



AD HOC QUERY ON 2021.4 Best interests of the child - Unaccompanied minors in international protection proceedings

Requested by EMN NCP Luxembourg on 18 January 2021

Compilation produced on 9 April 2021

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden plus Norway (23 in Total)

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1. Background information

According to the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Member States shall be granted assistance by appropriate bodies, other than the authorities enforcing return, with due consideration being given to the best interests of the child, before deciding to issue a return decision in respect of an unaccompanied minor. The assessment of the best interest of the child should thus be carried out by a multidisciplinary, neutral and independent body.

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Within this framework, in 2018 Luxembourg launched a new project concerning unaccompanied minors: The creation of the "committee for the best interests of the child", a collegial body whose mission is to assess whether it is in the best interest of the unaccompanied minor to remain in Luxembourg until s/he reaches the age of majority or to return in his/her country of origin. Moreover, as the best interests of the child are paramount, efforts are being pursued to ensure that the best interests are adequately assessed throughout the examination of his or her application for international protection prior to a return decision, taking into account the specific situation of each minor concerned, by the specific commission set up for this purpose and with the assistance of the International Organization for Migration (IOM).

Finally, on 24 November 2020, a Grand Ducal Regulation relating to the composition and operation of the Consultative Commission on the Evaluation of the Best Interest of Unaccompanied Minors in return decisions came into force. This Consultative Commission is however subject to criticism, especially with regard to its composition.

In this context, Luxembourg is interested to know about the practice in other Member States, with regard to return decisions of unaccompanied minors and the assessment of the best interest of the child.

2. Questions

1. How do you assess the best interests of the child in return decisions for unaccompanied minors?
2. Do you have any body that assesses the best interests of the child?
Available choices: Yes, No, Not Applicable
3. If you answer YES to question 2, can you please explain how is this body set up, and who presides over this body?
4. By whom are the members of this body appointed and for which period of time?
5. If you answer NO to question 2, how do you assess the best interests of the child in return decisions of UAM?

We would very much appreciate your responses by **16 February 2021**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. Pursuant to Article 1 of the Federal Constitutional Act on Children’s Rights, the child’s best interests must be a priority consideration in all actions taken by public and private institutions that affect children. This principle also applies when return decisions are issued by the Federal Office for Immigration and Asylum (Heilemann/Lukits, EMN study “The Effectiveness of Return in Austria – Challenges and Good Practices Linked to EU Rules and Standards”, 2017, p. 55).</p> <p>2. No</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. In procedures relating to the issuing of a return decision, the best interests of the child are assessed by the competent officials of the Federal Office for Immigration and Asylum. The officials can in the specific case consult with experts or obtain an opinion from the youth welfare authority. In Art. 138 of the General Civil Code, Austrian legislators have enumerated important aspects for determining the best interests of the child. These aspects do not represent a complete list – rather, additional criteria can be considered. All criteria put forth in the case are duly considered, according to the Federal Ministry of the</p>

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

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

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			Interior (Heilemann/Lukits, EMN study "The Effectiveness of Return in Austria – Challenges and Good Practices Linked to EU Rules and Standards", 2017, p. 55 et seq.).
	EMN NCP Belgium	Yes	<p>1. Background information</p> <p>In Belgium, the return of UAMs is always an assisted voluntary return since all voluntarily returning UAMs receive some kind of logistical and/or in cash and in kind support.</p> <p>In accordance with UNHCR's minimum safeguards in cases of return of unaccompanied and separated children, assistance with respect to the return of UAMs is limited to candidates who meet the following requirements:</p> <ul style="list-style-type: none"> - UAMs who have formally expressed the wish to return home and for whom their guardian has decided that return is in the best interests of the child; - UAMs for whom parents / family members in countries of origin have formally indicated their agreement to welcome the child back and assist him/her in his/her reintegration process or in case tracing was unsuccessful, return to an adequate child-care institution as a last resort; - UAMs for whom an appropriate reintegration and follow-up assistance can be ensured in the countries of origin. <p>Best interests of the child</p> <p>Article 10 of the Return Directive has been transposed into article 74/16 of the Belgian Immigration Act of 15 December 1980 on entry, stay, settlement and removal of foreign nationals.</p> <p>This article states that before deciding to issue a return decision* in respect of an, irregularly residing, unaccompanied minor, the Minister or his representative will consider any proposal for a durable solution made by the guardian and will take into account the best interests of the child. (*It concerns the annex 38, an order to return the minor to the place where s/he came from, issued in application of article 118 of the Royal Decree of 8 October 1981 concerning entry on the territory, stay, settlement and removal of foreign nationals.)</p> <p>The specific procedure for unaccompanied minors, according to articles 61/14 – 61/25 of the Immigration Act of 15 December 1980 on entry, stay, settlement and removal of foreign nationals, determines the most durable solution in the best interest of the unaccompanied minor** (as described above) (**the Guardian ensures that a durable solution consistent with the child's best interest is sought as quickly as</p>

