



# EASTERN PARTNERSHIP

## Panel on Migration and Asylum

### Expert Meeting on Unaccompanied Minor Asylum Seekers (UMAS)

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<b>ARMENIA</b>	
<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	<p>The latest statistical overview of asylum claims launched in Armenia shows that during the past five years Armenia has received one unaccompanied minor asylum seeker from the Republic of Mali.</p>
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b>	<p>An unaccompanied minor or a minor separated from family is subject to the general asylum procedure provided by the Law of the Republic of Armenia on Refugees and Asylum (art. 8.3). The State Migration Service of Armenia is obliged by the same Law to apply, upon submission of an asylum application by unaccompanied minor asylum seekers and minor asylum seekers separated from family, to the Authorised Body for Labour and Social Issues and, where necessary, to the Child Protection Units for arranging the placement of, and care for, unaccompanied minor asylum seekers and minor asylum seekers separated from family (art. 34.1.8). The Ministry of Labour and Social Issues shall, upon the motion of the Authorised Body and in co-operation with the Guardianship Bodies and Child Protection Units, arrange the placement of, and the care for, unaccompanied minor asylum seekers and minor asylum seekers separated from family (art. 38.2).</p>
<b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b>	<p>According to the Law on Refugees and Asylum, in case asylum is sought by an unaccompanied minor person and/or minor person separated from family, State Migration Service shall assist in the appointment of a guardian. The appointed guardian shall take part in the examination of the asylum application by State Migration Service and other bodies as well as in all further legal relations provided for under the proceeding instituted for recognition of a refugee and grant of asylum (art. 47.8). The Law stipulates, that State Migration Service shall not initiate any steps regarding the asylum procedure without the involvement of the guardian and shall ensure that the interview is conducted in the presence of the latter and by an officer who has the necessary knowledge and skills for working with minors (art. 50.5).</p>
<b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b>	<p>No special unit operates in State Migration Service of RA for examining asylum claims by unaccompanied minors. The staff of the Asylum unit of State Migration Service hasn't received explicit trainings on RSD procedure with minor asylum seekers.</p>
<b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b>	<p>Age assessment is not compulsory unless it is crucial for proper examination of asylum claim. The Asylum unit does not have a past experience of age assessment.</p>
<b>6. What methodology do you use for credibility assessment with</b>	<p>There is no special methodology developed for credibility assessment with unaccompanied minors. The presumption is that the same methods and techniques are applied both for minor, and adult applicants.</p>

<b>unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b>	
<b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b>	Armenia has no accommodation categorized specially for unaccompanied minors. The law of RA on Refugees and Asylum stipulates, that upon the request of the guardianship body the Ministry of Education and Science shall arrange the issue of admission to an educational institution of unaccompanied minor asylum seekers and refugees as well as minor asylum seekers and refugees separated from family (art. 39.2). According to the same Law the Ministry of Health shall ensure the free of charge medical examination of asylum seekers, implementation of preventive and, where necessary, restrictive measures.
<b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b>	Armenia has no experience of returning an unaccompanied minor asylum seeker back to the country of origin. State Migration Service, however, in collaboration with UNHCR office in Armenia, thoroughly examines the security and human rights situation in receiving country before return, voluntary or compulsory, of the asylum seeker.
<b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b>	Housing conditions should be improved and categorized accommodation should be provided to unaccompanied minor asylum seekers. The case officers of the Asylum unit should receive a professional training course on the asylum procedure in relation to minors.

## AZERBAIJAN

<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	In the recent period of time, no asylum applications were submitted to the Migration Service of the Republic of Azerbaijan by unaccompanied minor asylum seekers.
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in</b>	The due legislative acts of Azerbaijan in the sphere of migration were drafted in line with requirements of international conventions on human rights and freedoms, as well as in line with Article 22 of UN Convention on the Rights of the Child. Regulations reflect issues pertaining to protection of rights of unaccompanied minor asylum seekers.

**your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?**

Article 39 of Law of the Republic of Azerbaijan on Rights of the Child stipulates that "Children - refugees and children - forced resettlers are entitled to be granted relevant status. The state shall apply relevant urgent measures to provide necessary protection and humanitarian assistance to such children, shall organise search for such children cooperating with international organisations for these purposes, and shall provide necessary assistance to activities of non-governmental organisations". According to requirements of the Law, children - refugees and children seeking refugee status must be provided special protection. The state has to cooperate with authorised organisations that provide such protection and assistance.

The State Migration Service examines applications of asylum seekers according to the Convention on Refugee Status of 1951, Law of the Republic of Azerbaijan on Status of Refugees and Forced Resettlers (Internally Displaced Persons) and the Procedures of Examination of Applications for Refugee Status. Decision-making and application review procedures are conducted according to the principle of the best interests of the child. The best interests of the child are assessed accounting for such factors as wellbeing, social development and origin.

First, in Azerbaijan, rights of children refugees to be granted the relevant status are stipulated in Law on Rights of the Child. Besides that, their interests are protected by other laws and regulations. In particular, the Procedures of Examination of Applications for Refugee Status stipulate that in the course of decision-making on an application for refugee status, a person under 16 who entered the Republic of Azerbaijan unaccompanied by his/her parents or a guardian, should be provided a temporary certificate.

The due legislation does not stipulate special procedure rules for unaccompanied minor asylum seekers. Besides that, accounting for UNHCR Recommendation # 8 on Asylum Applications of Unaccompanied Minors of September 22, 2009, the Refugee Status Determination Dept. of the State Migration Service of the Republic of Azerbaijan, Rules for organisation of examination of refugee status applications of unaccompanied children (children who entered the Republic of Azerbaijan unaccompanied by their parents or guardians). The Rules secure the following interests of children:

- Refusals of entry to the territory of the country are prohibited in the case of unaccompanied children; regardless of their age, children are allowed to participate in all procedures according to the Procedures of Examination of Applications for Refugee Status.
- The Refugee Status Determination Dept. applies relevant measures for rehabilitation of children who were victims of torture, inhuman or degrading treatment, violence and abuse, victims of military conflicts; if necessary, the Dept. provides necessary comprehensive medical assistance and specialist advice.
- Necessary preconditions are provided to ensure children's access to health care services. Accounting to difficulties with preventive medicine, vaccination, hygiene and food safety in countries of origin, adequate measures are applied to meet basic needs of the children.
- The Refugee Status Determination Dept., accounting for the principle of the best interests of the child, and information (wishes) of unaccompanied children, applies necessary measures to trace their parents and family members swiftly. To this end, the Dept. applies

	<p>to the Azerbaijan Red Crescent Society and they take steps in the framework of joint cooperation efforts.</p> <ul style="list-style-type: none"> <li>• If potential risks may emerge for life and inviolability of unaccompanied children and their family members (e.g. if they stay in the country of origin), all necessary precautions are applied to ensure confidential information collection, analysis and sharing.</li> <li>• Accounting for lack of care and special needs of unaccompanied children, their asylum applications should be examined as a priority; all efforts should be applied to ensure a fair decision, and their applications cannot be examined under the accelerated procedure arrangements.</li> </ul>
<p><b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b></p>	<p>According to the above recommendations, age, maturity and wishes of unaccompanied asylum seekers are accounted for. Taking into account incomplete legal capacity of a child, measures are stipulated to ensure representation of the child's interests by an adult to is well aware of the child's fate and his/her interests, as well as to ensure provision of free legal assistance to the child.</p> <p>Measures are taken to appoint guardians to unaccompanied asylum seekers. First of all, preferred potential guardians include relatives who arrived with minors or families from the same countries who volunteer to assume responsibility for behaviour, education and care of the minors. Guardian are selected accounting for their ethnicity, religion, social and cultural affiliations, language and family relations. If such persons are not available, a letter should be submitted to the Ministry of Education for accommodation of minors in specialised facilities and boarding schools, and for appointment of guardians and educators. Guardians and educators are appointed accounting for race, religion, ethnicity, age, mental state and special needs of minors.</p> <p>Education rights of children are secured. Necessary measures are taken to provide them education services in relevant education institutions accounting for their age, physical, intellectual and general development.</p> <p>Applications of unaccompanied asylum seekers are examined according to Law of the Republic of Azerbaijan on Status of Refugees and Forced Resettlers (Internally Displaced Persons) and the Procedures of Examination of Applications for Refugee Status. After registration of an application, an asylum interview should be conducted in oral form and on general grounds, accounting for age-related factors. The case officer records responses of a minor, and prints the interview protocol (to be stored in the case files).</p>
<p><b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b></p>	<p>The Refugee Status Determination Dept. (RSDD) the Migration Service of the Republic of Azerbaijan accepts applications for granting refugee status of unaccompanied asylum seekers and examines them according to Law of the Republic of Azerbaijan on Status of Refugees and Forced Resettlers (Internally Displaced Persons), the Procedures of Examination of Applications for Refugee Status and UNHCR Recommendation # 8 on Asylum Applications of Unaccompanied Minors. Accounting for special needs of unaccompanied minors, RSDD officers with special training should be involved into the process of submission of applications and into interviews with such minors. The process of submission of asylum applications and interviews should be completed in a short period of time.</p> <p>In the course of trainings of RSDD officers, a particular attention is paid to issues pertaining to examination of asylum applications of unaccompanied minors. In 2013, the State Migration Service of Azerbaijan joined an EC and UNHCR financed project - the Initiative to Improve Quality of Asylum Systems in East Europe and South Caucasus Countries - and actively participated in all activities under the project (including activities of relevance to interviewing techniques, decision-making and credibility assessments).</p>

