td> <td>39</td> <td>6</td> </tr> <tr> <td>8-14 days</td> <td>8</td> <td>5</td> <td>3</td> <td>3</td> </tr> <tr> <td>15-28</td> <td>10</td> <td>7</td> <td>6</td> <td>0</td> </tr> <tr> <td>over 28 days</td> <td>6</td> <td>8</td> <td>9</td> <td>1</td> </tr> </tbody> </table> <p>(P) Provisional figures</p>				Length of detention	2011	2012	2013(P)	January-September 2014 (P)	3 days or less	83	184	172	56	4-7 days	23	38	39	6	8-14 days	8	5	3	3	15-28	10	7	6	0	over 28 days	6	8	9	1
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