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Ad-Hoc Query on 2023.21 Possibility of granting a residence permit on the basis of a child protection order

Requested by EMN the Netherlands on 7 June 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia (21 in Total)

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## 1. BACKGROUND INFORMATION

In the Netherlands, there is a special policy applicable to third-country national children[1] based on a family supervision order (child protection order) that is imposed by the juvenile court.

The **family supervision order (Ondertoezichtstelling)** can be issued by the juvenile court if a child's development is jeopardised and voluntary help is no longer available or not sufficient, or if parents reject assistance. The child is appointed a family supervisor from a certified institution. The family

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supervisor assists the child and the parents to solve their parenting problems. The parents remain responsible for the upbringing, but their parental authority is restricted. The parents as well as the child are required to follow the instructions of the family supervisor. The child stays at home, in principle. However, the court may decide that it is in the child's best interest to place him or her (temporarily) in a foster home.

The family supervision order **allows third-country national children to be eligible for a residence permit in the Netherlands** (i.e. a regular permit on temporary humanitarian grounds), if they do not already have a right of residence on another ground (for example asylum, family reunification). In the Netherlands, the eligibility for this residence permit depends, amongst other things, on whether the type of care and supervision assigned by the family supervision order is available in the country of origin or another country that can be assumed to grant entry. The Repatriation and Departure Service (Dienst Terugkeer en Vertrek - DT&V) conducts this investigation.

The Immigration and Naturalisation Service (Immigratie-en Naturalisatiedienst – IND) of the Netherlands is interested to know if, in your country, the legal framework provides **something similar to the family supervision order or a similar child protection order**, whether it is possible for a minor third-country national who is covered by the order to receive a residence permit, and if so what the **conditions are for this permit**.

[1] This policy is also applicable to minor EU nationals, if they do not have a right of residence in the Netherlands under EU law

We would like to ask the following questions:

1. Does the legal framework of your country provide for a similar protection order to the family supervision order described above? YES/NO. If your answer is YES, can you please elaborate and provide the legal basis.
2. If you answer yes to Q1, is it possible for the minor who is covered by the protection order, and who does not already have a right of residence on another ground (for example asylum or family reunification), to obtain a residence permit in your country based on the said protection order? YES/NO.
3. If you answer yes to Q2, what kind of residence permit can be granted due to the child protection order?
4. If you answer yes to Q2, what are the conditions for granting this residence permit?
5. If you answer yes to Q2, does the granting of the residence permit depend on whether or not the type of care and supervision appointed by the family supervision order is available in the country of origin or another country that is assumed to grant entry? YES/NO. If your answer is YES, please explain.

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6. If you answer yes to Q5, how and by whom is assessed whether or not the type of care and supervision appointed by the family supervision order is available in the country of origin or another country assumed to grant entry?

We would very much appreciate your responses by 7 July 2023.

## 2. RESPONSES


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		Wider Dissemination	
	EMN NCP Austria	Yes	<p>1. In Austria, there are comparable regulations, which are partly regulated in the Children and Youth Service Acts of the respective provinces and that can therefore differ in detail. The involvement of external supporters can therefore take place on the basis of an agreement between the parents and the child and youth welfare authorities or via an official/judicial order, which is often accompanied by the (partial) withdrawal of custody (Art. 181, 182 General Civil Code; for example Art. 28 et seqq. Vienna Children and Youth Service Act 2013).</p> <p>2. In Austria, a residence title may exist for UAM (Art. 41a para 10 Settlement and Residence Act), but not for minors in the context of the support described in Q1.</p> <p>3. N/a</p> <p>4. N/a</p>

<sup>1</sup> 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.


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			<p>5. N/a</p> <p>6. N/a</p>
	EMN NCP Belgium	<b>Yes</b>	<p>1. Yes. The juvenile court can issue a similar protection order, regardless of the nationality or the residence status of the child who is in danger (in Flanders “VOS-situatie” or “verontrustende opvoedingsituatie”).</p> <p>2. No. There is no specific residence procedure linking a child protection order to the issue of a residence permit. The Belgian Immigration Office is not bound to a placement measure by a juvenile court and a stay/residence permit will therefore not automatically be linked to it. For accompanied minors (whose parents are residents in Belgium without loss of parental authority), it is the parents' responsibility to assume their parental responsibilities; the children follow the parents their procedures/status (with the exception of accompanied minors seeking international protection on their own grounds). Grounds specific to the family situation/decisions by juvenile courts or youth welfare organisations are elements that are taken into account by the Immigration Office and are analysed on a case-by-case basis in residence applications submitted on the basis of legal requirements (the Belgian Immigration Act of 15.12.1980). For unaccompanied foreign minors a guardian will be appointed by the Guardianship Service of the Federal Public Service Justice. In certain exceptional cases, the Guardianship Service may appoint a guardian even if the parents are on Belgian territory. In such cases, the guardian must then analyse the situation and choose the residence procedure best suited to the child's profile.</p> <p>3. Not applicable</p> <p>4. Not applicable</p>