	<p>In the framework of the project, in the course of registration and interviewing unaccompanied children, a particular attention is paid to protection of their interests; in the course of interviews their needs are taken into account, their needs are in focus in the process of credibility assessment and decision-making.</p>
<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>Age assessment may be conducted by means of a psychological examination or in the course of a court procedure. To this end, all necessary measures should be applied to conduct an initial interview with a child, to identify him/her, to study his/her background and social origin. Besides that, the following information should be collected on children:</p> <ul style="list-style-type: none"> <li>• information on the family (in a country of origin or elsewhere);</li> <li>• information on other relatives who are not family members;</li> <li>• information on conditions of the child;</li> <li>• information on reasons why the child departed from his/her country of origin and his/her separation from the family;</li> <li>• information on life of the child before and after his/her alienation from the family;</li> <li>• medical background and physical state of the child;</li> <li>• education (formal, informal);</li> <li>• who accompanies the child and what living conditions are provided to the child;</li> <li>• wishes of the child and his/her future plans;</li> <li>• emotional and mental state of the child, a primary maturity assessment;</li> <li>• age assessment, etc.</li> </ul>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>In contrast to adult applicants, in the case of examination of asylum applications of unaccompanied children RSDD applies different interviewing and credibility assessment techniques.</p> <p>In the course of asylum interviews, a case officer should account for age of the child, his/her living conditions, social environment, culture, education, sex, opinions, signs of exploitation and his/her sincerity.</p> <p>If the child fails to meet requirements to granting refugee status or provides misleading information in the course of interviews, a decision on the case should meet interests of the child.</p>
<p><b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b></p>	<p>Pending decision-making on granting them refugee status, unaccompanied minors can be voluntarily accommodated (on their requests) in the Accommodation Centre for up to three months. Besides that (if necessary) they may be also accommodated in subordinate facilities of the Ministry of Education.</p> <p>Grounds for and terms of stay of foreign nationals and stateless persons in accommodation centres for illegal migrants are defined by Article 82 of the Migration Code of Azerbaijan.</p> <p>82.1. Foreign nationals, stateless persons and illegal migrants may voluntarily stay in the Accommodation Centre (referred hereinafter to as the Centre) on the following grounds and for the following terms:</p> <p>82.1.1. A person (and accompanying family members), who applied for refugee status - up to decision-making on the status;</p>

	<p>82.1.2. A person granted refugee status - up to finding employment and a place of residence, but for not more than 3 months;</p> <p>Accounting for specific conditions of stay of foreign nationals and stateless persons in the Centre, Article 84 stipulates that minors and adults should be placed separately (except family members). Pregnant women or women with children, minors and persons in need of medical assistance should be provided better living conditions, medical assistance and adjusted nutrition. Persons in the Centre are provided three free meals a day, free health care efficiently organised leisure, opportunities for sport and education. They are provided access to education in secondary schools on general grounds.</p> <p>In the course of decision-making on granting refugee status to orphans and unaccompanied minors in the Republic of Azerbaijan, relevant measures for their integration or accommodation in a third country should be stipulated.</p>
<p><b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b></p>	<p>If asylum applications of unaccompanied minors fail to meet requirements to granting refugee status or if deficiencies are found in the documents they submitted, a decision on the matter should meet their interests.</p> <p>In such a case, the option of return of the minor to his/her country of origin may be considered. However, if his/her guardians, e.g. his/her parents or relatives, a governmental agency or a childcare organisation object to return of the country of origin, do not assume responsibility for the child and will not care of him/her, the return to the country of origin will not be considered as a viable option.</p>
<p><b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b></p>	<p>It is necessary to incorporate provisions on unaccompanied asylum seekers into the due legislative acts and to develop special Rules of Procedure.</p>

<b>BELARUS</b>	
<p><b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b></p>	<p>In the whole period of time, when asylum applications were registered (since 1997), the number of unaccompanied minor asylum seekers in the Republic of Belarus was low (24 applications). These applications were submitted by 19 nationals of Afghanistan, 2 nationals of Congo, 1 national of Georgia and 1 national of Uzbekistan. In two recent years, some applications were minor submitted by underage Ukrainians who entered the country accompanied by relatives (by a grandmother, an aunt, etc.), who were not legal representatives of these minor applicants.</p>
<p><b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in</b></p>	<p>In the Republic of Belarus, no specialised laws and regulations exist on procedures of reception and review of applications for protection submitted by unaccompanied minor asylum seekers. However, procedures of dealing with persons of this category are referred to in the following laws and regulations:</p> <ul style="list-style-type: none"> <li>- Law of the Republic of Belarus on Granting Refugee Status, Supplementary and Temporary Protection to Foreign Nationals and Stateless Persons in the Republic of Belarus;</li> </ul>

<p><b>your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b></p>	<ul style="list-style-type: none"> <li>- Regulation on Organisational Arrangements for Proceedings on Matters of Guardianship over Underage Children, approved by Decree # 637 of the Cabinet of Ministers of the Republic of Belarus;</li> <li>- Regulation on Procedures of Provision of Finance Assistance to Foreign Nationals and Stateless Persons Applying for Refugee Status or Subsidiary Protection in the Republic of Belarus, and Foreign Nationals and Stateless Persons Granted refugee Status in the Republic of Belarus, approved by Decree # 461 of the Cabinet of Ministers of the Republic of Belarus;</li> <li>- Instruction Manual on Organisational Arrangements for Proceedings on Matters of Granting Refugee Status or Supplementary Protection to Foreign Nationals and Stateless Persons in the Republic of Belarus, the Status/Protection Loss or Annulment, approved by Order # 143 of the Ministry of Interior of the Republic of Belarus;</li> <li>- Instruction Manual on Procedures of Personal Identification of Foreign Nationals and Stateless Persons Applying for Refugee Status or Supplementary Protection in the Republic of Belarus, approved by Order # 178 of the Ministry of Interior of the Republic of Belarus.</li> </ul>
<p><b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b></p>	<p>Yes, a guardian is provided. An unaccompanied minor foreigner applying for protection, is interviewed in presence of his/her guardian/ward or an authorised representative of a body of guardianship/wardship. If deemed necessary, on decision of a unit on citizenship and migration matters, a guardian/ward of the unaccompanied minor asylum seeker or the authorised representative of the body of guardianship/wardship, the interview may be conducted with participation of a psychologist, a representative of UNHCR and other persons whose participation is necessary to ensure best interests of the unaccompanied minor foreigner.</p>
<p><b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b></p>	<p>There are no dedicated units in the Republic of Belarus to examine asylum applications of unaccompanied minor asylum seekers.</p>
<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>Age assessments are conducted with review of documents, interviewing and - if deemed necessary - with application of medical or psychological examination. If there are any doubts concerning actual age of a minor foreigner applying for protection, who failed to provide a document certifying his/her age or provide a fraudulent or altered document certifying his/her age, a unit on citizenship and migration matters should refer the foreigner to forensic medical examination for assessment of his/her age - either at his/her consent (in the case of an unaccompanied minor foreigner), or at consent of his/her legal representative. Should the unaccompanied minor foreigner or his/her legal representative refuse the forensic medical examination for age assessment, his/her application for protection would be treated as an application of an adult foreigner.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult</b></p>	<p>No special methodology is applied for credibility assessments in the case of unaccompanied minors.</p>

<b>applicants?</b>	
<b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b>	<p>A body of guardianship/wardship should refer an unaccompanied minor foreigner to a mandatory free medical examination, provision of medical assistance (if necessary) and issuance of a protocol of mandatory medical examination - the protocol specifies state of his/her health and defines whether the minor foreigner may be placed into a group of other children. Then, the body of guardianship/wardship should accommodate the unaccompanied minor asylum seeker in a residential childcare facility pending decision-making on his/her further accommodation. Directors of residential childcare facilities where unaccompanied minor asylum seekers are accommodated fulfil functions of guardians/wards of these minor foreigners.</p> <p>Unaccompanied minor asylum seekers who have been granted refugee status, in addition to general rights of foreigners with refugee status or supplementary protection in the Republic of Belarus, are entitled rights for education in preschool and secondary education facilities, and for health care services on equal terms with underage citizens of Belarus. Besides that, they are provided non-recurrent finance assistance and additional payments to cover housing, food and clothing costs.</p>
<b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b>	<p>Such cases did not happen earlier.</p>
<b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b>	<p>Now, efforts are applied to improve the legislation of the Republic of Belarus on forced migration matters, therefore it would be interesting to study practical experience of other countries in the sphere of harmonising relevant laws and regulations with applicable international standards.</p>

<b>GEORGIA</b>	
<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	<p>Due to low numbers of relevant asylum applications, unaccompanied minors only slightly affect the asylum system. Now, the Ministry registered 2 unaccompanied minors. Asylum was granted to 4 citizens of the Iraq Republic.</p>
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special</b>	<p>Legal status of unaccompanied minors is regulated by Law of Georgia on Refugee Status and Humanitarian Status and by Procedures of Granting Refugee Status and Humanitarian Status. A new draft Law on Refugees and Persons in Need of International Protection is being developed - the new Law will explicitly provide special procedures for unaccompanied minors, according to the principle of best interests of the child.</p>

<p><b>procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b></p>	<p>According to the due legislation, if an unaccompanied minor entered Georgia, an application (accounting for all specific circumstances of the case and best interests if the child) on behalf of him/her should be submitted by a guardian appointed according to Georgian law. The Ministry should immediately submit a written request to the Ministry of Public Health, Labour and Social Protection of Georgia, asking for appointment of a guardian to the unaccompanied minor for the whole period of his/her stay in Georgia (up to the full legal age).</p> <p>In the case of unaccompanied minors, procedures of granting refugee status or humanitarian status are conducted accounting for their age and intellectual development. The whole procedure is conducted with due accounting for best interests of the child, including accommodation of minors in (Martkop) Reception Centre (for asylum seekers), in the Facility for Minors under the Ministry of Public Health, Labour and Social Protection of Georgia, or accommodation by close relatives (if they exist).</p>
<p><b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b></p>	<p>Minors are questioned/interviewed in presence of their guardians, accounting for their age and intellectual development, and in relevant format; the process of questioning/interviewing is accompanied by audio-recording (provided consent of the applicant).</p>
<p><b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b></p>	<p>So far, the Ministry does not incorporate a specialized unit for processing asylum applications of unaccompanied minors; and no trainings on these matters were conducted.</p>
<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>Age of an unaccompanied minor is assessed based on his/her statements and documents, accounting for credibility of the information provided (the above considerations apply to 16 years old and older minors; 99% of applicants actually submitted their personal identification documents). At the contemporary stage, no medical or psychological examinations are applied for age assessment purposes. The above procedures are not stipulated by the due Georgian legislation.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>Asylum application of an unaccompanied minor is considered as a priority by the Asylum Office. In the course of questioning/interviewing, general information is gathered on the applicant, questions are tailored to age and intellectual development of the applicant. In the case of contradictions and discrepancies, the applicant answers clarifying questions worded accounting for his/her age to be as clear as possible to the applicant.</p>