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			<p>possible by the competent authorities. However it is the Immigration office that rules on this durable solution and that therefore has the power to decide whether to grant a residence permit or issue an order to bring back the minor to his/her country of origin – see below).</p> <p>This procedure has to be launched upon request of the legal guardian of the unaccompanied minor, and takes into account the best interests of the child. However, overall responsibility for the procedure and for decision-making lies with the Minors Bureau of the Immigration Office (as a result of this situation, legal guardians have expressed concern that they feel less influential in decision-making processes in relation to the best interests of the child than the Minors Bureau, source: IOM, Children on the move, 2013, p. 52). The durable solution can be both a return as well as a residence right. To determine which solution is in the best interest of the child, the authorities conduct a 'family assessment' for each individual case. In this regard, the Belgian Immigration Office can contact the Belgian diplomatic or consular post in the country of origin to collect the necessary information by consulting the family of the UAM and/or the social services in the country. This does not mean that the UAM will return to his/her country, but it allows to determine whether or not adequate and safe reception and care are available and whether or not a return is in the best interest of the unaccompanied minor. Art. 61/17 states that in determining the durable solution the Minister or his authorised representative gives priority to the safeguarding of the unity of the family, in accordance with articles 9 and 10 of the United Nations Convention of 20 November 1989 on the rights of the child and the best interest of the child.</p> <p>In case of a voluntary return, the Minister or his representative will ensure that the unaccompanied minor, who is removed from the territory, is given guarantees concerning reception and care taking in his/her country of origin or in the country in which s/he is authorised or admitted to stay, either from his/her parents or another family member or guardian who is taking care of him/her or from government agencies or non-governmental bodies, having regard to his/her needs according to his/her age and degree of independence. To this end, the Minister or his representative (the Immigration Office) will ensure that the following conditions are met:</p> <ol style="list-style-type: none">1) there is no danger of smuggling or trafficking in human beings and;2) the family situation is such that the minor can be re-admitted and a return to a parent or family member is desirable and opportune in view of the family's capacity to support, educate and protect the child or;3) the reception structure is adapted, and it is in the best interests of the child to place the child in that reception structure after the return to his/her country of origin or to the country where the child has been admitted for residence.
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			<p>The unaccompanied minor and his guardian in Belgium will be informed of the name of the person or the reception structure to whom the child is entrusted and of the role this person plays in relation to the minor. Other procedures or practices result from the consideration of the best interest of the child after a negative decision. For example, unaccompanied minors whose application for international protection has been rejected are not transferred to the open return places. They can remain in the reception facility for minors, meaning staying in their familiar environment. As mentioned before, an unaccompanied minor can return voluntarily but no forced returns are carried out. Unaccompanied minors are allowed to stay in Belgium until they turn 18. In certain cases, the guardian of the unaccompanied minor can apply for an extension of the right to reception after the age of 18, e.g. to finish the school year.</p> <p>2. No</p> <p>3. For your information: The National Commission for the Rights of the Child, in its advice on the situation of children in migration of 2017, recommended that the best interests of the child must be determined by an independent body who can act independently of immigration services, preferably by the instances responsible for youth protection issues, in order to avoid conflicts of interest (Source: National Commission for the Rights of the Child, The situation of Children in Migration, 2017, available in French and Dutch on https://ncrk-cnde.be/fr/avis/article/la-situation-des-enfants-dans-la-migration?lang=fr). However, this recommendation has not yet been put into practice.</p> <p>4. /</p> <p>5. Finally, it is the Immigration Office that assesses the best interests of the child in return decisions - see answer to Q1.</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. The assessment of the best interests of the child in the context of the decision-making process for the return of an unaccompanied minor within the meaning of Directive 2008/115 is complex and is carried out jointly by the competent territorial migration services and the child protection services, which establish facts and circumstances regarding the location of the parents or other persons responsible for</p>

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			<p>the child under the law or custom, as well as other relevant data related to the child's situation and will. The social service (Social Assistance Directorate) at the place of residence of the unaccompanied minor appoints a representative of the minor – a social worker, who participates in the interview with the migration authorities and provides a social report with an opinion on the best interests of the child. The migration authorities prepare an opinion on the possibility of returning the unaccompanied minor to the country of origin, country of transit, safe third country or to issue a residence permit and give the minor to the Migration Directorate. The director of the Migration Directorate takes a decision on minor's return. This decision is based on the collected information about the possibilities for returning the child and the opinion expressed by the social services for the best interest of the child. If it is not possible to return the minor, the director notifies him/her and his/her representative of the possibility to start procedure for granting the right of prolonged residence.</p> <p>2. Yes The Social Assistance Directorate (SAD) is a specialized state body for child protection, which conducts a social survey, interviews the child and gives an opinion on his / her best interests in any administrative or judicial proceedings in which the rights or interests of a child are affected. The opinion of the social service is taken into account by the relevant court / administrative body as it is not binding and is considered in the context of all data collected.</p> <p>3. The Social Assistance Directorates (social services) are territorial structures and have competence within the respective municipality in which the child is located. A social worker is appointed for each child's case. He prepares a social report with an opinion on the best interests of the child. Each SAD is represented by a director, who approves the prepared social report.</p> <p>4. SAD is a specialized state body for implementing the child protection policy in the municipality. It works in cooperation and coordination with state bodies, social service providers, as well as natural and legal persons whose subject of activity is child protection. SAD is managed and represented by a director.</p> <p>5. N/A</p>
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	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. Pursuant to the Protocol on the Treatment of Unaccompanied Children, adopted by the Government of the Republic of Croatia on 30 August 2018, an UAM is issued a return decision with a 90-day deadline for voluntary departure from the EEA. After that, the UAM is taken for an initial medical examination and is accommodated in a children's home. In this procedure, a special guardian is appointed for an UAM, who takes into account the best interests of the minor and who is present during all procedures taken toward minor.</p> <p>During the 90-day deadline for voluntary return, the Interdepartmental Commission for the Protection of Unaccompanied Children, in cooperation with the special guardian, must make a multidisciplinary assessment of the needs of an UAM on the basis of which an individual plan on permanent care and status is drawn up (the Commission propose a decision on more permanent solutions for each UAM, such as family reunification, initiation of international protection procedure, return to the country of origin, transfer or integration into Croatian society).</p> <p>2. Yes</p> <p>3. The Interdepartmental Commission for the Protection of Unaccompanied Children was established on the basis of the Protocol on the Treatment of Unaccompanied Children, and consists of representatives of all state bodies involved in the treatment of UAM (representatives of the Ministry of the Interior, ministry in charge of social welfare, education, health, foreign affairs), representatives of the Government Office for Human Rights and the Rights of National Minorities, representatives of international organizations dealing with the protection of children's rights, ie the rights of refugees, and representatives of civil society organizations dealing with the protection of children. The work of the Interdepartmental Commission for the Protection of Unaccompanied Children is coordinated by the ministry in charge of social welfare.</p> <p>4. Representatives to the Interdepartmental Commission for the Protection of Unaccompanied Children are appointed by their institutions. No specific period of time is determined.</p> <p>5. N/A</p>
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	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. The best interest is assessed by Social Welfare Services, which serve as the guardian of all UAMs. 2. No 3. N/A 4. N/A 5. The best interest is assessed by Social Welfare Services.
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. In general are returns of UAMs very rare and can be undergo only on voluntary bases. The Czech Republic does not perform forced returns on UAMs. Even voluntary returns are almost unheard of. 2. Yes 3. OSPOD is the Social and Legal Child Protection Authority under the Ministry of Labour and Social Affairs. There are regional offices of OSPOD. Respective regional office of OSPOD is informed of the presence of a UAM in the territory of the Czech Republic. Care of the UAM commences immediately once the UAM has been accepted into care by an OSPOD employee who is obliged to act in the best interests of the child and provide him/her appropriate care and assistance. The OSPOD shall act in best interest of the child. The best interest of the child is also assessed informally by OSPOD employees. Authorities responsible for reception of UAMs (Facility for children of foreign nationals usually), authorities responsible for residence permit issues, asylum authorities, police authorities shall act in line with the best interest of the child. The best interest of the child assessment has not a form of administrative procedure. It is informal assessment of the individual case , OSPOD is involved in the procedure.