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			<p>5. Not applicable</p> <p>6. Not applicable</p>
	<p>EMN NCP Bulgaria</p>	<p><b>Yes</b></p>	<p>1. When a risk is identified in the family that does not threaten the well-being of the child, a measure is taken to protect the child through assistance, support and protection in a family environment. A case is opened to work with the child and family and the whole family remains under supervision until the risk to the child has been overcome. The protection measure taken is in accordance with Article 4, Paragraph 1 of the Law on Child Protection.</p> <p>2. According to Article 10, paragraph 1 of the Law on Child Protection, every child has the right to protection for his normal physical mental, moral and social development and to the protection of his rights and interests. Every child has the right to reside in the country until reaching adulthood or until circumstances change. In case of established need (risk for the child) and an imposed protection measure within the meaning of the Law on Child Protection, this measure is not a ground for granting status.</p> <p>3. The adopted measure of protection according to the Law on Child Protection enables the child to reside on the territory of the Republic of Bulgaria until s/he reaches adulthood or until s/he completes secondary education but up to 20 years of age.</p> <p>4. During the protection measure taken, the child can apply for international protection. If the application for international protection is rejected, the measure of protection taken by the social authorities continues its effect until the child reaches the age of majority.</p> <p>5. No. In this case the national legislation is fully applied, which corresponds to the EU legal framework.</p> <p>6. Not Applicable</p>


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	<p>EMN NCP Croatia</p>	<p><b>Yes</b></p>	<p>1. No. 2. N/A 3. N/A 4. N/A 5. N/A 6. N/A</p>
	<p>EMN NCP Cyprus</p>	<p><b>Yes</b></p>	<p>1. NO 2. n.a. 3. n.a. 4. n.a. 5. n.a. 6. n.a.</p>
	<p>EMN NCP Czech Republic</p>	<p><b>Yes</b></p>	<p>1. NO. Issuance of another residence permit is not necessary. Even in the case that the child is placed into the institutional care, the residence permit that he had remains.</p>

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			<p>If it is necessary, the Czech Republic can grant permanent residence permission if institutional care is ordered. In that case, granting permanent residence is based on court decision on institutional care. This procedure is usual in case of UAMs. Nevertheless, the question, in our understanding, aims more to the situations of accompanied minors.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Estonia	<b>Yes</b>	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>