<b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b>	<p>Based on an application (written or verbal), submitted by an unaccompanied minor, necessary actions in connection with the asylum seeker are defined. Such actions may include his/her in accommodation in Martkop Reception Centre for Asylum Seekers, in the Facility for Minors under the Ministry of Public Health, Labour and Social Protection of Georgia, or accommodation by close relatives of the applicant (if they exist). After his/her registration, the asylum seeker is entitled to receive medical and social assistance and gets access to education equally to Georgian nationals.</p>
<b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b>	<p>According to the Georgian legislation, in the case of return of an unaccompanied minor to his/her country of origin, the Ministry of Public Health, Labour and Social Protection of Georgia should study the situation in the country of origin and submits a relevant written conclusion on the matter, besides that the Ministry continues to monitor the situation (in the country of origin) after return of the unaccompanied minor to the country.</p>
<b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b>	<p>According to new Law on Refugees and Persons in Need of International Protection, some improvements and adjustments are stipulated in the sphere of unaccompanied minors. It is advisable to conduct trainings in the future to improve personnel skills, to address shortcomings and to share good practices of advanced countries in the sphere.</p>

<b>CZECH REPUBLIC</b>	
<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	<p>Despite the current changes in migration situation, the Czech Republic did not record an increase number of unaccompanied minor asylum seekers. There are still individual cases, however the vast majority of them leaves the Czech Republic to the other Western EU member states. In 2015, Czech Republic has so far 6 unaccompanied minors: Ukraine (2), Syria (1), Afghanistan (2), other (1). It is a slight increase since previous years. In 2014 there were 6 unaccompanied minors recorded: Syria (3), Vietnam (3) and in 2013 only two of them: Syria (1), Afghanistan (1).</p>
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum</b>	<p>Unaccompanied minor asylum seekers ("UAM") are include within the scope of Act on social and legal protection of children No. 359/1999 Coll., as amended. Act on social and legal protection of children is the main legal instrument for protection of children in the Czech Republic. The Asylum Act (No. 325/1999 Coll., as amended) includes many provisions to ensure the sufficient protection of UAM. Asylum Act stipulates the obligation to appoint the guardian by the court. Asylum authority proposes the possible guardian without any delay. UAM are accommodated in special facility for minors. The Asylum Act also covers provisions related to age assessment in the case of justified doubts regarding claimed age. Other provision also covers the obligation to trace the family members of UAM. UAM belong to the group of vulnerable applicants for international protection. It is not possible to detain them and the operator of relevant facilities are obliged to take into account the special needs of this specific vulnerable group. The assessment of special procedural guarantees needs in terms of asylum procedure directive</p>

<b>determination procedure?</b>	<p>(2013/32/EU) and reception conditions directive (2013/33/EU) are part of legislative amendments which are nowadays (September 2015) in Parliament of the Czech Republic. Moreover current Asylum Act says that asylum application lodged by UAM has not to be decided as manifestly unfounded (this provision is in accordance with asylum procedure directive). The draft amendments also include some other provisions related to UAM e.g. the definition of UAM.</p>
<b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b>	<p>Each unaccompanied asylum seeker in the Czech Republic has an appointed legal guardian. Asylum Act provides that that the Ministry of Interior requests the court to appoint such a legal guardian (relatives in the Czech Republic, or the state body for social and legal protection of children at their local municipality). The guardian is present during all administrative proceedings with unaccompanied minor. The responses to questions are provided by minor itself, if he/she is able to respond them, or by his guardian. Ministry of interior carries out a detailed written protocol on the interview with every applicant for international protection, including unaccompanied minors, which accurately captures all the questions and answers literally. At the end of the interview, the protocol is checked by applicant (unaccompanied minor and his guardian) and signed.</p>
<b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b>	<p>With regard to the absolute minimum number of unaccompanied minors in the Czech Republic we do not have a special department for dealing with their cases. However, there are specific workers appointed to take up the cases. Training of staff has been conducting continuously within the internal mechanisms of the Czech Ministry of Interior.</p>
<b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b>	<p>In case of doubt about the age of an applicant who claims to be an unaccompanied minor, the ministry of interior is entitled to request a medical examination to determine age. The Asylum Act is states that if the applicant refuses to undergo the examination, he is then considered as a regular asylum applicant. Medical examination is carried out in a specialized center (hospital) using X-ray of wrist bones. This method is the most reliable and least invasive.</p>
<b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b>	<p>We have no specific methodology for credibility assessment. Questions are adapted to the age of the applicant. The same procedure applies for adult applicants without education or traumatized people. Each case is always assessed individually, not on the basis of the general methodology.</p>
<b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological</b>	<p>Unaccompanied minors are accommodated in special facilities for minors. Health care is ensured in the same range as for citizens of the Czech Republic. Schooling is obligatory according to "Education Act". All necessary school supplies are provided. The psychological assistance is also provided if necessary either in accommodation facilities for minors or in a specialized center.</p>

assistance) are they entitled to?	
<b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b>	Vast majority of unaccompanied minors coming to the Czech Republic to apply for asylum, even those who do not apply, are placed in specialized centers providing services for minors. Placement in centers is based on court decision. There is legal fiction of treatment of UAM that are treated in the same way like those with permanent residence. In last 3 years, CZ did not have any cases of return. UAM remains in centers or disappear. In case of return, responsible authority in the country of origin is contacted to secure proper reception conditions.
<b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b>	With regard to the minimum number of applicants of unaccompanied minors, we find no serious deficiencies or needs for improvement.

<b>ESTONIA</b>	
<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	The numbers on unaccompanied minor asylum seekers are very low. We have had UAM from Afghanistan and Somalia.
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b>	Act on Granting International Protection to Aliens enact that an unaccompanied minor may not perform the procedural acts arising from this Act without a legal representative unless otherwise provided for by this Act. The guardian is always attended on the proceedings that are taking place with the UAM. The obligation of guardian is to ensure that the best interests of the child are always taken into the consideration.
<b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the</b>	Yes, the UAM is provided with legal guardian. The interview is conducted in the oral form.

<p>guardian or the child and is it conducted in written or oral form?</p>	
<p><b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b></p>	<p>No, Estonia does not special units for examining asylum claims from UAM, but the case workers who deal with UAM cases receive explicit trainings for working with UAM.</p>
<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>Yes, we conduct age assessment. For conducting the age assessment, the consent of the UAM is required.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>In credibility assessment the methodology trained on the EASO's trainings are used.</p>
<p><b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b></p>	<p>In terms of accommodation and all other social services the best interests of the particular child is taken into the consideration.</p>
<p><b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b></p>	<p>No practice in returns of UAM who have applied for asylum.</p>
<p><b>9. In what areas do you think your country's framework for</b></p>	<p>All areas should be improved. However there is still too few cases.</p>

unaccompanied minors (policies, procedures and practices) could be improved?	
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<b>HUNGARY</b>	
<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	<p>The dramatic increase in the number of third country nationals seeking asylum in Hungary continued in 2015, as well (the number of asylum seekers registered in Hungary developed as follows: 2.157 in 2012, 18.900 in 2013 and 42.777 in 2014). At the same time, the number of UMAS has also increased.</p> <p>The number of UMAS: 2012: 183; 2013: 380; 2014: 731; by 15 September 2015: 8600</p> <p>The main countries of origin are Afghanistan, Syria, Pakistan, Iraq and Kosovo.</p>
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b>	<p>As of May 2011, UMAS have been fully included under the personal scope of the Child Protection Act and enjoy the same rights as Hungarian children and are placed in child protection facilities (UMAS Homes). According to Section 35 (7) of the Act on Asylum, in case of UMAS, the asylum procedure shall be conducted as a matter of priority. Section 35 (6) of the Act on Asylum stipulates that if the person seeking recognition is an UMAS, the refugee authority shall, without delay, provide for the appointment of a case guardian to represent the UMAS in the asylum procedure, unless the person seeking recognition is likely to become adult before the refugee authority would take an in-merit decision in the case.</p> <p>Due to legislative changes introduced in January 2014, Section 84 (1) c) of the Child Protection Act, a child protection guardian have to thereafter be appointed to the UMAS by the Guardianship Authority, who is legally responsible for the overall care, property management and legal representation of the minor.</p> <p>According to Section 74 (1) of Government Decree no. 301/2007 on the implementation of the Asylum Act, the UMAS' personal interview must be conducted in the presence of the case guardian.</p> <p>According to the Hungarian national law, the case guardian has the duty to inform the UMAS about the personal interview and its consequences and assist his/her preparation for it.</p> <p>Both the Act on Asylum and the Children's Protection Act refer to the obligation of taking into account the best interest of the child during the procedures as a basic principle, yet a formal, individualized Best Interest Determination procedure does not exist.</p>
<b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b>	<p>See Q2.</p>
<b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your</b>	<p>The Hungarian asylum authority has case-workers who are specialized for UMAS and they are dealing with asylum claims of unaccompanied minors. They are well-trained, for example within the framework of trainings on EASO EAC module on UMAS.</p>

