



Ad-Hoc Query on Issues Related to Care Orders

Requested by NO EMN NCP on 21 February 2014

Compilation produced on 28th March 2014

Responses from Austria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Sweden, United Kingdom and Norway (18 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

Norway has experienced cases where the Child Welfare Authorities have issued a care order for a foreign child whose parents are staying illegally in the country. A care order is a decision to place the child outside the family home, and will normally apply to cases of neglect, abuse or other serious issues, where the situation cannot be alleviated through voluntary assistance measures within the family. The implementation of such a care order will normally result in the placing of a child in foster care, and may in some cases split the family on a temporary or permanent basis.




Considerations of the best interest of the child and the return of persons without legal residence are both priorities in Norwegian immigration policy. In order to balance the two factors, Norwegian authorities are currently mapping the need for national guidelines in cases where Immigration Authorities and Child Welfare Authorities' interests overlap. These guidelines will only cover families with children and not unaccompanied children.

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.

In this regard, the Norwegian Ministry of Justice and Public Security would highly appreciate information on the following questions:

- 1) What is your national policy in cases where child welfare authorities issue a care order for a child that is seeking asylum or is illegally in the country, and what is the general experience with the implementation of this policy?
- 2) Does your country give residence permits to foreign children subject to a care order? If yes, what kind of permit is given and under which conditions?
- 3) If the child subject to a care order can be granted a residence permit, are their parents, if illegally in the country, also entitled to a residence permit? If yes, what kind of permit is given and under which conditions?
- 4) If the parents are not entitled to a residence permit, which factors are considered relevant in determining their cases?
- 5) Are alternative care arrangements in the child's country of origin considered so that the whole family may return? If yes, how is this assessed and what steps are taken, e.g. are the authorities of the country of origin contacted?
- 6) How do the immigration authorities and child welfare authorities cooperate in such cases?





2. Responses

	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Czech Republic	Yes	<p>1. Act on residence of foreign nationals (No. 326/1999 Coll., Section 87) provides for permanent residence of underage child entrusted to foster care if at least one natural person, to whom the foreign national has been entrusted, is in possession of the permanent residence permit in the Czech Republic or if the institution in which the foreign national has been placed is based in the Czech Republic.</p> <p>The right to permanent residence shall arise on the effective date of the decision on entrustment of the foreign national to foster care. If the entrustment is based on interlocutory injunction only, then the child is entitled to temporary residence without visa.</p> <p>The parents illegally present on the territory are not entitled to residence permit on the same basis as their child. However, there are several ways how to solve their situation and provide for enjoyment of visitation rights: (a) leaving the territory and applying for visa abroad, (b) applying for long-term visa for tolerated stay (leave to remain) on the territory, (c) decision on administrative expulsion shall not result in an inadequate impact on the private or family life, which can be stated already by the Police or by the Ministry of the Interior that in giving its binding opinion examines compliance with i.a. European convention on human rights (Article 8).</p>
	Estonia	Yes	<p>The provisions of the Family Law Act shall be applied to the representation of an alien who is an unaccompanied minor. Pursuant to the Family Law Act guardianship is established for the purpose of raising a child and for protection of his or her personal and proprietary rights and interests. Guardianship is established for a child whose parents are deceased, missing or with restricted active legal capacity, or is deprived of parental rights. Guardianship may also be established for a child who for other reasons is left without parental care.</p> <p>According to Act on Granting International Protection to Aliens an unaccompanied minor may be represented by a natural or legal person who is reliable and has the knowledge and skills needed for representing an unaccompanied minor. The Police and Border Guard Board may enter into a contract with such person for the representation of the unaccompanied minor in the proceedings.</p>


