



Euro-Med Human
Rights Monitor

“Happiness, Love and Understanding”:

The Protection of Unaccompanied Minors
in the 27 EU Member States

Euro-Med Human Rights Monitor
May 2023

“The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

The child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.”

The preamble of the Convention on the Rights of the Child -



Table of **Contents**

Methodology	5
Introduction	8
Key Definitions	13
Reception of Unaccompanied Minors in EU Member States	14
Austria.....	14
Belgium	17
Bulgaria	20
Croatia	23
Republic of Cyprus	26
Czech Republic	30
Denmark	32
Estonia.....	35
Finland.....	36
France.....	38
Germany.....	45
Greece	48
Hungary.....	52
Ireland.....	55

Italy	59
Latvia	64
Lithuania.....	68
Luxembourg.....	70
Malta	72
Netherlands.....	79
Poland	83
Portugal	87
Romania	90
Slovakia	92
Slovenia	94
Spain	96
Sweden	99
Conclusions.....	102



Methodology

With a focus on unaccompanied minors seeking asylum in Europe, this study provides an overview of the asylum and reception systems of all the 27 EU Member States, under the lens of international human rights law, as well as European law. The report analyses the policies and

practices, both the recent developments and the persistent gaps, with the aim to deliver a clearer picture of the state of the human rights of minor asylum seekers throughout the European Union. In addition, raising awareness on the topic, encouraging further engagement, and contributing to the promotion and protection of their specific needs.

Comparing the asylum systems and procedures concerning unaccompanied minors in each Member State, the content is divided into a preliminary part providing an introduction and the key definitions; the main body, called “Reception of unaccompanied minors in EU Member States”, is divided into 27 chapters, one for each EU country, and into several sub-chapters; and then a final part with the conclusions.

**For each chapter,
the sub-chapters are:**

1. Latest figures on arrivals and asylum applications
2. Reception conditions and legal assistance
3. Main human rights concerns
4. A list of local aid organisations

This report draws mainly on secondary data, with the figures on arrivals mainly provided by national authorities, the European Council on Refugees and Exiles (ECRE) and Eurostat, the statistical office of the European Union. Other information was collected through UN agencies like the International Organisation for

Migration (IOM), United Nations High Commissioner for Refugees (UNHCR) and the UN Children’s Fund (UNICEF), European organisations like the European Migration Network (EMN), ECRE and the EU Agency for Fundamental Rights (FRA), as well as international human rights organisations like Human Rights Watch and Amnesty International, and various non-governmental and civil society organisations working on the ground.

Researchers conducted extensive desk research and reviews of national and European authorities, United Nations and other international organisations’ statements, nongovernmental and civil society organisations’ reports, and relevant media stories during the initial stages to gain understanding and context, but also throughout the whole research process. The report explores, according to the data collected and available, not only the national legal framework guiding the processing and treatment of unaccompanied minors’ reception and application for international protection, but also concrete updates on the state of asylum seeker minors’ human rights

on the ground, highlighting the gaps between the legal standards and the factual practices.

Obtaining a clear picture of unaccompanied seeking-asylum minors throughout all 27 Member States was not an easy task for several reasons.

Firstly, the lack of disaggregated and child-specific data that tend to hide child participation in migration flows and asylum frameworks in Europe; the lack of harmonisation in the reception and asylum procedures of the various states despite a common European legal framework on the matter; and the lack of available, public, and updated information, in English, especially for certain Member States. For these reasons and the continuously changing situation, the national practices, as well as the violations which are presented in the report, serve as examples and are not exhaustive.

Finally, it was not always possible to include the impact of the Ukrainian refugee crisis that followed Russia’s military invasion of Ukraine on 24 February 2022, despite heavily regarding minors and impacting the

European asylum framework concerning children, whether accompanied or not, for two main reasons. Firstly, there was not always official, disaggregated, and accurate data available on their arrival at the time of data collection of this study. Secondly, the reception of Ukrainian minors in the EU differs from the standard path of minors coming from other third countries, through different entry and stay conditions, reception and associated services, and onward movement options. For example, Ukrainian children may apply for Temporary Protection, following a European Directive adopted in 2001 but activated for the first time in March 2022 to offer quick assistance to people fleeing Ukraine, rather than following the international protection procedure, regularise their stay under simplified procedures, and be accommodated in special reception facilities, with different access to health, study, work, or travel rights.

The information in this report is up-to-date as of December 2022, unless otherwise stated.

Introduction

Thousands of minors flee dangerous situations in their home countries every year, arriving on their own at the European Union's borders with the hope of finding security in a new life by progressing on the path towards international protection. In 2022, EU Member States received 881,200 first-time applications for international protection, of which 39,520 were made by unaccompanied minors,⁽¹⁾ the highest number of unaccompanied minor applicants since 2015, and a 45% increase compared to those made in 2021 (23,255).⁽²⁾ The portion of unaccompanied minors among all applicants for international protection stayed relatively stable at around four per cent, however, so the increase in their absolute number reflects more asylum applications being submitted overall, as opposed to a disproportionate influx of unaccompanied minors.⁽³⁾ To a large extent, this increase was caused by a rise in the number of unaccompanied

minors from Afghanistan, after the Taliban regained control of the country in August 2021, and from Ukraine, after the Russian invasion of February 2022.

Just as with adult migrants, the increasing number of unaccompanied child migrants in recent years is due to persistent violence and protracted conflict, as well as unequal living standards and limited economic opportunities in many developing countries. Unaccompanied minors may have suffered additional persecution in their countries of origin, or may fear it, especially because of their status as children. From subjection to child labour, early marriage, female genital mutilation, or underage recruitment, to trafficking for prostitution and sexual exploitation, specific threats to children exist because their young age makes them more vulnerable than adults. Moreover, children may be associated with the opinions or activities of their families, leading to their own persecution. In 2022, most unaccompanied minors lodged applications in Austria (13,275),

1 Eurostat, 'First-time asylum applicants up 64% in 2022' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/DDN-202303232->

2 Eurostat, 'Asylum 2021: asylum decisions and unaccompanied minors', 4 May 2022 <<https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/ddn-202205041->>

3 European Union Agency for Asylum (EUAA), 'Data on unaccompanied minors', April 2022 < <https://euaa.europa.eu/asylum-report-2022561/-/data-unaccompanied-minors#xlviij> >

Germany (7,275) and the Netherlands (4,205), followed at some distance by Belgium, Bulgaria and Greece.⁽⁴⁾ While in 2021, most unaccompanied minors lodged applications in Austria (5,600), Germany (3,300), and Bulgaria (3,200), followed at some distance by Greece, Belgium, Romania, Italy, Switzerland, and Slovenia⁽⁵⁾. With the exception of Greece, these countries received more applications by unaccompanied children than in the previous two years, or longer. In particular, Austria, Belgium, and Switzerland received the most unaccompanied minor applicants since the so-called "refugee crisis" of 2015-2016, while in Bulgaria, Romania, and Slovenia, the numbers were possibly the highest ever.

While the overall share of unaccompanied minors in EU+ countries was relatively small, there were notable variations in patterns at the country level. In 2022, the highest percentage of unaccompanied minor

asylum applications relative to all first-time asylum applications were lodged in Bulgaria (17%), followed by Austria, Belgium and the Netherlands (12%) and Hungary (11%). These proportions suggest that a large number of unaccompanied minors arrived in EU+ countries via the Balkan routes.

The data on unaccompanied minors in the EU in 2022 is disaggregated as follows: ⁽⁶⁾

- In terms of **sex**, 93% of unaccompanied minor applicants were male, while only seven per cent were female. Girls were a minority among applicants of all nationalities, but were slightly more prominent among children from Somalia, representing 26% of the total, respectively. In contrast, there were no girls among unaccompanied minor applicants from Egypt, Morocco or Pakistan. The following graph displays the disaggregation in specific Member States.⁽⁷⁾

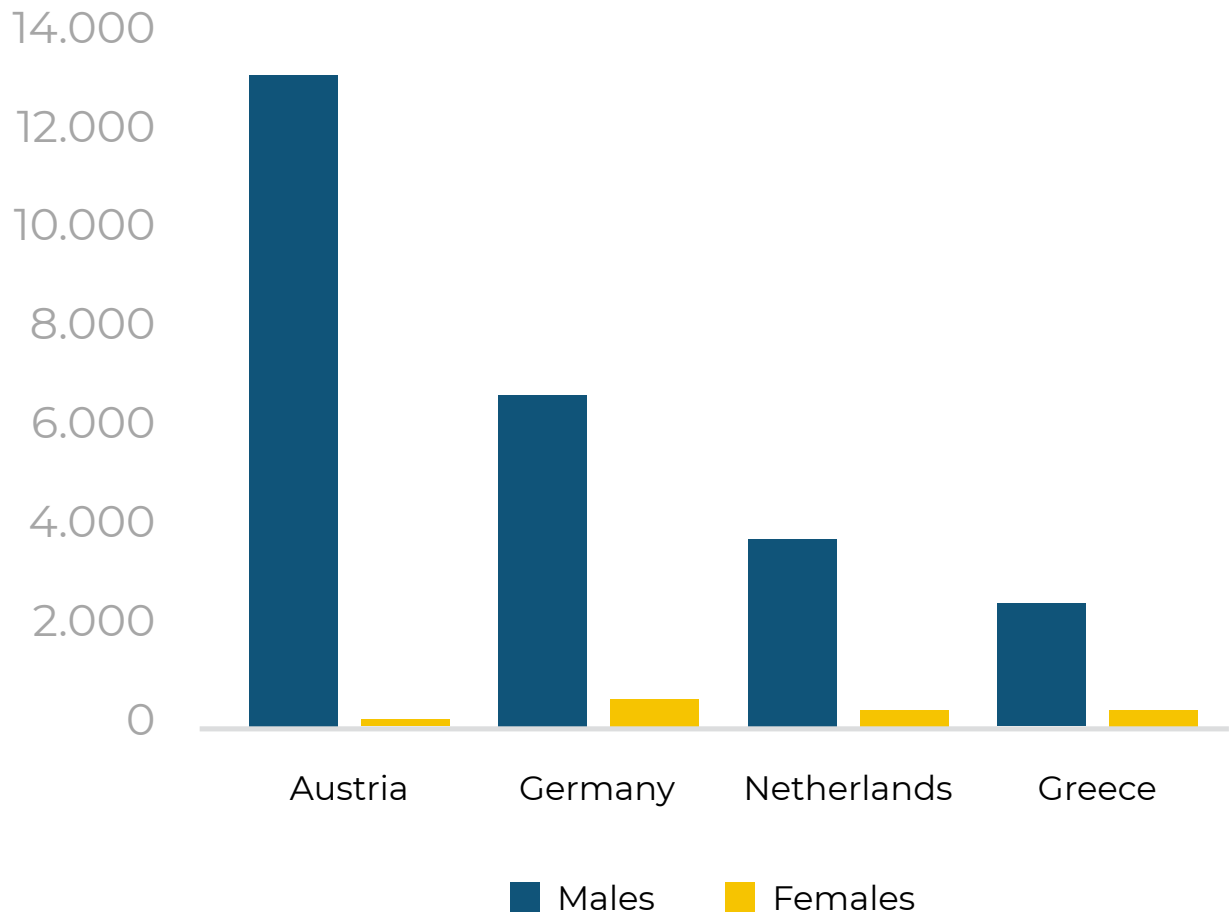
4 Eurostat, 'First-time asylum applicants up 64% in 2022' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/DDN-202303232>

5 European Union Agency for Asylum (EUAA), 'Data on unaccompanied minors', April 2022 < <https://euaa.europa.eu/asylum-report-2022561/-/data-unaccompanied-minors#xlviij> >

6 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

7 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

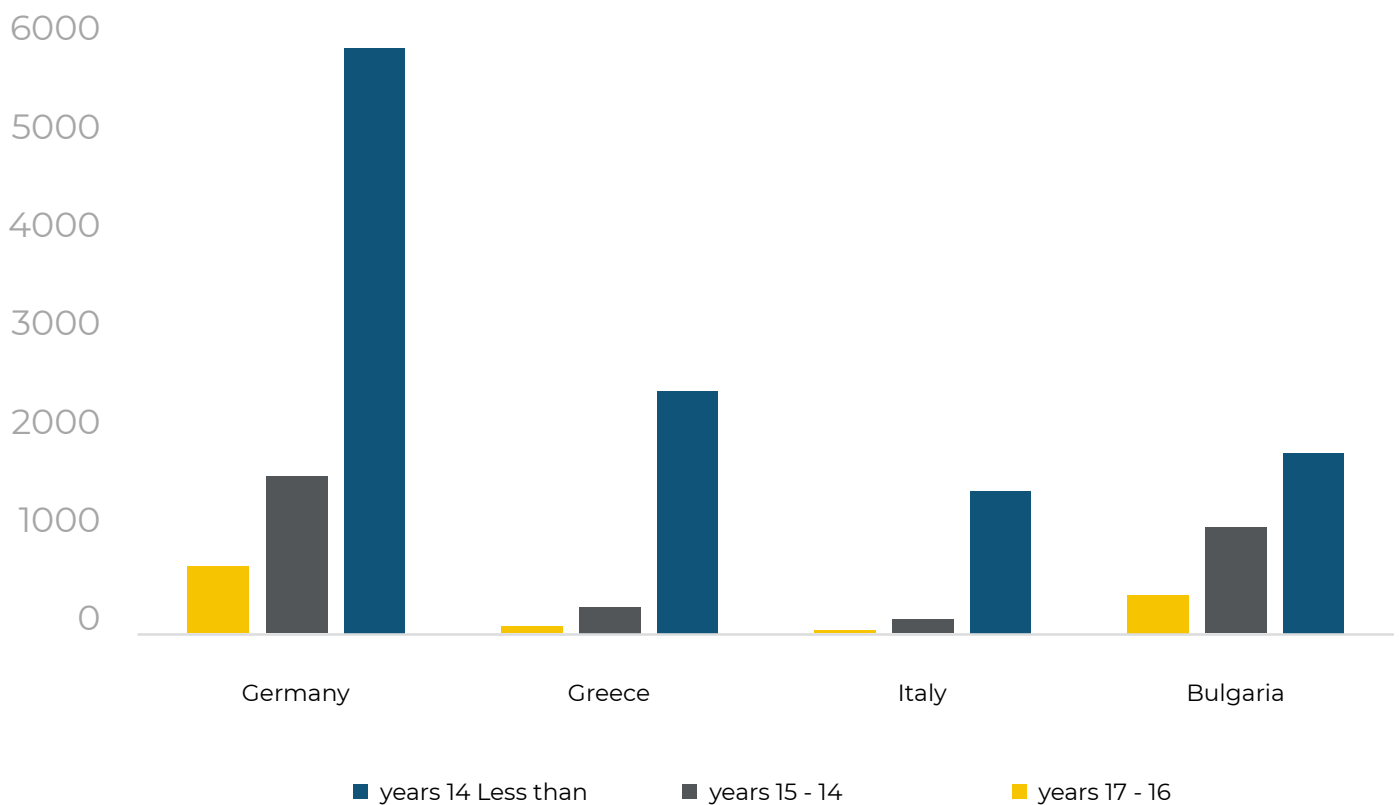
Unaccompanied Minors Disaggregated by Sex



• In terms of **age**, 70% of all applicants were aged 16-17 years old, 23% were aged 14-15 years old, and seven per cent were younger than 14 years old.⁽⁸⁾ The largest share of applicants,

common in almost all EU Member States, was aged 18–34. The following graph displays the disaggregated data for specific Member States.⁽⁹⁾

Unaccompanied Minor Disaggregated by Age



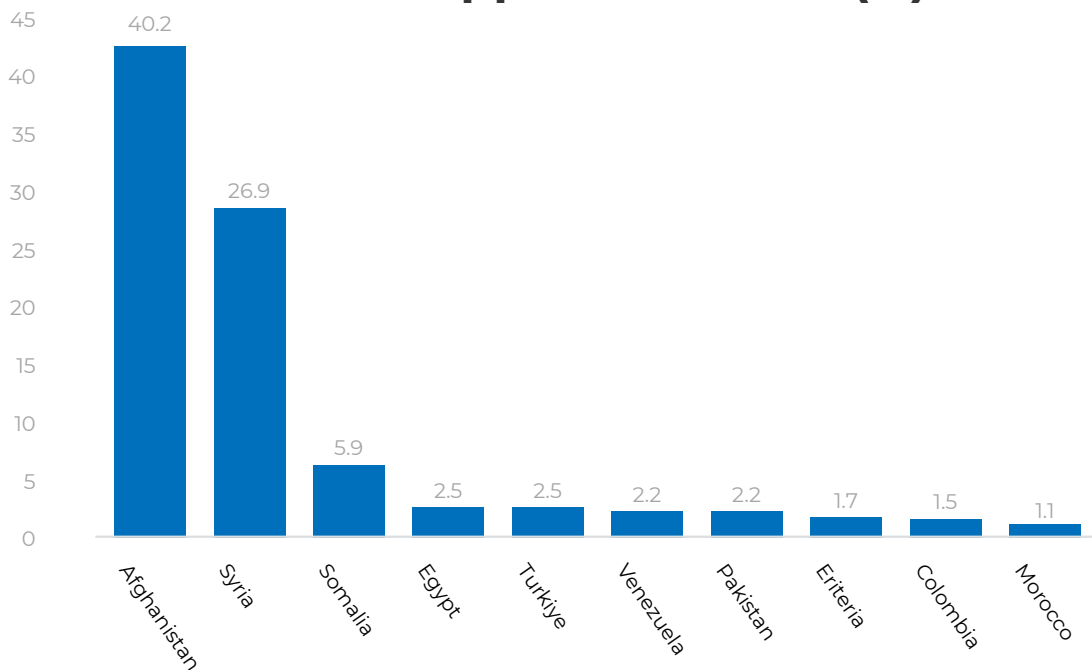
8 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

9 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

In terms of **nationality**, the absolute number of applications by unaccompanied minors from Afghanistan (17,670) and Syria (9,610) was the highest since the migration crisis in 2016, and considerably higher than it was in each of the previous four years. On a smaller scale, there were more unaccompanied minors from Egypt (955) than there had been at any other point since records began in 2008. Unaccompanied minors from Afghanistan mostly applied for

asylum in Austria, Belgium, Bulgaria, Romania, and Germany, and did so in increasing numbers. Children from Syria tended to submit applications in Austria, Bulgaria, the Netherlands and Germany, while Egyptian and Pakistani minors applied mostly in Italy and Greece, and Somali children in multiple countries, including Greece, Cyprus, and Germany. The following graph displays the percentage of unaccompanied minors applying from each nationality.⁽¹⁰⁾

Top citizenships of first-time unaccompanied minor applicants in EU (%)



¹⁰ Eurostat, ‘Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data’ (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

There is still a general lack of data on the positive decisions as well as expulsions and repatriations of unaccompanied minors in 2022. Within this context, this report aims to analyse the policies and practices developed and implemented in each of the 27 European Member States for unaccompanied minors seeking asylum. This analysis is needed to identify the main rights violations faced by these children and young adults in the EU, and to accurately determine the necessary steps to take in each country in order to improve and enhance the protection and care of unaccompanied minors.

Key Definitions

As stated by the European Union in Article 2(l) of Directive 2011/95/EU (Recast Qualification Directive), an unaccompanied minor in the European Union is:

"A minor who arrives on the territory of an EU Member State unaccompanied by the adult responsible for them by law or by the practice of the EU Member State concerned, and for as long as they are not effectively taken into the care of such a person; or who is left unaccompanied after they have entered the territory of the EU Member State."

Characterised as being among "the most vulnerable", an unaccompanied minor identified by a Member State should be legally granted the right to special treatment and protection within the asylum process. International law provides that these individuals are seen and protected as children, above all, rather

than migrants, and that every person under the age of 18 years is entitled to child-sensitive procedural safeguards.

Although the EU has created several directives and regulations regarding the migration of unaccompanied minors with the goal of more uniform, harmonised asylum procedures across the continent, individual Member States have applied directives and regulations differently. Recent experience has highlighted that even in emergency situations, not all children are found by EU officials to be unaccompanied as defined above, even though many have been separated from their parents or previous legal or customary caregiver. Such children, despite living with extended family members, may face risks similar to those encountered by unaccompanied refugee children. Consequently, in broader terms, Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child, as well as the Fundamental Rights Agency of the EU, define a separated child as "[A]

child under 18 years of age who is outside their country of origin and separated from both parents or their previous legal/customary primary caregiver."

Whereas one child may be totally alone, another may be living with extended family members. Both of these children are separated children, however, and are entitled to international protection under a broad range of international and regional instruments.

Reception of Unaccompanied Minors in EU Member States

Austria

Latest figures on arrivals and asylum applications

In 2022, 106,380 first-time asylum applications were received,⁽¹¹⁾ of which 13,095 were made by unaccompanied minors. In total, 90,620 asylum seekers were granted temporary protection, of which 975 were unaccompanied minors.⁽¹²⁾

11 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

12 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

As for 2021, of the 38,600 asylum applications received,⁽¹³⁾ 5,755 were made by unaccompanied minors,⁽¹⁴⁾ with their main countries of origin being Syria and Afghanistan. In total, 15,700 asylum seekers were granted international protection, 3,097 of whom were unaccompanied minors. In addition, 266 unaccompanied children were granted subsidiary protection.⁽¹⁵⁾

Reception conditions and legal assistance

In the Austrian asylum system, once unaccompanied minors are identified, they are brought to the initial reception centre in Traiskirchen, where they receive an application registration card. Applicants under the age of 14 are immediately taken into the care of the youth welfare office and appointed a legal guardian in accordance with the Basic Welfare Support Agreement

2004, while no action is taken for those aged 14-18 until they are admitted into the asylum procedure.⁽¹⁶⁾

Though the Federal Agency for Reception and Support Services (BBU GmbH) has been providing legal counselling since January 2021, no major changes on the rules governing guardianship have taken place. A related concern is that when unaccompanied minors are appointed a free legal advisor by the Austrian Federal Office for Immigration and Asylum (BFA), these advisors are not required to have special expertise on children or asylum laws. The advisors do not have full custody over the children, either, and are only responsible for the asylum procedure, which the Austrian Human Rights Board finds problematic as it is uncertain whether these individuals take the child's best interest into consideration.⁽¹⁷⁾

-
- 13 European Council on Refugees and Exiles and Asylum Information Database, 'Country Report: Legal Representation of Unaccompanied Children' (25 April 2022) Available at: <https://asylumineurope.org/reports/country/austria/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>.
- 14 European Council on Refugees and Exiles and Asylum Information Database (ECRE), 'AIDA 2021 Update: Austria' (6 May 2022). Available at: <https://ecre.org/aida-2021-update-austria/>.
- 15 Asylkoordination österreich, Press release, Kampagne KIND ist KIND fordert Obsorge ab Tag eins, April 2022, available in German at: <https://bit.ly/3ryMYwU>
- 16 Anna Ammann, 'Unaccompanied Minors at Risk of Exploitation and Abuse' (17 March 2021, The Bridge). Available at: <http://www.thebridgevienna.org/unaccompanied-minors-at-risk-of-exploitation-and-abuse/>.
- 17 European Council on Refugees and Exiles and Asylum Information Database, 'Country Report: Legal Representation of Unaccompanied Children' (25 April 2022) Available at: <https://asylumineurope.org/reports/country/austria/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>.