<p>asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</p>	
<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>According to Section 44 (1) of the Act on Asylum, if any doubt emerges concerning the minor status of a person seeking recognition who claims to be a minor, a medical expert examination may be initiated for the determination of his/her age. The examination may only be performed with the consent of the person seeking recognition or, the consent of his/her legal representative or case guardian.</p> <p>Regarding the methodology applied, the National Police and the Criminal Forensic Research Institute have developed a standard operating procedure as guidelines for the age assessment of non-asylum seeking children within the immigration procedure. The adopted Protocol foresees the assessment to be conducted by a forensic medical expert in the presence of the ‘child protection guardian’ using the Greulich-Peyle method.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>N/I</p>
<p><b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b></p>	<p>A separate building in the Children’s Centre in Fót is provided for asylum seekers and beneficiaries of international protection with a capacity to host 32 unaccompanied and separated children and 50 young adults in transition.</p> <p>UMAS accommodated in the UMAS Home in Fót have access to a paediatrician and specialized health care is also provided within the premises of the Childrens’ Home in Fót.</p> <p>Only UMAS recognized as refugees/beneficiaries of subsidiary protection are entitled to the same health care arrangements as Hungarian children. In addition, Cordelia Foundation (specialized in psycho-social treatment of torture and trauma survivors) visits the UMAS Home in Fót every 2 weeks.</p> <p>According to Section 92 (1) a), (3) and (4) of the Act on Public Education (PE Act), they can benefit from free primary education and kindergarten. They can be enrolled in public education once their humanitarian residence card is issued.</p>
<p><b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b></p>	<p>According to Section 45 (5) of Third-Country Nationals’ Act, non-asylum seeking UAMs (and rejected UMAS) can only be returned to their country of origin (or the country responsible to readmit them – safe third country: e.g. Serbia) if the principle of non-refoulement is respected and the authorities are convinced that adequate guardianship arrangements apply in the country of return. Furthermore, according to Section 29 (1) of Third-Country Nationals’ Act, authorities also have the possibility to grant humanitarian residence permit to UAMs who do not fulfil entry and residence requirements in Hungary.</p>
<p><b>9. In what areas do you think your country's framework for</b></p>	<p>Due to the unprecedented asylum and migration pressure, capacity building is under process for receiving the increased number of UMAS.</p>

unaccompanied minors (policies, procedures and practices) could be improved?	
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<b>LATVIA</b>	
<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	Latvia has not faced significant flows of unaccompanied minor asylum seekers. During the last 10 years (2005 – July 2015) there were 23 unaccompanied minor asylum seekers. The main countries of origin – Afghanistan in 2008-2010, Syria in 2012-2013, Vietnam in 2014-2015. In comparison total number of asylum seekers during these years (till August 2015) was – 1641.
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b>	<p>Unaccompanied minor asylum seeker lodges application for international protection through the same procedure as any other asylum seeker. In order to ensure best interests of the child, during the asylum procedure the personal and property relations of the unaccompanied minor are represented by the guardian.</p> <p>According to Asylum Law special provisions are applied to the unaccompanied minor during the asylum procedure regarding the guardian, accommodation, interview and education. Currently we are at the final stage of adoption the new Asylum Law and all these provisions regarding unaccompanied minor asylum seekers will be transferred from the old Law to the new one.</p> <p>Best interests of the child are taken into account during all asylum procedure. For example, when a decision where he/she will be accommodated (at an accommodation centre for asylum seekers, with a guardian appointed by the Orphan’s Court or at a child care institution) is taken, Orphan’s Court takes into account the interests and opinion of the minor in accordance with the age ad maturity and observing the conditions like:</p> <ul style="list-style-type: none"> <li>- an unaccompanied minor shall be accommodated together with adult relatives;</li> <li>- children from one family shall not be separated, except in cases where it is done in the best interests of the children;</li> <li>- the place of accommodation of an unaccompanied minor shall only be changed if it conforms with the interests of this person.</li> </ul>
<b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b>	<p>Yes, during the asylum procedure the personal and property relations of the unaccompanied minor are represented by the Orphan’s Court or appointed guardian, or the head of a child care institution where unaccompanied minor is accommodated.</p> <p>The interview is conducted with the child, but the guardian takes part in the asylum interview as well as in other procedural measures related to unaccompanied minors. The interview is conducted in oral form and written down in a protocol.</p>
<b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your</b>	<p>No, there are no special units for examining asylum claims from unaccompanied minors. Interview with a minor is conducted by an official who has the necessary knowledge and know-how regarding the special needs of minors. Trainings on how to interview a child are acquired in workshops as well as in EASO trainings.</p>

<p>asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</p>	
<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>Age assessment is performed using medical examination method by the State Centre for Forensic Medical Examination of the Republic of Latvia. It is not defined in the Latvian national legislation that it is obligatory to make age assessment in case of doubts on the age of a foreigner. However, when State Border Guard has decided to exercise the right to perform such examination and organizes it in order to identify an asylum seeker, he/she has obligation to cooperate.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>There is no different approach regarding to the credibility in general, but at the same time all individual factors and circumstances are always taken into the consideration throughout the asylum procedures.</p> <p>During the interview the applicant is guided through appropriate questions in language that is simple and easy to perceive by the child. Individual and contextual circumstances are always taken into account. Questions to clarify specific circumstances or contradictions are asked the applicant by the interviewer.</p> <p>As regards to burden of proof - both the applicant and the determining authority must cooperate in the process regardless of the fact is an asylum seeker an unaccompanied minor or adult. Cooperation implies that the applicant and the determining authority work together towards the common goal of gathering as much relevant evidence as possible in order to have basis to assess the credibility of the asserted material facts and determine the need for international protection.</p>
<p><b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b></p>	<p>Some of requirements for accommodation is already described above (please see answer on question 2), but the main principle throughout is - a minor shall be provided with the living conditions that are appropriate and necessary for the physical and mental development of him/her, taking into account all individual circumstances and best interest of the child.</p> <p>Usually, children who are more mature and older are placed in the accommodation centre of asylum seekers, and children who are at a young age – in care centre.</p> <p>Any asylum seeker, including minors, has right to receive emergency medical assistance and primary health care financed from State funds.</p> <p>A minor asylum seeker has the right to basic education and secondary education, as well as the right to continue the commenced education after reaching the age of majority. On request, psychological counselling is provided and it is financed using EU project funding.</p>
<p><b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b></p>	<p>The procedure of voluntary return or forced return of unaccompanied minor, besides of the identification and age assessment in case of necessity, includes determination of the country of origin, family tracing and handing over the minor to a family member, legal representative or the representative of a specialised institution in the country of return.</p> <p>If the identity of a unaccompanied minor is established as well as citizenship or country of previous residence is known, the State Border Guard contacts the appropriate diplomatic or consular mission, the authorities or non-governmental organisations, who are responsible for protection of children rights in this country, and take the necessary measures to ensure that the minor foreigner will be returned to his/her family the member or legal representative, an agent, who is monitoring children's rights in this country, or a representative body which is ensuring that a child is put into the suitable accepting institution.</p>

	<p>International Organisation for Migration within the framework of Assisted Voluntary Return and Reintegration Program provides assistance for unaccompanied minor in case of voluntary return.</p> <p>There are no requirements stipulated in legislation regarding the receiving country. In case of existing readmission agreement or other agreement including return clause with the receiving country it is possible to ask the competent authorities of the receiving country to organize return of unaccompanied minor to his/her parents or legal representatives.</p>
<p><b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b></p>	<p>The number of unaccompanied minor asylum seekers shows - Latvia is little affected by the flow of such group of persons, thus we do not have a great deal of practical experience working with unaccompanied minor asylum seekers. The legal framework and procedures when working with unaccompanied minors could be improved and changed depending on the requirements and necessities faced in practice.</p>

<b>LITHUANIA</b>	
<p><b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b></p>	<p>The number of unaccompanied minor asylum seekers in Lithuania is relatively low: in 2013 there were only 2 unaccompanied minor asylum seekers – one from India and one from Guinea, in 2014 – 5 (from Vietnam and Afghanistan), and in 2015 so far there was only one (from India).</p>
<p><b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b></p>	<p>Within the legal framework there are specific guarantees for unaccompanied minor asylum seekers, aimed at ensuring that the best interests of the child are always taken into consideration, such as: an application lodged by an unaccompanied minor may neither be held inadmissible on the basis of safe third country principle nor be subject to an accelerated procedure as manifestly unfounded; unaccompanied minor asylum seekers are accommodated in a separate center; a temporary guardian is appointed to all the unaccompanied minors; legal assistant's presence during the interview is compulsory; detention is an option in extreme cases only; all staff directly working with unaccompanied minors must receive proper training.</p>
<p><b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b></p>	<p>All the unaccompanied minors in Lithuania are provided with temporary guardian, who acts in the interest and on behalf of the child. The interview with the child is conducted in oral form with temporary guardian and legal assistant both present. The first asylum interview is conducted by border guards with the child and legal representative.</p>
<p><b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit</b></p>	<p>Our asylum officers receive appropriate training both on interviewing a child and assessment of evidence, but there is no separate unit dealing exclusively with unaccompanied minors</p>

<p>training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</p>	
<p>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</p>	<p>The age assessment may be conducted only upon consent, although refusal to undergo such assessment affects assessment of person's credibility, thus it may be called semi-voluntary. Currently only medical examination is available.</p>
<p>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</p>	<p>Interviews are conducted in an age-appropriate manner; the assessment of evidence is also done taking into consideration applicant's age, i.e. the level of details and insight expected from children is lower compared to adult applicants.</p>
<p>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</p>	<p>During the processing of the application for asylum in the Republic of Lithuania unaccompanied minors temporary are accommodated in the Refugees Reception Center (hereinafter – the Center). Center is the institution for the temporary stay, providing the social services, health care, schooling and psychological assistance designed for the organizing and the implementing of the social integration. The right to accommodation, education, medical, legal, and social care free of charge, regardless of his/her status (extends to all unaccompanied minors). The support for the integration in the Center usually is provided until 8 months. For unaccompanied minors this period can be extended by their request until 18 months. The support for unaccompanied minors respecting the best interests of the child also can be extended until they get 18 or in the unforeseen situations the support can be continued longer.</p>
<p>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</p>	<p>An unaccompanied minor may only be returned if it's established that upon return he/she will be taken proper and adequate care of.</p>
<p>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</p>	<p>Psychological examination could be considered as a complimentary age assessment measure.</p>