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

			<p>2. According to Aliens Act there is possibility to issue a temporary residence permit to settle with close relative. As above mentioned Act § 150 1(4) regulate: to a ward in order to settle with the guardian who permanently resides in Estonia if the permanent legal income of the guardian ensures the subsistence of the ward in Estonia.</p> <p>3. No, parents should apply for a residence permit to stay in Estonia on their own bases. There haven't been such cases.</p> <p>4. Persons who stay illegally in the country should live voluntarily or would be deported.</p> <p>5. According the Family Law § 135 (1) a court may separate a child from the parents only if damage to the interests of the child cannot be prevented by other supporting measures applied in the relationship between the parents and the child. In case where the child is already under custody, separation from parents is possible. There haven't been such cases. A court shall make a decision primarily in the interests of the child, taking into account all the circumstances and the legitimate interest of the relevant persons.</p> <p>6. Estonia does not have any guidelines or rules on how the authorities should cooperate in such cases. Best interests of a child should be considered.</p>
+	Finland	Yes	<p>1. There is no separate policy. The Child Welfare Act applies to all children in the territory of Finland, regardless of their background or legal status. Care orders may therefore be issued also for children, who are seeking asylum or illegally in the country, in the same way as with Finnish nationals.</p> <p>2. Decisions are made on case a case-by-case basis. In practice, children who are subject to care orders have been issued a residence permit on compassionate grounds (unless they have been entitled to international protection).</p> <p>3. As with children, also decisions for the parents are made on a case-by-case basis. In practice, it is common that also the parents are issued a residence permit based on compassionate grounds: often the reason for a care order has been a particularly weak mental state of the parent, which in itself has made refusing a residence permit manifestly unreasonable. The parent may also be granted a residence permit on the basis of family ties to the child, who is subject to a care order.</p> <p>4. In exceptional situations the parent has been refused a residence permit. This has occurred in situations, where custody of the child has been removed from the parent, for example as a result of domestic violence. It is worth noting that such situations have been rare. Furthermore, there is no recent example of a situation like this and therefore there is not what we could call a "current practice".</p> <p>5. This is not considered impossible, if child welfare and conditions in the country of origin were sufficiently good and return there would be in the best interest of the child. However, Finland has no experience of this.</p> <p>6. See above: N/A.</p>




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

	France	Yes	<p>1 and 2. The French legislation differs from other European legislations in terms of childhood protection. Third country nationals under the age of 18 (age of the civil majority in France) who are staying in France with their parents are not required to be in possession of a residence permit according to the French law. Thus, as minors, they are never considered as staying irregularly in France.</p> <p>3. Care orders of foreign children (under the age of 18) decided by the judicial authorities have no effect on the right of residence of their parents.</p> <p>4. Considerations of the best interest of the child are relevant in determining the parents' cases regarding their residence permit.</p> <p>5. N/A. The provisions of article L.511-4 (paragraph 1) protect foreign children against any removal order. It is only when the minor becomes 18 that he/she can be subject to a removal order, even if the refusal of his/her residence permit request occurred before he/she was 18.</p> <p>6. N/A</p>
	Germany	Yes	<p>Unfortunately, the BAMF cannot help answer questions concerning child care. Such information are not available here. I hope that, next time, we shall be able to provide more input!</p>
	Hungary	Yes	<p>Hungary does not have a consistent national policy in this matter, therefore, is unable to provide any relevant contribution.</p>
	Ireland	Yes	<p>1. The Child Care Act 1991 dictates the care provision for any child brought into the care of the State, with no difference for a child who is separated or indigenous to the Irish population. The national policy for children in care is that State officers have to see to the child's best interests and welfare, and act in loco parentis i.e. the prudent parent. It is also informed by the national standards for children in care which specifically speaks to accommodation of children in care i.e. residential children's homes and foster care, education, health, spiritual and social needs. In Ireland, the legal status of a child in the care of a State has no relevance to the standard of care provision provided. With the exception, that the State does ensure that the specific needs of the separated child in Ireland are attended to.</p> <p>2. In general, no. If a foreign child is in the care of the Irish State, they enjoy the protection of the Child Care Act 1991. In the case of a refugee or subsidiary protection status recognition, the child is granted a permit to ensure residency post-18 years of age.</p> <p>3. A child under a care order who has been declared a refugee or subsidiary protection holder is entitled to apply for family reunification according to standard procedures. In other circumstances, a child could apply to have their parents' deportation order quashed. The best interest of the child is always considered.</p> <p>4. N/A.</p> <p>5. N/A</p>


