



AD HOC QUERY ON 2021.13 Situation and profile of unaccompanied minors from Afghanistan Part II

Requested by EMN NCP Belgium on 18 March 2021

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (22 in Total)

Disclaimer:

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1. Background information

Belgium is currently facing a remarkable influx of unaccompanied minors from Afghanistan. The Belgian government is interested in receiving information on the situation in other EU Member States and the profile and background of Afghan unaccompanied minors in their countries. The data requested in this ad-hoc query have not been published in previous EMN outputs, nor in reports by other organisations.

For each query, please indicate whether your national reply is for wider or closed dissemination.

2. Questions

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- 1. How many age assessments did your Member State conduct in the years 2019-2020 with regard to self-declared minors from Afghanistan?**
- 2. In how many cases these self-declared minors were indeed found to be minors?**
- 3. For how many Afghan UAMs an application for family reunification was filed in 2019-2020?**
- 4. For how many of them, the family reunification was successful?**
- 5. How does your Member State organize the voluntary return of Afghan UAMs who exhausted all legal procedures?**
- 6. Does this practice differ from the organization of voluntary return for Afghan adults?**

We would very much appreciate your responses by **19 April 2021**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.

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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	EMN NCP Belgium	Yes	<p>1. 2019: Doubts 630 – confirmed minor 240 2020: Doubts 662 – confirmed minor 182</p> <p>2. See question 1.</p> <p>3. 2019: 112 2020: 55</p> <p>4. It is impossible to calculate how many of these UAMs actually had family members coming to Belgium. Belgium does register the total number of positive decisions and refusals for family members of Afghan UAM's. In 2019, 210 persons[1] were given a positive decision without DNA test. 330 persons' application was refused whereof 267 under approval of a DNA-test. In 2020, 41 persons were given a positive decision without DNA test. 186 persons' application was refused whereof 181 under approval of a DNA-test. The significant number of refusals under approval of a DNA test, is due to the fact that many problems occur with Afghan documents, as well as the fact that the mother is not mentioned on the Afghan birth certificate. In these cases a visa will be refused under approval of a DNA-test, but the case can be reopened after a positive DNA test. The number of positive DNA-tests for family members of Afghan UAMs cannot be mentioned with certainty, but figures show that the number of negative tests in Islamabad is very low.</p> <p>[1] Parents falling within the scope of family reunification as well as siblings falling outside the scope of family reunification but considered as humanitarian cases.</p> <p>5. When an UAM who exhausted all legal procedures wishes to return voluntarily to Afghanistan, IOM will only organise the return if the three parties concerned agree to it. The three parties are:</p> <ul style="list-style-type: none">• The UAM who expressed his/her wish to return (the legal guardian and social assistants assess the intrinsic motivation);• The legal guardian, who formally agrees by undersigning the return form;
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			<ul style="list-style-type: none"> • The parent(s), who by means of a standardised document (+ copy of ID-doc) formally accept the return. In absence of parents, this formal agreement can also be given by an adult family member. <p>These three 'agreements' apply only to UAMs and not to adults (including young adults previously registered as UAMs). In preparation of the voluntary return and re-integration (and depending on the need of the UAM on the one hand and on the possibilities in Afghanistan on the other hand) there is a close collaboration between IOM Belgium, IOM Afghanistan, the social context of the UAM in Belgium (often reception structure or reception family), the social context in Afghanistan (oftentimes family) and the legal guardian in Belgium. This close collaboration should enhance the chances of a qualitative re-integration.</p> <p>While preparing a re-integration project for Afghan adults wishing to return, this kind of intense cooperation hardly never occurs.</p> <p>During the journey:</p> <p>For (Afghan) UAMs, younger than 16, a 'social escort' is provided (this could be the legal guardian);</p> <p>For (Afghan) UAMs, older than 16, a 'social escort' can be provided on a case-by-case basis (e.g. anxiety);</p> <p>For (Afghan young) adults, this escort will not be provided.</p> <p>After return:</p> <p>A re-integration project for UAMs is not that feasible, due to a rapidly changing local (safety) context. Although in certain regions NGO's are active in the field of child protection, education and psychosocial support, there are no programmes or services focusing on Afghan UAMs returning voluntarily from Belgium.</p> <p>6. See question 5</p>
	EMN NCP Bulgaria	Yes	<p>1. In 2019, the conducted age assessments were 12. It was found that the self-declared Afghan minors were over 18 years old.</p> <p>In 2020, the conducted age assessments were 53. It was found that 49 of the self-declared Afghan minors were over 18 years old and only 4 of them were minors under 18 years old.</p>