<b>MOLDOVA</b>	
<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	<p>In practical terms, the Republic of Moldova has not yet faced major problems with unaccompanied minors, as from the moment of establishment of the asylum system, large flows of such persons were not registered, only a few cases were encountered.</p> <p>In 2013, asylum applications were submitted by three unaccompanied minors from Afghanistan and Syria. In 2014, applications were submitted by 4 unaccompanied minors from Iran, Ukraine and Afghanistan. In 2015, one unaccompanied minor from Afghanistan applied.</p>
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b>	<p>The legal framework for unaccompanied asylum seekers incorporates:</p> <ul style="list-style-type: none"> <li>- Law on Asylum in the Republic of Moldova (Law # 270 of 18.12.2008);</li> <li>- Law on Special Protection of Children at Risk and Children Separated from their Parents (Law # 140 of 14.06.2013);</li> <li>- Law of Children Rights (Law # 338 of 15.12.1994);</li> <li>- Law on Integration of Foreigners in the Republic of Moldova (Law # 274 of 27.12.2011).</li> </ul> <p>According to Law on Asylum in RM, an unaccompanied minor is defined as a foreigner under 18, who entered the Republic of Moldova unaccompanied by his/her parents or a legal representative or any legal guardian, as well as a minor who becomes unaccompanied after his/her entry to the RM territory.</p> <p>Besides that, guidelines on procedures and actions for appointment of legal representatives in the case of unaccompanied minor asylum seekers were developed, as well as a practice-oriented guide to asylum officers on unaccompanied minors.</p> <p>According to the due legislation of the Republic of Moldova, a minor applying for asylum or for any form of protection, is provided protection and assistance to materialise his/her rights. All decisions on minors should be made for the best interests of the child and accounting for his/her age and development. Legal representatives are appointed to unaccompanied minors. Unaccompanied minors under 14 should apply for asylum via their legal representatives, while unaccompanied minors in the age of 14 years or older may apply in person, with mandatory participation of their legal representatives. Asylum applications of unaccompanied minors are processed as a priority and cannot be processed under accelerated procedures. Competent bodies ensure that minors have access to rehabilitation services and, if deemed necessary, provide them relevant comprehensive medical services and specialised consultations.</p>
<b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b>	<p>The Refugee Directorate should initiate appointment of a legal representative within 15 days from the date of registration of an unaccompanied minor. Pending appointment of a legal representative, asylum procedures are suspended. Legal representatives must participate in the course of submission of asylum applications, in interviews and in the course of issuance of decisions.</p> <p>Asylum interviews with minors are conducted by specially trained asylum officers in presence of legal representatives. Interviews with minors are documented by protocols that should be signed by their legal representatives and - in relevant cases - by representatives of specialised child protection non-governmental organisations (NGOs). The asylum officer communicates with the child, makes notes and drafts the interview protocol that is later signed by all participants.</p>
<b>4. Do you have special units for</b>	No special units for examining asylum claims from unaccompanied minors exist. Our officers periodically participate in trainings on asylum

<p><b>examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b></p>	<p>procedures in relation to minors with support of UNHCR, they participate in experience sharing with EU countries (in the framework of TAIEX), and in bilateral cooperation with Germany, Holland and Romania.</p>
<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>According to Law on Asylum in the Republic of Moldova, in the case of unaccompanied minors, the Refugee Directorate may request a forensic medical examination for age assessment of a minor, provided prior written consent of the minor him/herself and his/her legal representative. Should the unaccompanied minor refuse to undergo the age assessment without a valid justification, he/she would be considered as an adult from the date of submission of his/her asylum application. In practice, we have not applied the age assessment yet.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>In the framework of the project - the Initiative for Asylum Systems Quality in Eastern Europe, Southern Caucasus and the Republic of Moldova - jointly with our Romanian colleagues, we developed and approved Practice Guidelines for Asylum Officers on Asylum Procedures in the Case of Unaccompanied Minors.</p>
<p><b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b></p>	<p>In the Republic of Moldova, one Accommodation Centre operates (an open type accommodation facility) with accommodation capacity for 250 persons. The Centre incorporates 5 buildings - one of them is allocated for unaccompanied minors and single mothers.</p> <p>In the period of provision of temporary protection, the Refugee Directorate ensures accommodation of an unaccompanied minor into the Accommodation Centre or - based on the principle of best interests of the child - applies to competent bodies for application of a form of protection of minors deprived of parental care, as stipulated by the RM legislation. In the course of decision-making on accommodation of minors, their own considerations, age and maturity are accounted for. Asylum seekers are provided urgent pre-hospitalisation medical assistance in the case of acute and life-threatening health problems according to the due legislation.</p> <p>Minor asylum seekers has equal access to the education system, at the same level as children who are RM nationals. Besides that, partner non-governmental organisations of the Office for Migration and Refugees provide different types of support, including cultural, legal, social, medical and psychological assistance.</p>
<p><b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b></p>	<p>According to Governmental Decree on Approval of Regulation on Procedures of Return, Deportation and Readmission of Foreigners from the Territory of the Republic of Moldova, unaccompanied minors belong to the category of vulnerable persons. If a decision on return is issued in the case of an unaccompanied minor, the case officer should request necessary assistance of a children rights protection authority and should ensure that the unaccompanied minor will be received by his/her family members, an officially appointed guardian or by a specialised childcare institution in the country of return.</p> <p>So far, no cases of return of unaccompanied minors to their countries of origin were registered in the Republic of Moldova.</p>

**9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?**

The Republic of Moldova is open to new knowledge and practices of other countries of the Partnership in connection with unaccompanied minors. While now only a few such cases were encountered, it is necessary to develop an asylum framework, accounting inter alia for potential problems of dealing with such persons, their support and ensuring best interests of the child.

## NETHERLANDS

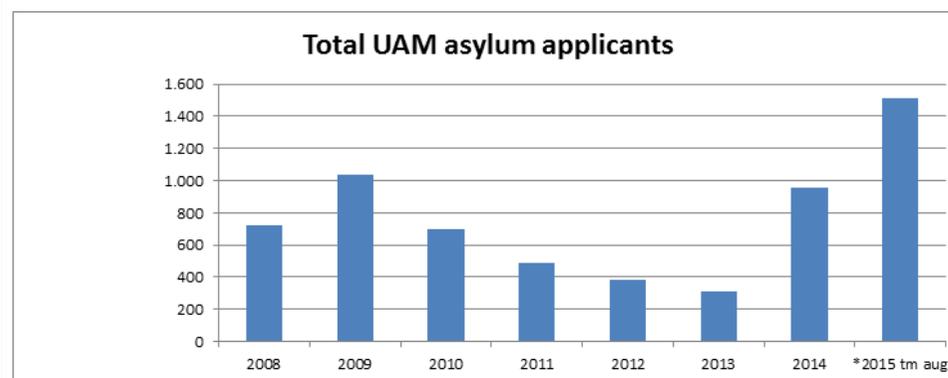
**1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.**

The number UAM asylum applicants dropped from 1.040 in 2009 to 310 in 2013 and then increased to 960 in 2014 and then further to 1.510 in the first 8 months of 2015.

From 2009 to 2013 the most common nationalities were Afghan and Somali. In 2014 and 2015 the most common nationalities are Eritrean and Syrian.

Asylum applicants for unaccompanied minors represent between 2% and 7% of the total number of asylum applicants (including related family reunification) since 2008. In the first 8 months of 2015 it is 6% of the total.

Using the data available in Eurostat it is possible to make a comparison with the European Union. In 2013 and 2014 the percentage of first asylum applicants (excluding related family reunification) considered to be UAM's is the same in the Netherlands as in the EU: 3% in 2013 and 4% in 2014.



Source: Eurostat, extract date 21-9-2015; \*Source: IND Asylum Trends August 2015.

CITIZEN	2008	2009	2010	2011	2012	2013	2014	*2015 tm aug
Eritrea	20	40	25	10	10	35	530	825
Syria	0	0	5	5	10	25	155	380
Afghanistan	95	320	245	260	145	60	30	85
Stateless	5	0	5	5	5	0	50	55
Iraq	185	65	30	25	15	10	15	25
Somalia	200	355	120	40	40	10	35	20
Overige	220	260	270	140	155	170	145	120
<b>Total</b>	<b>725</b>	<b>1.040</b>	<b>700</b>	<b>485</b>	<b>380</b>	<b>310</b>	<b>960</b>	<b>1.510</b>
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015 tm aug</b>
First asylum and related family reunification	13.830	14.880	13.290	11.560	9.660	*13.487	*27.492	*25.035
UAM asylum applicants	725	1.040	700	485	380	310	960	*1.510
Percentage UAM asylum applications	5%	7%	5%	4%	4%	2%	3%	6%

Table 1: Asylum applicants considered to be unaccompanied minors by land  
 Source: Eurostat, extract date 21-9-2015;  
 \*Source: IND Asylum Trends August 2015.

Table 2: Percentage asylum applicants considered to be unaccompanied minors

Source: Eurostat, extract date 21-9-2015; \*Source: IND Asylum Trends August 2015.

Table 3: Percentage of first asylum applicants (excl. related family reunification) that are considered to be unaccompanied minors:

	2013	2014
Netherlands	3%	4%
European Union	3%	4%

Source: Eurostat, extract date 24-9-2015.