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+	EMN NCP Finland	Yes	<p>1. YES. The legal frame work in Finland does provide a similar possibility to grant a residence permit based on a custody decision/child protection order. Aliens Act Section 52: residence permit on humanitarian grounds for one year, which is renewable. According to a yearbook decision issued by the Supreme Administrative Court (KHO:2017:172), a child who has been taken into care by the child welfare authorities cannot be removed from the country until the child welfare measures have ceased.</p> <p>2. YES.</p> <p>3. A permit for individual humanitarian reasons (Aliens Act Section 52) may be granted on the basis of a custody/child protection order if the child is not granted international protection. Taking a child into custody by the child welfare authorities after a permit based on family ties has been granted may mean a situation at the extended permit stage where the conditions for a permit based on family ties are not met, but in which refusing the permit would be unreasonable. Sometimes it is necessary to monitor the development of the family's situation, in which case granting the child a residence permit under Section 52 of the Aliens Act and granting the parent a permit in relation to the child may be considered, in which case the situation can be reassessed the next time the permits are applied for. In matters concerning custody, the statements of child welfare authorities must be taken into account.</p> <p>4. According to the Child Welfare Act the child protection order is valid until further notice. A decision on its termination can be made, but custody ceases when the child reaches the age of 18 (Child Welfare Act Section 47). According to section 45(1) of the Child Welfare Act, the body responsible for child welfare has the right to decide on the child's whereabouts, care, upbringing, supervision and other care, as well as on the education and health care necessary for their implementation, in order to fulfil the purpose of taking the child into care.</p> <p>5. NO.</p>
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			6. NA/NO.
	EMN NCP France	Yes	<p>1. Yes.</p> <p>In France, under articles 375 to 375-9 of the Civil Code, the children's judge may take educational assistance measures if the health, safety or morals of an unemancipated minor are in danger, or if the conditions for their education or their physical, emotional, intellectual and social development are seriously compromised. These measures may involve monitoring and assistance to the family, which consists of keeping the child with their family and appointing a qualified person or specialised service to help the family; or placement measures, which consist of removing the child from their family environment by entrusting them to the other parent, a family member, a trustworthy third party or the child welfare services. The maximum duration of these measures is two years. They are renewable for as long as the danger to the child persists. This measure stems from the common law on child protection, which applies regardless of nationality. In France, a person is recognised as a minor and unaccompanied minor (UAM) if they are of a foreign nationality (from a member state of the European Union or a third country), under the age of 18 and unaccompanied by an adult with parental authority or by a legal representative. As soon as a young person is recognised as a minor and unaccompanied, this third-country national under the age of 18 comes under the general child protection system, which enables them to benefit from care, socio-educational support and legal assistance until they reach the age of majority. The protection of unaccompanied minors is entrusted to the Social child and youth care services (ASE) of the Departmental Councils as part of the protection of children at risk (articles 375 of the Civil Code and L. 221-1 of the Code on Social Action and Families). Guardianship proceedings may also be initiated in respect of unaccompanied minors, in which case guardianship is usually entrusted to the President of the Departmental Council (article 411 of the Civil Code). The minor remains in the care of the department's Social child and youth care services under the same conditions.</p> <p>2. No.</p>


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			<p>Under article L.411-1 of the Code on Entry and Residence of Foreign Nationals and the Right of Asylum (CESEDA), minors under the age of 18 are exempt from the obligation to apply for a residence permit in order to reside in France. They can then apply for residence permits on other grounds.</p> <p>There are various ways for UAMs to regularise their status, as set out in articles L. 423-22 and L. 435-3 of the CESEDA. These articles allow UAMs to apply for residence permits, on various grounds, in order to regularise their administrative situation and offer them protection after they come of age. The issue of these residence permits varies according to the age at which the minor was taken into care by the ASE services.</p> <p>Article L. 423-22 of the CESEDA states that in the year following their 18th birthday, or if they fall within the scope of article L. 421-35 of the same code, UAMs who have been entrusted to the ASE service or to a trustworthy third party, no later than their 16th birthday, will be issued with a temporary residence permit for a period of one year, bearing the words "private and family life". This permit is issued subject to the applicant's genuine and serious intention to undergo training, the nature of their links with their family in their country of origin and the opinion of the host structure on their integration into French society.</p> <p>When an UAM has been taken into care for at least three years in France by court order and raised by a person of French nationality or is entrusted to the ASE, they may also claim French nationality under article 21-12 2° of the Civil Code.</p> <p>UAMs who have been entrusted to the ASE (or trusted third parties) between the ages of 16 and 18 may apply for exceptional admission to residence on the basis of article L. 435-3 of the CESEDA, which provides for the possibility of issuing a temporary residence permit marked " employed " or " temporary worker " during the year following their 18th birthday. This permit is issued subject to the genuine and serious nature of the training followed for at least six months, designed to provide the foreign national with a professional qualification, the nature of their links with their family in their country of origin and the opinion of the host structure on their integration into French society.</p> <p>Lastly, and exceptionally, article L.425-1 of the CESEDA provides that foreign nationals who lodge a complaint or give evidence in criminal proceedings relating to offences of trafficking in human beings or procuring, provided that they have severed all ties with the accused person, will be issued with a temporary residence permit marked "private and family life" for a period of one year.</p>
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			<p>3. N/A. See Q2.</p> <p>4. N/A. See Q2.</p> <p>5. N/A. See Q2.</p> <p>6. N/A. See Q2.</p>
	EMN NCP Germany	Yes	<p>1. YES. With regard to the family supervision order, there are comparable rules under German family law. Section 1666 para. 1 German Civil Code (hereinafter BGB) provides that the family court has to take the measures necessary to avert the danger, where the physical, mental or psychological best interest of the child or the child's assets are endangered and the parents do not wish or are not able to avert the danger. According to Section 1666 para. 3 No. 1 BGB, the court measures include in particular instructions to seek public assistance, such as benefits of child and youth welfare and healthcare, which, for example, contain care assistants („Erziehungsbeistand / Betreuungshelfer“) pursuant to Section 30 Social Code – Book VIII – Children and Youth, (hereinafter SGB VIII), and socio-pedagogical family support according to Section 31 SGB VIII. Different from the function of a care assistant, who mainly focuses on the difficulties of the child him- or herself, the social-pedagogical family support shall concentrate on the whole family structure. As laid down in Section 31 SGB VIII, this assistance shall support families in their educational tasks, in coping with everyday problems, in solving conflicts and crises and provide assistance for interaction with authorities or institutions as well as help for self-help.</p> <p>In addition to that, pursuant to Section 16666 para. 3 No. 6 BGB, the family court can, if necessary, remove parental custody partly or – as a last resort – completely (in the latter case a guardian has to be appointed). If parental custody is only partly removed, the family court will appoint a curator who will be competent for these areas of custody (Section 1630 para. 1 BGB). The position and function of the curator seem equivalent to the mentioned Dutch family supervisor. Like under Dutch law, foster care is also a potential instrument. The mentioned regulations are not specifically applicable to TCN children but also to children with German and</p>