Main human rights concerns

No action is taken in terms of legal guardianship and primary accommodation for children aged 14-18 until they are admitted into the asylum procedure, despite the fact that there is no legal basis for the application of different rules as they are still minors, in breach of the Convention on the Rights of the Child. The quick appointment of a trusted guardian upon arrival is crucial, because it is during this critical period when these children are at their most vulnerable. Yet as a result of the lengthy process, which may take weeks or even months, 4,489 asylum-seeking children—approximately 78% of all unaccompanied minor applicants in 2021—went missing.⁽¹⁸⁾ Asylkoordination Österreich, a local non-governmental organisation (NGO), has publicly criticised the Austrian authorities for repeatedly losing track of unaccompanied minors and not taking effective measures to

protect them.⁽¹⁹⁾

Finally, studies have shown that unaccompanied minors are exposed to measures that are not age-appropriate and worsen child-specific vulnerabilities. This is seen during invasive medical examinations for age assessment, i.e. physical, dental and x-ray⁽²⁰⁾, as well as in the country's overcrowded accommodation facilities, the lengthy asylum procedure, and the minimal access to education after the age of 15.⁽²¹⁾ Furthermore, child asylum seekers may be detained at the border for up to six weeks at a time⁽²²⁾. These measures do not uphold international legal and human rights standards.

Aid organisations supporting unaccompanied asylum-seeking minors in Austria are:

- Asyl in Not
- Asylkoordination Österreich
- Austrian Integration Fonds (ÖIF)
- Austrian Red Cross

18 ECRE, 'AIDA 2021 Update: Austria' (6 May 2022). Available at: <https://ecre.org/aida-2021-update-austria/>.

19 Saskia Koppenberg, 'Unaccompanied Minors in Austria: Legislation, Practices and Statistics' (IOM and EMN, 2014)

20 European Council on Refugees and Exiles and Asylum Information Database, 'Country Report: Identification' (25 April 2022) Available at: <https://asylumineurope.org/reports/country/austria/asylum-procedure/guarantees-vulnerable-groups/identification/>

21 Ayse Dursun and Birgit Sauer, 'The Asylum-Child Welfare Paradox: Unaccompanied Minors in Austria' (2021) *Humanities and Social Communications* 8:206

22 European Migration Network, 'Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway' (2015)

- Caritas Austria
- CoRE Project
- Diakonie Refugee Service
- Helping Hands
- Integrationshaus Wien (House of Integration Vienna)
- International Organisation for Migration (IOM) Austria
- OLIVE
- Refugees for Refugees (R4R)
- Save the Children
- UNHCR Austria
- UNICEF Austria

Belgium

Latest figures on arrivals and asylum applications

In 2022, 32,100 first-time asylum applications were received,⁽²³⁾ of which 3,840 were made by unaccompanied minors. In total, 63,355 asylum seekers were granted temporary protection, of which 1,180 were unaccompanied minors.⁽²⁴⁾

In 2021, 25,971 persons applied for international protection in Belgium. The number of unaccompanied minor applicants was 3,219,⁽²⁵⁾ and according to Belgium's Federal Justice Service, 2021 saw the second-greatest number of unaccompanied minors since 2015, when it amounted to 4,880 persons⁽²⁶⁾. There is a lack of available data regarding the number of positive asylum decisions in 2021.⁽²⁷⁾

23 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

24 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

25 Helen Lyons, 'Spectacular Increase in Unaccompanied Minors Seeking Asylum in Belgium' (12 January 2022, *The Brussels Times*). Available at: <https://www.brusselstimes.com/201215/spectacular-increase-in-unaccompanied-minors-seeking-asylum-in-belgium>.

26 Julia Dumont, 'Belgium: The Arrival of Unaccompanied Minors from Ukraine Highlights Issues Caused by Lack of Legal Guardians' (22 April 2022, *Info Migrants*). Available at: <https://www.infomigrants.net/en/post/40050/belgium-the-arrival-of-unaccompanied-minors-from-ukraine-highlights-issues-caused-by-lack-of-legal-guardians>

27 Julia Dumont, 'Belgium: The Arrival of Unaccompanied Minors from Ukraine Highlights Issues Caused by Lack of Legal Guardians' (22 April 2022, *Info Migrants*). Available at: <https://www.infomigrants.net/en/post/40050/belgium-the-arrival-of-unaccompanied-minors-from-ukraine-highlights-issues-caused-by-lack-of-legal-guardians>.

Reception conditions and legal assistance

In Belgium, the detention of unaccompanied minors is prohibited by law.⁽²⁸⁾ Instead, if there are no doubts as to whether they are in fact minors, they are assigned to an observation and orientation centre specifically for unaccompanied children. However, it is common for unaccompanied minors caught in Belgium without a residence permit to be detained while their age is assessed, and the procedure may take weeks. In 2020, for example, due to sanitary reasons relating to the COVID-19 pandemic, it took 22 days for two boys held in detention to finally be declared minors and released. In 2021, however, most minors were released within the first week of their arrival.⁽²⁹⁾

Limited availability at reception centres for

unaccompanied minors is another issue faced in Belgium. In 2020, there were 30 unaccompanied minors seeking shelter at a centre with only 16 available spots.⁽³⁰⁾ As confirmed by the unexpectedly high number of unaccompanied minors seeking asylum in 2021, the problem has only grown. The number of qualified guardians is also insufficient, due to the fact that they are "not paid well nor valued enough".⁽³¹⁾

Main human rights concerns

The average waiting time to be assigned a legal guardian is four months, and almost 900 unaccompanied minors have yet to be assigned a legal guardian.⁽³²⁾

Violations have also taken place during age assessment procedures. Recently, the Human Rights Centre at Ghent University and the Centre for the Social

28 Aliens Act 1980 Article 7419/.

29 Julia Dumont, 'Belgium: The Arrival of Unaccompanied Minors from Ukraine Highlights Issues Caused by Lack of Legal Guardians' (22 April 2022, *Info Migrants*). Available at: <https://www.infomigrants.net/en/post/40050/belgium-the-arrival-of-unaccompanied-minors-from-ukraine-highlights-issues-caused-by-lack-of-legal-guardians>.

30 EC, 'Belgium: limited space for unaccompanied migrant minors' (8 December 2021). Available at: https://ec.europa.eu/migrant-integration/news/belgium-limited-space-unaccompanied-migrant-minors_en.

31 Julia Dumont, 'Belgium: The Arrival of Unaccompanied Minors from Ukraine Highlights Issues Caused by Lack of Legal Guardians' (22 April 2022, *Info Migrants*). Available at: <https://www.infomigrants.net/en/post/40050/belgium-the-arrival-of-unaccompanied-minors-from-ukraine-highlights-issues-caused-by-lack-of-legal-guardians>.

32 Julia Dumont, 'Belgium: The Arrival of Unaccompanied Minors from Ukraine Highlights Issues Caused by Lack of Legal Guardians' (22 April 2022, *Info Migrants*). Available at: <https://www.infomigrants.net/en/post/40050/belgium-the-arrival-of-unaccompanied-minors-from-ukraine-highlights-issues-caused-by-lack-of-legal-guardians>.

Study of Migration and Refugees submitted a third-party intervention before the European Court of Human Rights in the case of *Fatoumata Diarye Barry v. Belgium*. Because the Belgian Guardianship Service refused to recognise the applicant as a minor, they ignored her documents, neglected the possibility of conducting psycho-affective tests, and did not appoint a guardian during the age assessment procedure, thereby violating the "presumption of minority" principle under the UN Committee on the Rights of the Child.⁽³³⁾ The intervention, therefore, raised issues of discrimination and the right to respect for private life, plus highlighted the fact that these practices do not adhere to European and international guidance on the age determination of unaccompanied minors.

Aid organisations supporting unaccompanied asylum-seeking minors in Belgium are:

- Belgian Refugee Council
- Coordination of Initiatives for Refugees and Foreigners (CIRE)
- IOM Belgium and Luxembourg
- Jesuit Refugee Service – JRS Belgium
- NANSEN
- Vluchtelingenwerk Vlaanderen (Flemish Refugee Action)
- UNHCR Belgium
- UNICEF Belgium

33 Mathilde Brackx and Laura Cools, 'Proving Minority: The Human Rights Centre and Cessmir Submit a Third Party Intervention Regarding Age Assessment of Unaccompanied Minors' (23 May 2022, *Strasbourg Observers*). Available at: <https://strasbourgobservers.com/2022/05/proving-minority-the-human-rights-centre-and-cessmir-submit-a-third-party-intervention-regarding-age-assessment-of-unaccompanied-minors/>.

Bulgaria

Latest figures on arrivals and asylum applications

In 2022, Bulgaria received 20,260 first-time asylum applications,⁽³⁴⁾ of which 3,379 were made by unaccompanied minors. While a total of 63,355 asylum seekers were granted temporary protection, only 785 of them were unaccompanied minors.⁽³⁵⁾

The number of asylum applications in 2021 was almost half of the number recorded in 2022, with 10,999 asylum applications, of which 3,172 were made by unaccompanied children, with the majority of total applicants being Afghan and Syrian nationals.⁽³⁶⁾ By the end of 2021, 69% of all applications were still pending, with only 143 applicants given refugee status and 1,786 given subsidiary protection.

Reception conditions and legal assistance

High numbers of asylum seekers are commonly detained after their arrival in Bulgaria. In 2021, 8,592 asylum seekers, including unaccompanied minors, were sent to special detention centres, making up 78% of all asylum applicants.⁽³⁷⁾ In particular, in the last couple of years, unaccompanied children considered to be irregular due to the lack of valid documents and intercepted by the Border Police in Bulgaria were often "attached" to any of the adults travelling with them without collecting any evidence for a family link, guardianship or even relation. Through this illegitimate practice, unaccompanied children were mistakenly registered as "accompanied" by such adult to substantiate their inclusion in the detention orders of the adult to whom they've been "attached"

34 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

35 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

36 Asylum Information Database, 'Country Report: Bulgaria' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202202/AIDA-BG_2021update.pdf

37 Asylum Information Database, 'Country Report: Bulgaria' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202202/AIDA-BG_2021update.pdf

and were consequently illegally detained.⁽³⁸⁾ A decision on this case was issued in March 2021, with the Supreme Administrative Court noting that children detained as a result of the detention of their accompanying adult have their own right to appeal against the detention decision. The Court also clarified that the information provided by the police on the relationship between children and accompanying adults is not binding, so authorities ordering the detention can further assess the relationship.⁽³⁹⁾

Main human rights concerns

As Bulgarian authorities have insisted that humane conditions and adequate legal and health services are provided in the country, and that the detention of unaccompanied minors below the age of 14 is prohibited,⁽⁴⁰⁾ it is especially problematic that unaccompanied minors

over the age of 14 are in fact being detained. UN experts have expressed concern about Bulgaria's detention of unaccompanied migrant children, due to the fact that they are vulnerable and live under very difficult conditions.⁽⁴¹⁾

Most striking are the frequent border pushbacks and beatings that occur in Bulgaria. The Bulgarian Helsinki Committee reported that there were 2,513 pushbacks of migrants from Bulgaria in 2021, involving 44,988 people, including unaccompanied minors. Bulgarian authorities were not only accused of pushing people back, but reportedly beat, robbed, and stripped asylum seekers, as well as used police dogs to attack them. Afghan asylum seekers have commonly been mistreated by authorities who push them back from the border to Türkiye without conducting any formal interviews or giving them the chance to initiate

38 FRA, 'Migration: Key Fundamental Rights Concerns' (2021). Available at: https://fra.europa.eu/sites/default/files/202112/-fra-2021-migration-bulletin-3_en.pdf.

39 Asylum Information Database, 'Country Report: Bulgaria' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202202//AIDA-BG_2021update.pdf

40 Asylum Information Database, 'Country Report: Bulgaria' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202202//AIDA-BG_2021update.pdf

41 OHCHR, 'Bulgaria Torture Prevention: UN experts concerned about migrant children in detention' (5 November 2021). Available at: <https://www.ohchr.org/en/press-releases/202111//bulgaria-torture-prevention-un-experts-concerned-about-migrant-children>.

asylum procedures in Bulgaria.⁽⁴²⁾

This is a recurring violation over the years, as evident in the judgement by the European Court of Human Rights on the case of a Turkish journalist who was pushed back in 2016. The Court found that the Bulgarian government had violated the prohibition against torture and inhumane and degrading treatment, as well as the right to a remedy under the European Convention on Human Rights. The pushbacks also violate the right to due process under the International Covenant on Civil and Political Rights 1966, and the principle of non-refoulement under the Refugee Convention 1951. Most importantly, the pushbacks contravene the right to seek asylum as stipulated under the EU Charter of Fundamental Rights. At a time when Bulgaria is welcoming Ukrainian refugees in, these pushbacks also shed light on the entrenched discrimination in the asylum system.

Aid organisations supporting unaccompanied asylum-seeking minors in Bulgaria are:

- Association for Integration of Refugees and Migrants
- Bulgarian Helsinki Committee
- Bulgarian Lawyers for Human Rights Foundation
- Bulgarian Red Cross, Refugee and Migrant Services
- Bulgarian Refugee Council
- Caritas Bulgaria
- Centre for Legal Aid – Voice in Bulgaria
- Council of Refugee Women
- Dr Mohamed Nemer Agency for Refugee Assistance in Bulgaria
- IOM Bulgaria
- UNHCR Bulgaria
- UNICEF Bulgaria

42 Human Rights Watch, 'Bulgaria: Migrants Brutally Pushed Back at Turkish Border' (26 May 2022). Available at: <https://www.hrw.org/news/2022/05/bulgaria-migrants-brutally-pushed-back-turkish-border>.

Croatia

Latest figures on arrivals and asylum applications

In 2022, Croatia received 12,750 first-time asylum applications,⁽⁴³⁾ of which 435 were made by unaccompanied minors. And a total of 19,275 applicants were granted temporary protection, of which 665 were unaccompanied minors.

As for the year 2021, 1181 children seeking international protection in Croatia were registered; among them, 195 were unaccompanied, including 105 boys between the ages of 16 and 17 years old.⁽⁴⁴⁾ The number of unaccompanied minors seeking asylum increased by five per cent compared to the previous year, making up 6.4% of the total number of asylum seekers.⁽⁴⁵⁾ Applications for international protection were submitted for 151 unaccompanied children—two of whom were granted protection; for 37 children, the procedure is still ongoing.

The applications for five children were dismissed when another EU Member State was deemed responsible for them, and in many additional cases, the asylum procedure was suspended when a child left their place of residence.

Reception conditions and legal assistance

In the Croatian asylum system, as soon as it is established that a child is unaccompanied or separated, a police officer must act to facilitate the process of identification; this includes fulfilling their obligation to involve a social worker and an interpreter and appoint a special guardian to protect the child's well-being, and to ensure the implementation of further procedures. The initial identification procedure is conducted by a police officer in the police administration or police station. After informing the child about Croatia, their rights, and the collection of their personal data, a standard form is used to make an initial assessment of their needs, and the

43 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

44 Eurostat, 'Asylum applicants considered to be unaccompanied minors', July 2022, < https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYUNAA_custom_3224355/default/table?lang=en >

45 Croatian Ministry of Interior, 'Statistics 2021', https://mup.gov.hr/UserDocsImages/statistika/2021/Medjunarodna_zastita/Statisticki-pokazatelji-trazitelja-medjunarodne-zastite-do-312021-12-.pdf

child is given the opportunity to apply for international protection⁽⁴⁶⁾.

Croatia's Ombudsperson for Children reported a persistent lack of accommodation and human resources in 2021, such as medical staff and interpreters, leading professionals in reception centres to communicate with children using either Google Translate or English, and children to reside in inappropriate shelters. Out of the total of 195 unaccompanied children, 131 were accommodated in the Reception Centre for Applicants for International Protection, and 64 were placed in social welfare institutions.⁽⁴⁷⁾ While children under 14 years of age are usually accommodated in children's homes, those over 14 are regularly placed in pre-removal detention centres as well as residential childcare institutions, which have been criticised, as their primary function is to treat children

with behavioural difficulties.⁽⁴⁸⁾ Though the Foster Care Act entered into force in the country on 1 January 2019 opens the door for unaccompanied children to be accommodated in foster families, only three children prior to 2021 were placed in foster homes and it remains unclear whether they were applicants for international protection.⁽⁴⁹⁾

The lack of proper legal guardianship for unaccompanied children in Croatia is an additional problem. Adults must sufficiently prepare an unaccompanied child for an interview using a language that the child understands and must do so in a timely manner; in fact, these sessions rarely occur in practice. As there is no time limit currently prescribed for the appointment of such representatives of unaccompanied children, the appointment of legal guardians in 2020 (and in some cases, 2021) was made after the children had already applied for

46 The Asylum Information Database (AIDA), 'Country Report: Legal representation of unaccompanied children', April 2022 <<https://asylumineurope.org/reports/country/croatia/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>>

47 The Asylum Information Database (AIDA), 'Country Report: Legal representation of unaccompanied children', April 2022 <<https://asylumineurope.org/reports/country/croatia/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>>

48 The Asylum Information Database (AIDA), 'Country Report: Legal representation of unaccompanied children', April 2022 <<https://asylumineurope.org/reports/country/croatia/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>>

49 The Asylum Information Database (AIDA), 'Country Report: Legal representation of unaccompanied children', April 2022 <<https://asylumineurope.org/reports/country/croatia/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>>

international protection. Moreover, both the Ombudsperson for Children and the Centre for Peace Studies reported that some special guardians did not have any contact with unaccompanied children, so children could not receive adequate information about their rights and obligations.

Main human rights concerns

Allegations of pushbacks continued in 2021 and included claims of pushbacks of children.⁽⁵⁰⁾ Concerns raised in regard to the reception and accommodation of unaccompanied minors in Croatia have included unlawful individual and collective expulsions at the country's borders with Bosnia and Serbia along with the frequent use of violence. Often unaccompanied children were taken to police stations where they were forced to sign a statement to declare to be of legal age⁽⁵¹⁾. This lack of reliable age assessment prevents minors from being considered

as 'unaccompanied children', and thus limits their access to specific child-friendly procedures and guarantees. Similarly, the lack of official data on pushbacks and police brutality, including both physical and psychological violence, represents a serious concern for the protection of all asylum seekers and unaccompanied minors in particular. Unaccompanied children also face obstacles to accessing primary and secondary education, including a lack of documentation proving previous education, lengthy school enrolment processes, too few interpreters, issues with age assessment, lack of special guardian support services, and local community resistance.⁽⁵²⁾ It's especially alarming that when a child over the age of 15 has not completed primary school in their country of origin or refuge, he or she can still participate in adult primary education programmes, but in fact, loses the right to regular education.

50 Center for Peace Studies and Initiative Welcome!, 'Report on violent and illegal expulsions of children and unaccompanied children', May 2020 < <https://welcome.cms.hr/index.php/202029/05//djeca-i-djeca-bez-pratnje-sustavno-nezakonito-protjerivana-iz-hrvatske/#> >

51 The Asylum Information Database (AIDA), 'Country Report: Access to the territory and push backs', April 2022, <https://asylumineurope.org/reports/country/croatia/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>

52 The Asylum Information Database (AIDA), 'Country Report: Legal representation of unaccompanied children', April 2022 <<https://asylumineurope.org/reports/country/croatia/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>>

Aid organisations supporting unaccompanied asylum-seeking minors in Croatia are:

- Are You Syrious?
- Association Mi
- Centre for Culture of Dialogue (CCD)
- Centre for Peace, Legal Advice and Psychosocial Assistance
- Centre for Peace, Nonviolence and Human Rights
- Centre for Peace Studies (Croatian abbreviation: CMS, English abbreviation: CPS)
- Civil Rights Project (PGP)
- Croatian Red Cross (CRC)
- IOM Croatia
- Jesuit Refugee Service – JRS Croatia
- Médecins du Monde (MdM) – Doctors of the World
- Rehabilitation Centre for Stress and Trauma (RCT)
- Society for Psychological Assistance (DPP)
- UNHCR Croatia
- UNICEF Croatia

Republic of Cyprus

Latest figures on arrivals and asylum applications

In 2022, the Republic of Cyprus received 21,590⁽⁵³⁾ first-time asylum applications, of which 655 were unaccompanied minors as of September 2022, with the majority of unaccompanied minor applicants being from Syria, Nigeria, the Democratic Republic of the Congo and Pakistan.⁽⁵⁴⁾ In recent years, the number of unaccompanied children arriving in Cyprus has doubled, with 395 in 2021, and 190 in 2020.⁽⁵⁵⁾

Reception conditions and legal assistance

There was no proper identification mechanism for unaccompanied children arriving in Cyprus until recently, save for the country's police officers having to verify the ages on asylum applications, though even this was not done systematically. Presently, there is still no procedure in

53 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

54 UNHCR, 'Cyprus – Fact Sheet' (30 September 2022, *UNHCR*). Available at: https://www.unhcr.org/cy/wp-content/uploads/sites/4111/2022/Cyprus_Fact_Sheet_SEPTEMBER_2022.pdf

55 Eurostat, 'Asylum applicants considered to be unaccompanied minors', July 2022, < https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYUNAA_custom_3224355/default/table?lang=en >

place to identify minors who may have entered the country on false documents that show them to be over 18, or who may have been persuaded to lie about their actual age.⁽⁵⁶⁾ Informal practices designed to discourage minors to apply for asylum are also implemented in police stations, such as the refusal of officials to call an interpreter or physically hand an application form to an asylum seeker, or the repeated asking of applicants to come back again and again.⁽⁵⁷⁾

With increased numbers of unaccompanied minors arriving in the country in 2021, the number of guardians available to respond to their needs was even less adequate than usual. Children often complained about a lack of contact with their appointed guardian, and, in some cases, representatives failed to inform the Asylum Service of the existence of relatives in other European countries, leading to the expiration of the three-

month deadline to lodge a Dublin request and preventing children from reuniting with such relatives in another Member State.⁽⁵⁸⁾

With regard to accommodation conditions, unaccompanied minors under three years old are placed in a foster family, just as Cypriot children without guardians are, while all others may be accommodated alongside nationals in reception centres for children. Indeed, the Welfare office in Cyprus follows the same procedure regarding unaccompanied minors as it does with Cypriot children without a guardian. In practice, many unaccompanied minors are placed in unsuitable shelters, just like adult asylum seekers are.