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			<p>4. OSPOD as an organisation is appointed by Court as a guardian of an individual UAM. The employee of OSPOD is appointed as a guardian by his/her superior. Guardianship and custodianship of a child expires upon the child acquiring legal capacity, which occurs, with some exceptions, upon reaching the age of 18 years. The change in the guardian shall be justified by serious circumstances and court shall decide about the change of the guardian.</p> <p>5. N/A</p>
	EMN NCP Estonia	Yes	<p>1. Child's best interests are central to all the proceedings. According to the Aliens Act, the residence permit of a minor child will not be cancelled and extension thereof shall not be refused if this does not correspond to the rights and interests of the child. A return decision will be issued to an unaccompanied minor if upon the issue of the decision the representation of the unaccompanied minor is ensured and child's interests are taken into account. Also, the child's interest will be taken into account on complying the obligation to leave and in cases when a guardian is convinced that the unaccompanied minor shall be sent back to his or her family member or appointed guardian or to the reception centre of the receiving state.</p> <p>2. No</p> <p>3. No.</p> <p>In Estonia, child protection is managed pursuant to the Child Protection Act by the Republic of Estonia Government, Child Protection Council, Ministry of Social Affairs, Social Insurance Board, local government authorities and all related authorities. The Social Insurance Board in its Child Protection Department offers support to specialists working with children and manages cross-sectorial prevention and cooperation (social, education, medicine, legal protection). Local government authorities manage child protection on local level and create the necessary preconditions for safeguarding the rights and welfare of children in the municipality.</p>

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			<p>But all the officials and employees who are in contact with minors shall comply with competency requirements which enable them to observe a special need and take it into account child best interests. The child's best interests are central to all the proceedings. Also, efforts will be made to create a child-friendly environment for the registration and identification procedures for minors. The Police- and Border Guard Board assess child best interests in close collaboration with child protection authority (Child Protection Department).</p> <p>4. N/A</p> <p>5. A child protection official will be invited to observe the proceedings conducted by the Police- and Border Guard Board. The proceedings will not commence until the child protection official is present. Furthermore, at first the primary needs of the minor are taken care of and only then may the proceedings commence.</p> <p>In 2019 a national assessment tool for assessing vulnerabilities was being developed by the Police and Border Guard Board, which also will contain a checklist for aspects necessary to observe while working with minors.</p>
	EMN NCP France	Yes	<p>1. France does not foresee the forced return of unaccompanied minors. Article L. 511-4 1° of the Code on Entry and Residence of Foreign Nationals and the Right of Asylum (CESEDA) states that foreign minors aged 18 may not be the subject of an Obligation to Leave French Territory (Obligation de Quitter le Territoire Français, OQTF).</p> <p>It is not possible for the relevant authorities to declare as irregular the residence of unaccompanied minors who are apprehended or identified by the relevant authorities. This means that it is impossible to remove them from the country (Article L. 511-4 of CESEDA). From a legal perspective, therefore, unaccompanied minors are legally residing in the country.</p> <p>However, the voluntary return of an unaccompanied minor is not excluded. The best interest of the child is, in this specific framework, assessed by the Children's Judge with the Departmental Council which has</p>

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			<p>guardianship of the child. Where necessary, guardianship is lifted to authorise the return of the minor to his or her family.</p> <p>For this type of return, assisted return and reintegration are not applicable to unaccompanied minors. However, in the context of family reunification decided by a judge the OFII contributes to support with consular procedures with a view to obtaining travel tickets without a valid passport and covering the costs of air travel.</p> <p>2. No</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. There is no specific body that assesses the best interest of the child. The administrative authorities take into account the best interests of the child in all decisions involving children. Every decision is based on a case-by-case review always taking the best interest of the child into account. For further details see answer to Q1.</p>
	EMN NCP Germany	Yes	<p>1. The principle applies that the best interests of the child are taken into account at every stage of the procedure.</p> <p>In the German procedure, we have a division of responsibilities between the federal government and the federal states. While the responsibility for accommodation, care and support of asylum seekers lies with the federal states authorities - and with regard to the responsibility for an unaccompanied minor with the youth welfare office or a court-appointed guardian - the Federal Office for Migration and Refugees is responsible for the implementation of the asylum procedure and the decision on the asylum application. In case of the rejection of the asylum application, the Federal Office issues a threat of deportation in accordance with Section 34 of the German Asylum Law (AsylG) in conjunction with Art. 59 Residence Act (AufenthG). This corresponds to the return decision in the sense of European law. When the decision</p>