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		<p>2. See the answer of question 1</p> <p>3. In 2019-2020, a total of 127 decisions were issued on applications for family reunification under the Law on Asylum and Refugees. There are no statistics about how many of them were submitted by UAMs.</p> <p>4. No information.</p> <p>5. The modalities under which the return of unaccompanied minors takes place, including, in this case, citizens of Afghanistan, are detailed in the Regulations implementing the Law on Foreigners in the Republic of Bulgaria (Article 63k). According to the national law, where an unaccompanied minor has not applied for international protection in Bulgaria, the authorities of the Migration Directorate or the "Migration" sectors / groups at the Regional Directorates of the Ministry of Interior (Mol) shall conduct an interview with the child within 7 working days from his/her transfer to the Social Assistance Directorate. During the interview, facts and circumstances regarding the whereabouts of the parents or of other persons responsible for the child by law or by practice shall be established. Other relevant information related to the situation and wish of the child shall also be found. An unaccompanied minor is entitled to an interpreter from a language he/she understands, as well as to legal aid. The Social Assistance Directorate at the place of residence shall appoint a representative of the UAM who participates during the interview and elaborates a social report on that interview. Within 3 days after receiving the social report, the "Migration" sectors / groups at the Regional Directorates - Mol shall prepare a reasoned opinion on the possibility of returning the unaccompanied minor to the country of origin, the country of transit or to a third safe country, or, alternatively, of issuing a residence permit. This reasoned opinion shall immediately be sent to the Migration Directorate - Mol. Within one month of the interview, the competent authorities of the Migration Directorate shall impose on the UAM a coercive administrative measure "return to the country of origin, to a transit country or to a safe third country" when they have established that it is possible to return the child to a family member, to a designated guardian or to an appropriate reception centre in his/her country of origin, in</p>
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			<p>a third country available to receive him/her, or in a country having the obligation to receive him/her under a transfer and readmission agreement with the Republic of Bulgaria. This procedure shall be carried out provided that the life and liberty of the child are not endangered in that country and he/she is not at risk of persecution, torture or inhuman or degrading treatment.</p> <p>When the return of the UAM is not possible, the competent authorities of the Migration Directorate shall prepare a summary opinion which shall be sent, directly or through the relevant "Migration" sector / group at the Regional Directorates – MoI, to the unaccompanied minor through his/her representative appointed by the Social Assistance Directorate at the place of residence. This opinion shall also contain information about the possibility of initiating a procedure for granting the right of prolonged residence. The director of the "Migration" Directorate or an authorised official may allow the unaccompanied minor a prolonged residence under Art. 28a of the Law on Foreigners in the Republic of Bulgaria.</p> <p>No cases of return of unaccompanied minors have been reported so far.</p> <p>6. See the answer of question 5.</p>
	EMN NCP Croatia	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Cyprus	Yes	<ol style="list-style-type: none"> 1. In 2019 and 2020, no UAM from Afghanistan arrived in Cyprus 2. N/A 3. N/A 4. N/A

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			5. N/A. 6. N/A
	EMN NCP Czech Republic	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Estonia	Yes	1. There were no age assessments conducted in 2019-2020 with regard to self-declared minors from Afghanistan. 2. N/A 3. N/A 4. N/A 5. N/A 6. N/A
	EMN NCP Finland	No	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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	EMN NCP France	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Germany	Yes	<p>1. The Federal Office for Migration and Refugees only started mid of 2020 an own age assessment procedure. In only one of the cases, where the Federal Office initiated a medical assessment, an Afghan UAM has been concerned. The outcome for the minimum age was 19 years. About the procedure at the Youth Welfare Services , we don 't have any information connected to special nationalities.</p> <p>2. Please see answer to question 1.</p> <p>3. No data available.</p> <p>4. No data available</p> <p>5. When an UAM who exhausted all legal procedures wishes to return voluntarily to Afghanistan, IOM will only organize the return if the three parties concerned agree to it. The three parties are: The UAM who expressed his/her wish to return (the legal guardian and social assistants assess the intrinsic motivation); The legal guardian, who formally agrees by undersigning the return form; The parent(s), who by means of a standardised document (+ copy of ID-doc) formally accept the return (as well as agreeing to take care of the UAM until reaching the age of 18 years). In absence of parents, this formal agreement can also be given by an adult family member. These three 'agreements' apply only to UAMs and not to adults (including young adults previously registered as UAMs).</p> <p>During the application process it has to be ensured by all three involving parties that the return of the UAM is in the child's best interest.</p>