The country’s main reception centre, the Pournara camp on the edge of the capital city of Nicosia, was severely criticised by Cypriot children’s rights commissioner Despo Michaelidou in March 2022 for its

56 The Asylum Information Database (AIDA), ‘Legal representation of unaccompanied children - Cyprus’, April 2022 < <https://asylumineurope.org/reports/country/cyprus/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/> >

57 France Terre d’Asile, ‘Right to Asylum for Unaccompanied Minors in the European Union: Comparative study in the 27 EU countries’, 2012 < <https://resourcecentre.savethechildren.net/pdf/7139.pdf/> >

58 The Asylum Information Database (AIDA), ‘Legal representation of unaccompanied children - Cyprus’, April 2022 < <https://asylumineurope.org/reports/country/cyprus/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/> >

miserable and unhygienic conditions, especially its chronic overcrowding, abysmal bathroom facilities, paltry food rations, and brutal treatment of its residents⁽⁵⁹⁾. Pournara hosts more than 275 unaccompanied minors, who have no access to education while residing there.⁽⁶⁰⁾ The report noted that, within the camp, many unaccompanied children were accommodated outside of a so-called "Safe Zone" in tents or prefabricated housing units, often with non-related adults. Furthermore, the "Safe Zone" itself was not properly supervised or monitored during the day or night; several episodes of sexual harassment were reported in 2021 by individuals, including children, who were accommodated in the zone.⁽⁶¹⁾

Main human rights concerns

During the pandemic, the country's interior minister closed all reception centres and turned them into

detention centres, moving detainees to decentralised detention facilities that have already been deemed inappropriate for extended detention by the European Court of Human Rights⁽⁶²⁾. For example, though the Pournara camp was initially intended to be used as a first reception emergency centre for about 350 people and for a maximum of only 72 hours at a time, there are now over a thousand individuals trapped in horrific conditions there, with no access to basic facilities—some for almost a year. Detainees include families with children, as well as unaccompanied minors, despite provisions of national law which prohibit the detention of unaccompanied minors. Cyprus has also carried out a number of summary pushbacks and collective expulsions since March 2020 of Syrians, Palestinians, and Lebanese, including pushbacks of unaccompanied children,

59 Al Monitor, 'Migrant minors face misery in asylum hub Cyprus', March 2022

<<https://www.al-monitor.com/originals/202203/migrant-minors-face-misery-asylum-hub-cyprus> >

60 The Asylum Information Database (AIDA), 'Country report: Cyprus', 2020 < https://asylumineurope.org/wp-content/uploads/202104/AIDA-CY_2020update.pdf >

61 The Asylum Information Database (AIDA), 'Country report: Cyprus', 2020 < https://asylumineurope.org/wp-content/uploads/202104/AIDA-CY_2020update.pdf >

62 KISA and EuroMed Rights, 'Input for the Special Rapporteur's report on pushback practices and their impact on the human rights of migrants and refugees, with a focus on pushbacks from Cyprus to Lebanon and Turkey', January 2021, <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/pushback/Joint_KISA_EuroMed_Rights_Submission.pdf >

to Lebanon and Türkiye.⁽⁶³⁾ In early 2021, the Council of Europe Commissioner for Human Rights, Dunja Mijatović, urged Cypriot authorities to ensure that independent and effective investigations are implemented into allegations of pushbacks and ill-treatment of arriving migrants, including persons whom may need international protection, by members of security forces. She emphasised that since the detention of children in particular—whether unaccompanied or with their families—is never in their best interest, they should be released immediately.⁽⁶⁴⁾

Aid organisations supporting unaccompanied asylum-seeking minors in Cyprus are:

- AGAPI
- Association of Recognised Refugees (Cyprus)
- Caritas Cyprus
- Cyprus Red Cross Society
- Cyprus Refugee Council (CyRC)
- Cyprus Stop Trafficking
- Dignity Centre Nicosia

- Generation for Change CY
- Hope for Children (HFC)
- IOM Cyprus
- KISA
- Kofinou We Care – Volunteers’ Support
- Mi-HUB Migrant Information Centres
- OASIS
- Saint Paul’s Anglican Church
- UNHCR Cyprus

63 KISA and EuroMed Rights, ‘Input for the Special Rapporteur’s report on pushback practices and their impact on the human rights of migrants and refugees, with a focus on pushbacks from Cyprus to Lebanon and Turkey’, January 2021, <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/pushback/Joint_KISA_EuroMed_Rights_Submission.pdf>

64 Council of Europe, Commissioner of Human Rights, ‘Letter to the Minister of Interior of Cyprus’, March 2021, <<https://bit.ly/3mmJiuE>>

Czech Republic

Latest figures on arrivals and asylum applications

The Czech Republic received 1,335 first-time asylum applicants in 2022,⁽⁶⁵⁾ but the number considered to be unaccompanied minors was zero, just like the previous two years.⁽⁶⁶⁾ The last official data report 10 unaccompanied minors arriving in 2019, but according to local NGOs, in recent years around 30 to 60 unaccompanied minors arrived every year, mainly boys older than 15 years.⁽⁶⁷⁾ The latest data offered by the Czech Statistical Office are from 2016 and report no new applications for international protection from unaccompanied minors that year.⁽⁶⁸⁾

Reception conditions and legal assistance

Each account of a migrant child, whether they are accompanied or not, is examined individually. Interviews are carried out by specially trained employees of the Czech Ministry of Internal Affairs, always with interpreters present. In case of need, the presence of a psychologist may be requested. The interview is expected to be performed in a child-friendly place, if possible, decided by the child, and its length should reflect the child's age.

Unaccompanied minors face many procedural problems with regard to accommodation, mainly due to language and cultural differences, trauma, lack of foster care, and residential issues. Beyond foster care it is possible to use a host care system, a form of volunteering that can be offered by an individual or family, but

65 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

66 Eurostat, 'Asylum applicants considered to be unaccompanied minors', July 2022, < https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYUNAA_custom_3224355/default/table?lang=en >

67 Organization for Aid to Refugees (OPU), 'Unaccompanied minors in the Czech Republic', 2020 <<https://www.re-future.eu/Data/Sites/13/GalleryImages/Toolkit/OPU%20-%20Unanccompained%20minors%20in%20the%20Czech%20Republic.pdf> >

68 Czech Statistical Office, <https://www.czso.cz/documents/1129216/32579080/_c02t27.pdf/5103515c-d6164-e4e-bff09618501-f6a00?redirect=https%3A%2F%2Fwww.czso.cz%2Fcsu%2Fcizinci%2F2-ciz_rizeni_azy1%3Fp_p_id%3D326%2Fp_p_lifecycle%3D026%2Fp_p_state%3Dmaximized%26p_p_mode%3Dview%26_3_groupId%3D112923_26_keywords%3Dunaccompanied%26_3_struts_action%3D%252Fsearch%252Fsearch%26_3_redirect%3D%252Fweb%252Fvizinci%252Fstranka>

currently, there are only four host families in the country.⁽⁶⁹⁾ Though there is a guardianship system in place, there is no procedure for the recruitment, placement, and supervision of guardians.⁽⁷⁰⁾

Main human rights concerns

A serious concern is the detention of unaccompanied minors over 15 years of age, as the law does not distinguish between their detention and the imprisonment of adults. As a consequence, only unaccompanied minors under 15 years are not detained at arrival, while those aged 15 and over may be detained under the same conditions as adult foreigners. The only difference between the treatment of these minors and adults is that the maximum detention time of unaccompanied minors shall not exceed 90 days, while adults may be detained for up to 180 days. In cases of doubt about the age of the unaccompanied minor, they might be detained under the same conditions as an adult until the completion of the age

assessment process. Therefore, there is no benefit of the doubt applied until the age assessment procedure is over.

The rights of detained unaccompanied minors are curtailed in various ways, even in the event that a guardian is appointed to protect their interests and rights. When it comes to the actual protection of the rights of detained minors, the institution of a guardian appears extremely problematic, mostly due to the imperfect formulation of the law, as it does not specify a period of time within which the guardian shall be appointed. In practice, it is entirely at the discretion of the police, and there have been cases of the police appointing a guardian to a minor after several weeks or even months of detention.⁽⁷¹⁾ This often leads to further obstacles and violations, seeing as a minor with minimal understanding of Czech law may sign an important legal document—such as one waiving the right to appeal against administrative

69 Organization for Aid to Refugees (OPU), 'Unaccompanied minors in the Czech Republic', 2020 <<https://www.re-future.eu/Data/Sites/13/GalleryImages/Toolkit/OPU%20-%20Unanccompained%20minors%20in%20the%20Czech%20Republic.pdf>>

70 Štorková I., 'Reception of children on the move in the Czech Republic', February 2017 <https://kidsempowerment.org/wp-content/uploads/202103/feb-2017_-_Reception-of-Children-on-the-Move-in-Czech-Republic.pdf>

71 Jeřábková Z., 'The detention of minors in the Czech Republic', in Migrationonline.cz, January 2011 <<https://migrationonline.cz/en/e-library/the-detention-of-minors-in-the-czech-republic>>

expulsion—without any legal counselling or protection, as a guardian appointed at a later stage cannot reverse such decisions.⁽⁷²⁾ Indeed, appeal, retrial, or review proceedings are not permitted in proceedings related to detention, and only a legal representative of the child is entitled to file a police request for release from detention.⁽⁷³⁾

Aid organisations supporting unaccompanied asylum-seeking minors in the Czech Republic are:

- Association for Integration and Migration (SIMI)
- Charita Czech Republic
- Counselling Centre for Integration (PPI)
- Forum for Human Rights
- IOM Czechia
- Organisation for Aid to Refugees (OPU)
- UNHCR Czech Republic
- UNICEF Czech Republic

Denmark

Latest figures on arrivals and asylum applications

A total of 4,475 applications for asylum were registered in Denmark in 2022,⁽⁷⁴⁾ of which only 315 were made by unaccompanied minors, in comparison to 2,095 asylum applications registered in Denmark in 2021,⁽⁷⁵⁾ of which only 115 were made by unaccompanied minors. Of all applicants registered in the country that year, 55% were granted asylum.⁽⁷⁶⁾ It is worth noting a significant decrease in unaccompanied minor applications as compared to the record high of 2,125 applicants in 2015.⁽⁷⁷⁾

72 Jeřábková Z., 'The detention of minors in the Czech Republic', in Migrationonline.cz, January 2011 < <https://migrationonline.cz/en/e-library/the-detention-of-minors-in-the-czech-republic> >

73 Štorková I., 'Reception of children on the move in the Czech Republic', February 2017 < https://kidsempowerment.org/wp-content/uploads/202103/feb-2017_-_Reception-of-Children-on-the-Move-in-Czech-Republic.pdf >

74 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

75 UIM, 'Asyltallene er fortsat lave' (27 Jan 2022) <<https://uim.dk/nyhedsarkiv/2022/januar/asyltallene-er-fortsat-lave/>>.

76 Refugees, 'What are the Chances of Being Granted Asylum?' (15 Jun 2022) <<http://refugees.dk/en/facts/numbers-and-statistics/what-are-the-chances-of-being-granted-asylum/>>.

77 Trading Economics, 'Asylum Applicants Considered to be Unaccompanied Minors' <<https://tradingeconomics.com/denmark/asylum-applicants-considered-to-be-unaccompanied-minors-eurostat-data.html>>.

Reception conditions and legal assistance

The Danish asylum process maintains a system of legal guardianship specifically geared towards unaccompanied minors seeking asylum.⁽⁷⁸⁾ Once an unaccompanied minor is identified, they are appointed a guardian to ensure their best interests are protected throughout the application process.⁽⁷⁹⁾ While these applicants have access to legal guardianship and counsel, they do not have access to education. This is exemplified by the high number of young refugees who are neither working nor studying.⁽⁸⁰⁾ Further, Denmark is the only Nordic country without legislation ensuring that asylum-seeking children have the same right to healthcare as children who are citizens.⁽⁸¹⁾ Though unaccompanied minors are

considered to be a particularly vulnerable group, they must meet the same criteria as adult asylum seekers in order to be granted a Danish residence permit.⁽⁸²⁾ This policy is one of many recent fundamental legislative changes outlined below that aim to restrict the number of refugees granted protection. For instance, unaccompanied minors are granted temporary protections until they turn 18, at which point they may be categorised as rejected but not deported, and allowed to live in harsh circumstances with limited social rights.⁽⁸³⁾ Another result of the legislative changes is a decrease in integration arrangements granting residence permits under the assumption that refugees will return to their countries of origin once it is safe to do so.⁽⁸⁴⁾ This incredibly limited number of permits impacts the approximately 35,000 Syrian

78 Foundation Pour L'enfance, 'Right to Asylum for Unaccompanied Minors in the European Union' (2012).

79 Danish Refugee Council, 'The Danish Asylum System' <<https://drc.ngo/our-work/what-we-do/asylum-and-repatriation/the-danish-asylum-system/unaccompanied-minors/>>.

80 European Website on Integration, 'Young refugees faring worse in Denmark than in other Nordic countries' (18 Nov 2021, *EC Europa*) <https://ec.europa.eu/migrant-integration/news/young-refugees-faring-worse-denmark-other-nordic-countries_en>.

81 European Website on Integration, 'Young refugees faring worse in Denmark than in other Nordic countries' (18 Nov 2021, *EC Europa*) <https://ec.europa.eu/migrant-integration/news/young-refugees-faring-worse-denmark-other-nordic-countries_en>.

82 New to Denmark, 'Unaccompanied Minor Asylum Seeker'

83 Marianne Garvik and Marko Valenta, 'Seeking Asylum in Scandinavia: a comparative analysis of recent restrictive policy responses towards unaccompanied afghan minors in Denmark, Sweden and Norway' (2021) *Comparative Migration Studies* 9, 15. <https://doi.org/10.1186/s408781-00221-020->

84 Institut for Menneske Rettigheder, 'Man kan aldrig føle sig sikker' (2022).

refugees who have been residing in Denmark since 2011, of whom only a few hundred have been granted permanent residency.⁽⁸⁵⁾

Main human rights concerns

The Danish Immigration Service began stripping Syrian refugees of their residency permits following Russia's invasion of Ukraine, and 600 of the more than 35,000 Syrians seeking refuge in Denmark were consequently forced to move to deportation centres, where residents are deprived of the right to education and work.⁽⁸⁶⁾ Meanwhile, Denmark began actively drafting new legislation to suspend asylum rules for Ukrainians, easing their process of receiving residency permits. The discriminatory policies are most clearly highlighted by the government's exemption of Ukrainian refugees from the "jewellery law", a measure allowing

the seizure of asylum seekers' assets to fund their stay in Denmark.⁽⁸⁷⁾

Most notably, the Danish Social Democratic government put forward the L226 legislative proposal in February 2021, which aims to halt the processing of all asylum applications in Denmark.⁽⁸⁸⁾ Those applying to be registered, including unaccompanied minors, would instead be transferred to another country to be considered for refugee status there. This agreement with third countries is part of Denmark's externalisation policy, which has been criticised for violating Denmark's obligations under the Dublin Regulations II, as well as undermining international solidarity and collaboration efforts.⁽⁸⁹⁾

Aid organisations supporting unaccompanied asylum-seeking minors in Denmark are:

- Amnesty International
- Danish Red Cross

85 Institut for Menneske Rettigheder, 'Man kan aldrig føle sig sikker' (2022).

86 Tara John, 'Denmark opens its arms to Ukrainians, while trying to send Syrian refugees home' (10 Mar 2022, CNN) <<https://edition.cnn.com/2022/03/europe/denmark-refugees-ukraine-syrian-intl/index.html>>.

87 HRW, Denmark's Mismatched Treatment of Syrian and Ukrainian Refugees (16 Mar 2022) <<https://www.hrw.org/news/2022/03/denmarks-mismatched-treatment-syrian-and-ukrainian-refugees>>.

88 Martin Lemberg-Pedersen, Zachary Whyte and Ahlam Chemlali, 'Denmark's New Externalisation Law: Motives and Consequences' (November 2021, Forced Migration Review) <<https://www.fmreview.org/externalisation/lembergpedersen-whyte-chemlali>>.

89 Danish Ministry of Immigration and Integration (2021) Forslag til Lov om ændring af udlændingeloven (Indførelse af mulighed for overførsel af asylansøgere til asylsagsbehandling og indkvartering i tredjelande) 102, 1-.

- Danish Refugee Council
- IOM Denmark
- Refugees.dk
- Refugees Welcome
- UNHCR Denmark
- UNICEF Denmark

Estonia

Latest figures on arrivals and asylum applications

Estonia saw a great increase in first-time asylum applicants in 2022,⁽⁹⁰⁾ with 2,940 applications in comparison to 76 in 2021.⁽⁹¹⁾ Most asylum applicants that year were Afghan nationals who had been evacuated following the reinstatement of the Taliban regime in Afghanistan. As for the number of unaccompanied minors, it remained at zero, with the last instance in which they were registered and remained in Estonia appearing to be in 2017.⁽⁹²⁾

Reception conditions and legal assistance

The Estonian government recently approved two strategic plans, the Internal Security Development Plan 2020-2030 and the Cohesive Estonia Development Plan 2021-2030, for better integration and adaptation into the society of migrants and asylum-seekers. Additionally, efforts were made by the Police and Border Guard Board to develop a contingency plan for improving the efficiency of asylum proceedings and increasing the capacity of reception centres, as their current maximum capacity is 105 persons.⁽⁹³⁾

Main human rights concerns

Within the Estonian asylum system, legal guardians are not directly appointed to unaccompanied asylum-seeking minors at the border but, during the initial reception phase, the laws allow for these minors' placement in detention centres, thereby significantly restricting their

90 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

91 Maarja Vollmer and Eike Luik, 'EMN Annual Report on Migration and Asylum 2021: Estonia' (European Migration Network, 2022).

92 Ibid.

93 Maarja Vollmer and Eike Luik, 'EMN Annual Report on Migration and Asylum 2021: Estonia' (European Migration Network, 2022).

freedom of movement.⁽⁹⁴⁾

Apart from this, there is a lack of available data on Estonia's asylum practices and systematic violations.

Aid organisations supporting unaccompanied asylum-seeking minors in Estonia are:

- Estonian Human Rights Centre
- Estonian Refugee Council
- IOM Estonia
- UNHCR Estonia
- UNICEF Estonia

Finland

Latest figures on arrivals and asylum applications

In 2022, Finland received a total of 4,815 asylum applications, of which only 235 were considered to be submitted by unaccompanied minors.⁽⁹⁵⁾

In 2021, Finland received a total of 1,495

asylum applications,⁽⁹⁶⁾ of which 136 were considered to be submitted by unaccompanied minors.⁽⁹⁷⁾ Around 69% of these applications were successful,⁽⁹⁸⁾ though the number of applications decreased by approximately 53% from the year 2020.

Reception conditions and legal assistance

Unaccompanied minors arriving in Finland are placed in group homes, supported housing, or private accommodation while they complete their asylum process. They are provided with the same social and healthcare services as Finnish residents, and are provided with mental health support in particular, considering their vulnerable situation.⁽⁹⁹⁾ That said, these minors still face major challenges in the country.

94 Foundation Pour L'enfance, 'Right to Asylum for Unaccompanied Minors in the European Union' (2012).

95 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

96 J Clausnitzer, 'Number of Asylum Applications in Finland from 2011 to 2021' (28 Apr 2022, *Statista*) <<https://www.statista.com/statistics/523556/asylum-applications-in-finland/>>.

97 J Clausnitzer, 'Number of Asylum Applications from Unaccompanied Minors from 2011 to 2021' (28 Apr 2022, *Statista*) <<https://www.statista.com/statistics/523582/finland-asylum-applications-from-unaccompanied-foreign-minors/>>.

98 World Data, 'Asylum Applications and Refugees in Finland' <<https://www.worlddata.info/europe/finland/asylum.php>>.

99 Finnish institute for health and welfare, 'Unaccompanied Minor Asylum Seekers' (7 Mar 2022) <<https://thl.fi/en/web/migration-and-cultural-diversity/immigrants-health-and-wellbeing/health-of-immigrant-children-young-people-and-families/unaccompanied-minor-asylum-seekers>>.

One challenge faced is that many unaccompanied minors aged 15-17 struggle to learn Finnish in just a few years, and there are no efforts to create special transition programmes for this target group.⁽¹⁰⁰⁾ Additionally, while all unaccompanied minors are appointed legal representation without delay, NGOs have repeatedly voiced concerns over said representatives' competence in working with children.⁽¹⁰¹⁾ There have also been issues with asylum-seeking minors' access to municipal child welfare activities while staying at the country's reception centres. Another issue impacting children's well-being and integration into Finland is the minimal number of residence permits granted to family members of successful unaccompanied minor applicants,⁽¹⁰²⁾ contravening one of the essential rights and a primary consideration under EU law.