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			<p>becomes enforceable, the immigration authority (federal state) becomes responsible for the implementation of measures to terminate residence (deportation, Section 58 of the Residence Act). The regulation of Article 10, Paragraph 1 of Directive 2008/115/EC was not implemented into German law due to the existing regulation in Section 42, Paragraph 1, Sentence 1, No. 3 of Book VIII of the Social Code. According to this regulation, unaccompanied minors from third countries residing in Germany are to be taken into custody by the youth welfare office.</p> <p>According to current practice, the child's best interests within the meaning of Article 10, Paragraph 1 of Directive 2008/115/EC are taken into account by providing for the youth welfare office procedure in accordance with Sections 42 ff. If the legal requirements are met, the (provisional) taking into custody is carried out by the youth welfare office, which represents the minor until the end of the custody. From Section 42, Paragraph 2, Clause 5 of Book VIII of the Social Code, the youth welfare office is obliged to apply for asylum without delay if the facts justify the assumption that the child or young person needs international protection within the meaning of Section 1, Paragraph 1, No. 2 of the Asylum Law. The youth welfare office also provides support during the asylum procedure at the Federal Office. In view of the fact that minors cannot apply for asylum effectively due to the fact that minors lack the ability to act under asylum procedure law (Section 12 (1) and (2) of the Asylum Law), the application must be submitted by an authorized representative (youth welfare office as official guardian or legally appointed guardian). This ensures that no minor is without appropriate specialist support. Incidentally, the child's best interests are taken into account in the ongoing asylum procedure by the fact that the Federal Office has established procedures that meet the requirements of the procedural guidelines (Directive 2013/32/EU).</p> <p>When Directive 2008/115/ EC was implemented into national law, the "verification obligation" based on Article 10 (2) of Directive 2008/115/ EC was introduced in Section 58 (1a) of the Residence Act. Accordingly, before an unaccompanied minor is deported, the authorities must ensure that he or she is handed over to a member of his family, a person authorized to take care of the minor or a suitable reception center in the country of return.</p> <p>Although not explicitly regulated by law, Section 58 Paragraph 1a of the Asylum Law is to be applied in practice in the sense that the best interests of the child are taken into account within the scope of § 42 SGB VIII. During the period of custody, there is also a duty of care according to Section 58 (3) of the Residence Act (monitoring of departure), which, in the opinion of the German legislator, corresponds to the requirements of Article 10 (1) of the Return Directive.</p>
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			<p>Since, according to the current legal situation and administrative practice, the responsibility for assessing the best interests of the child in the context of the execution of return decisions lies with the federal states (also the German Federal Administrative Court: BVerwG, judgment of 13.06.2013, 10 C 13/12, margin no.17), the Federal Office for Migration and Refugees cannot provide any more detailed information on the concrete implementation of the child's best interests when executing return decisions.</p> <p>In addition, the Federal Office is currently examining whether the current decision of the European Court of Justice on return decisions for unaccompanied minors (judgment of January 14, 2021, C-441/19) will initiate a change in the legal situation or administrative practice described.</p> <p>2. No</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. In order to meet the special needs of vulnerable people, particularly in the context of the examination and decision-making of the respective asylum application, already since 1996 the Federal Office has been appointing specially trained case-workers (so-called "Sonderbeauftragte") for certain vulnerable people. These specially trained case-workers are prepared for their deployment through special qualification measures, i.e. they receive special training in identifying vulnerabilities and dealing with vulnerable people. Due to their special qualifications and suitability, they specialize in processing asylum applications for certain groups of people or procedures. In all cases of unaccompanied minors, the hearing and, in principle, the issuing of a notification is carried out by a specially trained case-workers for unaccompanied minors.</p> <p>With regard to the asylum hearing and asylum decision, particular attention is paid to age-appropriate questioning. As far as there are indications for the existence of certain child- or youth-specific reasons for persecution (e.g. former child soldiers, genital mutilation, forced marriage, domestic violence), questions will be asked carefully but in a particularly sensitive manner. In the German procedure, in</p>
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			<p>addition to the examination of the requirements for international protection (Art. 16a of the German Constitution (Grundgesetz) / § 3 of the Asylum Law and § 4 of the Asylum Law) there is also an ex officio check for the existence of deportation bans (Section 60 Abs. 5 and 7 Residence Act). Special personal circumstances to be taken into account within the scope of the examination of Section 60, Paragraph 5 of the Residence Act may exist, for example, if the minor is unable to provide for his or her livelihood, state or non-state support benefits cannot be obtained and he has no family members that he can seek support. In addition, as part of the clarification of the facts, it must be checked whether admission to suitable protective facilities (orphanages, charitable institutions, etc.) is possible in the country of origin. Depending on the result of this examination, a ban on deportation with regard to the country of return may be considered.</p> <p>The Federal Office is also involved in various projects in the area of voluntary return.</p> <p>Furthermore, reference is made to the answer to question 1.</p>
	EMN NCP Hungary	Yes	2. Not Applicable
	EMN NCP Ireland	Yes	<p>1. Ireland does not participate in the Return Directive 2008/115/EC. Ireland does not deport unaccompanied minors.</p> <p>2. Not Applicable</p> <p>3.</p> <p>4.</p> <p>5.</p>

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	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. First at all, it's necessary to highlight that minors, also if irregularly entered in Italy, are holders of all rights guaranteed by the New York Convention on the Rights of the Child (signed on 20 November 1989) which is ratified by Italy through the Law n. 176/1991. So, the Italian legislation has drawn on the Convention's principles according to which all decisions about minors shall take into account the best interest of the child, without any form of discrimination among them.</p> <p>According to the Italian law (art. 19 comma 1-bis and 2 of law 286/1998), minors may not be expelled, but there is a difference between those accompanied and unaccompanied:</p> <ul style="list-style-type: none"> - for accompanied minors the general rule is that the minor has to follow his/her parents also if they get an entry ban or an order of expulsion. However, the best interest of the child shall not be excluded from the assessment of the minor's situation only because he's accompanied. So, it is always necessary to consider the safeguard clause constituted by the principle of non- refoulement which states that a person cannot be return to his Country of origin, if he/she runs the risk to suffer different forms of persecution, torture or other inhuman treatments: it follows that also if a minor can be expelled, the Juvenile Court adopts the expulsion measure only if there is not a danger of serious damages (art 31 c. 4 of law 286/1998). In line with this principle, the Juvenile Court may allow to parents an authorization to legally reside within the national territory if there are serious reasons connected to physical and mental development of the child, taking into account the age and the medical condition of the minor concerned (art. 31 c. 3 of law 286/1998). - for UAMs the ban of expulsion is absolute and, consequently, the only way to return in the country of origin is an assisted and voluntary return's decision of the Juvanile Court, beyond the case in which UAM represents a danger for public order and security and the Juvanile Court – which carefully values the <p>Another possibility, should the legislative requirements be met, is the the assisted voluntary return program with reintegration promoted by the Minister of Interior, which – since 2011 – has emanated specific guidelines in order to implement the voluntary and assisted return measure, to establish criteria of admission and to identify entities, organizations and associations to collaborate with (Ministerial Decree 27 October 2011).</p>