**2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?**

The assessment for granting an asylum residence permit to unaccompanied minors is initially similar to that for adult asylum seekers. However, the vulnerable position of children is expressed in many aspects of Dutch immigration policy. Children who are staying in the Netherlands illegally also have the right, for example, to receive education and housing. In addition, there is the fact that minors, whether unaccompanied or otherwise, receive special guidance and preparation in the process of submitting the asylum application and the handling thereof, and the fact that the starting point has been included in the policy that minors will not be detained pending deportation, except in a few exceptional situations (listed exhaustively). The admission policy also takes account of child-specific situations and the child's interest. This is expressed, for example, in the policy on child soldiers and the policy on the threat of genital mutilation with girls.

The implementation of the unaccompanied minor policy is allocated to various organisations. The Immigration and Naturalisation Service (IND)

	<p>is, for instance, responsible for the decisions on the applications for residence permits; Foundation Nidos is responsible for the representation of the minor and for arranging foster families; the Central Agency for the Reception of Asylum Seekers (COA) is responsible for the central reception; the Repatriation and Departure Service (DT&amp;V) carries out activities involved in forced departure; and the IOM provides services concerned with voluntary departure.</p>
<p><b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b></p>	<p>Immediately upon the entry of an UAM into the Netherlands or upon finding an UAM without legal residence by the authorities, an UAM is brought into contact with Nidos, Nidos is responsible for the guardianship of UAM. Nidos submits an application for guardianship to the court to this end. When the guardianship is granted, the responsibility for the child rests with Nidos. Nidos is authorised to represent the UAM interests during the asylum procedure and may be assisted by a lawyer in this procedure. Please also see the answer of question 4.</p>
<p><b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b></p>	<p>Yes, there is a special unit where expert personnel are specially trained for UAMs with interview technique for children, evidence assessment and best interest of the child. There are also specialized interpreters. UAMs aged 6 to 12 years are also interviewed. For this interview a child-friendly room is available and an interview has especially been developed for this target group.</p>
<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>An age assessment is carried out at the request of the IND. The IND offers a UAM an age assessment if:</p> <ul style="list-style-type: none"> <li>• the alien cannot prove his/her minority with evidence (authentic documents);</li> <li>• the alien cannot otherwise make his/her minority conceivable;</li> <li>• the outcome is relevant for the question whether a UAM is eligible for an asylum residence permit due to child-specific issues or a regular temporary residence permit and/or reception facilities of the COA.</li> </ul> <p>The age assessment provides a definite answer in a short space of time about whether the person involved is younger or older than twenty. If it appears that according to the age assessment the alien is adult-aged, s/he is treated as an adult in the asylum procedure. S/he is then placed in an accommodation centre for adult asylum seekers. If s/he has handed over false identity documents, s/he can be criminally prosecuted.</p> <p>No age assessment is carried out in the following situations:</p> <ul style="list-style-type: none"> <li>• when the UAM without documents “obviously” is an adult (Aliens Act Implementation Guideline 2000 Part C - 11 / 3.4). Adulthood is in evidence if, on registration of the third-country national based on the external features or on the basis of the third-country national's declaration, the staff of the Aliens police or KMar, perhaps in consultation with a co-worker from the Aliens police or KMar or - if desired - with an employee from IND, can come to the conclusion that the person involved is obviously eighteen years or older. This process generally happens very quickly. It is indicated as an “inspection”;</li> <li>• if EUvis source documents are available;</li> <li>• if the UAM claims being an adult but looks like and behaves like a minor. This has recently been spotted among incoming Eritreans. Here the age assessment will not lead to a satisfactory outcome because it is geared towards determining possible adulthood. However, the inspection is applied.</li> </ul>

	<p>Method of working: informed consent; referral; photographs; radiological assessment; reporting by the Netherlands Forensic Institute (NFI). The IND informs the UAM about the doubts concerning his/her claimed minority and offers to carry out an age assessment to provide documentary evidence. The IND provides information about what this examination entails. The UAM and the guardian sign a standard declaration of consent provided for the purpose to conduct the age assessment which includes making X-rays of the bone structure. The UAM requests a medical referral to an authorised radiologist from a physician at the GGD designated for that purpose. With the help of an interpreter the physician establishes whether it concerns an “informed consent”, which means that on signing the declaration of consent the third-country national has been informed by the IND what the examination entails. Furthermore the physician checks whether there is a medical contra-indication for exposure to X-rays, such as a pregnancy. If there are no medical obstructions, then the physician gives the UAM a reference letter.</p> <p>At the diagnostics centre in Eindhoven the first X-ray to be made is of the hand-wrist area. If two radiologists ascertain that the hand-wrist area is not fully matured as yet, the procedure is over. Doubt has been removed and the UAM undergoes further processing as a minor. If the hand-wrist area is fully matured three X-rays are taken of the medial ends of both collarbones (clavicles). After the X-rays have been independently assessed the radiologists submit the assessment forms to the Netherlands Forensic Institute (NFI).</p> <p>On the basis of the findings by the radiologists the NFI reports to the IND, by means of submitting both a status overview and a report to the IND. If the assessment forms made up by both radiologists are similar, the NFI translates the result into an age category. If the radial bone has not matured or if the radial bone has matured but at least one of the collarbones has not matured or is not (satisfactorily) assessable, the NFI reports that the date of birth, or alternatively the age provided by the third-country national, corresponds with the radiological findings and that the person involved is ‘not proven to be an adult’. The NFI reports that the person involved is a ‘proven adult’ if both radial bones have matured. If the NFI observes that the third-country national has a matured radial bone, but the collarbones are not matured and the NFI expects the collarbones to have matured within 1 to 2 years, the NFI can recommend that the IND undertakes a follow-up examination. The NFI mentions the relevant option in the status overviews and provides same to the IND.</p> <p>The report is made up independently from the status overviews in order to reduce the chance of an administrative error. Every report is provided with a specialist annexe containing a substantive explanation about the report. The assessment forms by the radiologists, and an overview of the radiation exposure load are attached to the report as Annexes. The NFI submits the report to the IND.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>There’s no specific methodology for UAM’s in comparison to adult applicants, except that the younger age of the applicant is taken in consideration for what can be expected from a person of that age.</p>
<p><b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care,</b></p>	<p>All minors – without distinction in resident permit – have the right to education and are obliged to attend school and they have the right to health care including psychological assistance, dentist care, vaccinations for childhood diseases etc.</p> <p>The accommodation of an UAM is related to his or her age. Nidos places UAM younger than 12 years of age in foster families which preferably have the same cultural background as the UAM; UAM older than 12 years of age are placed in the COA, whereby the COA takes account of the individual development and the degree of self-reliance of the UAM. The COA has different types of reception, depending on the UAM age,</p>

<b>schooling, and psychological assistance) are they entitled to?</b>	degree of independence, and personal development. On the basis of these factors, UAM are placed in a children's residential group, a small residential unit or a so-called campus. From 1 January 2016 the residential groups will be replaced by small residential units.
<b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b>	<p>The departure trajectory towards unaccompanied minors starts when the IND, the police or the Royal Military Constabulary transfers the minor to the Repatriation and Departure Service (RDS). Immediately after the transfer of the minor a supervisor departure will be assigned who will, together with the minor, prepare the minor for the potential departure with the aim to let this be carefully and timely. The emphasis is on voluntary return.</p> <p>Regarding unaccompanied minors this is done by specialized supervisors, in consultation with the partners involved such as the police, IND and Nidos. Before the first departure interview there is a meeting with the guardian to exchange information on the minor and the guardian is invited to attend the departure conversations.</p> <p>During the departure process, the RDS (using input of the partners) pays attention to special situations such as distress, medical conditions and smuggling / trafficking. In addition, the minor is offered various forms of support to return.</p> <p>Where necessary, the RDS applies for a (substitute) travel document at the diplomatic representation of the country believed that the minor is a national.</p> <p>Adequate reception must be available for unaccompanied minors. The first aim is on reunification of the unaccompanied minor with his family because it is in the best interests of the child. This happens, for example, through family tracing in the country of origin. If this cannot be realized, the supervisor searches for alternative reception for the minors in his country of origin.</p> <p>During the departure procedure (local) initiatives and organizations that can support the minor to return to the country of origin, can be pointed out to the minor.</p> <p>First, family is considered adequate reception. Adequate reception is defined to the local conditions of the country of origin of the minor. Therefore, there is not a clear definition for adequate reception.</p> <p>The Aliens Act states that the reception is a form of where the circumstances do not differ significantly from the conditions under which care is offered to peers who are in a similar position to the unaccompanied minor. The reception may consist of care by parents, relatives, friends, neighbours, tribal, clan or fellow villagers, but also care in a private reception facility.</p>
<b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b>	<p>The subject of entry, residence, reception, and return of unaccompanied minors is complex by nature and has a continued focus of the Dutch Government. A new policy on UAM has been pursued since 1 June 2013. The purpose of the revision was to provide clarity about the prospects of the UAM quickly. When an UAM does not qualify for a residence permit, the emphasis is on ensuring that the UAM returns to the country of origin as quickly as possible. The UAM policy pertains to UM who do not need asylum protection.</p> <p>From 1 January 2016 new practices will be followed for the reception of UAM.</p>