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

			6. N/A
 Latvia	Yes	<p>1. <i>What is your national policy in cases where child welfare authorities issue a care order for a child that is seeking asylum or is illegally in the country, and what is the general experience with the implementation of this policy?</i> In the Section 6, Paragraph one of the Protection of the Rights of the Child Law there is stated that in lawful relations that affect a child, the rights and best interests of the child shall take priority. In the Section 3, Paragraph two of the Protection of the Rights of the Child Law there is stated that the State shall ensure the rights and freedoms of all children without any discrimination. Thereby the same regulation as to child who is Latvian citizen is applied concerning a child who is seeking asylum or is illegally in the country.</p> <p>2. <i>Does your country give residence permits to foreign children subject to a care order? If yes, what kind of permit is given and under which conditions?</i> According to Section 23, Paragraph one, Clause 17 of the Immigration Law a child has the right to request a temporary residence permit for a period of time, for which guardianship is established over him or her. Above mentioned means that till reaching lawful age child is able to stay in state with guardian with temporary residence permit.</p> <p>3. <i>If the child subject to a care order can be granted a residence permit, are their parents, if illegally in the country, also entitled to a residence permit? If yes, what kind of permit is given and under which conditions?</i> There is no possibility for child's parents to receive a residence permit in case their child has received a residence permit related to guardianship. If after five year residence with a temporary residence permit the child has received permanent residence permit, his or her parents have right to apply for temporary residence permit once in a calendar year for a period of time which does not exceed six months.</p> <p>4. <i>If the parents are not entitled to a residence permit, which factors are considered relevant in determining their cases?</i> If it is in child's interests and it is established that it is necessary for child's parents to stay in the state, for example, for returning child in a family, than in such cases it is possible for child's parents to apply for temporary residence permit on reasons of a humanitarian nature.</p> <p>5. <i>Are alternative care arrangements in the child's country of origin considered so that the whole family may return? If yes, how is this assessed and what steps are taken, e.g. are the authorities of the country of origin contacted?</i> This question is in competence of authorities of the protection of the rights of the child. According to the Section 27, Paragraph one Law on Orphan's Court if an Orphan's court detects that an orphan or a child who is left without parental care, or another person lacking capacity to act who is not a citizen of Latvia or a non-citizen of Latvia, lives or resides in the territory of the operation thereof, such Orphan's court shall inform a competent guardianship or trusteeship authority of the State, in which the child or another person lacking capacity to act is a citizen, or a guardianship or trusteeship authority of the previous country of domicile without delay and shall request to evaluate the necessity to establish guardianship or trusteeship and to appoint a guardian or a trustee.</p> <p>6. <i>How do the immigration authorities and child welfare authorities cooperate in such cases?</i></p>	

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

			Since the rights and best interests of the child shall take priority, then all decisions of authorities of the protection of the rights of the child are taken into account. And if a guardianship is established a residence permit is issued to a child. Accordingly the protection of interests of child has priority over legal consequences by legal regulation of immigration.
	Lithuania	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Luxembourg	Yes	<p>1. In Luxembourg there is not a specific national policy in regard with irregular migrant children or minor whose parents have applied for international protection, who have been neglected or abused. These type of situations are regulated by article 7 and 8 the Youth Protection Act of 10 August 1992 (Loi du 10 août 1992 relative à la protection de la jeunesse). This law applies to all children in Luxembourg, regardless of nationality, citizenship or residence permit, but it is not clear from current law or practice if/when a long-term care order may be issued when a child is illegally in the country or seeking asylum. An ad-hoc administrator is immediately appointed according to the Civil Code. Article 42 (3) of the amended Law of 5 May 2006 expressly indicates that the best interest of the child is fundamental in the international protection application process and the case has to be analyzed individually.</p> <p>2. Luxembourg can grant residence permit to these children. If a child had been abused and neglected and is an asylum seeker s/he can be granted an international protection residence permit and if it is an irregular migrant child it can benefit from a residence permit for private reasons based on humanitarian reasons of exceptional gravity (article 78 (3) of the (Immigration Law).</p> <p>3. In these cases the Luxemburgish authorities will analyze the situation on a case by case basis.</p> <p>4. See answer question 3.</p> <p>5. No. In these cases, the child welfare and the immigration authorities will consult together in order to find a solution in the best interest of the child. There are no guidelines on cooperation between the administrative authorities and the Youth Court.</p>
	Malta	Yes	<p>1. What is your national policy in cases where child welfare authorities issue a care order for a child that is seeking asylum or is illegally in the country, and what is the general experience with the implementation of this policy? Care Orders are mainly issued in cases of unaccompanied minors asylum seekers. Other instances where care orders may be issued are in cases of child neglect and abuse.</p> <p>2. Does your country give residence permits to foreign children subject to a care order? If yes, what kind of permit is given and under which conditions? No. The care order protects the unaccompanied minor to stay in the country till the age of 18.</p> <p>3. If the child subject to a care order can be granted a residence permit, are their parents, if illegally in the country, also entitled to a residence permit? If yes, what kind of permit is given and under which conditions?</p>