Main human rights concerns

It is problematic that Finnish laws allow for the detention of unaccompanied minors under certain circumstances, despite the strict prohibition of this under international law.⁽¹⁰³⁾ Although in 2015 the government restricted the detention of children and sought to implement alternatives to their detention, there is only one alternative under the Aliens Act that specifically applies to children; it allows unaccompanied minors aged 15-17 to reside in a specific accommodation, in a reception centre or in its vicinity, with a requirement to physically report there up to four times a day⁽¹⁰⁴⁾. Nevertheless, Amnesty International has sustained that this is not the case in practice, and that such excessive reporting requirements restrict both the child's freedom of movement and access to education—amounting almost to detention. There is

100 European Migration Network, 'Unaccompanied Minors Following Status Determination: Approaches in EU Member States and Norway: National Report of Finland' (2017).

101 European Migration Network, 'Policies, Practices and Data on Unaccompanied Minors in 2014' (2014).

102 European Migration Network, 'Unaccompanied Minors Following Status Determination: Approaches in EU Member States and Norway: National Report of Finland' (2017).

103 Amnesty International, 'Ending Immigration Detention of Children in Finland and Seeking Adequate Reception and Care for Them' <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/CallEndingImmigrationDetentionChildren/CSOs/Amnesty_International_Finland_submission.pdf>.

104 Ibid.

also a lack of comprehensive and updated information on this matter, making it difficult to assess the violations taking place in reality.

Aid organisations supporting unaccompanied asylum-seeking minors in Finland are:

- Espoo Group Home
- Finnish Red Cross
- Finnish Refugee Advice Centre
- Finnish Refugee Council
- IOM Finland
- Yhteiset Lapsemme (All Our Children)
- UNHCR Finland
- UNICEF Finland

France

Latest figures on arrivals and asylum applications

France received 137,510 first-time asylum applications in 2022, and granted 84,910 asylum seekers temporary protection, yet

thenumberofunaccompaniedminorswas not registered.⁽¹⁰⁵⁾ The number of asylum applicants classified as unaccompanied minors in France in 2021 was 880, 155 of whom were girls and 725 boys, primarily aged 16-17 years⁽¹⁰⁶⁾ and mainly from Guinea, Mali, and Côte d'Ivoire.⁽¹⁰⁷⁾ This figure is higher than in 2020 and 2019, yet is probably lower than the actual number of unaccompanied children who made it to France, as many of them become unreachable by authorities. It is difficult to obtain an overview of the situation for unaccompanied children at a national level because the term “unaccompanied child” has no explicit definition in French law, so the protection of young asylum-seekers is based on the notion of “children at risk”, which is applicable regardless of a minor’s nationality or status as “asylum seeker⁽¹⁰⁸⁾”.

105 Eurostat, ‘Asylum and first time asylum applicants – annual aggregated data’ (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

106 Eurostat, ‘Asylum applicants considered to be unaccompanied minors’, July 2022, < https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYUNAA_custom_3224355/default/table?lang=en >

107 Assemblée Nationale, ‘Rapport fait au nom de la commission d’enquête sur les migrations, les déplacements de populations et les conditions de vie et d’accès au droit des migrants, réfugiés et apatrides en regard des engagements nationaux, européens et internationaux de la France’, November 2021, <https://www.assemblee-nationale.fr/dyn/15/rapports/cemigrants/l15b4665_rapport-enquete.pdf >

108 The Asylum Information Database (AIDA), ‘Country Report - France’, 2020, < https://asylumineurope.org/wp-content/uploads/202103/AIDA-FR_2020update.pdf >

Reception conditions and legal assistance

Unaccompanied children are still subject to border procedures in French waiting zones, meaning faster and less reliable processing of asylum claims, if they come from a so-called "safe country of origin", present an asylum application deemed inadmissible, produce falsified identity or travel documents, or even if they are judged to constitute a serious threat to public order, public safety, or national security. In practice, since the majority of unaccompanied children arriving at the border hold false documents, the criterion of falsified identity or travel documents is widely used as a ground to initiate border procedures for this category of asylum seekers. In 2018, nearly half of all unaccompanied minors making asylum claims at the border were refused access to the territory.⁽¹⁰⁹⁾

For those who enter, there is no

specific procedure in place for identifying unaccompanied children or implementing protective measures, including appointing a legal guardian. Appointments of legal guardians are typically initiated by children themselves, who turn to NGOs or judges for help, or go to a prefecture to lodge an asylum application. Moreover, it is regularly reported that some prefectures still do not accept the asylum claims of unaccompanied children, and that asylum-seeking children are sometimes treated under the common law procedure for unaccompanied minors and prevented from registering their asylum claims.⁽¹¹⁰⁾

Due to the age assessment procedure's margin of error and its flawed interview methods—resulting in the rejection of both children whose statements lack precision and consistency, and those who give too-detailed accounts of their lives⁽¹¹¹⁾—significant numbers of unaccompanied minors are excluded from accessing

109 The Asylum Information Database (AIDA), 'Country Report - France', 2020, < https://asylumineurope.org/wp-content/uploads/202103/AIDA-FR_2020update.pdf >

110 The Asylum Information Database (AIDA), 'Country Report - France', 2020, < https://asylumineurope.org/wp-content/uploads/202103/AIDA-FR_2020update.pdf >

111 Human Rights Watch, 'Paris: Dire Situation for Migrant Adolescents Arriving Alone', October 2018, < <https://www.hrw.org/news/201805/10/paris-dire-situation-migrant-adolescents-arriving-alone> >

beneficial provisions like the specific reception conditions designed to protect them. Unaccompanied minors who go unrecognised as such receive no shelter, food, or medical care, and cannot attend school or hold apprenticeships.⁽¹¹²⁾ Many are forced to live on the streets,⁽¹¹³⁾ where they are exposed to assorted risks including sexual exploitation and illegal or hazardous work.

The inadequacy of the financial, human, and material resources allocated by the state to the departments responsible for the care of these children, combined with the absence of an effective national control or coordination authority, undermines any effort to protect their rights. Very little is done in France to provide unaccompanied children with shelter and appropriate care, and the French administration imposes complex administrative procedures. In general, the system drives young people into an unsettled, precarious existence, while

exonerating the country's authorities of all responsibility.

Main human rights concerns

France's overall treatment of unaccompanied minors has come under the spotlight several times for serious, systematic breaches across the country. As thousands of unaccompanied minors on French territory see their rights violated on a daily basis, a collective of French NGOs petitioned the United Nations Committee on the Rights of the Child in 2021 to denounce the violations, calling for an investigation.⁽¹¹⁴⁾

The main problems faced by unaccompanied minors in France are the lack of benefit of the doubt when age assessment results are unclear; detention in the waiting zone; pushbacks at the borders; and pervasive systemic discrimination that pushes them to the margins of society, where they often live in informal makeshift camps or sleep rough in the streets.

112 Human Rights Watch, 'Paris: Dire Situation for Migrant Adolescents Arriving Alone', October 2018, < <https://www.hrw.org/news/2018/05/10/paris-dire-situation-migrant-adolescents-arriving-alone> >

113 Medecins Sans Frontieres (MSF), 'France: Unaccompanied minors excluded and traumatised', September 2019, < <https://prezly.msf.org.uk/france-unaccompanied-minors-excluded-and-traumatised> >

114 The French Council of Associations for the Rights of the Child (COFRADE), 'Press Release: French Nonprofit Organizations Call for a UN Inquiry Into Violations of the Rights of Unaccompanied Minors in France', April 2021 < <http://aadh.fr/wp-content/uploads/2021/05/Press-Release-Committee-on-the-Rights-of-the-Child-UAMs-France.pdf> >

An essential question is that of determining whether an applicant is a minor, particularly for the most sensitive age group to assess, i.e. between 16 and 20 years old. Age assessments are consistently carried out in very different ways according to the location within France, and young people are rarely given the benefit of the doubt in the event that an evaluation cannot establish their exact age.⁽¹¹⁵⁾ Bone examinations continue to be implemented even when unaccompanied children possess civil status documents, as refusals are often based on racial profiling.⁽¹¹⁶⁾ Some young people, particularly those over 16, are subjected to multiple medical examinations until they are eventually classified by authorities as being 18. Minority assessment interviews are often flawed and conducted hastily, lasting even less than 30 minutes, and sometimes occur without the presence of

an interpreter.⁽¹¹⁷⁾ In many cases, authorities interview unaccompanied children immediately after they get to the Paris evaluation facility (Dispositif d'évaluation des mineurs isolés étrangers), meaning children must answer detailed questions without understanding the interview's purpose.⁽¹¹⁸⁾ Some minors are summarily turned away at the door without being interviewed—a practice referred to in French as a "refus guichet".⁽¹¹⁹⁾

Authorities rely on invalid grounds for concluding that a person is an adult, and minors are often denied recognition as children if they lack identity documents. Moreover, work in the child's home country or on their journey to Europe is regularly cited as a basis for a negative decision, as it is deemed to be a marker of maturity (and therefore of adulthood), though many children around the world work; child protection authorities

115 The Asylum Information Database (AIDA), 'Country Report - France', 2020, < https://asylumineurope.org/wp-content/uploads/202103/AIDA-FR_2020update.pdf >

116 The Asylum Information Database (AIDA), 'Country Report - France', 2020, < https://asylumineurope.org/wp-content/uploads/202103/AIDA-FR_2020update.pdf >

117 Medecins Sans Frontieres (MSF), 'France: Unaccompanied minors excluded and traumatised', September 2019, < <https://prezly.msf.org.uk/france-unaccompanied-minors-excluded-and-traumatised> >

118 Human Rights Watch, 'Paris: Dire Situation for Migrant Adolescents Arriving Alone', October 2018, < <https://www.hrw.org/news/201805/10/paris-dire-situation-migrant-adolescents-arriving-alone> >

119 Human Rights Watch, 'Paris: Dire Situation for Migrant Adolescents Arriving Alone', October 2018, < <https://www.hrw.org/news/201805/10/paris-dire-situation-migrant-adolescents-arriving-alone> >

frequently rely on subjective factors such as “bearing” or comportment to deny the state’s obligation to protect unaccompanied youths.⁽¹²⁰⁾

Despite the many concerns raised on the matter by French civil society and human rights organisations, there are still no statistics available on the use of age assessments nationwide, and child protection authorities continue to employ inadequate procedures that arbitrarily refuse formal recognition as a child to unaccompanied minors, denying many of the services they desperately need.

Hundreds of young migrants and asylum seekers across France must sleep rough because of the state’s failure to provide them with accommodation during the winter, despite its legal obligation to do so.⁽¹²¹⁾

Unaccompanied minors in northern France, such as those in Calais and Dunkirk, live on the margins of society

in informal camps that lack any form of infrastructure or state provision. There they are subjected to the daily possibility of forced evictions, and often face police violence as well as physical and verbal abuse from citizens in the area.⁽¹²²⁾ This approach of harassment and intimidation by police officers, who neglect to provide unaccompanied minors with viable alternatives to living on the streets, clearly illustrates the lack of sustainable solutions offered by the French state to these vulnerable children, who exist in continuous legal limbo. In general, abuse and organised institutional rejection faced by unaccompanied minors upon their arrival in France is exacerbating their distress. According to the MSF nursing team in Pantin, 87% of young people assisted at their centre said they had experienced violence, torture, or abuse during their migration journeys⁽¹²³⁾. These young people are among those who have

120 Human Rights Watch, ‘Paris: Dire Situation for Migrant Adolescents Arriving Alone’, October 2018, < <https://www.hrw.org/news/2018/05/10/paris-dire-situation-migrant-adolescents-arriving-alone> >

121 Medecins Sans Frontieres (MSF), ‘Left out in the cold: MSF provides emergency beds for teenage migrants’, February 2020, < <https://www.msf.org/msf-provides-emergency-winter-shelter-teenage-migrants-france> >

122 Refugee Rights Europe, ‘Children Stuck in Limbo: Examining the vulnerability of unaccompanied minors in northern France’, 2020, < https://resourcecentre.savethechildren.net/pdf/rre_childrenincalais-web.pdf/ >

123 Medecins Sans Frontieres (MSF), ‘France: Unaccompanied minors excluded and traumatised’, September 2019, < <https://pre-ly.msf.org.uk/france-unaccompanied-minors-excluded-and-traumatised> >

been deemed “insufficiently convincing” during their minority assessment interviews, and are thus not recognised as minors, and not protected by the French state.

This denial of minority rights profoundly intersects with their unequal treatment by police authorities, who refuse their entry at France’s borders and impose repeated pushbacks of these unaccompanied children towards Italy and Spain. According to recent data, French police summarily expel dozens of unaccompanied children to Italy each month, and nearly every day.⁽¹²⁴⁾ In the first three weeks of February 2021, more than 60 unaccompanied children were pushed back from France to Ventimiglia, Italy, as were at least 30 additional children in each of the previous three months, as well as in March and April.⁽¹²⁵⁾ In each case, the children carried refusal forms on which French police had written false birth dates. Age assessment in cases like these is frequently based

on appearance and prejudices and is conducted at the discretion of the border police, who have no real legal authority to decide who is under 18 and who is not. To carry out these illegitimate expulsions, police habitually enter incorrect ages or birthdates on official documents, rather than the correct information provided by the children themselves. There are also cases in which minors travelling with the false documents of adults are considered to be adults by the police based on the birthdate on the document, despite the police deeming the same document to be falsified.⁽¹²⁶⁾

People arrested in the evening, including children, prior to being pushed back to Italy are often detained overnight in prefabricated units roughly the size of a shipping container, and are frequently kept hungry and cold in these cells.⁽¹²⁷⁾ Some children said the French police did not return all of their belongings—including documents,

124 Human Rights Watch, ‘France: Police Expelling Migrant Children’, May 2021 < <https://www.hrw.org/news/2021/05/05/france-police-expelling-migrant-children> >

125 Human Rights Watch, ‘France: Police Expelling Migrant Children’, May 2021 < <https://www.hrw.org/news/2021/05/05/france-police-expelling-migrant-children> >

126 Association Nationale d’Assistance aux Frontières pour les Etrangers (Anafé), ‘Aux frontières des vulnérabilités - Rapport d’observations dans les zones d’attente 2016-2017’, March 2018, < <http://www.anafe.org/spip.php?article462> >

127 Human Rights Watch, ‘France: Police Expelling Migrant Children’, May 2021 < <https://www.hrw.org/news/2021/05/05/france-police-expelling-migrant-children> >

phones, and money—before expelling them. Additionally, border police in February 2021 illegally returned a 16-year-old unaccompanied child from Bayonne, France, to Irun in Spain; the NGOs which reported the incident indicated that these illegal practices are also recurrent along that border.⁽¹²⁸⁾ The looming threat of summary returns pushes children to take increasingly dangerous routes across the Alps, resulting in growing numbers of injuries and other health risks.

Despite numerous warnings from human rights organisations and international institutions against the detention of migrant children, the practice of detaining minors in France continues to this day, especially in the country's dangerous "waiting zones", areas characterised by opaque administrative and police practices with wide margins of action and with no real guarantees of accountability. These waiting zones function as a buffer space between the outside and the inside of the country, and reveal the

French authorities' prioritisation of border control over respect for human rights and individual freedoms, even of children.

A system for the signalling of vulnerabilities in waiting zones was developed, but is only marginally used in practice, as very few referrals were made in recent years, and because of the limited presence of NGOs. Overall, given the border procedure's tight deadline of two working days, it is unlikely that vulnerable asylum seekers are able to benefit from "sufficient time" to put forward their claims. Moreover, practice suggests that applicants, including minors, are not released from waiting zones even when their vulnerability is reported by NGOs.⁽¹²⁹⁾

Aid organisations supporting unaccompanied asylum-seeking minors in France are:

- Alliance of Lawyers for Human Rights (AADH)
- French Council of Associations for the Rights of the Child (COFRADE)
- Kids Empowerment

128 The Asylum Information Database (AIDA), 'Country Report - France', 2020, < https://asylumineurope.org/wp-content/uploads/202103/AIDA-FR_2020update.pdf >

129 The Asylum Information Database (AIDA), 'Country Report - France', 2020, < https://asylumineurope.org/wp-content/uploads/202103/AIDA-FR_2020update.pdf >

- Médecins Sans Frontières (MSF)
- OIM France (L'Organisation internationale pour les migrations/IOM France)
- Sorority, Solidarity, Reception (SOROSA)
- States General on Migration (EGM)
- Utopia 56
- UNHCR France
- UNICEF France

Germany

Latest figures on arrivals and asylum applications

In 2022, Germany received 217,735 first-time asylum applications, of which 7,275 were made by unaccompanied minors,⁽¹³⁰⁾ over 50% more than the number of unaccompanied children in 2021, but markedly less than several years before—in 2016, the number of unaccompanied asylum-seeking minors in the country reached 35,935.⁽¹³¹⁾

Reception conditions and legal assistance

Upon arrival in Germany, unaccompanied underage refugees are taken into custody by the Youth Welfare Office, which handles the initial accommodation and all other official procedures. The minor without any ID or papers will go through a so-called clearing procedure ("Clearing-Verfahren") that includes an age-assessment process. Given that different youth welfare offices and family courts are responsible for age assessments, no statistics are available on the number or outcome of age assessments.⁽¹³²⁾

If it is established that a person is still a minor, the authorities will check to see if they have any relatives in Germany or Europe with whom they are willing to live. If this is not the case, the child will be referred to an assigned Youth Welfare Office and provided with accommodation, either with a foster family or in a superintended housing

130 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

131 Eurostat, 'Asylum applicants considered to be unaccompanied minors', July 2022, < https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYUNAA_custom_3224355/default/table?lang=en >

132 The Asylum Information Database (AIDA), 'Country Report - Germany', 2019, <https://asylumineurope.org/wp-content/uploads/202007/report-download_aida_de_2019update.pdf>

facility for children and young people, as well as access to other basic services like school, a legal guardian, residence status, and the like. There is an obligation in cases of unaccompanied minors for special officers to assume responsibility for the asylum procedures, but it has been reported that the involvement of such officers does not automatically result in better-quality interviews.⁽¹³³⁾

Unaccompanied children and juveniles who have been sexually exploited are normally accommodated in anonymous housing which is primarily orientated towards adult women, and hence may not be suited to receive minor-aged victims of human trafficking, especially as the protection and support structures are usually designed for females. Thus, there is reportedly a lack of specialised services specifically targeting vulnerable boys and young men.⁽¹³⁴⁾

Main human rights concerns

Despite a reception framework that seems quite advanced and comprehensive, one of the main problems faced by unaccompanied minors in Germany is the high rate of disappearances. Nearly 1,600 unaccompanied minors are currently reported as missing in Germany. About 1,000 of these missing minors are reported to be aged 14-17 years, and over 600 of them are aged 13 and younger, with the children mainly coming from Afghanistan, but also Morocco, Algeria, Syria, and Somalia.⁽¹³⁵⁾ The real figure is said to be even higher, as many young people who would have fit into these categories in the past have now reached the age of maturity, and are therefore no longer officially recorded as missing minors. Unaccompanied minors who disappear are often assumed to be motivated by the decision to travel to meet friends or family, or dissatisfaction with the federal distribution process, but it cannot be

133 The Asylum Information Database (AIDA), 'Country Report - Germany', 2019, <https://asylumineurope.org/wp-content/uploads/202007//report-download_aida_de_2019update.pdf >

134 Federal Office for Migration and Refugees, 'Unaccompanied Minors in Germany', 2018, <https://www.bamf.de/SharedDocs/Anlagen/EN/EMN/Studien/wp80-unbegleitete-minderjaehrige.pdf?__blob=publicationFile&v=16 >

135 InfoMigrants, 'Hundreds of unaccompanied minors missing in Germany', January 2021, <<https://www.infomigrants.net/en/post/29633/hundreds-of-unaccompanied-minors-missing-in-germany> >

precluded that they are not victims of criminal activity.⁽¹³⁶⁾ In order to clarify the whereabouts of unaccompanied minors and better protect them, data availability needs to be improved.

A second major issue faced by these children is the lack of access to education. In 2016, plenty of concerns were raised regarding the fact that unaccompanied children in many initial reception centres only have access to very basic schooling, and no access to the regular school system for the duration of their stay in these facilities. Critics asserted that access to education services, in general, was severely limited for asylum seekers above the age of 16, many of whom did not finish school in their countries of origin and therefore require access to the German school system in order to gain a degree. These problems continue to exist today, as half of all federal states exempt asylum-seeking children from compulsory education until they have

been assigned to a municipality⁽¹³⁷⁾. Thus, they will not have access to the regular school system as long as they stay in initial reception centres, and the educational offerings which some of these centres do provide are not comparable to the offerings of regular schools.

Lastly, youth welfare offices and legal guardians are not obliged by law to provide specific information to unaccompanied minors who are about to become adults and face a major change in their legal status.⁽¹³⁸⁾ Juveniles are thus informed and advised above all by the social workers or carers on-site, but at their discretion. Special attention should be paid to preparing the minors who are about to turn 18 and supervising their transition to adulthood where necessary, as terminating access to youth welfare services too soon may lead to homelessness or the loss of a place at school, in a training programme, or at work.

136 Federal Office for Migration and Refugees, 'Unaccompanied Minors in Germany', 2018, < https://www.bamf.de/SharedDocs/Anlagen/EN/EMN/Studien/wp80-unbegleitete-minderjaehrige.pdf?__blob=publicationFile&v=16 >

137 The Asylum Information Database (AIDA), 'Country Report - Germany', 2019, <https://asylumineurope.org/wp-content/uploads/202007/report-download_aida_de_2019update.pdf >

138 Federal Office for Migration and Refugees, 'Unaccompanied Minors in Germany', 2018, < https://www.bamf.de/SharedDocs/Anlagen/EN/EMN/Studien/wp80-unbegleitete-minderjaehrige.pdf?__blob=publicationFile&v=16 >

Aid organisations supporting unaccompanied asylum-seeking minors in Germany are:

- Federal Association for Unaccompanied Refugee Minors (Bundesfachverband unbegleitete minderjährige Flüchtlinge: BumF), the principal network for many actors in Germany who support unaccompanied refugee minors; 400+ youth welfare associations as well as individuals working with unaccompanied refugee minors are members of the BumF.
- IOM Germany
- Youth Without Borders
- UNHCR Germany
- UNICEF Germany

Greece

Latest figures on arrivals and asylum applications

In 2022, 17,836 persons arrived in Greece,⁽¹³⁹⁾ some 9,663 of whom were children, of which 3,175 were unaccompanied and applied for international protection.⁽¹⁴⁰⁾ Among the unaccompanied children who arrived, the majority were boys between 14-17 years old (4,239), but many girls arrived too, in particular 2,222 girls between 0-13 and 722 aged between 14-17. The main countries of origin were Afghanistan, Syria, and Pakistan. The majority of applications for international protection were registered in the islands of Lesbos and Kos in the months of December 2021 and July 2022.