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		<p>EU citizenship.</p> <p>2. YES.</p> <p>3. All options under residence law are examined thoroughly and under permanent attention to the special vulnerability of the minor. If a residence permit cannot be issued on other grounds and the departure is considered to be impossible, e.g. for reasons connected with the child protection order, depending on the individual case, a regular residence permit on humanitarian grounds or a temporary suspension of deportation may be granted.</p> <p>4. If the reception conditions in the country of return are found to be not suitable, the legal residential status is determined in a case-by-case assessment and with special attention to Art. 5 of Directive 2008/115/EC (non-refoulement, best interests of the child, family life and state of health). One feasible option would be the issuance of a residence permit on humanitarian grounds due to the fact that the departure is impossible in law and the obstacles to departure are not likely to be removed in the foreseeable future (Section 25 para. 5 of the German Residence Act). The residence permit may not be granted if the foreigner's departure is impossible due to his or her own fault (if he or she furnishes false information, deceives the authorities with regard to his or her identity or nationality or fails to meet reasonable demands to eliminate the obstacles to departure). If no residence permit can be granted, the deportation can be suspended temporarily ("Duldung", Section 60a of the German residence Act).</p> <p>5. YES. See answer 4.</p> <p>6. Before a decision on the return is handed down, the competent authority examines if legitimate interests according to Art. 5 of Directive 2008/115/EC have to be considered. During an asylum procedure, the competent authority would be the Federal Office for Migration and Refugees (BAMF). After the final asylum decision and in cases where an asylum application has not been filed, the decision is in the responsibility of</p>
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			the local foreigners authority (Ausländerbehörde).
	EMN NCP Greece	Yes	<p>1. YES. Unaccompanied minors are granted a residence permit on humanitarian grounds, as per the provisions of Law nr. 4251/2014. A residence permit on humanitarian grounds is granted to a) minors who are in need of protection measures and are accommodated in public benefit purpose entities provided that their return into a safe environment is impossible, b) minors accommodated in boarding houses that operate under the competent Ministries. The above residence permit is valid for two years and can be renewed for up to two years each time, provided the preconditions are met.</p> <p>Also, in case a victim of human trafficking or smuggling is an unaccompanied minor, the competent prosecuting authority takes the necessary steps to establish his/her identity, nationality and the fact that he/she is unaccompanied. If the minor's family cannot be located or if considered that repatriation will not be in the best interest of the child, the competent prosecutor for minors or, where no such prosecutor exists, the competent prosecutor at first instance may order any expedient measure to protect the child until a ruling is delivered by the court, to which the prosecutor shall refer within thirty (30) days for the appointment of a guardian, pursuant to the provisions of Articles 1532, 1534 and 1592 of the Civil Code.</p> <p>A third-country national who is characterised as a victim of trafficking in human beings or smuggling is granted, at his request to be filed in person or via the competent prosecutor, a residence permit (Directive 2004/81/EC).</p> <p>2. Please see reply in question 1.</p> <p>3. Please see reply to question 1.</p> <p>4. Pursuant to a relevant Joint Ministerial Decision (nr 68019/2015, GG B' 2272), for minors who are proved to require protective measures and who are hosted by foundations or other public benefit legal persons, is granted a residence permit on humanitarian grounds, if the necessary documents are submitted: a</p>