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

			<p>No.</p> <p>4. If the parents are not entitled to a residence permit, which factors are considered relevant in determining their cases? We have never encountered such cases but the principle would be the best interest of the child. If the child deserves protection and the parents do not, the child would get the protection that he is eligible for (whether Refugee or subsidiary) and the parents would be granted local temporary humanitarian protection in view of the child's best interest and family unity.</p> <p>5. Are alternative care arrangements in the child's country of origin considered so that the whole family may return? If yes, how is this assessed and what steps are taken, e.g. are the authorities of the country of origin contacted? N/A</p> <p>6. How do the immigration authorities and child welfare authorities cooperate in such cases? Whenever care orders are issued the children concerned cannot travel out of Malta without authorization from the Minister concerned. Therefore the immigration authorities are informed in order to enforce this travel ban. This is obviously possible for flights directed outside the EU.</p>
	Netherlands	Yes	<p>1. There is no official policy in cases where child welfare authorities issue a care order for a child that is seeking asylum or is illegally in the country. Decisions on residence applications on behalf of children with a child protection measure (see below) are made on a case by case basis by the Immigration and Naturalisation Service. In the Netherlands, to secure the development of a child the court can impose a child protection measure, regardless of nationality, citizenship or residence, according to the Dutch Civil Code. There are three child protection measures: 1. A family supervision order (Ondertoezichtstelling) If the court imposes a family supervision order, the child is awarded a family guardian from the Youth Care Agency. The parents keep restricted authority over their child. Basically, the child remains at home. However, the judge can decide to place him (temporarily) in a foster family or hostel (a placement under a <i>care and protection order</i>). A family supervision order can be imposed for a maximum of twelve months. It can be extended. The maximum period of a care and protection order is one year. It can also be extended. 2. Relief If the parents are not capable to parent and care for their child, the court will determine that someone else will be given authority over the child for an indefinite period of time. Usually, this is the Youth Care Agency. This organisation will have the guardianship over the child in that case. The child is brought up in a foster family or hostel. 3. Discharge When the parents show culpable misbehaviour towards their child, they can be discharged from parental authority by the court. The authority over the child is mostly delegated to the Youth Care Agency that will then have the guardianship over the child. The child will go to a foster family or hostel.</p>