Reception conditions and legal assistance

The latest information⁽¹⁴¹⁾ on the accommodation of unaccompanied

139 MoMA Factsheet 2021. Available at: https://migration.gov.gr/wp-content/uploads/202201//ΓΙΑΠΑΡΤΗΜΑ-Α_Δεκέμβριος-2021_YMA-GR-Ενημερωτικό-ΔΙΕΘΝΗ-ΠΡΟΣΤΑΣΙΑ-1.pdf.

140 Data provided by the Greek Ministry of Civil Protection, available at: https://migration.gov.gr/wp-content/uploads/202302//Report_A_December-2022_International-Protection_Appendix-A_NEW.pdf

141 E.K.K.A. National Center for Social Solidarity, 'Situation Update: Unaccompanied Children (UAC) in Greece', 01 March 2022, available at: https://ekka.org.gr/images/%CE%A3%CE%A4%CE%91%CE%A4%CE%99%CE%A3%CE%A4%CE%99%CE%9A%CE%91_2022/EN_EKKA_Dashboard_20220301.pdf

children refers that the total capacity is 2,477 places in accommodation centres, including shelters and “Supported Independent Living apartments” (SIL), and 160 places in emergency accommodation facilities. In total, there are 72 accommodation structures, 121 SIL and 4 emergency structures.

Additionally, once unaccompanied minors are granted international protection, they are required to leave these accommodation facilities within 30 days, posing a high risk of homelessness.⁽¹⁴²⁾

In 2021, however, the Ministry of Migration and Asylum and the United Nations High Commission for Refugees (UNHCR) collaborated with local NGOs to launch an identification mechanism to help relocate children living in inadequate conditions.⁽¹⁴³⁾

According to EU directives 2005/85/EU and 2013/33/EU, a certain standard of reception and living conditions must be ensured for asylum seekers. Yet due to the high numbers of unaccompanied children

arriving and the little capacity of the accommodation system, unaccompanied minors often do not have adequate access to education, healthcare, legal aid, and social support activities. Moreover, minors’ integration into Greek society is not made a priority.⁽¹⁴⁴⁾

NGO programmes such as “Supported Autonomous Living for Unaccompanied Refugee Minors” have therefore acted as substitutes for the state, offering “safe zones” through temporary housing and access to social services for minors aged 16-18 years. There are currently 10 safe zones located throughout Greece, each having the capacity to host up to 300 unaccompanied minors.

Main human rights concerns

These problems and breaches of international and European law are partially due to the extensive cuts these services suffered following the country’s economic crisis and the severe overcrowding, but mostly they are the

142 Asylum Information Database, ‘Country Report: Greece’ (2021) Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-GR_2021update.pdf.

143 Ministry of Migration and Asylum, 6 April 2021, available at: <https://bit.ly/3JGUHJk>.

144 Anita Novati, ‘The Reception System of Unaccompanied Minors in Greece’ (14 Feb 2022, *A Path for Europe*). Available at: <https://pathforeurope.eu/the-reception-system-of-unaccompanied-minors-in-greece/>; Nikos Kourachanis, ‘Housing and Social Policies for Unaccompanied Refugee Minors in Greece’ (2021) 19(4) *Journal of Immigrant & Refugee Studies* 587.

outcome of restrictive policies and laws.⁽¹⁴⁵⁾

In recent years Greece has received EU funds to support its migration and asylum system, but it has not used them to improve the accommodation conditions, for instance, it invested in remote close camps instead of adequate and sustainable housing alternatives.⁽¹⁴⁶⁾

A serious lack of adequate housing, proper infrastructure, health standards, and safety measures has exposed children in Greece to the risk of disease. The country's overcrowded accommodation facilities have also driven minors to stay outside of safe areas and, in some instances, sleep outdoors in the countryside.⁽¹⁴⁷⁾

The absence of special reception facilities at the Greek border has also posed a huge security threat to children, who are forced to share spaces with adults and, even if on rare occasions, detained in police stations.⁽¹⁴⁸⁾

Contrary to international child protection standards, unaccompanied minors are

also not informed of their rights and legal status in a language they can understand. Instead, they are detained without an individual assessment properly identifying their age and vulnerabilities. As for minors' access to fundamental rights and services, the state does not provide free legal aid, nor does the law establish an obligation on the state to do so. As the number of guardians is very limited and many unaccompanied minors were left without one, non-governmental and civil society organisations have thus provided them with legal support through volunteer lawyers. Although L 4554/2018 introduced a framework for the appointment of a guardian under Greek law, it considers public prosecutors for minors to be their temporary guardians, and makes it their responsibility to appoint a permanent guardian. This framework has proved to be an impractical solution, given the limited number of prosecutors

145 Interview with the Advocacy Officers of Fenix Aid

146 Interview with the Advocacy Officers of Fenix Aid

147 Nikos Kourachanis, 'Housing and Social Policies for Unaccompanied Refugee Minors in Greece' (2021) 19(4) Journal of Immigrant & Refugee Studies 587.

148 Asylum Information Database, 'Country Report: Greece' (2021) Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-GR_2021update.pdf.

and their heavy workload.^[149] NGO-run programmes briefly appointed temporary guardians in cases eligible for Greece's relocation scheme, but the programmes, unfortunately, stopped operating in August 2021, further compromising unaccompanied minors' chances of being represented before the authorities. Despite complaints by the ECRE and ICJ to the European Committee on Social Rights, Greek authorities have not made any efforts to provide unaccompanied minors with adequate services.

Aid organisations supporting unaccompanied asylum-seeking minors in Greece are:

- APOSTOLI
- Association for the Social Support of Youth (ARSIS)
- CARE International
- Caritas Hellas
- Doctors of the World – Greece
- Ecumenical Refugee Programme
- Greek Council for Refugees
- Greek Forum of Migrants
- Hellenic Red Cross

- IOM Greece
- Kivotos tou Kosmou (Ark of the World)
- Médecins Sans Frontières (MSF)
- METAdrasi
- Network for Children's Rights
- Orange House Athens
- Paidia tis Gis (Children of the World)
- Panhellenic Association of Paraplegic Persons (PASPA)
- Praksis
- Solidarity Now
- SOS Children's Villages
- The Smile of the Child
- United Nations Children's Fund (UNICEF)
- UNHCR Greece
- UNICEF Greece
- ZEUXIS

¹⁴⁹ Greek Council for Refugees, 'Legal Representation of Unaccompanied Children' (2022) Available at: https://asylumineurope.org/reports/country/greece/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/#_ftnref1.

Hungary

Latest figures on arrivals and asylum applications

In 2022, the total number of asylum applicants in Hungary was 45, only five of whom were unaccompanied minors.⁽¹⁵⁰⁾ Hungary has imposed new legislative changes in recent years that have further restricted access to its asylum procedure, including stricter standards for those seeking international protection there, as reflected in the extremely small number of applicants in 2022 and 2021.

Reception conditions and legal assistance

Asylum seekers are meant to submit their applications through the embassy, after which they are most likely to receive an email stating that they do not have permission to enter Hungary. Their applications are rendered inadmissible without substantive consideration, disclosure of the reasoning behind the

decision, or the granting of adequate time to prepare an appeal;⁽¹⁵¹⁾ this is a serious violation of the most basic procedural guarantees stipulated under EU law.

Another means of restricting access to the asylum procedure in Hungary is by identifying migrants as posing a national security threat. In such instances, the government does not disclose its reasons for doing so—instead, the migrant's status is automatically withdrawn, or the migrant is detained. This is problematic as it deprives asylum seekers of the right to submit a defence, and also calls into question whether a thorough individual examination is in fact made on a case-by-case basis. While the Hungarian government has tried to justify its restrictions as cautious COVID-19 measures, UNHCR has refuted the justification given that access to international protection in the country is now nearly impossible, and those who had already been granted international protection are having their status

150 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

151 Asylum Information Database, 'Country Report: Hungary' (2022) Available at: https://asylumineurope.org/wp-content/uploads/202204/AIDA-HU_2021update.pdf; Human Rights Watch, 'Hungary: Migrants Abused at the Border' (13 July 2016). Available at: <https://www.hrw.org/news/2016/07/hungary-migrants-abused-border>.

withdrawn. The European Commission has since launched an infringement procedure against Hungary for its asylum policies—its fifth one related to the country's asylum practices since 2015.⁽¹⁵²⁾

Unaccompanied minors' lack of access to fundamental rights during the Hungarian asylum procedure is also demonstrated in the rejection of minors' age assessment requests, the withdrawal of all integration services, and children's limited access to effective education, leaving migrants in destitution.⁽¹⁵³⁾ Thus, the CJEU found in 2021 that Hungary failed to fulfil its obligations under EU laws, namely the Asylum Procedures Directive and the Reception Conditions Directive.⁽¹⁵⁴⁾

Main human rights concerns

Authorised border pushbacks are a recurring issue in Hungary, also for

unaccompanied children. In 2021, 72,787 people, including unaccompanied minors, were pushed back to Serbia.⁽¹⁵⁵⁾

(The few exceptions that were made involved unaccompanied minors who were injured while crossing the border, and consequently allowed through.) This contravenes judgements by the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) that have found the pushbacks unlawful, and is especially concerning given UNHCR's urging of States not to push migrants back to Serbia, which it has classified as an unsafe third country.

Research has shown that while unaccompanied minors over the age of 14 who are crossing the border illegally are subjected to police violence and abuse, those attempting to cross the border legally are automatically detained.⁽¹⁵⁶⁾

152 Global Human Rights Defence, 'Hungary's Clampdown on Migrants and Migrant Rights Defenders and the Anti-Soros Legislation Package' (29 January 2022). Available at: <https://ghrd.org/hungarys-clampdown-on-migrants-and-migrant-rights-defenders-and-the-anti-soros-legislation-package/>.

153 Zsolt Szekeres, 'The Detention of Asylum-Seeking Children in Hungary: Dire tendencies in upholding the basic rights of children' (8 March 2017, *European Database of Asylum Law*). Available at: <https://www.asylumlawdatabase.eu/en/journal/detention-asylum-seeking-children-hungary-dire-tendencies-upholding-basic-rights-children>.

154 European Council on Refugees and Exiles/ECRE(2020). Hungary: Abolishment of Transit Zone Following CJEU Ruling. <https://ecre.org/hungary-abolishment-of-transit-zone-following-cjeu-ruling/>.

155 Asylum Information Database, 'Country Report: Hungary' (2022) Available at: https://asylumineurope.org/wp-content/uploads/202204/AIDA-HU_2021update.pdf.

156 Human Rights Watch, 'Hungary: Migrants Abused at the Border' (13 July 2016). Available at: <https://www.hrw.org/news/2016/07/hungary-migrants-abused-border>.

Monitoring the conditions of Hungary’s detention centres has proven to be highly difficult, because NGOs are banned from accessing them or providing necessary services such as legal counselling and psychosocial treatment to detainees, thereby violating multiple international safeguards for the protection of children.⁽¹⁵⁷⁾

As for Ukrainian nationals trying to cross the border, no exceptions are made to their entry. As of April 2022, 661,083 Ukrainians have entered Hungary. Nonetheless, they have not received proper information about the asylum procedure due to a shortage of interpreters at registration points.⁽¹⁵⁸⁾

Among Hungary’s deterrent laws is one that allows certain migrants across its borders and into “transit zones” which function as temporary detention centres; those staying there are considered not to have entered Hungarian territory. These transit zones were ultimately shut down in 2020 following a CJEU judgment, with the help of human rights workers. Meanwhile,

however, while human rights activists and NGO staff worked against Hungary’s restrictive practices and violations, the “Stop Soros Act” was introduced. This act imposed arbitrary restrictions and legal reprisals on NGOs and human rights defenders providing services to migrants, including free legal aid.⁽¹⁵⁹⁾

Aid organisations supporting unaccompanied asylum-seeking minors in Hungary are:

- Artemisszió Alapítvány
- Cordelia Alapítvány a Szervezett Erőszak Áldozataiért
- Demokratikus Jogok Fejlesztéséért Alapítvány (Foundation for the Development of Democratic Rights)
- IOM Hungary
- Magyar Helsinki Bizottság (Hungarian Helsinki Committee)
- Menedék — Migránsokat Segítő Egyesület (Hungarian Association for Migrants)
- MigSzol (Migráns Szolidaritás Csoport)
- Református Missziói Központ

157 Asylum Information Database, ‘Country Report: Hungary’ (2022) Available at: https://asylumineurope.org/wp-content/uploads/202204/AIDA-HU_2021update.pdf.

158

159 Nora Koves, ‘Hungary to Imprison NGO Workers Helping Asylum Seekers and Other Migrants’ (27 Jun 2018. Boell). Available at: <https://www.boell.de/en/201826/06/hungary-imprison-ngo-workers-helping-asylum-seekers-and-other-migrants>.

(Hungarian Reformed Church)

- Terre des Hommes in Hungary
- UNHCR Hungary
- UNICEF Hungary

Ireland

Latest figures on arrivals and asylum applications

Only thirty unaccompanied minors reached Ireland in 2022, out of 13,645 first-time asylum seekers. Similarly, in 2021 and 2020, the number of unaccompanied minors was relatively low, (50) and (30) respectively.

Reception conditions and legal assistance

The majority of unaccompanied minors arrive in Ireland via Dublin Airport and Dublin Port; other ports of entry are Shannon, Clare, and Knock airports and Cork, Foynes, and Rosslare seaports.⁽¹⁶⁰⁾ In accordance with Section 14 of the International Protection Act 2015, a child under the age of 18 who is not in the

custody of an adult and is arriving at either an Irish port of entry or Ireland's International Protection Office (IPO) will be referred to the Child and Family Agency (Tusla). Because unaccompanied children in Ireland are not allowed to claim asylum on their own, Tusla must apply for international protection on their behalf and accompany the minor throughout the process, if the agency decides that making an application is in the minor's best interest.⁽¹⁶¹⁾

If the minor doesn't have any identification documents and can't prove their age in any other way, and if their proclaimed age seems incorrect, they will have a conversation with Reception Unit staff at the IPO to establish certain basic facts, such as how the minor travelled to Ireland, the whereabouts of their parent(s) and/or guardian(s), and the minor's level of education and degree of maturity. Thus, the Irish system to determine age employs a social age assessment

160 Arnold, Samantha & Ní Raghallaigh, Muireann. (2017). Unaccompanied minors in Ireland: Current Law, Policy and Practice. Social Work & Society.

161 International Protection Office, 'Information Booklet for Unaccompanied Minors/Separated Children who are Applicants for International Protection', < <http://www.ipo.gov.ie/en/IPO/IPO%200320-%20%Information%20Booklet%20for%20Unaccompanied%20Minors%20Separated%20Children%20Final%2025.05.2017.pdf/Files/IPO%200320-%20%Information%20Booklet%20for%20Unaccompanied%20Minors%20Separated%20Children%20Final%2025.05.2017.pdf> >

methodology that uses questions as a primary tool to decipher age, while no medical assessment is carried out.⁽¹⁶²⁾

Regarding the main interview, the unaccompanied minor's request for asylum will be processed by a group of experienced interviewers specifically trained in interviewing children under the age of 18.⁽¹⁶³⁾ Only officials who have undergone said training can interview unaccompanied children. In the event that the asylum claim is rejected, Tusla and the Irish Legal Aid Board will assist the minor in preparing the appeal. Though the law provides for the appointment of a legal representative, the sections of the country's Child Care Act that would need to be invoked are not in practice, and there are no provisions stating that children must be appointed a solicitor, or that a legal representative must be assigned

within a certain period. Therefore, upon their referral to Tusla, unaccompanied children are appointed a social worker.⁽¹⁶⁴⁾

Accelerated procedures do not apply to unaccompanied children, though their applications may be prioritised by the IPO. The asylum process for unaccompanied minors reportedly ranges from less than a year to more than seven years, leading many children to spend a significant proportion of their childhood in Ireland's DirectProvisionaccommodationcentres.⁽¹⁶⁵⁾

Of the approximately 1,360 individuals residing in emergency accommodation as of June 2021 due to the Irish housing crisis, 174 were children,⁽¹⁶⁶⁾ despite a commitment to decommission the use of this type of shelter by Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman. This is an increase of almost seven times the number of

162 Asylum Information Database (AIDA) and Irish Refugee Council, 'Country report: Ireland', 2021, <https://asylumineurope.org/wp-content/uploads/202204//AIDA-IE_2021update.pdf >

163 International Protection Office, 'Information Booklet for Unaccompanied Minors/Separated Children who are Applicants for International Protection', < <http://www.ipa.gov.ie/en/IPO/IPO%200320-%20%Information%20Booklet%20for%20Unaccompanied%20Minors%20Separated%20Children%20Final%2025.05.2017.pdf/Files/IPO%200320-%20%Information%20Booklet%20for%20Unaccompanied%20Minors%20Separated%20Children%20Final%2025.05.2017.pdf> >

164 Asylum Information Database (AIDA) and Irish Refugee Council, 'Country report: Ireland', 2021, <https://asylumineurope.org/wp-content/uploads/202204//AIDA-IE_2021update.pdf >

165 Irish Refugee Council, 'Policy areas- Children & Young People', available at: <https://www.irishrefugeecouncil.ie/Listing/Category/children-young-people>

166 Irish Times, 'Department to close 24 accommodation centres for asylum seekers', 8 June 2021, available at: <https://bit.ly/3sFwSmA>

people who were living in emergency accommodation in 2018.⁽¹⁶⁷⁾

Main human rights concerns

The decision on whether or not the child may apply for international protection rests solely at the discretion of Tusla, which raises concerns in relation to the child's individual right to seek asylum under Article 18 of the Charter of Fundamental Rights. Similarly, there is no separate right for accompanied children to apply for asylum on their own, even if they have different protection grounds to their parents.⁽¹⁶⁸⁾ Moreover, as there is no legislative or policy guidance laying out precisely how Tusla decides on whether or not unaccompanied minors should make an international protection application, such decisions appear to be made on a case-by-case basis⁽¹⁶⁹⁾, entirely at the discretion of the Child and Family Agency, which further raises concerns in

relation to the child individual right to seek asylum.

There are considerable concerns about Tusla's age assessment procedures, as no sufficient guarantees are in place with respect to the procedures. For instance, detention for unaccompanied children is prohibited, yet may occur if two officials—two immigration officers or two members of the Garda Síochána, or one member of each of the two groups—believe the applicant is over 18 years old, pending an age examination.⁽¹⁷⁰⁾ Moreover, there are no statistics on age assessments conducted in Ireland that are collected by either the IPO or Tusla,⁽¹⁷¹⁾ and Tusla does not currently have a national policy or approved internal guidelines on age assessments of unaccompanied minors or separated children. One reason for this is that there is no existing provision in Irish legislation for Tusla to conduct

167 Asylum Information Database (AIDA) and Irish Refugee Council, 'Country report: Ireland', 2021, <https://asylumineurope.org/wp-content/uploads/202204//AIDA-IE_2021update.pdf >

168 Asylum Information Database (AIDA) and Irish Refugee Council, 'Country report: Ireland', 2021, <https://asylumineurope.org/wp-content/uploads/202204//AIDA-IE_2021update.pdf >

169 European Council on Refugees and Exiles and Asylum Information Database (ECRE), 'Republic of Ireland: Legal representation of unaccompanied children', April 2022, < <https://asylumineurope.org/reports/country/republic-ireland/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/> >

170 Asylum Information Database (AIDA) and Irish Refugee Council, 'Country report: Ireland', 2021, <https://asylumineurope.org/wp-content/uploads/202204//AIDA-IE_2021update.pdf >

171 Information provided by Tusla, August 2017

such assessments; according to Tusla, as the International Protection Act 2015 confers such responsibility on the Minister for Justice, the conducting of such assessments is not part of Tusla's statutory function.

Due to the lengthy procedures, children have in some instances been unable to access education in Ireland, despite having been in the country for several consecutive months⁽¹⁷²⁾. Asylum-seeking children can attend local national primary and secondary schools on the same basis as Irish children, but several concerns have been raised about access to education for children living in emergency accommodation. In November 2019, up to 30 children living in emergency Direct Provision accommodation were not attending school.⁽¹⁷³⁾

Also concerning is the daily expense allowance of unaccompanied children in the country, which is currently €9.60 daily and €29.80 weekly, and considered

wholly inadequate to meet essential needs such as school clothing, and food to supplement that which is provided at Direct Provision centres, and money to enable participation in social and community activities.⁽¹⁷⁴⁾ A group of organisations called for the daily expense allowance to be increased during the pandemic, but this request was refused.

Aid organisations supporting unaccompanied asylum-seeking minors in Ireland are:

- IOM Ireland
- Legal Aid Board
- Movement of Asylum Seekers Ireland (MASI)
- Irish Red Cross Society
- Irish Refugee Council
- Team for Separated Children Seeking Asylum at TUSLA, Child and Family Agency
- UNHCR Ireland
- UNICEF Ireland

172 Irish Refugee Council, 'Press Release: Irish Refugee Council calls for clarity and action on the registration of asylum applications', 8 April 2022, available at: <https://bit.ly/3LLFy1c>

173 Newstalk, 'Up to 30 asylum-seeking children receiving no education at centre in Carrickmacross, 25 November 2019, available at: <https://bit.ly/2TR1qk4>

174 Asylum Information Database (AIDA) and Irish Refugee Council, 'Country report: Ireland', 2021, <https://asylumineurope.org/wp-content/uploads/202204/AIDA-IE_2021update.pdf >

Italy

Latest figures on arrivals and asylum applications

In 2022, the General Directorate of Immigration and Integration Policies of the Italian Ministry of Labor and Social Policies reported the entry into the country of 28,237 unaccompanied minors⁽¹⁷⁵⁾. This is a sharp increase compared to 2021 (+64%), especially due to the war and consequent humanitarian crisis that has affected Ukraine since February 2022 and has strongly impacted the entry of minors. Unaccompanied minors in Italy are mainly males (85.1%) and are mostly between 16-17 (68,4%) or between 7-14 years old (17.5%). In 2022, they especially came from Ukraine, Egypt, Tunisia and Afghanistan, followed by Albania and Pakistan.⁽¹⁷⁶⁾

Female minors represent 14.9% of unaccompanied minors present in

Italy up to 31 December 2022. This is a significant increase compared to the previous years, when it was less than 3%. Another interesting fact is that female minors are mainly under 14 (69%).⁽¹⁷⁷⁾

Almost 13,000 minors arrived in Italy in 2022 by sea and they represent 45% of the total number of minors registered in the year as new entries.