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		<p>If needed (no requirement) an additional meeting at the return counselling centre will be established with the UAM's legal guardian and the UAM to ensure the child is well informed about further procedure before an application will be handed in through the return counselling centre.</p> <p>In preparation of the voluntary return and re-integration (and depending on the need of the UAM on the one hand and on the possibilities in Afghanistan on the other hand) there is a close collaboration between IOM Germany, IOM Afghanistan, the social context of the UAM in Germany (often reception structure or reception family), the social context in Afghanistan (oftentimes family) and the legal guardian in Germany. This close collaboration should enhance the chances of a qualitative re-integration.</p> <p>While preparing a re-integration project for Afghan adults wishing to return, this kind of intense cooperation hardly never occurs.</p> <p>During the journey: For (Afghan) UAMs, younger than 16, a 'social escort' is provided (usually through requirement by airline and organised IOM through airline-worker) - arrival assistance in destination country will be organized additionally to ensure IOM colleagues can establish contact to family/legal guardian in target country. For (Afghan) UAMs, older than 16, a 'social escort' can be provided on a case-by-case basis (if required) – arrival assistance in destination country will be organized anyways to ensure IOM colleagues can establish contact to the family/legal guardian in target country. For (Afghan young) adults, this escort could also be provided if needed (e.g. medical purposes)</p> <p>After return: A re-integration project for UAMs is not that feasible, due to a rapidly changing local (safety) context. Although in certain regions NGO's are active in the field of child protection, education and psychosocial support, there are no programmes or services focusing on Afghan UAMs returning voluntarily from Germany.</p>
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			<p>6. Except from the closer collaboration between all involved parties and the additional mandatory support through social escort during the flight as well as arrival assistance there is no difference in the practice from organizing a voluntary return to Afghanistan. These additional supports (social escort/arrival assistance) is also available for adults, if this additional support is needed e.g. because of medical issues etc.</p> <p>The (reintegration) assistance amount for UMA and adult returning person are equal, no additional payments for returning UAMs will be made.</p>
	EMN NCP Hungary	Yes	<p>2. 0</p> <p>3. 0</p> <p>4. N/A</p> <p>6. N/A</p>
	EMN NCP Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Latvia	Yes	<p>1. There were no cases of self-declared minors from Afghanistan in 2019-2020 and no age assessments conducted out for that group.</p> <p>2. N/A</p>

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			<p>3. No such cases.</p> <p>4. N/a</p> <p>5. We do not have experience in organizing voluntary return of Afghan UAMs who exhausted all legal procedures.</p> <p>6. N/a</p>
	EMN NCP Lithuania	Yes	<p>1. According to the information provided, there was only one Afghan UAM who applied for asylum in Lithuania since 2017, therefore it is not possible to comprehensively answer to further questions and ensure anonymity.</p> <p>2. N/A.</p> <p>3. N/A.</p> <p>4. N/A.</p> <p>5. N/A.</p> <p>6. No such recent practise.</p>
	EMN NCP Luxembourg	Yes	<p>1.</p> <p>In 2019: 10 age assessments were conducted.</p> <p>In 2020: 1 age assessment was conducted.</p>

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			<p>Seeing the sensibility of this question and because of the small number of Afghan UAMs, these numbers are not public and should not be shared.</p> <p>2. In 2019 : 4 minors (out of 10) were indeed found to be minors. In 2020 : the one assessment that was conducted, came to the conclusion that minority was indeed possible.</p> <p>Seeing the sensibility of this question and because of the small number of Afghan UAMs, these numbers are not public and should not be shared.</p> <p>3. N/A.</p> <p>4. N/A.</p> <p>5. In principle, Luxembourg can organise a voluntary return of an UAM through the AVRR-L managed by IOM but Luxembourg has not yet organised voluntary returns of Afghan UAM in Afghanistan.</p> <p>6. N/A.</p>
	EMN NCP Netherlands	Yes	<p>1. Less than five in both 2019 and 2020.</p> <p>2. This information was not available.</p> <p>3. Forthcoming</p> <p>4. Forthcoming</p>

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			<p>5. When an UAM who exhausted all legal procedures wishes to voluntarily return to Afghanistan, the Repatriation and Departure Service will forward the UAM to IOM Netherlands. IOM Netherlands will notify IOM in Kabul, who in turn, organize the guidance and social escort for the UAM. During the journey all UAM's are provided with a 'social escort'. This could either be an employee of the Repatriation and Departure Service or the legal guardian.</p> <p>6. In case of voluntary return of an Afghan adult, a 'social escort' is not provided.</p>
	EMN NCP Poland	Yes	<p>1. In 2019, 34 age assessments with regard to self-declared minors from Afghanistan were conducted, in 2020 - 49 such assessments.</p> <p>2. In 2019, 16 from 34 Afghani minors were indeed found to be minors, in 2020 - 14 from 49 assessed ones.</p> <p>3. As far as Dublin procedure is concerned there was 1 application for family reunification of Afghan UAMs in the reference period.</p> <p>4. None</p> <p>5. In 2019-2020 there were no cases of Afghan UAMs to be returned (no cases of organizing such returns).</p> <p>6. As a rule, in the cases of an UAM a legal guardian has to be appointed. All actions undertaken during the return procedure can only be performed with the assistance of such a legal guardian.</p>
	EMN NCP Portugal	Yes	<p>1. Expert opinions have been requested for all the minors, although we do not have the results of all of them.</p>