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

			<p>2. In most cases a child that has been put under a family supervision order (whether or not combined with a care and protection order) or has been placed under guardianship of an agency, such as the Youth Care Agency, because of parenting problems, is granted a regular residence on temporary humanitarian grounds. In case of a family supervision order, this is for the duration of the family supervision order. The residence permit can be extended if the family supervision order is extended. In case of guardianship, the residence permit is granted for one year, which can be extended. For the IND it is important to establish that the child protection measure has been imposed because of parenting problems and not just for solving problems solely caused by illegal stay (lack of means of subsistence, housing et cetera).</p> <p>In exceptional cases, the child can be directly granted a regular residence on non-temporary humanitarian grounds. This is the case, when it is not expected that the child will ever return to its family and there are no family members who can derive a right to a residence permit from the residence permit of the child.</p> <p>3. If a child that has been put under a family supervision order is granted a residence permit, in most cases a residence permit is given to its parents for stay with child (article 8 ECHR).</p> <p>If a child that has been put under a family supervision order and has been temporarily placed in a foster family or hostel under a care and protection order, a residence permit for stay with child (article 8 ECHR) is given to its parents, provided that the parents keep in contact with their child (exercising visiting rights et cetera). The purpose of a family supervision order is that the development of the child is no longer threatened, for example by improving the parenting skills of the parents and that, in case of a care and protection order, the child can safely return to its family. After the family supervision order has been terminated, the child can return with its parents to its country of origin.</p> <p>When the child has been placed under guardianship of an agency, such as the Youth Care Agency, because of parenting problems, the parents, if illegal, will not be automatically given a residence permit. The IND will then make an overall assessment of all the individual circumstances in the case, including the best interest of the child, the contact which the parents maintain with the child (visiting rights and the exercise of visiting rights).</p> <p>4. The parents are not entitled to a residence permit when their stay is not in the interest of the child and/or the contact (visiting rights and the exercise of visiting rights) is so limited that a residence permit in the Netherlands is not necessary for maintaining contact with the child.</p> <p>Family members' health issues and/or other social and humanitarian issues are also considered in the return situation.</p> <p>5. At this moment the Netherlands have to make arrangements how to organize the return if the family is not granted a regular residence permit on temporary humanitarian grounds and the other country have to take over the family supervision order or have to arrange a foster family. The Netherlands do not have experience with that.</p> <p>In general, the Netherlands will follow the agreements that are made based on the "Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children". That means that in case of a care order for a child the Dutch CA (Central Authority) first will requests the consent of the foreign Ca. The foreign Ca then provides screening of the provider or the foster home. If departure can be arranged (forced or voluntary) the Repatriation and Departure Service and/or an ngo will facilitate the departure. In principle families will return as a whole family.</p>
--	--	--	---

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

			<p>If it is not necessary to continue the care order of the child and the family with underage children is willing to return several programmes by IOM and ngo's are available to support voluntary return and durable reintegration in the country of origin. Apart from the arrangements for in cash support, for which families may be eligible, in kind support can be offered including both pre-departure counseling and post-arrival assistance. The assistance can be in the field of establishment of a small enterprise, housing, vocational training, education, job placement, psychological help and/or medical treatment.</p> <p>6. See answer Question 5</p>
	Portugal	Yes	<p>1. The Portuguese experience in this area is minor and not significant and it's registered only in cases of unaccompanied minors in the framework of asylum applications and in some detected situations of illegal migration.</p> <p>2. Yes. According to the Act n. ° 29/2012, of August 9th, under point e) n°. 1 of article 122° "Residence permit with exemption of residence visa", which defines that nationals from third-countries do not need visa for the granting of temporary residence permit, such as minors who are compulsory under guardianship in accordance to the Civil Code;</p> <p>3/4/5. These questions have no meaning in Portuguese law.</p> <p>6. See answer 1. The action is taken through a series decentralized cooperation between organizational units and the Program "SEF in Motion".</p>
	Slovak Republic	Yes	<p>1. By signing several international agreements including the Convention on the Rights of the Child, the Slovak law guarantees that the best interest of a child is always taken into account. The social-legal protection bodies regarding children and social guardianship have not experienced such a case of issuing a care order of a child accompanied by their parents who were irregular migrants or asylum seekers. There are few entire families of irregular migrants on the territory of the Slovak Republic. In such case, it would be considered individually.</p> <p>2. – 5. N.A.</p> <p>6. As for the substantive scope of the social-legal protection bodies regarding children and social guardianship, the Slovak Republic does not have any experience with such kind of cases.</p>
	Sweden	Yes	<p>1. There is no national policy as such for these cases but one of our principals when it comes to the asylum procedure is to look to the best interest of the child and to cooperate with Swedish social services and authorities in the country of origin to find the best possible solution in each case. These are usually very complicated cases that are given special attention.</p> <p>2-3. A care order is not in itself a ground for a residence permit. The ordinary grounds for international protection are assessed in these cases as well. However, a temporary residence permit may be granted to an alien who needs care under the Care of</p>