## POLAND

<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures</b>	<p>Poland is a country with not big number of unaccompanied minors seeking asylum. The Polish Border Guard detect unaccompanied minors really incidentally.</p> <p>This year, between January and July only 15 unaccompanied minors (UAM) applied for refugee status in Poland. Each year we register about 35</p>
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<b>on number of applications and the most common countries of origin.</b>	unaccompanied minors seeking asylum in Poland. The most common countries of origin of UMAS in Poland are Vietnam, Russian Federation (Chechnya), Afghanistan and Tajikistan.
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b>	<p>The Border Guard is the only authority responsible for receiving asylum applications, from unaccompanied minors as well. There are special procedural guarantees for them. Unaccompanied minor asylum seekers cannot be placed in a detention centre, but only in a special custodial centre. After the asylum application is received, the Border Guard applies to the court for a legal guardian for the asylum procedure.</p> <p>An unaccompanied minor has a right to apply for a refugee status. When UAM lodged an application for a refugee status, on request of a Border Guard, a court establishes a guardian to represent him/her in an asylum procedure. UAM is placed with a professional foster family or in a childcare centre.</p> <p>Also the Head of the Office for Foreigners undertakes actions on family tracing, aimed at finding relatives of unaccompanied minors seeking asylum.</p> <p>An asylum interview is conducted in a language understandable for the unaccompanied minor, in the presence of guardian, an adult person indicated by him/her if it does not hinder the proceedings and a psychologist or a pedagogue, who prepares an opinion about psychophysical state of the UAM.</p> <p>All activities undertaken during procedure for granting the refugee status towards unaccompanied minor shall be performed by an experienced and specially trained staff.</p>
<b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b>	<p>The Border Guard after receiving the asylum application from an unaccompanied minor is obliged to apply to the court for a legal guardian. This legal guardian is to represent the unaccompanied minor through the whole asylum procedure.</p> <p>UMAS are always provided with a legal guardian, who represents them in the asylum procedure. An asylum interview, as mentioned above, is conducted with the guardian, interpreter and psychologist. An interview is conducted in oral form and a written protocol from an interview is made.</p>
<b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b>	<p>Polish competent authorities don't have special units for examining asylum claims from unaccompanied minors, but asylum officers receive explicit training on the asylum procedure in relation to minors (e.g. interview technique, procedure towards vulnerable groups, etc.)</p>

<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>According to the art. 30 of the act of 13 Jun 2003 on granting protection to foreigners within the territory of the Republic of Poland a foreigner (an asylum seeker) who claims to be a minor, in the event of doubt as to his age may, with his consent or the consent of legal representative, undergo a medical examination to determine the actual age.</p> <p>The medical findings should indicate the age of the examined person and give a margin of an error. A foreigner who claims to be a minor is considered an adult if he fails to undergo a medical examination. Medical examination is ensured by the Head of the Office, and if doubts about the age of the foreigner arose during lodging the application – by the authority receiving the application (the border guard authority).</p> <p>According to the internal guidelines issued by the Border Guard HQ the medical examination should comprise of:</p> <ul style="list-style-type: none"> <li>• a general examination;</li> <li>• a radiological examination of the left wrist bone. The aim of the test is to determine the degree of development of the skeletal system – the degree of its ossification;</li> <li>• a dental examination. The aim of the examination is to determine the dental age by analyzing phases of mineralization of teeth.</li> </ul> <p>Medical examinations shall be carried out only if the determination of the real age of a foreigner is not possible on the basis of the gathered documentation.</p> <p>In case of radiological examinations shall apply any restrictions resulting from contraindications to the use of this method.</p> <p>Prior to testing, a foreigner shall be informed in an understandable language about the manner of its conduct and the possible consequences of the result and the consequences of refusing to submit to such examination.</p> <p>The examination is carried out with the consent of the minor or his legal representative.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>In comparison to adult applicants burden of proof for UAM is lower. Assessing minors credibility case officer takes into consideration his/her maturity and mental state as well as the fact that his/her knowledge of the real situation in the country of his/her origin may be limited.</p>
<p><b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b></p>	<p>Unaccompanied minors seeking asylum are placed in professional foster family or in a childcare centre together with Polish children. UAM are provided with a health care, schooling and psychological assistance.</p>
<p><b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b></p>	<p>Unaccompanied minor prior departure is informed about the departure date and has the possibility to contact his/her relatives in the country of return. Furthermore every returnee receives medical examination before the flight in order to check if he/she is „fit to fly”. Moreover, we inform the competent authorities in the country of origin about the transfer. The return decision issued to a minor foreigner shall be executed, provided that:</p> <ol style="list-style-type: none"> <li>1. in the country to which it was obliged to return, the minor foreigner will be provided with care by his/her 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;</li> </ol>

	2. the return shall be conducted under the custody of a legal representative, or such a foreigner will be transferred to its legal representative or a representative of competent authorities of the country to which it will be returned.
<b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b>	Poland's framework for unaccompanied minors could be improved in the area of guardianship (role and engagement of a guardian in a procedure) and reception (due to low numbers of minors seeking asylum, place all of them in one childcare center).

<b>SWEDEN</b>																																																							
<b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b>	<p>During the past years Sweden has seen a sharp increase in unaccompanied minor asylum seekers. In 2014 Sweden accounted for 29 % of the total number of UAM in the EU, which is far more than the percentage of the total number of asylum seekers in the EU. During 2015 the increase has also been significant with mainly Afghan asylum seekers. There are no reliable answers why UAM tend to choose Sweden as their main country of destination. Nevertheless, Sweden has generally speaking high level of legal and social safeguards in relation to minors and a favorable asylum procedure where the best interest of the child is taken into duly account.</p> <p>The five main countries of destination are Afghanistan, Somalia, Eritrea, Syria and Morocco. Below are the figures for number of asylum applications from UAM during the period 2011-2015 (for 2015 January-July).</p> <table border="1" data-bbox="560 845 1635 1244"> <thead> <tr> <th rowspan="2">Citizenship</th> <th colspan="5">Year</th> <th rowspan="2">Total</th> </tr> <tr> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>2015</th> </tr> </thead> <tbody> <tr> <td><b>AFGHANISTAN</b></td> <td>1693</td> <td>1940</td> <td>1247</td> <td>1547</td> <td>4136</td> <td>10 563</td> </tr> <tr> <td><b>SOMALIA</b></td> <td>251</td> <td>452</td> <td>576</td> <td>1118</td> <td>1205</td> <td>3 602</td> </tr> <tr> <td><b>ERITREA</b></td> <td>64</td> <td>105</td> <td>345</td> <td>1456</td> <td>1399</td> <td>3 369</td> </tr> <tr> <td><b>SYRIA</b></td> <td>18</td> <td>120</td> <td>364</td> <td>1233</td> <td>1014</td> <td>2 749</td> </tr> <tr> <td><b>MOROCCO</b></td> <td>30</td> <td>145</td> <td>315</td> <td>381</td> <td>257</td> <td>1 128</td> </tr> <tr> <td><b>Total</b></td> <td>2056</td> <td>2762</td> <td>2847</td> <td>5735</td> <td>8011</td> <td>21 411</td> </tr> </tbody> </table>	Citizenship	Year					Total	2011	2012	2013	2014	2015	<b>AFGHANISTAN</b>	1693	1940	1247	1547	4136	10 563	<b>SOMALIA</b>	251	452	576	1118	1205	3 602	<b>ERITREA</b>	64	105	345	1456	1399	3 369	<b>SYRIA</b>	18	120	364	1233	1014	2 749	<b>MOROCCO</b>	30	145	315	381	257	1 128	<b>Total</b>	2056	2762	2847	5735	8011	21 411
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<b>Total</b>	2056	2762	2847	5735	8011	21 411																																																	
<b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection</b>	<p>The Swedish asylum legislation contains several regulations on special considerations that should be made in cases involving children, in particular taking into account the rights of children in the asylum process. These regulations are based on the United Nations Convention on the</p>																																																						

<p><b>offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b></p>	<p>Rights of the Child. The Convention has not been incorporated into Swedish law since Sweden has implemented the CRC through transformation, i.e. the articles of the Convention have been inserted into provisions in relevant Swedish laws. The Convention is an important source of law in the interpretation and assessment of the child's residence permit cases. The two most prominent rules inserted in the Aliens Act are; 1) the rule of the best interest of the child and 2) the regulation that children must be heard if it is not inappropriate. These regulations should be applied and taken into consideration in the case of a child regardless of the plea raised for a residence permit.</p> <p>There is also a special regulation for cases where there are no grounds for granting a residence permit on the basis of international protection, where the child is granted a residence permit if there are particularly distressing circumstances of the case based on an assessment of the child's health, adaptation, the situation in the home country or a balanced assessment of the case. The circumstances invoked in the case of a child does not need to have the same seriousness and weight as required for an adult to be granted a residence permit on this basis.</p> <p>In order to ensure that the best interest of the child is taken into due account in the asylum determination procedure a child impact analysis should be made before any decision of the authority relating to children or if the authority introduce procedural measures which have implications for the child. Child impact analysis is thus a method to analyze the consequences for the child faced with a decision or action from the authority. Using the method, which includes checklists, it is clear from the proceedings and decisions how the officer has taken into account the best interest of the child.</p>
<p><b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b></p>	<p>In Sweden all UAM are provided with a legal guardian. These are provided by the local municipality in which the UAM resides during the asylum procedure. The Swedish Migration Agency is responsible for appointing a public counsel. In cases where the municipality cannot provide a legal guardian in reasonable time, the public counsel will fulfill those duties.</p> <p>The asylum interview is conducted orally in the presence of both the public counsel and the legal guardian. The legal guardian can also submit information in the case, should the UAM be in need of assistance during the interview.</p>
<p><b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b></p>	<p>The Swedish Migration Agency has several special units and teams within the regular asylum process units for processing asylum applications from UAMs. In Malmö, where many of the UAMs first get in touch with the authorities there is a specialized unit both for application and asylum procedure. In the other parts of the country the applications are handled in the regular process and thereafter the UAMs are directed to a specialized unit or team.</p> <p>Case workers and decision makers receive special training in conducting interviews with children. Through a competence center, the right knowledge is secured. The Swedish Migration Agency has a special training called “children in migration” with a focus on the rights of the child, children specific persecution and child consequence analysis. The Agency also makes use of the EASO training curriculum on interviewing children and vulnerable groups. On top of these training activities, the Swedish Migration Agency allocates legal experts on UAMs to support the Agency on a national level. The Agency also has a Quality Department with staff members who focus on ensuring quality in the process, liaising with other relevant stakeholders and ensuring conformity in the whole country.</p>