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			<p>Certificate issued by the foundation or the public benefit legal person stating that it hosts the applicant and it covers her/his medical or any other expenses associated with her/his stay, a copy of the foundation's or public benefit legal person's statute detailing its mission or the Government Gazette decision establishing it and the appointment decision of its legal representative, a Court decision of appointment of a legal guardian, a document issued by the legal prosecutor ruling the minor's placement in a foundation or other public benefit legal person.</p> <p>Moreover, a residence permit on humanitarian grounds is granted for minors accommodated in boarding houses that operate under the competent Ministries, if the necessary documents are submitted: parents' written consent on the minor's accommodation in a boarding house, copy of the boarding house's statute, certificate issued by the boarding house stating that it hosts the applicant and it covers her/his medical or other expenses associated with her/his stay, appointment decision of the boarding's house legal representative, registration certificate.</p> <p>5. No, please see answer in question 4 regarding the conditions for granting the residence permit.</p> <p>6. N/A</p>
	<p>EMN NCP Hungary</p>	<p><b>Yes</b></p>	<p>1. Under the current applicable Hungarian legislation on aliens policing, it is possible to grant a residence permit for other purposes to a third-country national (hereinafter referred to as TCN) if the purpose of the TCN's stay in Hungary is different from the purposes listed in the relevant legal act (e.g. family reunification). However, it should be noted that the applicant's purpose of stay exceeding 90 days shall be credibly substantiated also by documents, when applying for a residence permit for other purposes.</p> <p>Under the current applicable Hungarian legislation on aliens policing, it is possible to grant a residence permit for other purposes to a third-country national (hereinafter referred to as TCN) if the purpose of the TCN's stay in Hungary is different from the purposes listed in the relevant legal act (e.g. family reunification). However, it should be noted that the applicant's purpose of stay exceeding 90 days shall be credibly substantiated also by documents, when applying for a residence permit for other purposes.</p>


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			<p>2. Under the current applicable Hungarian legislation on aliens policing, it is possible to grant a residence permit for other purposes to a third-country national (hereinafter referred to as TCN) if the purpose of the TCN's stay in Hungary is different from the purposes listed in the relevant legal act (e.g. family reunification). However, it should be noted that the applicant's purpose of stay exceeding 90 days shall be credibly substantiated also by documents, when applying for a residence permit for other purposes.</p> <p>3. See answer to question 2. Under the current applicable Hungarian legislation on aliens policing, it is possible to grant a residence permit for other purposes to a TCN if the purpose of the TCN's stay in Hungary is different from the purposes listed in the relevant legal act (e.g. family reunification). However, it should be noted that the applicant's purpose of stay exceeding 90 days shall be credibly substantiated also by documents, when applying for a residence permit for other purposes.</p> <p>4. See answer to question 2. Under current applicable Hungarian legislation on aliens policing, it is possible to grant a residence permit for other purposes to a TCN if the purpose of the TCN's stay in Hungary is different from the purposes listed in the relevant legal act (e.g. family reunification). However, it should be noted that the applicant's purpose of stay exceeding 90 days shall be credibly substantiated also by documents, when applying for a residence permit for other purposes. Furthermore, it should also be substantiated that the TCN has sufficient means of subsistence to provide for the duration of his/her intended stay in Hungary and his/her onward or return travel, that (s)he has a substantiated place of accommodation in Hungary and that (s)he has healthcare insurance for healthcare services, as well as a valid travel document.</p> <p>5. See questions 2-4 regarding conditions for issuing a Hungarian residence person.</p> <p>6. See questions 2-4 regarding conditions for issuing a Hungarian residence person.</p>
	<p>EMN NCP Ireland</p>	<p><b>Yes</b></p>	<p>1. No. Ireland does not have a similar system to the one described above. Children who are subject to a care order under Irish law, meaning that they are in the fulltime care of the authorities, are given an independent immigration permission.</p>