In 2022, a total of 1,661 applications for international protection were submitted by unaccompanied minors, many less compared to the 3,373 asylum requests presented in 2021. As for asylum-seeking minors, the first country of origin is Egypt, followed by Pakistan, Gambia, Bangladesh and Somalia, prevalently males and over 14 years of age.⁽¹⁷⁸⁾

Reception conditions and legal assistance

At the end of 2022, the total number of unaccompanied children accommodated in Italy was 20,089. Seventy-seven

175 Italian Ministry of Labour and Welfare, 'Semi-annual report on unaccompanied foreign minors in Italy', December 2022, <https://www.integrazionemigranti.gov.it/AnteprimaPDF.aspx?id=3703>

176 Italian Ministry of Labour and Welfare, 'Semi-annual report on unaccompanied foreign minors in Italy', December 2022, <https://www.integrazionemigranti.gov.it/AnteprimaPDF.aspx?id=3703>

177 Italian Ministry of Labour and Welfare, 'Semi-annual report on unaccompanied foreign minors in Italy', December 2022, <https://www.integrazionemigranti.gov.it/AnteprimaPDF.aspx?id=3703>

178 Italian Ministry of Labour and Welfare, 'Semi-annual report on unaccompanied foreign minors in Italy', December 2022, <https://www.integrazionemigranti.gov.it/AnteprimaPDF.aspx?id=3703>

per cent of these children were accommodated in reception facilities, while twenty-three per cent in private second reception structures.⁽¹⁷⁹⁾ Most of the minors welcomed into families come from Ukraine (92%), and in 46% of cases they are welcomed by own family members residing in Italy (in 53% of cases their grandmothers) while the remaining 54% of Ukrainian minors were hosted by unrelated families.

The Italian Children’s Ombudsman together with UNHCR highlighted the fact that, despite the fact that the number of unaccompanied minors in the country has decreased compared to 2016, a high number of them are accommodated in a limited number of regions - Sicily (3,923 minors, 19.5% of the total), Lombardy (2,880, 14.3%), Calabria (2,068, 10.3%) and Emilia-Romagna - a circumstance that does not facilitate these minors’ social paths.⁽¹⁸⁰⁾

If identification documents are unavailable and there are well-founded doubts about

the age declared by a migrant, an age assessment procedure may be ordered by the Italian judicial authority, and must be conducted using a multidisciplinary approach that combines both social and medical examinations. However, the lack of a targeted and child-friendly information provision on the rights of unaccompanied minors and the right to asylum may hinder the identification of those minors who reach Italy by sea, as in very rare cases when the first identification takes place onboard a search-and-rescue (SAR) vessel. Children, therefore, risk being automatically channelled through asylum or return procedures as adults within a so-called “hotspot approach” that separates those entitled to seek international protection from those who are not, based on informal, simplified, and nationality-based categorisation processes grounded on the “safe country of origin” concept.⁽¹⁸¹⁾ This is particularly dangerous considering that the majority of these minors are 16-17 years old, so are

179 Italian Ministry of Labour and Welfare, ‘Semi-annual report on unaccompanied foreign minors in Italy’, December 2022, <https://www.integrazionemigranti.gov.it/AnteprimaPDF.aspx?id=3703>

180 Children’s Ombudsman and UNHCR report, May 2019, available in Italian at: <https://cutt.ly/SyO8sdV>

181 ASGI, ‘Unaccompanied minors critical conditions at Italian external and internal borders’, June 2021, < https://www.asgi.it/wp-content/uploads/202107//ASGI_Unaccompanied-Minors_DEF.pdf >

seldom recognised as minors right away, and come from countries considered “safe” such as Tunisia.

There is no provision for legal assistance or the appointment of a guardian (which is still voluntary), and no guaranteed benefit of the doubt in the event of uncertainty regarding a minor’s age. For instance, despite there being no official consolidated data on the number of individuals detained in pre-removal detention centres (CPR) that were declared to be minors and recognised as such following an age assessment procedure, it is known that 19 minors were released from Rome’s CPR of Ponte Galeria⁽¹⁸²⁾ and three were repatriated from Turin’s CPR in 2020. Moreover, in Turin’s CPR, there were several instances in which unaccompanied minors were subjected to age assessment procedures without the involvement of the Juvenile Court, and a vulnerable minor was detained during an age assessment procedure in violation of

the ‘favor minoris’ principle. Pending the age assessment, these minors are held for weeks in CPRs in special areas that do not fully prevent situations involving sexual contact between adults and minors.⁽¹⁸³⁾

Main human rights concerns

The main illegitimate practices and consequent rights violations encountered by foreign minors at Italy’s internal and external borders are unlawful detention and refoulement.

Critically, the unlawful detention of unaccompanied minors in hotspots and detention facilities or on quarantine ships is often alongside adults.⁽¹⁸⁴⁾ A total of 1,609 children were placed in hotspot facilities in 2019, including 1,228 unaccompanied children;¹⁶³ this figure seems at odds with the legislation, particularly “Legge Zampa” which envisages that the children must be accommodated in “specific government first reception facilities”. In 2020, 4,528 children entered the hotspots, 3,537 of

182 Data reported by the National Guarantor of rights of detained persons to CILD, Buchi Neri, available at: <https://bit.ly/3JgTwY8>

183 National Guarantor for the rights of detained persons, Rapporto sulle visite effettuate nei CPR (2019 - 2020), available in Italian at: <https://bit.ly/3MPri93>

184 ASGI, ‘Unaccompanied minors critical conditions at Italian external and internal borders’, June 2021, < https://www.asgi.it/wp-content/uploads/202107//ASGI_Unaccompanied-Minors_DEF.pdf >

whom were unaccompanied minors.⁽¹⁸⁵⁾ The consistently high representation of unaccompanied minors is indicative of their high vulnerability as compared to accompanied children. Also concerning is the situation of minors coming to Italy from countries where no COVID-19 protocols are in place, who find themselves isolated in the centres without understanding the reason why. In particular, unaccompanied minors during the first seven months of the pandemic were subject to fiduciary isolation or quarantine at hotspots with poor material reception conditions or limited access to onboard healthcare.⁽¹⁸⁶⁾ The significant number of pushbacks carried out in 2020 and 2021 by Italian authorities in Adriatic ports to Greece, Albania, Croatia, and Montenegro⁽¹⁸⁷⁾ has also affected unaccompanied asylum-seeking minors, as the removal procedures appear to be informal, i.e. take place without proper assessment of

individual situations in order to identify unaccompanied children, personal vulnerabilities, or potential trafficking victims.⁽¹⁸⁸⁾ From 1 January 2020 to 15 April 2020, a total of 394 refoulement cases were recorded by local NGOs in the Adriatic Sea. According to data provided by the Ministry of the Interior, from 1 January to 15 November 2020 there were 892 pushbacks of foreign citizens from Adriatic ports and 201 active readmissions, mainly to Greece. The lack of individual assessment implies there is no official data on unaccompanied minors' pushbacks, but confirms that such rejections and readmissions mostly occur through completely informal procedures, without any of the protections envisaged for minors (e.g. the presence of specialised operators and a linguistic-cultural mediator). There are also numerous testimonies of detention onboard ships during pushbacks, use of

185 Guarantor for the rights of detained persons, Annex to the Relazione al Parlamento 2021, 15 June 2021, available in Italian at: <https://bit.ly/3w94dbu>

186 MeltingPot, "MSNA: l'accoglienza dopo lo sbarco è sempre più difficile anche a causa del COVID19", available in Italian at: <https://bit.ly/3JdM4gc>

187 Domani, 'I diritti negati dei migranti respinti in Grecia dal porto di Bari', 29 June 2021, available in Italian at: <https://bit.ly/3i-gFTwQ>

188 Asylum Information Database (AIDA) and ASGI, 'Country report: Italy', 2021, <https://asylumineurope.org/wp-content/uploads/202205/AIDA-IT_2021update.pdf>

force, and degrading treatment, even in cases involving unaccompanied minors. Similar pushbacks have been carried out between Italy and Slovenia, as well; the Italian Minister of the Interior, responding to a parliamentary request, stated on 13 January 2021 that 1,301 people had been readmitted to Slovenia in the previous year⁽¹⁸⁹⁾. Even though these procedures should not involve families or vulnerable people, readmissions were also carried out against those who declared themselves to be minors at the border. Many unaccompanied children currently based in Bosnia-Herzegovina without any formal protection or accommodation facility went through a chain pushback from Italy to Slovenia, and then to Croatia and Bosnia—out of EU Zone—and are now informally considered adults.⁽¹⁹⁰⁾

Aid organisations supporting unaccompanied minors in Italy are:

AiBi

- Amnesty International
- ASGI
- Caritas Italiana
- Centro Astalli
- CeSpi
- CIR
- CNCA
- Defence for Children
- Emergency – Life Support for Civilian War Victims
- IOM Italy
- Intersos
- Oxfam
- Salesiani per il Sociale
- SOS Villaggi dei Bambini
- Terre des Hommes
- UNHCR Italy
- UNICEF Italy

189 See intervention in Parliament by the Minister of the Interior, Luciana Lamorgese, minute 3:00, available at: <https://bit.ly/3tzqLgH>

190 Il Corriere della Sera, 'A Bihac, la guerra nella neve ai fantasmi che l'Italia respinge', 23 January 2021, available in Italian at: <https://www.corriere.it/esteri/migranti-bihac-bosnia-game-over-dell-europa/index.shtml>; La Repubblica, 'I ragazzi nel gelo di Lipa dopo i respingimenti: "L'Italia ci apra i confini"', 30 January 2021, available in italiana at: <https://ricerca.repubblica.it/repubblica/archivio/repubblica/2021/01/30/i-ragazzi-nel-gelo-di-lipa-dopo-i-respingimenti-litalia-confini20.html>

Latvia

Latest figures on arrivals and asylum applications

In 2022, 545 first-time asylum seekers reached Latvia, of which only 5 were made by unaccompanied minors.⁽¹⁹¹⁾ Similarly, of the 615 first-time asylum applications made in 2021, only 15 were considered to be made by unaccompanied minors.⁽¹⁹²⁾

Reception conditions and legal assistance

If an unaccompanied minor reaches the Latvian border without documents, a specially trained official of the State Border Guard, while clarifying his/her identity, places him/her in the nearest structural unit of the State Police that is meant for minors.

During this initial phase, even before entry⁽¹⁹³⁾, the minor can submit the asylum application to a border guard at the border control, who will inform the custody court

in order to appoint a representative for the process of asylum granting.

The specially trained officials of the State Border Guard and the Office of Citizenship and Migration Affairs perform the negotiations with the unaccompanied minor in the presence of the appointed representative and send the information obtained to the Department of the Refugee Affairs of the Office of Citizenship and Migration Affairs, that will make the decision about granting or not the refugee status.

The child is lodged either at an accommodation centre for asylum seekers with a guardian appointed by the Orphan's Court or at a child-care institution, according to the Orphan's Court's decision⁽¹⁹⁴⁾, taking into account the interests and opinion of the minor in accordance with the age and maturity.

This is problematic as every unaccompanied minor should live in separate and possibly small-

191 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

192 EMN, 'Latvia 2021' (2022). Available at: https://home-affairs.ec.europa.eu/system/files/202209/-emn_factsheet2021_lv.pdf.

193 OHCHR, 'Reply of Latvia to the Questionnaire on protection of the rights of the child in the context of the migration', May 2010, <https://www.ohchr.org/sites/default/files/Documents/Issues/MHR/Consultation2010/Latvia.pdf>

194 OHCHR, 'Reply of Latvia to the Questionnaire on protection of the rights of the child in the context of the migration', May 2010, <https://www.ohchr.org/sites/default/files/Documents/Issues/MHR/Consultation2010/Latvia.pdf>

scale reception facilities specifically for unaccompanied children, or in designated areas for unaccompanied children within mainstream reception facilities, mainstream care facilities or foster families.

According to Law on Protection of the Rights of the Child, the child receives protection and assistance irrespective of whether accompanied or alone. The Orphan’s Court together with the local government’s social service and immigration institutions shall carry out measures to locate the parents of a child and to determine what are the possibilities for the child to return to his or her family. If it is not possible to find the parents, unaccompanied minors in Latvia fall in the same legal framework as orphans and children left without parental care and, therefore, have the same right to receive social care services and specific social rehabilitation services and are eligible to receive health care services provided by the law⁽¹⁹⁵⁾.

The little information available, despite not

being very recent and concerning mainly refugees, shows that municipalities, in cooperation with the Orphans’ Courts, are generally competent for the overall protection and the integration of unaccompanied minors registered as refugees within their administrative territories, for the provision of social assistance and services for instance.

Unaccompanied minors, irrespective of status and similarly to the orphaned minors, are entitled to either receive social housing from the municipality, or to have housing costs covered when they reach 18 years of age and are no longer placed in social care. In addition, they receive a monthly subsistence allowance that is 30 per cent of the adults’ amount, whose exact size is determined at the municipality level.

Under-aged asylum seekers have the right to study, have additional lessons in Latvian, receive financial support to purchase study books, get individual tutoring classes, and study in their native language if they attend “minority

195 OHCHR, ‘Reply of Latvia to the Questionnaire on protection of the rights of the child in the context of the migration’, May 2010, <https://www.ohchr.org/sites/default/files/Documents/Issues/MHR/Consultation2010/Latvia.pdf>

schools".⁽¹⁹⁶⁾ Minors who reach 18 years and are no longer placed in social care still benefit from a further smaller subsistence allowance per month, irrespective of their status, as long as they continue to study and receive sufficient grading.⁽¹⁹⁷⁾

From a legal perspective, in December 2015, Latvia adopted a new Asylum Law introducing a series of improvements, including references to the best interests of the child principle and the obligation to identify applicants in need of special procedural guarantees and vulnerable applicants with special reception needs.⁽¹⁹⁸⁾

In 2017 the State Inspectorate for Protection of Children's Rights developed the draft guidelines "Provision of Representation of Unaccompanied Minor Foreigners in Latvia and Cooperation between Authorities" and the Ministry of Welfare commenced to develop the procedure of accommodation of

unaccompanied minors, in a foster family, family of a guardian or care institution.⁽¹⁹⁹⁾

Of the significant and more recent legal amendments related to unaccompanied minors in 2021 is the amount of allowance granted to guardians for the maintenance of the minors. The allowance for those with minors under the age of seven was increased to €215, while the allowance for those over seven years old was increased to €258.⁽²⁰⁰⁾

Main human rights concerns

Despite some virtuous practices, access to education for unaccompanied minors is limited⁽²⁰¹⁾, particularly due to inadequate support in terms of funding and information, delays in providing access to education after the submission of an asylum claim, language barriers, insufficient mainstreaming of minors at schools, and an absence of a centre tasked

196 OHCHR, 'Reply of Latvia to the Questionnaire on protection of the rights of the child in the context of the migration', May 2010, <https://www.ohchr.org/sites/default/files/Documents/Issues/MHR/Consultation2010/Latvia.pdf>

197 UNHCR, 'Integration of refugees in Latvia Participation and Empowerment', June 2015 <<https://www.refworld.org/pdfid/58a4877c4.pdf>>

198 Council of Europe, 'Harmonising the protection of unaccompanied minors in Europe', September 2016 <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23017&lang=en>

199 European Commission – 'European Migration Network Annual Report on Migration and Asylum', April 2018 <https://ec.europa.eu/migrant-integration/library-document/emn-annual-report-migration-and-asylum-latvia-2017_fr>

200 EMN, 'Latvia 2021' (2022). Available at: https://home-affairs.ec.europa.eu/system/files/202209/emn_factsheet2021_lv.pdf.

201 UNHCR, 'Integration of refugees in Latvia Participation and Empowerment', June 2015 <<https://www.refworld.org/pdfid/58a4877c4.pdf>>

with developing targeted programmes. There's a lack of available and detailed data on the reception conditions of unaccompanied seeking-asylum children and the centres they are accommodated in, which is fundamental to make sure that the rights and well-being of migrant children are ensured.

Moreover, even with this safeguard and general efforts to integrate unaccompanied minors into Latvian society, unaccompanied asylum-seeking minors are at risk of being subjected to human trafficking. Increasingly, most victims of human trafficking in Latvia are identified as being third-country nationals, especially from Tajikistan, Uzbekistan, and India. Given that unaccompanied minors are more vulnerable than adult migrants and have access to fewer resources, they face a serious risk of being trafficked.⁽²⁰²⁾

Aid organisations supporting unaccompanied asylum-seeking minors in Latvia are:

- Arabic Culture Centre
- Association White House
- Caritas Latvija
- Creative Association for Youth TREPES
- Education Development Centre
- IOM Latvia
- Latvian Centre for Human Rights
- Latvian Red Cross
- Make Room
- Shelter Safe House
- Society Gribu Palīdzēt Bēgļiem
- Sv. Jana Palīdzība
- The Salvation Army
- UNHCR Latvia

202 US Department of State, '2022 Trafficking in Persons Report: Latvia.' Available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/latvia/>.

Lithuania

Latest figures on arrivals and asylum applications

In 2022, 905 first-time asylum seekers registered in Lithuania,⁽²⁰³⁾ of which only 5 were unaccompanied minors. This indicates a sharp decrease in asylum seekers arriving in Lithuania in 2021 (4,000 of which 120 were unaccompanied minors).⁽²⁰⁴⁾ There is, however, a lack of available data on unaccompanied minors in the country, as there have been very few registrations in the past. There were no applications made by unaccompanied minors between 2018 and 2020, and only nine made between 2014 and 2016.⁽²⁰⁵⁾

Reception conditions and legal assistance

Though Lithuania's Law on the Legal Status of Aliens guarantees that

unaccompanied minors are granted adequate accommodation, education, and healthcare services, in addition to legal aid,⁽²⁰⁶⁾ Lithuania has faced criticism for its handling of unaccompanied minors in recent years. This is because the majority of unaccompanied asylum-seeking minors live in severely overcrowded facilities with inadequate access to basic services. Most notably, there have been instances where lawyers who were supposedly hired to assist and defend unaccompanied minors have acted against them in court.⁽²⁰⁷⁾

Further exacerbating the situation of unaccompanied minors is Lithuania's support of the democratic opposition in Belarus, which has driven the Belarusian authorities to push large numbers of migrants into Lithuania as a political tool.⁽²⁰⁸⁾ As a result, the number of people crossing the Lithuanian-Belarusian border increased by more than 30-fold compared

203 Eurostat, 'Asylum and first-time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

204 EMN, 'Lithuania 2021' (2022). Available at: https://home-affairs.ec.europa.eu/system/files/202208/-EMN_factsheet2021_LT.pdf.

205 W2eu.info, 'Minors' (Feb 2020). Available at: <https://w2eu.info/en/countries/lithuania/minors>.

206 W2eu.info, 'Minors' (Feb 2020). Available at: <https://w2eu.info/en/countries/lithuania/minors>.

207 Amnesty International, 'Lithuania: Forced Out or Locked Up' (27 Jun 2022) Available at: <https://reliefweb.int/report/lithuania/lithuania-forced-out-or-locked-refugees-and-migrants-abused-and-abandoned-enlt>.

208 European Council on Refugees and Exiles, 'Extraordinary Responses: Legislative Changes in Lithuania' (2021). Available at: <https://ecre.org/wp-content/uploads/202109//Legal-Note-11.pdf>.

to previous years.⁽²⁰⁹⁾ The Lithuanian Parliament, therefore, declared a state of emergency due to this influx of irregular migrants, and passed a number of laws permitting the refusal of asylum applications in certain circumstances, as well as laws permitting these migrants' detention, deportation, and limited right to appeal.⁽²¹⁰⁾ These new laws have been criticised as violations of the Lithuanian Constitution and various EU directives, as well as Lithuania's obligations to ensure the rights of asylum seekers under international law.

Main human rights concerns

Approximately 4,110 individuals crossing the border from Belarus were detained in Lithuania by the end of 2021, with the majority being citizens of Iraq, Congo, and Cameroon, and a great number belonging to vulnerable groups, including

unaccompanied minors.⁽²¹¹⁾

While Lithuanian authorities have described the detention centres as "temporary accommodation", visits conducted by Amnesty International revealed that the facilities are overcrowded, detainees' freedom of movement is restricted, and living conditions are inhumane and unsanitary; detainees also face beatings, sexual humiliation, and racially-motivated intimidation.⁽²¹²⁾ This brutal and prolonged detention is said to be a tactic employed to drive immigrants to "voluntarily return" to their countries.⁽²¹³⁾ Further, according to the Lithuanian Department of Statistics, around 2,576 individuals were not allowed to cross the border from Belarus, and instead were pushed back without individual assessments, or left stranded in border areas in cold and dire conditions, without

209 European Council on Refugees and Exiles, 'Extraordinary Responses: Legislative Changes in Lithuania' (2021). Available at: <https://ecre.org/wp-content/uploads/202109//Legal-Note-11.pdf>.

210 LRT, 'No right to appeal and mass detentions: Lithuania's new migrant laws draw criticism' (14 July 2021). Available at: <https://www.lrt.lt/en/news-in-english/191450686/no-right-to-appeal-and-mass-detentions-lithuania-s-new-migrant-laws-draw-criticism>.