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			<p>2. To date all of them.</p> <p>3. So far, only for one</p> <p>4. Not yet concluded</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Slovakia	Yes	<p>1. During 2019 – 2020, 26 Afghan nationals who had to undergo age assessment, out of whom 3 persons were confirmed to be minors by the doctor. Source: Bureau of Border and Foreign Police</p> <p>2. See 1.</p> <p>3. 2019: 1 2020: 2</p> <p>4. 0</p> <p>5. The voluntary return and reintegration of minors to Afghanistan is carried out in the Slovak Republic by the International Organisation for Migration (IOM), as part of the Assisted Voluntary Return and Reintegration (AVRR) programme.</p> <p>For unaccompanied minors, an assessment of the best interests of the child shall be carried out. If this process, involving several types of information (family search, assessment of the situation of the family, country of origin, child's past, social network of the minor, etc.) and actors (guardian in</p>

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			<p>the host country, guardian in the country of origin, return advisor, authorities responsible for the protection of the rights of the child, etc.), leads to a decision that the child's reintegration into the country of origin and return through the ADNR programme is the best and sustainable solution for the child. The child's position must also be taken into account in the decision-making process. Children must be given the opportunity to express their views on decisions affecting them.</p> <p>When planning the return, parents must confirm in writing that they assume responsibility for the child upon return. If the return to the family is not possible, the best interests of the child need to be reassessed. If the return is nevertheless in the best interests of the child, a guardian from a wider family, a foster family or an institution shall be searched for.</p> <p>If the age or individual situation of the migrant requires so, e.g. anxiety from the return or flying, the presence of social escorts is ensured at the return of unaccompanied minors.</p> <p>Depending on the child's age and individual situation, the return plan also includes preparing for reintegration in the country of origin. This plan should also include access to education, i.e. education plan and preparation for entry into the labour market, i.e. a work plan. Minors should also have access to psychosocial counselling. In the case of unaccompanied minors who are considered to be vulnerable migrants, an increased reintegration grant is generally awarded.</p> <p>A necessary part of the return and reintegration process is the monitoring of the child's situation after return and the monitoring of the sustainability of reintegration at predetermined intervals, as a rule at the end of each phase of the reintegration plan.</p> <p>6. During the return of adults, migrant's written consent to voluntary return is sufficient for the implementation of the AVRR. The presence of escorts is also generally not necessary. An increased reintegration grant would only be eligible if some kind of vulnerability, e.g. health status, had been identified. Similarly, the reintegration plan would focus on the migrant's needs, such as accommodation or livelihood, and might not include e.g. an education plan if the migrant did not request it.</p>
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	EMN NCP Slovenia	Yes	<p>1. 0</p> <p>2. Not applicable.</p> <p>3. Between 1.1.2019 and 31.12.2020 two UAMs from Afghanistan with international protection, lodged applications requesting issuance of residence permits for family members due to family reunification purpose. The aforementioned UAMs lodged five applications where they requested issuance of residence permits, which means that they applied for family reunification with total five family members.</p> <p>4. Of the five aforementioned applications, four were granted and residence permits for family members due to family reunification purpose were issued. In one case the procedure was suspended.</p> <p>5. Slovenia didn't organize any voluntary or force return of Afghan UAMs.</p> <p>6. Not applicable.</p>
	EMN NCP Spain	Yes	<p>1. Very few, maybe a couple of dozen.</p> <p>2. Very few, most of them are not minors anymore.</p> <p>3. None</p> <p>4.</p> <p>5.</p> <p>6.</p>

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	EMN NCP Sweden	Yes	<p>1. In 2020 43 UAM from Afghanistan was going through medical age assessment and the age was changed to over 18 for 6 applicants In 2019 38 UAM from Afghanistan was going through medical age assessment and the age was changed to over 18 for 7 applicants</p> <p>2. In 2020 43 UAM from Afghanistan was going through medical age assessment and the age was changed to over 18 for 6 applicants In 2019 38 UAM from Afghanistan was going through medical age assessment and the age was changed to over 18 for 7 applicants</p> <p>3. We do not know the number of applications but in 2019 1977 applications for family reunification for Afghan UAMs were decided out of which 1177 was approved, in 2020 1004 decisions were made with 467 approved.</p> <p>4. See answer to question 3 - 1171 in 2019 and 467 in 2020</p> <p>5. In the last years no Afghan UAMs has been returned voluntary to Afghanistan. If they were to be returned an organised reception must be arranged in the home country.</p> <p>6. For adults there do not have to be an organised reception in the home country.</p>
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