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			<p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Latvia	Yes	<p>1. In Latvia, initially under specific circumstances the parental custody rights are restricted for a certain period of time. If the situation does not change or becomes worse, the custody rights of parents are removed. The rights of the child are represented and the child is taken care of by the Orphan's Court or an appointed guardian. The child may be placed in an out-of-family care institution, both when the custody rights have been removed from the parents and while they are restricted. As long as the parental custody rights are restricted (not removed), the child is represented by the parent and the Orphan's Court may assist.</p> <p>2. The Immigration Law provides for the issuing of a temporary residence permit for a child, a foreigner over whom custody has been established.</p> <p>3. A temporary residence permit is issued to the child for the period for which custody has been established over him/her.</p> <p>4. The basic prerequisite for granting a residence permit is the appointment of a guardian in Latvia to such a child whose parents have had their custody rights removed.</p>



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			<p>5. In order to issue this type of residence permit, the basic prerequisite is the appointment of a guardian in Latvia.</p> <p>6. Actions for the appointment of a guardian are carried out by the Orphan's Court, including, if necessary, verifying the possible appointment of guardians or the implementation of guardianship in the child's country of citizenship.</p>
	EMN NCP Lithuania	<b>Yes</b>	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	EMN NCP Luxembourg	<b>Yes</b>	<p>1. Yes. However, this does not apply exclusively to third-country national children.</p> <p>Article 7 of the amended law of 10 August 1992 on youth protection aims to protect minors who are in danger. This article takes into consideration minors:</p> <ul style="list-style-type: none"> <li>- who habitually avoid compulsory schooling ;</li> <li>- who engage in debauchery</li> </ul>

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			<ul style="list-style-type: none"><li>- who seek their resources through gambling, trafficking or occupations that expose them to - prostitution, begging or vagrancy;</li><li>- who commit criminal offences;</li><li>- whose physical or mental health, education or social or moral development is compromised.</li></ul> <p>Anyone can signal the situation of the minor to the public prosecutor or the Youth Judge. The judge can issue a protective order regarding guardianship, education and preservation.</p> <p>The judge can decide to take one of the following measures:</p> <ol style="list-style-type: none"><li>1. reprimand them and leave them with or return them to the persons who have custody of them, enjoining them, where appropriate, to supervise them more closely in the future;</li><li>2. subject them to educational assistance;</li><li>3. place them under supervision with any trustworthy person or in any appropriate establishment, even abroad, with a view to their accommodation, treatment, education, instruction or vocational training;</li><li>4. place them in a State re-education establishment.</li></ol> <p>The court may make the maintenance of the minor in his or her environment subject in particular to one or more of the following conditions:</p> <ol style="list-style-type: none"><li>a) regular attendance at an ordinary or special educational establishment;</li><li>b) to perform an educational or philanthropic service commensurate with his age and resources;</li><li>c) submit to the educational and medical guidelines of an educational guidance or mental health centre.</li></ol> <p>These measures are terminated once the minor reaches adulthood.</p> <p>In an emergency, the youth court judge or the youth protection department of the public prosecutor's office may take temporary custody measures, placing the child in danger in a care facility or with a trustworthy</p>
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			<p>person.</p> <p>Also, protection measures can be taken in case that the minor is a victim of a criminal offense. The public prosecutor's office - youth protection department - is responsible for all cases in which a minor is the victim of a criminal offence, including all cases of ill-treatment and sexual abuse. The public prosecutor is responsible for prosecuting the perpetrators of these offences. In addition to the criminal aspect of the case, the public prosecutor has to examine if there are grounds for ensuring the protection of the minor who is the victim of the offence (e.g. if the perpetrator of the abuse is in the minor's direct entourage and if the family does not protect the child).</p> <p>2. YES. In case, that the minor is placed under the supervision of a trustworthy person, appropriate establishment, state re-education establishment or is a victim of a criminal offence, and does not have a residence right, the court or the public prosecutor can request to the Directorate of Immigration to grant the minor a residence permit.</p> <p>3. It will be a residence permit for private reasons based on article 78 (3) and (4) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law).</p> <p>4. According to Article 78(3) of the Immigration Law, provided their presence does not constitute a threat to public order, health or safety, the Minister may grant a third-country national leave to remain on humanitarian grounds of exceptional gravity or on exceptional grounds.</p> <p>According to Article 78(4) of the Immigration Law, provided that their presence does not constitute a threat to public order, health or safety, a residence permit for private reasons is granted to a victim of domestic violence if the permit is necessary either with regard to the victim's personal situation, i.e. their safety, state of health, family situation or situation in their country of origin, or if it is necessary for the purposes of the victim's cooperation with the competent authorities in the context of an investigation or criminal proceedings.</p>
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			<p>5. No. It will depend on the Youth Court decision.</p> <p>6. N/A.</p>
	<p>EMN NCP Netherlands</p>	<p><b>Yes</b></p>	<p>1. Yes.</p> <p>2. Yes.</p> <p>3. A regular residence permit is granted on temporary humanitarian grounds for the duration of the family supervision order.</p> <p>4. The Immigration and Naturalisation Service (IND) of the Netherlands grants a regular residence permit to minor third-country nationals who have been placed under a family supervision order by the juvenile court if:</p> <ul style="list-style-type: none"> <li>- the advice of the Repatriation and Departure Service (DT&amp;V) shows that the child protection measure is not transferable to the country of origin or another country that can be assumed to grant entry;</li> <li>-the family supervision has been imposed by the juvenile court for one year;</li> <li>-the third-country national is not eligible for a residence permit on another ground (for example, asylum or family reunification).</li> </ul> <p>The IND will reject the application for the granting of a temporary regular residence permit of a minor third-country national who has been placed under supervision by the juvenile court, without seeking the advice of the DT&amp;V, if:</p> <ul style="list-style-type: none"> <li>-the minor third-country national or his authorised representative has not demonstrated with documents what assistance he or she needs;</li> <li>-the family supervision order has been imposed by the juvenile court for a period of less than one year;</li> <li>-the minor third-country national can be transferred on the grounds of the Dublin Regulation;or</li> <li>-the minor third-country national enjoys international protection in another EU member state.</li> </ul>