211 European Council on Refugees and Exiles, 'Extraordinary Responses: Legislative Changes in Lithuania' (2021). Available at: <https://ecre.org/wp-content/uploads/202109//Legal-Note-11.pdf>.

212 Amnesty International, 'Lithuania: Forced Out or Locked Up' (27 Jun 2022) Available at: <https://reliefweb.int/report/lithuania/lithuania-forced-out-or-locked-refugees-and-migrants-abused-and-abandoned-enlt>.

213 Amnesty International, 'Lithuania: Forced Out or Locked Up' (27 Jun 2022) Available at: <https://reliefweb.int/report/lithuania/lithuania-forced-out-or-locked-refugees-and-migrants-abused-and-abandoned-enlt>.

regard to their right to procedural guarantees and due process.⁽²¹⁴⁾ The resolutions and amendments that have been adopted have created a hostile environment for migrants that violates their right to asylum as well as the principle of non-refoulement, and sheds light on the racism embedded within the country's asylum system—especially when compared to the treatment received by the majority of Ukrainian asylum seekers in Lithuania.

Aid organisations supporting unaccompanied asylum-seeking minors in Lithuania are:

- Caritas of Vilnius Archdiocese
- IOM Lithuania
- Lithuanian Red Cross
- MIPAS
- Renkuosi Lietuvą
- UNHCR Lithuania
- UNICEF Lithuania

Luxembourg

Latest figures on arrivals and asylum applications

Ninety-five unaccompanied minors applied for asylum in Luxembourg in 2022, of 2,395 first-time asylum applicants, making up only 0.2% of unaccompanied minor applications in the EU. Over the years, despite seeing an increase, Luxembourg has received very few asylum applications from unaccompanied minors, with 55 applications made in 2021 and 50 made in 2020.⁽²¹⁵⁾ The cause of such low numbers is unclear; however, it remains that there is a lack of data collected and registered on these minors.

Reception conditions and legal assistance

Due to the low number of arrivals, Luxembourg, together with other 9 Member States, pledged to participate in the first relocations under a EU initiative for 1,600 unaccompanied minors. The first arrival occurred in April 2020, from Greece,

214 Amnesty International, 'Lithuania: Forced Out or Locked Up' (27 Jun 2022) Available at: <https://reliefweb.int/report/lithuania/lithuania-forced-out-or-locked-refugees-and-migrants-abused-and-abandoned-enlt>.

215 European Migration Network, 'Luxembourg 2021' (2022). Available at: https://home-affairs.ec.europa.eu/system/files/202208/EMN_factsheet2021_LU.pdf.

and consisted of 12 vulnerable minors, one girl and eleven boys, two of them Syrian and ten Afghans, aged between 11 and 15. Upon arrival, the Police Criminal Investigative Division or the Ministry of the Family and Integration informs either Caritas or the Red Cross. Caritas provides guardianship for unaccompanied minors above the age of 16 years old, while the Red Cross for children below the age of 16. Both organisations also provide accommodation for unaccompanied minors. There have been developments concerning laws governing unaccompanied minor migrants, such as the Law of 16 June 2021, which amended the Law of 18 December 2015 to increase the available remedies for international protection applicants. Further, more efficient integration and reception services are being guaranteed, for instance, the number of reception and integration classes offered in general

secondary schools increased from 22 to 133 classes in 2021.⁽²¹⁶⁾ Similarly, it was reported that in instances where unaccompanied minors in Luxembourg disappear, police are alerted in the same way they are if any other minor citizen disappears.⁽²¹⁷⁾

Main human rights concerns

In the event of doubts concerning an unaccompanied minor's age, he/she can be invited to a medical examination⁽²¹⁸⁾ but there is no available information on the medical age assessment procedures carried out.

Generally, unaccompanied minors can submit their application for international protection in person or through an ‘ad hoc administrator’, assigned by the guardianship judge to assist and represent the minor throughout the asylum procedure. However, if it is likely that the minor will reach the age of 18 during the procedure, there is no obligation to assign a special administrator⁽²¹⁹⁾. This is

216 European Migration Network, ‘How Do EU Member States Treat Cases of Missing Unaccompanied Minors?’ (2020). Available at: https://home-affairs.ec.europa.eu/system/files/202004/inform_missing_uam_final_15042020_0.pdf.

217 European Migration Network, ‘How Do EU Member States Treat Cases of Missing Unaccompanied Minors?’ (2020). Available at: https://home-affairs.ec.europa.eu/system/files/202004/inform_missing_uam_final_15042020_0.pdf.

218 Official website of Luxembourg public bodies, available at : <https://guichet.public.lu/en/citoyens/immigration/cas-specifiques/protection-internationale/demande-protection-internationale.html>

219 Official website of Luxembourg public bodies, available at : <https://guichet.public.lu/en/citoyens/immigration/cas-specifiques/protection-internationale/demande-protection-internationale.html>

concerning as the representative should not only provide assistance regarding the asylum procedure, but also represent a focal point for the recently arrived young person.

For instance, the representative should verify if the accommodation and residential care arrangements are adequate for the children's physical, mental, spiritual, moral and social development, to check they have effective access to the education system and regularly attend classes, but also to report any issues, in consultation with cultural mediators where appropriate.

Moreover, as it is not clearly defined and stated the length of the whole international protection procedure, it remains discretionary the decision on whether to provide a person with a special administrator or not, de facto changing his/her stay in Luxembourg and overall asylum request.

Aid organisations supporting unaccompanied asylum-seeking minors in Luxembourg are:

- Caritas Luxembourg
- IOM Belgium and Luxembourg
- Red Cross Luxembourg
- UNHCR Luxembourg
- UNICEF Luxembourg

Malta

Latest figures on arrivals and asylum applications

In 2022, only 35 asylum applicants in Malta were considered to be unaccompanied minors, of a total of 915 first-time asylum applicants, but only 10 unaccompanied minors were granted temporary protection.⁽²²⁰⁾

Despite the fact that Malta is EU's smallest country, its position halfway along the Mediterranean route makes the arrival of high numbers of unsafe boats crossing from North Africa to Europe commonplace. Because boats encountering distress at sea are often forced to land in the country, such a small number of registered unaccompanied minors seems erroneous or purposely underreported, especially when

220 Eurostat, 'Asylum and first-time asylum applicants – annual aggregated data' (23 March 2023, *EC Europa*). Available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>

considering the several shortcomings of the Maltese reception framework for unaccompanied minors.

Reception conditions and legal assistance

The waiting time to conduct an age assessment was one of the Maltese system's major issues in 2021. That year, the Agency for the Welfare of Asylum Seekers (AWAS) issued 228 decisions on age assessment. One hundred and eleven applicants were declared to be adults, 117 were declared to be minors, and nine were still in the procedure as of the end of the year.⁽²²¹⁾

The backlog of pending care orders is reported to be so severe that some unaccompanied minors, identified as such for more than six months, were not yet referred to the Child Protection Unit at the end of 2021.⁽²²²⁾ Although there are references to the age assessment procedure in legal and policy documents,

the procedure is not regulated by law, though it includes the use of medical methods to determine age according to Regulation 17 of the Procedural Regulations.⁽²²³⁾ The age assessment procedure has been improved through the years, but is still plagued by a lack of adequate procedural guarantees, including limited information about the procedure.

If their age is wrongly assessed, minors are eventually unable to receive any legal support in order to appeal. Additionally, such appeals are to be filed before the country's Immigration Appeals Board within three days. Such conditions usually do not allow for the use of this legal remedy.⁽²²⁴⁾ This leads to situations in which appellants abandon their appeals or simply turn 18 before any decision is issued. Lawyers have reported that the only decisions made thus far were rejections, hearings are not always held, and the

221 The Asylum Information Database (AIDA), 'Country Report - Malta', May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

222 The Asylum Information Database (AIDA), 'Country Report - Malta', May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

223 The Asylum Information Database (AIDA), 'Country Report - Malta', May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

224 The Asylum Information Database (AIDA), 'Country Report - Malta', May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

Board will not always see appellants in person before giving a decision, because there is no clear procedure established.⁽²²⁵⁾ Also concerning is the delay in appointing legal guardians. Malta’s new Minor Protection Act came into force in July 2021, introducing the duty of all persons to report any minor who is at risk of suffering or being exposed to significant harm; the Act establishes various forms of protection orders the Juvenile Court may impose, including care orders. Article 21 of the Act requires “any person who comes in contact with any person who claims to be an unaccompanied minor” to refer that minor to the Principal Immigration Officer, who must notify the Child Protection Director so that the latter registers the minor, issues an identification document within 72 hours, and provides provisional measures in regards to their care and custody, including appointing a legal representative within 30 days. NGOs, however, reported that temporary care orders are rarely issued, and that they

must actually refer minors themselves to Child Protection Services; AWAS apparently only refers unaccompanied minors who are confirmed as minors after the first assessment.

Various organisations have raised serious concerns regarding the independence and lawfulness of AWAS, whose role in the whole procedure raises a conflict of interest, as it is the same entity responsible for carrying out age assessments and providing accommodation and support to unaccompanied minors. As such, the very social workers in charge of assessments are also in charge of the follow-up and care of the minors they identify as such. Lawyers and NGOs working with minors are also required to challenge the decisions of the same social workers who follow their other clients, regardless of age, and lawyers have reported that although the Immigration Appeals Board lacks the necessary expertise to evaluate appeals on age assessment, it refuses to appoint or consult independent experts.⁽²²⁶⁾

225 The Asylum Information Database (AIDA), ‘Country Report - Malta’, May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

226 The Asylum Information Database (AIDA), ‘Country Report - Malta’, May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

Organisations like the Jesuit Refugee Service and aditus foundation reported that the legal guardian is not present at any stage of the age assessment procedure, and has already acted against the best interest of the child in several instances, including refusing to facilitate the release of unaccompanied minors pending age assessment appeal procedures. Furthermore, AWAS and the Child Protection Services, both responsible for the care of minors under the Minor Alternative Care Act, have failed to act to protect them, with AWAS allowing for the arrest and detention of minors hosted in a shelter for young and vulnerable individuals.⁽²²⁷⁾ The vast majority of minors in 2021, however, were not appointed a legal guardian at all, mainly due to shortcomings in the new judicial procedure. This resulted in minors having their asylum procedures put on hold, but even when a care order was issued and a legal guardian was actually appointed, little to no change was observed in terms

of access to the procedure or other basic services.⁽²²⁸⁾

As for the accommodation conditions, the Commissioner for Human Rights (CoE), Dunja Mijatović, published her report in January 2021 on both of the initial reception centres available: Hal Far Tent Village and Hangar Open Centre. “Accommodation was provided in containers which appeared overcrowded and lacked air conditioning and heating,” Mijatović stated. “While the premises were clean, there was a lack of adequate hygiene conditions for residents, including as regards access to water and sanitation.” While she said that work was underway in the Hangar Open Centre to install additional showers and toilets, and playrooms were set up for the young children there, “the outside environment was stark, with no vegetation or furnishings in place for children’s open-air activities”. The Commissioner added that most of the unaccompanied minors she talked to in the Hal Far Tent Village

227 Aditus foundation, ‘Immigration Police Arrest 2 Minors Hosted in Shelter for Children’, July 2022, < <https://aditus.org/mt/immigration-police-arrest-2-minors-hosted-in-shelter-for-children/> >

228 Eurostat, ‘Asylum applicants considered to be unaccompanied minors’, July 2022, < https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYUNAA_custom_3224355/default/table?lang=en >

stated that they were not attending school and were not involved in other meaningful activities. While the minors confirmed that they were being assisted by social services, they had difficulties in understanding their present situation and future prospects.

Indeed, access to education for unaccompanied children was significantly hindered as a consequence of delays in the registration of asylum applications. For certain educational activities or specific courses offered to young people, unaccompanied minors must have a legal guardian to participate. This is problematic because, as explained above, very few of these minors in Malta are appointed legal guardians. Despite some minors being appointed a legal guardian at the end of 2021, it is still too early to measure the impact of this change on access to education. Several NGOs do offer free language classes in English or Maltese, but this service is not provided within reception centres.

Main human rights concerns

Unaccompanied minors are deprived of any level of care or protection before the conclusion of the age assessment, which usually happens several weeks or months after their arrival in Malta.⁽²²⁹⁾ Moreover, these delays, as well as general arbitrariness, lead to another particularly significant violation: the unlawful detention of unaccompanied minors upon arrival.

Malta reintroduced a regime of automatic detention in 2018 for all asylum seekers entering the country in an irregular manner, based on public health legislation that allows health authorities to adopt measures limiting a person's free movement in cases of suspected spread of contagious disease (way before the COVID-19 pandemic). Malta increasingly used this legislation to systematically detain hundreds of asylum seekers, including children, over the years.⁽²³⁰⁾ Officially, minors and vulnerable applicants in Malta are not

229 The Asylum Information Database (AIDA), 'Country Report - Malta', May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

230 Aditus foundation, 'Annual activity report 2020', September 2020, < <https://aditus.org.mt/Publications/annualreport2020.pdf> >

supposed to be detained. However, since all applicants arriving irregularly were automatically detained without any form of assessment, vulnerable applicants and minors were held for months before a proper assessment was conducted. As a result, hundreds of minors and vulnerable applicants were in fact detained for months at a time.

The policy of detaining asylum seekers automatically upon arrival continued in 2021,⁽²³¹⁾ either as a measure of quarantine against COVID-19, or on the basis of the Prevention of Disease Ordinance. The UNHCR Representative to Malta reiterated her concerns in February 2021, stating that “children are [still] being held in closed centres”.⁽²³²⁾ During this period of detention, all asylum seekers except families and young children are detained, including individuals claiming to be minors—further evidence of the unequal treatment of minors who are unaccompanied by relatives.

Despite two reports published by the Council of Europe and the United Nations denouncing the alarming detention conditions in Malta, they remain characterised by only partial access (or none at all) to outdoor or common areas; no access to any prayer room or private space; limited access to phones to make any calls, including to lawyers; no access to any leisure activities; shared rooms of 3m² to 5m² for 3-8 people; detainment of minors with adult men; no ventilation, lights, or heating in any rooms; no access to drinkable water, lack of bedsheets and appropriate clothes for the weather; no proper means for detainees to clean themselves or their clothes; lack of access to healthcare; and no information provided regarding their detention or the age assessment procedure, for instance with regards to the methods used and to the consequences of results.⁽²³³⁾

In January 2022, five unaccompanied minors were released from the Safi

231 The Asylum Information Database (AIDA), ‘Country Report - Malta’, May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

232 The Times of Malta, Migrant detention numbers shrink, fears about child detainees remain, 7 February 2021, available at: <https://bit.ly/3cP8Mwj>

233 The Asylum Information Database (AIDA), ‘Country Report - Malta’, May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

Barracks detention centre after being detained without any legal basis for two months while waiting for the conclusion of their age assessment procedures (which happened at about the same time as their court case). The minors had arrived in the country in November 2021, and were only seen by AWAS for age assessment in mid-January 2022. There have also been reported cases at the same centre of unaccompanied minors detained alongside adult males with whom they did not share a country of origin, contrary to normal practice.⁽²³⁴⁾ In addition, two teenagers rescued at sea who disembarked in Malta in May 2022 were taken directly to the so-called "China House" detention centre in Ħal Far. The teenagers were released a month later after being confirmed as minors following an interview with social workers from AWAS.⁽²³⁵⁾

According to recent data,⁽²³⁶⁾ Article 23A of

the International Protection Act allows for unaccompanied minors to be examined under accelerated procedures, without specifying that this should be done while keeping the best interest of the minor as a primary consideration, as mandated by the European Procedures Directive. The absence of the best interest of the minor principle within Article 23A is particularly worrying, especially considering the lack of access to a legal aid lawyer at this stage and for many additional months. Furthermore, the amendments to the Refugees Act in 2020 also formalised the Temporary Humanitarian Protection (THP) status into legal norms, and THP was granted to hundreds of people over the years including unaccompanied minors, the elderly, and people suffering from chronic illness. Yet, being only policy-based, there is a broad margin of discretion and the set of rights attached to the status is not fully clear.⁽²³⁷⁾

234 Aditus foundation, 'Immigration Police Arrest 2 Minors Hosted in Shelter for Children', July 2022, < <https://aditus.org.mt/immigration-police-arrest-2-minors-hosted-in-shelter-for-children/> >

235 Aditus foundation, 'Immigration Police Arrest 2 Minors Hosted in Shelter for Children', July 2022, < <https://aditus.org.mt/immigration-police-arrest-2-minors-hosted-in-shelter-for-children/> >

236 Aditus foundation, 'Accelerated procedures in Maltese asylum law: Making Violations of Fundamental Rights the order of the day, Id-Dritt XXXII', 2022, < https://aditus.org.mt/Publications/accelerateprocedures_dritt_2022.pdf>

237 The Asylum Information Database (AIDA), 'Country Report - Malta', May 2021, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-MT_2021update.pdf >

Aid organisations supporting unaccompanied asylum-seeking minors

in Malta are:

- aditus foundation
- Blue Door English
- Hal Far Outreach
- IOM Malta
- Jesuit Refugee Service – JRS Malta
- Kopin
- Spark 15
- UNHCR Malta

Netherlands

Latest figures on arrivals and asylum applications

The total number of children arriving unaccompanied in the Netherlands has doubled from 2,190 in 2021 to 4,170 in 2022.⁽²³⁸⁾ Of the 2190 unaccompanied minors seeking asylum in the Netherlands in 2021, 1110 were aged 16-17 years, 665 were 14-15, and 370 were under 14.⁽²³⁹⁾ The fact that the arrivals were primarily boys aged 16-17 is consistent with the current trend across Europe.

Reception conditions and legal assistance

There have been several problems within the reception system of unaccompanied children in the Netherlands. By the end of 2021, 940 unaccompanied children were accommodated in reception centres, more than twice as many as compared to the end of 2020. This is due to the high influx of unaccompanied minors, which has also doubled compared to 2020. Therefore, there is an urgent need for extra reception capacity for unaccompanied minors.⁽²⁴⁰⁾ Furthermore, children with a higher risk of becoming victims of human smuggling and trafficking based on the experience of the country's decision-making authorities are placed in small "protected reception locations" or facilities with professional guidance available around the clock. Their services were inspected by the youth support unit (Jeugdzorg), however, which led to a report in 2017 establishing that too

238 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, EC Europa). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

239 Eurostat, 'Asylum applicants considered to be unaccompanied minors', July 2022, < https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYUNAA_custom_3224355/default/table?lang=en >

240 COA, 'COA: in 2022 the demand for reception locations will continue to increase', 3 December 2021, available in Dutch at: <https://bit.ly/3tluEJH>

many children still disappear from these locations. (Fortunately, disappearances from regular reception facilities are nowhere near as high.⁽²⁴¹⁾.) Research shows that 50% of these minors left a protected reception location between 2015 and 2018.⁽²⁴²⁾

Minors aged 16 or older can also be transferred to an Enforcement and Supervision Location (Handhaving en Toezicht Locatie, or HTL), a special reception centre for asylum seekers who have caused tension or any form of trouble at a regular centre, for example "by bullying other inhabitants, destroying materials, exhibiting aggressive behaviour or violating the house rules".⁽²⁴³⁾ The rules at these centres are stricter than at the regular centres; inhabitants are obliged to report whenever they leave or return to the centre, for instance, and there are compulsory day programmes during

which asylum seekers have limited opportunities to communicate with the outside world.⁽²⁴⁴⁾

In general, the assessment of a request for asylum made by an unaccompanied minor does not differ from that made by an adult, especially as the minor may lodge an asylum application by themselves, but the child's age and individual situation are taken into account during the application process. For instance, all unaccompanied minors are assigned both a guardian and a lawyer to represent their interests; assisted and accommodated at a special reception centre for young asylum seekers, in a foster family, or at a so-called protected reception facility; and children between six and 12 years old are interviewed in a special child-friendly interview room.⁽²⁴⁵⁾

Though there is no time limit for the appointment of a legal guardian to an

241 Interview with Nidos and Child Circle's workers.

242 APM (Analyseproeftuin Migratieketen) Report on UAMs leaving reception locations without reason, February 2020, available in Dutch at: <https://bit.ly/3HR9yXs>

243 The Asylum Information Database (AIDA), 'Country Report - Netherlands', April 2021, < https://asylumineurope.org/wp-content/uploads/202204/AIDA-NL_2021update.pdf >

244 The Asylum Information Database (AIDA), 'Country Report - Netherlands', April 2021, < https://asylumineurope.org/wp-content/uploads/202204/AIDA-NL_2021update.pdf >

245 Immigration & Naturalisation Service, 'Unaccompanied Minors' section on their website, available at: <https://ind.nl/en/about-us/background-articles/unaccompanied-minors#:~:text=In%20the%20Netherlands%2C%20all%20unaccompanied,so%2Dcalled%20protected%20reception%20facility>>

unaccompanied child, there have also been no reports of the period between entry into the country and the appointment of a guardian being unreasonably long.⁽²⁴⁶⁾ During the registration interview, asylum seekers, including unaccompanied minors, are briefly questioned by the Dutch Immigration and Naturalisation Service (IND) about the reasons for fleeing their country of origin. During such procedures, they do not benefit from legal assistance or receive individualised information on the asylum procedure from the Dutch Council for Refugees or other NGOs, and they only receive a brochure containing general information about the procedure. As a result, applicants might not be sufficiently informed about the potential impact of their statements on the outcome of their application.⁽²⁴⁷⁾

Main human rights concerns

Unfavourable practices towards unaccompanied minors have been reported with regard to age assessment in

the Netherlands. Unaccompanied minors without documents are offered a medical age assessment procedure if there are doubts as to whether they are actually minors, and the results affect the rest of the application. Further investigation will take place if there is still uncertainty regarding the minor's age—not speaking with and questioning the child, but rather conducting research into age registrations in other EU Member States through Eurodac or EU-VIS. If the subject of the age assessment disagrees with its outcome, a counter-report by an expert is possible, but difficult to attain. In a report published on 30 November 2020, the Dutch Advisory Committee on Migration Affairs argues that this practice makes it nearly impossible for minors to prove their true age in the event that another Member State has registered them as an adult.⁽²⁴⁸⁾

A major shortcoming of the Dutch migration system for unaccompanied minors, condemned also by the Court

246 The Asylum Information Database (AIDA), 'Country Report - Netherlands', April 2021, < https://asylumineurope.org/wp-content/uploads/202204/AIDA-NL_2021update.pdf >

247 The Asylum Information Database (AIDA), 'Country Report - Netherlands', April 2021, < https://asylumineurope.org/wp-content/uploads/202204/AIDA-NL_2021update.pdf >

248 Dutch Advisory Committee on Migration Affairs (Adviescommissie voor Vreemdelingenzaken, ACVZ), Nadeel van de Twijfel, 30 November 2020, available in Dutch at: <https://bit.ly/2LF1mUh>

of Justice of the European Union (CJEU), concerns return decisions for minors over 15 years of age, as Dutch policy stipulates that a return decision for them can be issued without examining whether there are adequate reception facilities in the country of return.⁽²⁴⁹⁾ On the contrary, there is the option of granting minors under the age of 15 a special residence permit in case there are no adequate reception facilities in their country of origin or another country; this option also applies if departure from the Netherlands is unsuccessful, but only for minors under 15. In the case of TQ (C-441/19) of 14 January 2021, the CJEU ruled that a Member State must ascertain, before adopting a return decision, that the unaccompanied minor will have access to adequate reception facilities upon return.⁽²⁵⁰⁾ Furthermore, a Member State may not differentiate based on the age of the minor—once the State adopts a return decision, the return must actually be carried out. The CJEU also clarified that States are obligated to apply the principle of the best interest

of the child at all stages of the (return) procedure. This ruling shows that the Dutch policy on unaccompanied children who receive a return decision is not in line with EU law.