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

			<p>Young Persons (Special Provisions) Act (1990:52). If a temporary residence permit has been granted to a child, a temporary residence permit may also be granted to the child's custodian(s). But this is only to be used in emergency situations where the child's life and/or welfare is in great danger. If appropriate care for the child can be provided in the country of origin, this will not be applicable. It is possible for an alien to be granted a permanent residence permit on the ground of medical reasons but I won't get into that here.</p> <p>4. The parents' cases will be assessed according to ordinary procedure.</p> <p>5. Yes, the Swedish Migration Board or the Swedish police cooperate with the Social Services in Sweden and by contacting the authorities in the country of origin with a view to arranging an ordered reception there.</p> <p>6. The Migration Board and the Social Services in Sweden have meetings to plan for the ordered return of the family or child in question. Contact is made with the authorities in the country of origin and cooperation can also involve NGOs.</p>
	United Kingdom	Yes	<p>1. Asylum cases with care orders are dealt with by case workers in close consultation with social workers. These cases are infrequent and are dealt with on a case by case basis, but the Home Office does comply with care orders and orders made by the Family Court. Care orders can be made at any point and the impact on both the child and the asylum process would be different depending on what stage of the process had been reached. The Home Office's Office of the Children's Champion can be contacted for advice if the caseworker feels it necessary.</p> <p>2. In asylum, a decision of this nature would be made on a case by case basis, following liaison with social services and depending what the order specified and how long its duration was (permanent or otherwise). If directed to do so by a court, the Home Office would grant leave to a child subject to a care order.</p> <p>3. If an asylum seeking child has a care order made, the content of the care order and details regarding the contact that should be on-going with the parents would be key to any decision about the outcome of their applications or the leave the parents were granted.</p> <p>4. See response to question 3 above.</p> <p>5. Again, this depends on the content of the care order. If it specified that the child must remain in the UK, then the child would be granted leave and no arrangements in the country of origin would be considered.</p> <p>6. The co-operation is informal as there are many agencies involved in child welfare.</p>
	Norway	Yes	<p>1. Norway does not have a specific policy in cases where child welfare authorities issue a care order for a child that is seeking asylum or is illegally in the country. The Child Welfare Act applies to all children in Norway, regardless of nationality, citizenship or residence permit, but it is not clear from current law or practice if/when a long-term care order may be issued when a child is illegally in the country or seeking asylum. We do not have a clear rule/policy for what weight a decision from the child welfare authorities should have for the</p>

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

			<p>child's and the parents' immigration cases.</p> <p>It should be mentioned that the Norwegian child welfare authorities are administered by the Ministry of Children, Equality and Social Inclusion while the immigration authorities are administered by the Ministry of Justice and Public Security. None of the Ministries may decide, interfere or influence the outcome of specific cases. Furthermore, the immigration authorities cannot override a decision from the local welfare child authorities, and the child welfare authorities cannot issue temporary or permanent residence permits.</p> <p>2. The child will normally be given a residence permit if the child welfare authorities have issued a permanent care order. The permit can be given for a limited time period if the care order is temporarily. The permits are given on the grounds of strong humanitarian considerations or a particular connection with Norway.</p> <p>3. If the parents are illegally in Norway they will in these cases not be given a residence permit automatically. The immigration authorities will then make an overall assessment of all the individual circumstances in the case, including the best interest of the child.</p> <p>4. If visitation rights are granted for a certain period of time, a parent can get a residence permit (or is planned to be increased over some time) if it is otherwise difficult for the parent to maintain contact with the child by actually visiting Norway. Family members' health issues and/or other social and humanitarian circumstances related to the case are also considered in terms of the return situation. If the care order is temporarily, or a final decision has not been reached, the parents may be given a temporary residence permit. If visitation rights are very limited, for example a few hours two times a year (under surveillance), this will normally not be enough to give the parents a residence permit. However, in these cases, Norway has a liberal visa practice.</p> <p>5. No.</p> <p>6. Norway does not have any guidelines on how the authorities should cooperate and coordinate such cases. The contact is informal and routines and practices are not well established at this point in time.</p>
--	--	--	---