<p><b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b></p>	<p>The Swedish Migration Agency has an obligation to inform the applicant on the possibility of conducting a medical age examination. The age assessment is voluntary, as also stipulated in the Asylum Procedures Directive. The National Board of Health and Welfare regulates what this assessment includes: wrist x-ray, dental x-ray and a pediatric examination in which a comprehensive evaluation is made of the results together with additional measures.</p> <p>In cases where the applicant is not willing to undertake an age assessment, decisions are made based on the available documentation, such as oral statements and other documents presented to the case worker. The principle of the so called “benefit of the doubt is applied” to the favor of the applicant, even though in principle the burden of proof rests on the applicant.</p>
<p><b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b></p>	<p>The methodology used is based on the UNCHR guidelines Guidelines on Protection and Care from 1994 and Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum from 1997.</p> <p>The guidelines include the following inter alia.</p> <ul style="list-style-type: none"> <li>- It is desirable that all interviews with the child are carried out by officers trained to handle and make decisions in matters concerning children.</li> <li>- When it appears as if the child is mature enough to know and be able to express well-founded fear of persecution, the case can be handled in a manner similar to the way of cases involving adults.</li> <li>- When it appears as if the child is not mature enough to account for the well-founded fear, the case officer must attach greater importance to objective factors in the case such as the situation in the country of origin and the situation of the child's family members who are either in or outside the country of origin.</li> <li>- The principle of "Benefit of the doubt" may need to be applied more liberal than in cases involving adults.</li> <li>- Children's fears may be manifested differently than in adults.</li> </ul> <p>Other basic interview techniques are also used, such as letting the child talk freely. The case officer should not expect to get the story in a chronological order, the case officer will ask questions in order to help the child to tell relevant information, avoid leading questions and take into account the child's age and maturity. When conducting an interview, especially with a child, it is important for the case officer to be aware of the different factors that influence our actions and the interviewee's ability to express him/herself. It could be factors like the case officers' attitude and knowledge, as well as the interviewee's experience and ability to remember and express memories. Such factors affect the reliability of the interview data and the amount of reliable information that the interviewee can present.</p>
<p><b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological assistance) are they entitled to?</b></p>	<p>In Sweden, the responsibility of providing reception and housing for UAM rests on the municipalities throughout the country. The Swedish Migration Agency distributes the applicants and has the right to appoint UAM to a municipality without their previous consent. Several stakeholders on county and local level are involved in the process of receiving UAM and making sure they are placed in adequate reception facilities.</p> <p>The Health and Social Care inspectorate issues permit to operate the accommodation for UAM. There are national guidelines available concerning the standard of the facilities, including measures on i. e. staffing, availability of social care and playgrounds.</p> <p>Apart from the accommodation requirements, all minors (under the age of 18) enjoy the same rights as Swedish citizens.</p>
<p><b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home</b></p>	<p>Through personal return discussions, children and their legal guardians are informed about the preconditions for return. The number of meetings held varies depending on the individual situation. Before return is possible, there has to be a well-organized reception in the country of origin, which means the minor should be received by his/her parents, legal guardian or is provided access to adequate reception facilities.</p>

<p><b>and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b></p>	<p>This requirement is valid regardless of which country the minor returns to. Nevertheless, the conditions for organizing reception may vary from country to country. In some cases the Swedish Migration Agency has direct contact with the authorities in the country of origin. The authorities in the country of origin can take responsibility for and administrate the family reunification process or make other arrangements if necessary.</p> <p>In some countries the Swedish Migration Agency has concluded agreements with local child care organisations that assist in the family tracing, family reunification and reintegration. The agency also has agreements with lawyers who can assist in matters of family tracing in the receiving country. The agency also has the possibility to grant a reestablishment support of 15 000 SEK (1500 EUR) for voluntary returns to certain countries. A child consequence analysis is always conducted prior to the return.</p> <p>However, the number of returns is generally low since the recognition rates are high in Sweden (between 90-92 %).</p>
<p><b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b></p>	<p>The country of origin information (COI) could be further evolved with more distinct child perspective. In view of the increasing numbers of minor applications (both UAM and as part of families), it is important to have adequate information at hand in order to determine the protection needs of a child and to investigate and arrange organized reception conditions in cases of return.</p> <p>In matters of return, it is important to establish effective communication channels in the countries of origin – a precondition for a successful return process. The work for strengthening these international relations could therefore be intensified.</p>

<h2 style="background-color: #d9e1f2; padding: 5px;">UKRAINE</h2>	
<p><b>1. Please describe how your country is affected by unaccompanied minor asylum seekers. Please provide figures on number of applications and the most common countries of origin.</b></p>	<p>Largest numbers of unaccompanied minors were registered at the territory of Ukraine in 2007 and 2008 (130 and 97 persons, respectively). Then, their numbers decreases substantially and varied at the level of 50-60 persons/year. In 2014, thirty unaccompanied minors were identified - or twice less than in previous years. In the first half of 2015, seven unaccompanied minors were identified.</p>
<p><b>2. Please describe the legal framework for unaccompanied minor asylum seekers and the protection offered to them. Do you have special procedural guarantees for minors in your asylum legislation? How do you ensure the best interest of the child is taken into due account in the asylum determination procedure?</b></p>	<p>Relevant authorities treat unaccompanied minors according to Law of Ukraine on Refugees and Persons in Need of Supplementary and Temporary Protection and Order # 604/417/793/499/518 of the Ministry of Interior, the Ministry of Social Policy, the Ministry of Public Health, the Ministry of Education and the Administration of the State Border Guard Service of 07.07.2012 on Approval of the Regulation on Interaction of Executive Bodies in the Course of Dealing with Children Separated from their Families, Who Are Not Citizens of Ukraine, Arrived Unaccompanied and Applied to Competent Authorities for Recognition as Refugees or Persons in Need of Supplementary Protection (registered by the Ministry of Justice of Ukraine on July 31, 2012, Reg. #1292/21604).</p> <p>After registration of an application, a decision should be made immediately to issue documents to a minor separated from his/her family for proceedings on his/her recognition as a refugee or a person in need of supplementary protection.</p> <p>In the case of a minor separated from his/her family, procedures of his/her recognition as a refugee or a person in need of supplementary protection should be conducted with involvement of a lawyer, a psychologist and an educator.</p>

<b>3. Are the unaccompanied minor asylum seekers provided with a legal guardian in your country? Is the asylum interview conducted with the guardian or the child and is it conducted in written or oral form?</b>	<p>Within three days from the date of identification of a child separated from his/her family, a relevant body of guardianship should appoint him/her a legal representative. Within three days from the date of his/her appointment, the legal representative should submit an application of the child separated from his/her family to a territorial body of the State Migration Service of Ukraine requesting his/her recognition as a refugee or a person in need of supplementary protection. In the course of proceeding the application of the child separated from his/her family, asylum interviews should be conducted with the legal representative and with the child him/herself if his/her age and development are adequate for participation in such interviews. Interviews with children separated from their families should be conducted in presence of their legal representatives, lawyers, psychologists and educators, in oral form and should be accompanied by completion of relevant protocols.</p>
<b>4. Do you have special units for examining asylum claims from unaccompanied minors and do your asylum officers receive explicit training on the asylum procedure in relation to minors (i. e. interview technique, evidence assessment, best interest of the child)?</b>	<p>No special units exists to examine asylum claims of unaccompanied minors, however, responsible officers are allocated to process such cases. They participate in training seminars of the UNHCR Mission in Ukraine on matters of dealing with unaccompanied minors.</p>
<b>5. How do you conduct age assessment (i. e. medical or psychological examination)? Is the age assessment voluntary or compulsory?</b>	<p>If there are reasonable doubts in actual age of a minor separated from his/her family, an authorised officer of a territorial body of the State Migration Service of Ukraine, with involvement of an interpreter and provided consent of the child and his/her legal representative, should refer the child to a public health facility for examination to assess his/her age. Procedures of age assessment examinations should comply with Order # 903/1464/711 of the Ministry of Public Health, the Ministry of Education and the Ministry of Social Policy of 23.10.2013 on Conduction of Examination to Assess Age of a Child Who is Deprived of Parental Care and Needs Social Support (registered by the Ministry of Justice of Ukraine on November 12, 2013, Reg. # 1934/24466). Age assessment procedures are conducted if a declared age seems to be obviously inadequate in view of physical (development), psychological and cultural factors. Age assessments should comply with cultural and ethical principles. In the course of age assessments, benefit of the doubt should be given to a child separated from his/her family.</p>
<b>6. What methodology do you use for credibility assessment with unaccompanied minors in terms of interview technique and burden of proof in comparison to adult applicants?</b>	<p>In the course of processing application of children separated from their families, case officers account for the fact that ability of a child to express his/her concerns explicitly depends on his/her development, maturity, mental state and cultural context. In order to make a correct decision on granting protection to an unaccompanied minor, it is necessary to have: as full as possible information of family of the child, information on circumstances of the child's separation from his/her family, information on life of the child before and after his/her separation from the family, an evaluation of his/her physical state, health, intellectual and emotional development, and education.</p>
<b>7. What requirements does your country have in terms of accommodation for unaccompanied minors (i. e. age categorized housing) and what services (i.e. health care, schooling, and psychological</b>	<p>Unaccompanied minors are temporarily accommodated in centres of socio-psychological rehabilitation of children, in boarding schools for orphans and children deprived of parental care (they are distributed into groups of children according to their age). Unaccompanied minors are provided necessary health care services, psychological consultations and may learn under individual curricular courses.</p>

<p>assistance) are they entitled to?</p>	
<p><b>8. In cases of returns of unaccompanied minors, how are minors prepared for returning home and what requirements does your country have towards the receiving country (i. e. family tracing, housing).</b></p>	<p>In recent years, no cases of return of unaccompanied minors to their countries of origin were registered. There are several cases of reunification of unaccompanied minors with their families or relatives who reside in EU countries.</p>
<p><b>9. In what areas do you think your country's framework for unaccompanied minors (policies, procedures and practices) could be improved?</b></p>	<p>It is necessary to improve practical interaction between relevant agencies in the sphere of dealing with unaccompanied minors, as well as mechanisms to ensure provision of support to such children when they become adults.</p>