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			<p>5. Yes, see conditions for granting the residence permit (Q4) and explanation of the assessment (Q6).</p> <p>6. The IND requests the DT&amp;V to investigate whether or not the type of care and supervision appointed by the family supervision order is available in the country of origin or in another country that can be assumed to grant entry, according to local standards. The investigation is carried out on the basis of documents from the Dutch Child Care and Protection Board or a certified institution about the assistance the minor third-country national needs. These documents have to be submitted by the minor foreign national or his authorised representative. The DT&amp;V consults the authorities of the country of origin or of another country that can be assumed to grant entry.</p>
	EMN NCP Poland	Yes	<p>1. No</p> <p>2. N/a</p> <p>3. N/a</p> <p>4. N/a</p> <p>5. N/a</p> <p>6. N/a</p>
	EMN NCP Portugal	Yes	<p>1. YESArt. 124, Law No. 26/2018 of 5th July4 - Children and young people of foreign nationality sheltered in a public, cooperative, social or private institution with a cooperation agreement with the State, following a promotion and protection process, benefit from the resident status under the terms of sub-paragraph b) of paragraph 1 and paragraph 2 of article 123.Law No. 23/2023 of 25th May</p>

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			<p>2. YES</p> <p>3. Article 6(3) of Law 37/81 of 3 October;</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A(In Portugal the entity that supervises the minor's welfare is the Public Prosecutor's Office).</p>
	EMN NCP Slovakia	Yes	<p>1. No.</p> <p>2. No.</p> <p>3. NA</p> <p>4. NA</p> <p>5. NA</p> <p>6. NA</p>
	EMN NCP Slovenia	Yes	<p>1. Yes. As per Article 270 of the Family Code, unless otherwise provided by international treaty, a social work centre or court shall, in accordance with the provisions of the Family Code, take all necessary steps to protect the personality, rights and interests of a foreign national until the authority of their country takes the necessary action. Pursuant to Article 270, the same measures are taken for the protection of children who hold Slovenian citizenship as for third-country national children.</p>

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		<p>A comparable measure as the family protection order in the Netherlands is provided for in Article 163 of the Family Code which states that the court may issue an interim injunction on supervised contacts. Pursuant to this interim injunction, a court may decide that contacts shall take place in the presence of a professional of the social work centre or institution where the child is placed. The court shall determine the time and the place of contacts by prior agreement with the social work centre or institution where the child is placed. The contacts shall last for no more than two hours per week.</p> <p>2. No.</p> <p>3. Not applicable</p> <p>4. Not applicable</p> <p>5. Not applicable</p> <p>6. Not applicable</p>
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