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			<p>absence of a danger of serious damages for the minor and ensure the compatibility of the return measures with the particular conditions of the case – issue an expulsion order, upon the request of the Commissioner. Moreover, For UAMs – unlike accompanied ones – no specific program of assisted voluntary return with reintegration is provided for. Anyway, Italy – considering the particular condition of vulnerability of this category of migrants and the necessity of a multidisciplinary approach to this phenomenon – has provided a specific regulation which is updated through the law 47/2017.</p> <p>When Italian authorities tracks an unaccompanied minor, the first reception staff conduct an interview with the aim to deepen his/her personal and family history in order to better protect him/her through a durable solution. The reception staff – after filling out a “Minor’s Social File” (Cartella Sociale) which is sent to social services and the Juvenile Court – submit a report to the body competent to conduct familiar tracing (art. 19 of Legislative Decree 142/2015 and art. 6 and 9 of law 47/2017). In particular, according to the national legislation, the Directorate-General for Immigration and Integration Policies of the Ministry of Labour and Social Policies is responsible – with the support of IOM – for Family Tracing & Assessment of UAMs present in Italy. Family Tracing – that consists of a deep analysis of the context of origin of the child and provides fundamental information to find durable solutions in the best interest of the child (both in Italy or in a third Country) – is activated by the Directorate-General for Immigration and Integration Policies through the submission to IOM of a minor’s file (Scheda Censimentaria) filled by the Municipality where is welcome the UAM.</p> <p>Moving from the request of the Directorate for Immigration and Integration policies, IOM activates field staff that contacts the child’s family in order to realize an interview – if possible, with the collaboration of the local social services – based on a semi-structured questionnaire. On this regard, it is important to highlight that family members are always informed by IOM staff about the aims of the interviews and about the relevant Italian legislation. Then, family tracing’s results are transmitted by IOM to the Directorate-General for Immigration and Integration Policies.</p> <p>So, depending on the findings of the family tracing and after evaluating the effective will of the child to return in his/her country of origin or to reunite with his/her family in a third country, the competent Juvenile Court – heard the opinion of the minor, of his/her legal guardian and taken into account reports provided by social services – may allow the return in his/her country of origin.</p> <p>IOM provides assistance throughout the preparation of the return (travel documents, travel organization, purchase tickets) and, thanks to his offices in the country of origin, monitor the reintegration path and, periodically, provides reports to the Directorate for Immigration and Integration policies.</p>
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			<p>2. Yes</p> <p>3. As anticipated in Q. 1, with regard to the UAMs' protection, these bodies are responsible for protecting UAMs:</p> <ul style="list-style-type: none"> - The Juvenile Court is a special office of the Ordinary Court competent to decide all issues about minors in different sectors (civil, penal and administrative ones). It is composed by 4 judges appointed by the president of the Court: 2 professional judges and 2 honorary ones, chosen from among experts of biology, psychiatry, criminal anthropology, psychology and pedagogy. - the Directorate-General for Immigration and Integration Policies belongs to the Ministry of Labour and Social Policies and his competences are established by the organizational regulation of the Ministry of Labour and Social Policies in force since 20 May 2017 (monitoring and census of UAMs through the creation of an Informatics System for Minors; carrying out of family tracing activities regarding UAMs present in Italy in collaboration with IOM; supervising UAMs' conditions of residence; promoting the development of international cooperation within the activities of prevention and study of social and employment emergencies, keeping relations with international organizations). <p>4. The judges of the Juvenile Court are appointed by the president of the Court, while the members of the Directorate-General for Immigration and Integration Policies are appointed by the Ministry of Labour and Social Policies.</p> <p>5.</p>
=	EMN NCP Latvia	Yes	<p>1. Section 50.8 of Latvia Immigration Law states that upon finding a minor foreigner who is not accompanied by a parent or his or her legal representative and whose stay in the Republic of Latvia is illegal, the Office and the State Border Guard shall, without delay, inform the State Police and the Orphan's and Custody Court and shall act in such a way as to ensure the child's rights and interests during the whole removal process in accordance with the laws and regulations governing the protection of the rights of the child. During the return procedure the personal and property relations of a minor</p>

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			<p>foreigner who is not accompanied by a parent or his or her legal representative shall be represented by the Orphan's and Custody Court or a guardian appointed thereby, or the head of a child care institution. If the identity and citizenship or country of residence of a minor foreigner who is not accompanied by a parent or his or her legal representative has been established, the State Border Guard with the intermediation of the Consular Department shall communicate with the diplomatic or consular representation of the relevant country, relevant competent institutions or non-governmental organizations which monitor the respect of the rights of children in this country, and implement other necessary measures in order to ensure execution of the voluntary return decision or removal order and the handing over of the minor foreigner who is not accompanied by a parent or his or her legal representative to a family member, legal representative of the parents, representative who monitors the respect of the rights of children in this country, or a representative of the institution which ensures placing of the child in a suitable accommodation institution.</p> <p>The best interests of child are being assessed by all institutions, authorities and organizations involved in the return process. The Orphan's and Custody Court is the authority that provides the observance of the best interests of the child during the return procedure and controls if the other participants of the return process respect the best interests of child.</p> <p>2. Yes The best interests of child are being assessed by all institutions, authorities and organizations involved in the return process</p> <p>3. In Latvia authorities and institutions involved in the return process make assessment of the best interests of the child in accordance with it competence and within the framework of the procedural work of each institution, e.g.:</p> <ul style="list-style-type: none">• Orphan's Courts of Latvia provides an unaccompanied minor with the guardian/makes sure the child's best interests are taken into account, take a decision on accommodation of not detained minors, takes part in procedural activities;• the State Border Guard makes assessment of the best interests of child when detects a minor for illegal stay, identification process of the child, takes a decision on detention, providing
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			<p>education, issuing a return decision, family tracing, organizing of a factual return of the child and other procedural activities;</p> <ul style="list-style-type: none"> the OCMA carries out assessment of the best interests of the child when taking a decision on return. <p>4. An Orphan's and Custody Court is a guardianship and trusteeship institution established by a municipality or local government of a republic city. The term of office of the Chairperson of an Orphan's court, the Vice-Chairperson of the Orphan's court and the Members of an Orphan's Court shall start after their election, if the relevant local government council (parish council) has not specified another term. The authorisation of the Chairperson of an Orphan's Court, the Vice-Chairperson of the Orphan's court and the Members of an Orphan's Court shall terminate when a decision of the relevant local government council (parish council) regarding removal, dismissal and suspension of the Chairperson of an Orphan's Court, the Vice-Chairperson of the Orphan's court and a Member of an Orphan's Court from office comes into force or upon termination of the term of office specified in the Law on Orphan's Courts. State Border Guard and Office of Citizenship and Migration Affairs are government bodies under Ministry of Interior.</p> <p>5. N/a</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. The Law of the Republic of Lithuania on the Legal Status of Foreigners provides that an unaccompanied minor who is staying or residing in the territory of the Republic of Lithuania irregularly shall be returned <u>only</u> if he or she will be properly supervised in the foreign country to which is returned, taking into account his/her needs, age and level of autonomy. It should be noted that the best interests of the child shall be a primary consideration in all actions involving a minor. The decision on the return of an unaccompanied minor shall be taken by the Migration Department under the Ministry of the Interior. Following an assessment of the best interests of the child, the conclusion proposing that the unaccompanied minor should or should not be returned to the country of origin or abroad, is submitted to</p>

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			<p>the Migration Department by The State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour.</p> <p>2. Yes</p> <p>3. The State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour is a budgetary institution maintained from the State budget and other State monetary funds, to which the funds are allocated and administered in accordance with the procedure laid down in the Law on the structure of the budget of the Republic of Lithuania. The Service is the central institution for the protection of the rights of the child, ensuring cooperation between the state and municipal institutions and bodies in the field of child welfare. In cooperation with the governmental institutions as well as with non-governmental organizations and foreign governments or their accredited institutions in the field of the protection of the rights of the child, the Service implements the national and international measures to protect the rights of the child, informs the society about its activities, fostering and adoption procedures. More information on the Service available here: https://vaikoteises.lt/home/</p> <p>4. The rights and obligations of the owner of the Service is exercised by the Ministry of Social Security and Labour. The Ministry shall monitor the activities of the Office and decide on matters falling within the competence of the implementing body.</p> <p>5. N/a</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Article 103 of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) states that when dealing with unaccompanied minors in return procedures the best interests of the child are assessed individually by a consultative commission whose composition and modus operandi are determined by grand-ducal regulation.</p> <p>2. Yes</p>

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			<p>3. The Consultative Commission on the Evaluation of the Best Interest of Unaccompanied Minors in return decisions, is composed in accordance with the grand ducal regulation of 4 November 2020 on the composition and functioning of the consultative commission for assessing the best interests of unaccompanied minors provided for in article 103 of the amended law of 29 August 2008 on the free movement of persons and immigration. of four full members, namely:</p> <p>1° a representative of the Minister having Immigration and Asylum in his/her attributions;</p> <p>2° a representative of the National Reception Office;</p> <p>3° a representative of the National Office for Children;</p> <p>4° a magistrate from the Public Prosecutor's Office in Luxembourg or the Public Prosecutor's Office in Diekirch (who is also in charge of children and youth protection in Luxembourg).</p> <p>Representatives of the Minister having Immigration and Asylum in his/her attributions ensure the position of the chairman of the Commission, as well as the function of secretary.</p> <p>The ad hoc administrator, appointed to represent the unaccompanied minor during the international protection procedure, is invited to bring his point of view to the Commission. The unaccompanied minor himself/herself has the right to be heard by the Commission. In addition, any person who can contribute to a better understanding of the case in question may be invited by the Commission in an advisory capacity. After the hearings and the assessment, an opinion is adopted by a simple majority of the votes of the members present. In the event of a tie, the chairman has the casting vote.</p> <p>4. The members of the commission are appointed by the Minister in charge of Immigration and Asylum for a period of three years. The term of office of the members is renewable. Alternate members shall be appointed under the same conditions and according to the same procedure as the full members.</p> <p>5. N/A.</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. No-fault policy</p> <p>A condition for the voluntary return of a UAM is that there should be adequate reception in the country of origin. If reunification with parents, family or other adequate reception is not possible, the UAM under the age of 15 might qualify for a special residence permit with regard to the 'no-fault policy' [1] By taking</p>

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			<p>into account adequate reception in the country of origin, one aims to ensure the best interest of the child. Other conditions for the residence permit include that it must be the first application for asylum that has been made by the UAM and the UAM should not be able to return within three years after the submission of their application without it being their fault.^[2] The UAM should have cooperated in all activities of the Dutch authorities in order to enable return. However, there have only been a few cases in which a UAM has received this residence permit between the introduction of this policy in 2014 towards 2018, ^[3] because the vast majority of UAM don't cooperate to enable return. Therefore, in practice this measure only effects a very minimum number of cases.</p> <p>In order to ensure the best interest of the child, support is provided for by various organisations. During the voluntary return procedure, the guardian of the UAM is present at the different stages in this procedure. The Repatriation and Departure Service (DT&V) has appointed certain return counsellors specifically for UAMs. In case return of the UAM is possible, the return counsellor will discuss the return procedure with the guardian.^[4] Also if possible, the youth protector of Nidos Foundation^[5] (and possibly the employee of the Central Agency for the reception of Asylum Seekers (COA) at the reception facility) will help the child to map out the network in the country of origin (irrespective of whether it concerns voluntary or forced return).^[6] DT&V cooperates with local contracting parties in the countries of origin that offer support with the reintegration in programmes financed by the EU in certain countries.^[7] The DT&V will also refer the UAM to IOM for their voluntary return. IOM is part of the standard voluntary return procedure and helps arranging the departure of the UAM and offers special support to these UAMs.^[8]</p> <p>There are also other NGOs in the Netherlands offering support in return procedures. Some of these NGOs are specialized in offering support for families and children in return projects, for example the Dutch NGO Solid Road.^[9] There are different return projects.^[10] They usually focus on certain nationalities or target groups, for example rejected asylum seekers, undocumented migrants or vulnerable groups. There are no specific return projects for UAMs. There are however projects for vulnerable groups, including UAMs. In addition, within general projects extra attention or support for unaccompanied minors is provided for. Also in the case of forced returns, the DT&V appoints specific return counsellors and the youth protector of Nidos is involved. In all forced return procedures, several checks are carried out, also for unaccompanied minors, before the person is removed from the Netherlands, such as for example a medical check-up if there are indications to do so. Unlike other migrants who are removed, UAMs are</p>
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			<p>always accompanied by a staff member of the Repatriation and Departure Service or the Netherlands Royal Marechaussee (in case of refusal at the border) during the flight and travel to the country of origin upon transfer.</p> <p>[1] IND, https://www.rijksoverheid.nl/onderwerpen/asielbeleid/alleenstaande-minderjarige-vreemdelingen-amv, geraadpleegd op 9 april 2020.</p> <p>[2] Repatriation and Departure Service (DT&V), 'Unaccompanied minors' https://www.dienstterugkeerenvertrek.nl/VertrekitNederland/Bijzonderecategorieenvreemdelingen/amv.aspx, consulted on 9 April 2020.</p> <p>[3] This information was provided by the Immigration and Naturalisation Service (IND) on 25 May 2020.</p> <p>[4] Repatriation and Departure Service (DT&V), 'Unaccompanied minors' https://www.dienstterugkeerenvertrek.nl/VertrekitNederland/Bijzonderecategorieenvreemdelingen/amv.aspx, consulted on 9 April 2020.</p> <p>[5] Nidos Foundation focuses on unaccompanied minors (UAMs). For children who apply for asylum in the Netherlands without parent or parents, Nidos Foundation provides (temporary) guardianship. Where children from refugee families are concerned, Nidos Foundation also carries out the family supervision order imposed as child protection measure.</p> <p>[6] This information was provided by the Central Agency for the Reception of Asylum Seekers on 18 June 2020. See also: The Inspectorate Youth Care Inspectorate and the Inspectorate Justice and Security (2018), 'Independently going forward? The reception of support of unaccompanied minors', https://www.rijksoverheid.nl/documenten/rapporten/2018/12/20/tk-bijlage-inspectierapport-gezondheidszorg-en-jeugd, consulted on 28 May 2020.</p> <p>[7] National Government (2019), 'Report research commission long-term resident aliens without a permanent right of residence'.</p> <p>[8] This information was provided by the Ministry of Justice and Security on 4 June 2020.</p> <p>[9] National Government (2019), 'Report research commission long-term resident aliens without a permanent right of residence'.</p> <p>[10] EMN Netherlands (2017), NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norways, consulted on 27 March 2020.</p> <p>2. No</p>
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			<p>3.</p> <p>4.</p> <p>5. Please see question 1.</p>
	EMN NCP Poland	Yes	<p>1. The return decision in terms of an unaccompanied minor can be executed only if:</p> <ul style="list-style-type: none"> - the minor is returned to the country where he or she has the protection of parents, other adults or care institutions, as defined with the standards set out in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, - the return takes place under the care of a statutory representative of the minor or the minor is handed over to his or her statutory representative in the country of return or to the representative of competent authorities of that country. <p>Anyway, the Border Guard authority informs the proper representatives of the third country of return (the embassy or the immigration service) in advance (before the return is executed) that the returnee is an unaccompanied minor (with a request to arrange the meeting with the family at the airport, if possible). In terms of the return itself, it is carried out usually in the assistance of the Border Guard officer who is appointed as a guardian of the child during the return itself. The Border Guard officer accompanying the minor is established by the court as his or her legal guardian for the removal. And then the minor is handed over directly to the representatives of relevant authorities in the country of return.</p> <p>2. No</p> <p>3. N/A</p> <p>4. N/A</p> <p>5.</p>

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			<p>There is no other body responsible for assessing the best interest of the child - only the Border Guard. Moreover, the non-governmental and international organisations involved in providing assistance for foreigners are entitled to conduct monitoring of removals. NGOs and international organisations are informed about the planned return at least 7 days before. All monitors have been trained by the Border Guard in the field of proper behaviour during the return.</p>
	EMN NCP Portugal	Yes	<p>1. According to Portuguese law, State intervention in terms of promoting the rights and protection of children and young people in danger takes place when parents, the legal representative or whoever has custody endanger their safety, health , training, education or development, or when this danger results from the action or inaction of a third party or the child or young person that they do not adequately oppose to remove it (law protecting children and young people at risk). Thus, all young people who are in Portuguese territory in a situation of abandonment or who live alone are considered to be in danger, which includes all minors who may be considered unaccompanied minors. In view of this legal fact, the entire process of removal of unaccompanied minors, who are in Portuguese territory, is mandatorily based on the principle of the child's best interest and is dependent on the decision of a process for the protection of minors that runs in parallel. This process is held by a special court. It should also be noted that, although the child protection process is also conducted according to the principle of the best interests of the child, the legislator also reinforced the protection of minors by including in the legislation that regulates the entry and exit of national territory, a point in which it prohibits the repatriation of unaccompanied minors to their countries of origin or to third countries that are willing to receive them, if there is no guarantee that they will receive adequate assistance on arrival.</p> <p>2. Yes</p> <p>3. The ownership of the process of promoting the rights and protection of the child always lies with the competent judicial authority in matters of family and minors (prosecutor), which has its own powers to call to the process all entities and services whose interventions are necessary so that the construction is supported by the most diverse technical areas.</p>

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			<p>The final decision is the responsibility of a specialized judicial authority (Judge) and is always taken into account in the best interests of the child or young person.</p> <p>4. See question 2.</p> <p>5. NA</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. The best interests of the child are generally (i.e. not specifically regarding returns) regulated in the Article 5 of the Act No 36/2005 on family and on changes and amendments to certain acts as follows:</p> <p>“The interest of a minor child is a primary consideration in all cases involving him or her. In determining and assessing the best interests of the minor, particular account shall be taken of:</p> <ul style="list-style-type: none"> (a) the level of care of the child; (b) the safety of the child as well as the safety and stability of the environment in which the child resides; (c) the protection of the child’s dignity as well as mental, physical and emotional development; (d) circumstances related to the child’s state of health or to the child’s disability; (e) endangering the child’s development by interfering with his or her dignity and endangering the child’s development by interference with the mental, physical and emotional integrity of a person who is a close person to the child; (f) the conditions to preserve the identity of the child and to develop the child’s abilities and aspirations; (g) the child’s opinion and possible exposure to a conflict of loyalty and the subsequent feeling of guilt; (h) the conditions for establishing and developing relations with both parents, siblings and other close persons, (i) the use of possible means to preserve the child’s family environment where an interference with parental rights and responsibilities is considered.’ <p>In general, the best interests of the child shall be assessed in any activity, procedures, methods or techniques, including decisions concerning or likely to concern the child, while ensuring adequate</p>

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			<p>participation of the child and the expression of his or her opinion (where possible in view of the child's age and his or her mental maturity) on all matters relating to him or her. In the context of the UAM's relationship, the best interests of the child are assessed in the context of addressing the situation of the UAM not only in the current but particularly long-term perspective, in order to design and adopt durable solutions for the UAM, e.g. when the child is reunited with a family in the form of repatriation, the return of the child to the country of origin (if it is a safe country), the reunification of the child with a family located in the territory of a third country or within the asylum procedure, or the integration of the UAM within the territory of the Slovak Republic.</p> <p>In determining the best interests of the child, the UAM mainly uses a case conference method where, with the active involvement of the child, a team of experts (in addition to the carer or guardian of the minor also a psychologist, a social worker, a tutor, a nurse, a special tutor and the director of the accommodation center) assesses the different aspects of the child's best interests in a language the child understands (i.e. with the participation of an interpreter). The conclusions are included in writing in an individual plan for the development of a child's personality, which includes a plan for educational work with the child and a plan for social work with the child. The best interests of the child are continuously assessed and updated according to the individual needs of the UAM.</p> <p>In relation to the return carried out by the Foreign Police, there is no precise procedure as to how the best interests of the child are determined in relation to the issuing of an administrative expulsion decision. The approach is very individual in relation to a particular case. Existing practice assumes that if expulsion is in the best interests of the child (the Slovak Republic does not carry out forced returns of UAMs to the country of origin unless it is in their best interest) and the police unit issues an administrative expulsion decision to an unaccompanied minor, particularly in cases where it is established that the family members of the child are staying in the country where the child is to be returned. It must be ensured that the needs of the child are met. If the child has no relatives in the country of origin or cannot be traced, the child cannot be returned.</p> <p>The following elements shall also be considered regarding the return: identity of the child, opinion of parents or the carer, opinion of the child, preserving the family unity, child protection, care and safety, right to health, access to education, vulnerability.</p>
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			<p>Where the minor is accompanied by a legal representative, the best interests of the child are pursued by the administrative authority issuing the return decision, based mostly on the relevant national legislation (Article 5 of the Family Act and others) and the Convention on the Rights of the Child.</p> <p>2. No</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. See 1.</p>
	EMN NCP Slovenia	Yes	<p>1. When establishing return procedure for an unaccompanied minor (UAM) Police contacts Social Work Centre, which is responsible for assigning lawful representative to minor in return procedure. Article 82 of Slovenian Foreigner's Act further states that Police can issue final decision regarding return of the UAM, after his lawful representative states that the decision regarding return acts according to the best interests of the UAM. Within return procedure of the UAM, suitable reception for the UAM must be organized in his/her home country. foreigners_act_article_82.pdf</p> <p>2. Not Applicable</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p>

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			5. Lawful representative, assigned by Social Work Centre, is responsible for assessing the best interests of the UAM in return procedure.
	EMN NCP Spain	Yes	<p>1. A report on the child is asked from the Consulate of the country of origin, or the authorities of that country, about the family circumstances and eventual State institutions that could take care of the child. Another report is asked from the institution responsible for the child in Spain, and a third one from the regional authorities where the child is residing. These reports follow an official template and include information on the family and social environment in the home country. Additional reports can be demanded once the administrative return procedure has started, depending on the statements made by the child. As for Assisted Voluntary Return Programmes, no UAMs have been returned under these scheme so far.</p> <p>2. No</p> <p>3.</p> <p>4.</p> <p>5. The final Assessment of all available information is made by the Government Delegate in the region/province when deciding on issuing or refusing the return decision.</p>
	EMN NCP Sweden	Yes	<p>1. In Sweden the responsible agencies have an responsibility to consider the best interest of the child in every decision made in the process. In other words this is the case not only for the final decision but also decisions made in the process. The importance of the interest of the child will depend on individual circumstances, the type of decision, and an overarching assessment. That the best interest of the child has been taken into account should be reflected in rationale for the formal decision. Special instructions</p>

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			<p>for staff regarding the best interest of the child has been developed within the Migration Agency with regard to the UN convention on the right of the child.</p> <p>2. No</p> <p>3. NA</p> <p>4. NA</p> <p>5. See answer to question 1. The best interest of the child is also the responsibility of the legal guardian and the legal representative. The decision in the individual case is taken by the case handlers (normally two persons, one responsible for the enquiry and one responsible for the decision). The decisions by the responsible authority can be appealed to migration court based on the best interest of the child. Then it is up to the court to decide what is the best interest of the child.</p>
	<p>EMN NCP Norway</p>	<p>Yes</p>	<p>1. Norway does not have separate return decisions. A negative decision on the asylum application is two folded - refusal to grant asylum/protection AND a return decision. The Directorate of immigration (UDI) is obliged to carry out an evaluation of the child's best interests during the asylum procedure, the case worker shall in the decision consider a lasting solution that is in the child's best interests.</p> <p>Assisted/voluntary return process: For UAMs recorded in the asylum system, the case worker who is making the decision is obligated to do a best interest determination (BID). The BID in the decision should evaluate a durable solution in the best interest of the child. In addition, the case workers make best interest assessment throughout each step of the asylum procedure and further in the return process.</p> <p>Forced return process: The National Police Immigration Service (NPIS) has developed a best interest of the child guidance for operative staff, on how to ensure the rights of the child and secure the best interest of the child in practice, during arrest and return. The guidance is research-based and provides four child-specific principles, and forms the basis on how the police interact with children in all situations. The principles are safety, predictability, involvement and understanding. The aim is to prevent harmful stress and trauma to children. In addition, the guidance shows how police officers in practice must</p>

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			<p>observe children's rights in the return process. It is applicable both for the return of unaccompanied minors and for families with children. The guidance is available online; the English version is located on the following website in English: https://www.politiet.no/globalassets/dokumenter/ptu/police-guidelines-for-asylum-cases-involving-children.pdf</p> <p>2. No</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. See Q1 police-guidelines-for-asylum-cases-involving-children.pdf</p>
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