The IND started conducting videoconference interviews during the COVID-19 pandemic in order to minimise physical contact, but unaccompanied minors and asylum seekers with medical problems were unfairly excluded from this measure.

Aid organisations supporting unaccompanied asylum-seeking minors in the Netherlands are:

- Defence for Children
- Dutch Council for Refugees
- IOM Nederland
- Kerk in Actie
- Nidos, national independent guardianship institution in the Netherlands
- UNHCR Netherlands
- UNICEF Netherlands
- War Child

249 Immigration & Naturalisation Service, 'Unaccompanied Minors' section on their website, available at: <https://ind.nl/en/about-us/background-articles/unaccompanied-minors#:~:text=In%20the%20Netherlands%2C%20all%20unaccompanied,so%2Dcalled%20protected%20reception%20facility>>

250 CJEU, TQ v Staatssecretaris van Justitie en Veiligheid, C-441/19, 19/ January 2021

Poland

Latest figures on arrivals and asylum applications

The number of first-time asylum seekers arriving in Poland in 2022 was 7,700, while the number of unaccompanied minors has not been recorded. However, two hundred unaccompanied minors claimed asylum in Poland in 2021, 100 more than each previous year since 2015. Indeed, the number of asylum seekers and migrants seeking to enter the country from Belarus has been increasing significantly since mid-2021. Poland saw the arrival of 135 boys and 65 girls in 2021, most of whom were under the age of 14 years (110 of them, including 60 boys and 55 girls).⁽²⁵¹⁾

Reception conditions and legal assistance

Minors arriving in Poland are mostly younger than 14, which is inconsistent with the current European trend. Polish law provides for medical examinations to

determine an applicant's actual age, with the consent of the minor or their legal representative. In case of lack of consent, the applicant is considered to be an adult. In case of any doubts, the applicant is considered to be a minor.

Each unaccompanied child must have a legal representative according to Polish law, though due to a lack of funding, there have been problems in recent years arising from an insufficient number of guardians. As of 2021, there were only 11 legal representatives for a total number of 199 unaccompanied children.⁽²⁵²⁾

Additionally, because some guardians do not have any personal contact with the unaccompanied minor they represent, the child has extremely limited information on their own legal situation. Guardians are also not supported by interpreters, making communication ever more difficult.⁽²⁵³⁾

The only safeguards related to the special reception needs of unaccompanied

251 Eurostat, 'Asylum applicants considered to be unaccompanied minors', July 2022, < https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYUNAA_custom_3224355/default/table?lang=en >

252 The Asylum Information Database (AIDA), 'Country Report - Poland', May 2022, < https://asylumineurope.org/wp-content/uploads/202205/AIDA-PL_2021update.pdf >

253 NGOs alternative report to the government report on implementation of the Convention of the Rights of the Child, submitted to UNICEF, August 2020, available (PL) at: <https://bit.ly/3s3hZXX>

children are those referring to their place of stay, as unaccompanied children are accommodated in youth care facilities, rather than in reception centres or with adults. Until the court makes a decision on placing a child in a regular youth care facility, an unaccompanied child stays with a professional foster family functioning as an emergency shelter, or in a youth care facility for crisis situations. As in past years, unaccompanied minors in 2021 were mostly placed in foster care facilities in Warsaw or Kętrzyn, due to their proximity to the detention centre in Kętrzyn, from which they are released because of their age.

According to the Polish Office for Foreigners, the vast majority of international protection procedures are discontinued because of implicit withdrawal of the application—allegedly because minors leave the centres and do not return. In the case of certain nationalities, like the Vietnamese, the percentage of discontinued applications

is one hundred percent.⁽²⁵⁴⁾ In August and September 2021, the food served in the country's reception centres was in the spotlight due to a mushroom poisoning incident in the Dębak centre that led to the death of two children shortly after their evacuation from Afghanistan. According to some accounts, the children ate mushrooms that they picked in the woods surrounding the centre because they were hungry due to the insufficient amount of food served there.⁽²⁵⁵⁾

The number of reception centres in Poland dropped in 2021. One centre in Warsaw, the only one designated to exclusively host single women and women with children, closed in August 2021 due to a change in ownership of the land on which it was situated. Two additional reception centres were temporarily put under the command of the country's Border Guard, while another two in Biała Podlaska and in Czerwony Bór are now serving as immigration detention centres.⁽²⁵⁶⁾

254 The Asylum Information Database (AIDA), 'Country Report - Poland', May 2022, < https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf >

255 Euronews, 'Afghan refugees, aged 5 and 6, die after eating poisonous mushrooms in Poland', September 2021, < <https://www.euronews.com/202102/09//afghan-refugee-5-dies-after-eating-poisonous-mushrooms-in-poland> >

256 The Asylum Information Database (AIDA), 'Country Report - Poland', May 2022, < https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf >

Main human rights concerns

The unlawful deprivation of the liberty of unaccompanied children seeking asylum is indeed a major concern. According to Polish law, these children should not be detained, but in practice, they often are:⁽²⁵⁷⁾ when there are doubts as to their age, or if they were placed in detention as irregular migrants (which is possible under the law) and only then applied for international protection. In these scenarios, the detention of children has been ordered immediately, without an individual assessment of their situation and needs, and some courts have treated detention as a form of punishment for crossing the border illegally. Despite being unlawful, the number of detained children increased in 2021, reaching 567 in total, whereas in 2020 only 101 children were deprived of their liberty. As of 1 February 2022, 416 children have been placed in detention centres in Poland, out of a total of 1,652 detainees.

The majority of these unaccompanied

children is placed in one detention centre in Kętrzyn, where their rooms are separated from adult detainees' rooms. Despite this, the conditions are inadequate for children, with 15 beds to a room and no child-friendly spaces to use as playgrounds or social rooms. Children cannot exercise their right to be heard, as they are not involved in detention proceedings. Moreover, detention is not ruled for the shortest period of time, and there are few efforts to reduce the duration of children's detention. The average length of time for which unaccompanied minors are detained dropped from 50 days to five months in 2021, but there is limited information on the Białystok or Czerwony Bór facilities, which also hold detained children (223 in 2021).⁽²⁵⁸⁾ Courts accepted all requests by the Border Guard to prolong the detention of unaccompanied minors in 2020, and none of the guardians representing the children filed complaints.

Asylum-seeking children are supposed

257 The Asylum Information Database (AIDA), 'Country Report - Poland', May 2022, < https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf >

258 The Asylum Information Database (AIDA), 'Country Report - Poland', May 2022, < https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf >

to have access to education in public schools, however, multiple problems have been reported in practice. According to information from NGOs, asylum seekers' most frequent complaints are about the hate speech encountered by their children in schools, from both peers and the staff. The Supreme Audit Office itself has stated that 23% of the parents they interviewed in 2020 declared that their children faced intolerance in school once or twice a year, and according to 4% of respondents, it occurred more often than that.⁽²⁵⁹⁾ It is likely that unaccompanied children experience similar or even worse treatment, as they have no one to complain to, and no family members to offer support.

In 2020, the Supreme Audit Office published a report on the education of all foreign children staying in Poland. The report confirmed that the country's Ministry of Education did not have any interest in the topic for many years,

despite a significant increase in the number of foreign pupils in Polish schools. No monitoring was conducted of the situation of foreigners in schools, and despite having public funds to train teachers who work with foreign pupils, the funds were not spent. The Supreme Audit Office found many violations of Polish law and concluded that the schools' responses to foreigners' needs and problems were insufficient.⁽²⁶⁰⁾ During the COVID-19 pandemic, for instance, asylum-seeking children faced obstacles in participating in online classes due to a shortage of computers and other necessary tools, conditions, or assistance.⁽²⁶¹⁾ Children also have the right to be assisted by someone who knows the language of their country of origin, and who can be employed as a teacher's assistant by the school director, but only for a maximum of 12 months. Moreover, there is no uniform system for providing children with this type of assistance.

259 Supreme Audit Office, 'Kształcenie dzieci rodziców powracających do kraju i dzieci cudzoziemców', September 2020, available (in Polish) at: <http://bit.ly/3piaNVR>

260 Supreme Audit Office, 'Kształcenie dzieci rodziców powracających do kraju i dzieci cudzoziemców', September 2020, available (in Polish) at: <http://bit.ly/3piaNVR>

261 The Asylum Information Database (AIDA), 'Country Report - Poland', May 2022, < https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf >

There is a disturbing lack of appropriate policies for the education of children with international protection status in Poland. The government has not developed a long-term strategy to incorporate the input and resources of the various entities in Polish society whose collaboration is needed to create such policies: governmental ministries, educational and research institutions, local agencies, and so forth. In addition, there are no central governmental procedures to monitor and evaluate educational policy and the educational development of children and teenagers.

Furthermore, asylum-seeking children should receive the "Good Start" allowance (300 PLN, equal to around 64 euros) that should be granted once a year, according to the law, for every child that begins a school year in Poland. Receiving this support has proven to be a challenge, however, as it was reported in 2021 that accessing the allowance was very difficult.⁽²⁶²⁾

262 The Asylum Information Database (AIDA), 'Country Report - Poland', May 2022, < https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PL_2021update.pdf >

263 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

264 Asylum Information Database, 'Country Report: Portugal' (2021). Available at: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-PT_2021update.pdf.

Aid organisations supporting unaccompanied asylum-seeking minors in Poland are:

- Association for Legal Intervention
- Empowering Children Foundation
- Halina Nieć Legal Aid Centre
- Helsinki Foundation for Human Rights
- IOM Poland
- Ocalenie Foundation
- UNHCR Poland
- UNICEF Poland
- Warsaw Multicultural Centre

Portugal

Latest figures on arrivals and asylum applications

In 2022, a total of 1,975 persons applied for asylum in Portugal, only 10 of whom were unaccompanied.⁽²⁶³⁾ While in the previous year, of the 415 children who applied for international protection in Portugal, 65 were unaccompanied.⁽²⁶⁴⁾ Additionally, in accordance with a bilateral agreement

between Portugal and Greece for the relocation of asylum seekers, a total of 127 unaccompanied minors were relocated to Portugal in 2021.⁽²⁶⁵⁾ Notably, positive first-instance decisions on international protection applications in Portugal have recently fallen to 23%, which is significantly lower than the European average of 40.7%.⁽²⁶⁶⁾

Reception conditions and legal assistance

Regarding the reception of unaccompanied minors, the Portuguese Refugee Council operates reception centres, provides legal representation for unaccompanied minors and offers housing services in collaboration with ministries and municipalities. While there is an obligation to refer unaccompanied children to the Portuguese Family and Juvenile Courts for legal representation, the Asylum Act does not provide a

specific identification mechanism for unaccompanied minors.

There is a clear lack of services targeting unaccompanied minors in Portugal's national strategy, exemplified by the country's limited integration services in 2020, when only 36% of minors relocated and resettled in foster care were able to access Portuguese classes.⁽²⁶⁷⁾ Consequently, in 2021, the Portuguese High Commissioner for Migration consolidated an 'unaccompanied children sub-group' under its coordination mechanism to ensure the provision of better services for this target group.⁽²⁶⁸⁾ Further, a national referral mechanism and protocol were developed to prevent, detect, and protect child trafficking victims in Portugal.⁽²⁶⁹⁾

265 UNHCR, 'Portugal Fact Sheet' (February 2022). Available at: <https://www.tunhcr.org/623469d0f.pdf>.

266 EC, 'Applicants and Beneficiaries of International Protection in Portugal: Asylum 2021 Statistical Report' (18 June 2021). Available at: https://ec.europa.eu/migrant-integration/library-document/applicants-and-beneficiaries-international-protection-portugal-asylum-2021_en.

267 EC, 'Applicants and Beneficiaries of International Protection in Portugal: Asylum 2021 Statistical Report' (18 June 2021). Available at: https://ec.europa.eu/migrant-integration/library-document/applicants-and-beneficiaries-international-protection-portugal-asylum-2021_en.

268 UNHCR, 'Portugal Fact Sheet' (February 2022). Available at: <https://www.tunhcr.org/623469d0f.pdf>.

269 EMN, 'Portugal 2021' (2022). Available at: https://home-affairs.ec.europa.eu/system/files/202208-/EMN_factsheet2021_PT.pdf.

Main human rights concerns

After the arrival, if a minor's age is doubted, an age assessment is conducted⁽²⁷⁰⁾ also through invasive medical examinations, as the Asylum Act does not contain a limitation on its use. Furthermore, the Asylum Act does not fully transpose all the requirements set at the EU level on the right to information of the unaccompanied children regarding the age assessment procedure, in particular with regards to the methods used and to the consequences of results.

Until 2016, unaccompanied children, together with certain categories of vulnerable asylum applicants such as pregnant women and seriously ill persons, were exempted from detention at the border and channelled to an admissibility procedure in national territory. However, at the beginning of 2020, they were subjected regularly to border procedures in practice. In 2019, at least 14 asylum applications lodged by unaccompanied minors were processed under a border procedure⁽²⁷¹⁾,

despite they should be prioritised as vulnerable applicants and treated with special procedural guarantees.

In the 2020 Concluding Observations, the UN Human Rights Committee addressed the administrative detention of unaccompanied children in Portugal, especially in airport facilities, expressing concern "about the lack of clear legislation in this respect" and calling on the state to ensure that guarantees are in place to protect child asylum seekers, in particular, if unaccompanied, ensuring that they have access to adequate education, health, social and psychological services, and legal aid.⁽²⁷²⁾

Aid organisations supporting unaccompanied asylum-seeking minors in Portugal are:

- Caritas Portugal
- IOM Portugal
- Jesuit Refugee Service – Portugal
- Lisbon Project
- Padre Alves Correia Centre (CEPAC)
- Platform for Support to Refugees

270 Asylum Information Database, 'Country Report: Portugal' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-PT_2021update.pdf.

271 Asylum Information Database, 'Country Report: Portugal' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-PT_2021update.pdf.

272 Human Rights Committee, 'Concluding Observations on the fifth periodic report of Portugal', 28 April 2020.

- Portuguese Catholic Work for Migration
- Portuguese Immigration and Borders Service (SEF)
- Portuguese Institute for Social Security
- Portuguese Refugee Council (Conselho Português para os Refugiados, or CPR)
- Santa Casa de Misericórdia de Lisboa
- UNHCR Portugal
- UNICEF Portugal

Romania

Latest figures on arrivals and asylum applications

In 2022, Romania received a total of 12,065 asylum seekers, of whom 270 were unaccompanied minors, in comparison to 1551 unaccompanied minors registered in 2021, indicating a sharp decrease.

Reception conditions and legal assistance

Following their entry into Romania, minor

asylum seekers are faced with unhygienic reception centres, poor interpretation services, and a lack of standardised protection across the country. Children have reported receiving insufficient information that is not modified to suit their needs.⁽²⁷³⁾ As a result of these issues, the organisation Logos NGO has documented cases of unaccompanied minors living in abandoned houses, as well as cases of child prostitution.⁽²⁷⁴⁾

Save the Children Romania has also raised concerns about the legal representation provided for unaccompanied minors. While the majority of these minors are appointed legal representatives upon their arrival, they rarely meet them in person and are unable to contact them directly. Instead, representatives' involvement is limited to assisting children during interviews and signing their documents, and no assistance is provided to help minors access their social benefits and rights. The minimal involvement of representatives can be

273 EC, 'Analytical Report on the Unaccompanied Asylum Seeker and Refugee Children in Romania' (30 June 2021). Available at: https://ec.europa.eu/migrant-integration/library-document/analytical-report-unaccompanied-asylum-seeker-and-refugee-children-romania_en.

274 FRA, 'Migration: Key Fundamental Rights Concerns' (2021). Available at: https://fra.europa.eu/sites/default/files/202112/-fra-2021-migration-bulletin-3_en.pdf.

attributed to the lack of a clear framework for establishing their duties, and to the country's substandard interpretation services, which intensify the language barriers.⁽²⁷⁵⁾

Main human rights concerns

The number of persons prevented from entering Romania in 2021 was 69,589, with 13,409 being illegally pushed back to Serbia. NGOs including KlikAktiv have reported violence perpetrated by Romanian police officers including beatings, humiliation, and threats, mostly against Syrian and Iraqi citizens.⁽²⁷⁶⁾ Meanwhile, 751,951 Ukrainian citizens have been allowed to enter Romania since April 2022, reflecting an extremely discriminatory migration strategy.⁽²⁷⁷⁾

According to UNHCR Romania⁽²⁷⁸⁾, the lack of active involvement of legal representatives in the asylum procedures of unaccompanied minors is due to the

current legislation regarding the duties of the legal representative. There is neither clarity nor coherence between the Asylum Act, concerning international protection, and the Child Protection Act, regarding more specifically children's rights, and no guidelines have been drafted on the role of the legal representative in the asylum procedure.

Aid organisations supporting unaccompanied asylum-seeking minors in Romania are:

- Generatie Tanara Romania
- IOM Romania
- Jesuit Refugee Service – JRS Romania
- Romanian Forum for Refugees and Migrants
- Romanian National Council for Refugees
- Save the Children Romania
- UNHCR Romania
- UNICEF Romania

275 Save the Children, 'Romania: Unaccompanied Children Caught in an Invisible Crisis' (8 April 2021). Available at: <https://www.savethechildren.net/news/romania-unaccompanied-children-caught-invisible-crisis>.

276 KlikAktiv, 'New Developments on the Balkan Refugee Route: Illegal Pushbacks from Romania to Serbia' (2021). Available at: https://www.proasyl.de/wp-content/uploads/Report-pushbacks-from-Romania-to-Serbia_final.pdf.

277 Asylum Information Database, 'Country Report: Romania' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-RO_2021update.pdf.

278 Asylum Information Database, 'Romania - Legal representation of Unaccompanied Children', May 2022. Available at: <https://asylumineurope.org/reports/country/romania/asylum-procedure/guarantees-vulnerable-groups/legal-representation-unaccompanied-children/>

Slovakia

Latest figures on arrivals and asylum applications

A total of 500 first-time asylum seekers arrived in Slovakia in 2022, of whom 70 were unaccompanied minors.⁽²⁷⁹⁾ As for the year 2021, the number of unaccompanied minors arriving was not recorded, however, 67 unaccompanied minors were granted tolerated stay.⁽²⁸⁰⁾

Reception conditions and legal assistance

Slovakia has implemented restrictive immigration policies since the refugee crisis in 2015 and has regularly enforced immigration detention as a punitive practice.⁽²⁸¹⁾ Because the country does not allow large numbers of migrants to enter, many illegal migrants are found in Slovakia. Yet following the Russian aggression against Ukraine, Slovakia declared a

state of emergency and amended its laws to allow the granting of temporary protection status for Ukrainian refugees. Within months, approximately 360,000 persons fled Ukraine, 90% of whom were women and children. Additionally, Slovak authorities coordinated with various actors to provide Ukrainian migrants with immediate and basic necessities.⁽²⁸²⁾ It is highly concerning the 'presumption of majority'⁽²⁸³⁾ enshrined in Article 127 of the Act on Residence of Foreigners, providing that a person claiming to be an unaccompanied child shall be considered an adult until the results of the medical age assessment examination prove the contrary and such results cannot be appealed. As a consequence, no guardian is appointed to the person in the interim period. On the contrary, according to EU and international law, age assessment procedures should be undertaken only in cases of reasonable doubt about the age

279 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

280 Prezidium Policajneho zboru Urad Hranicnej a cudzineckej policie, 'Statisticky Prehl'ad Legalnej a Nelegalnej Migracie Cudzincov na Slovensky' (2021).

281 Global Detention Project, 'Slovakia.' Available at: <https://www.globaldetentionproject.org/countries/europe/slovakia>.

282 CoE, 'Report of the fact-finding mission to the Slovak Republic' (5 July 2022). Available at: <https://rm.coe.int/report-of-the-fact-finding-mission-to-the-slovak-republic/1680a72646>.

283 Global Detention Project, 'Slovakia.' Available at: <https://www.globaldetentionproject.org/countries/europe/slovakia>.

of the person concerned, and with a view to the best interest of a child.

Main human rights concerns

In the first half of 2021 alone, 175 unaccompanied minors were detained. These children have access to education only after three months in detention and receive inadequate health care, due to a lack of medical personnel speaking languages other than Slovak and lack of interpreters, and in peak times insufficient clothing and other basic necessities.⁽²⁸⁴⁾ Slovakia should cease the detention of children on the basis of their immigration status and put in practice alternatives to detention that allow them to live in non-custodial, community-based contexts, without the requirement of having to prove the possession of unreasonably high daily subsistence funds.

Moreover, authorities should collect and publish data on the number of minors apprehended so far by immigration authorities, their age, country of

origin, the ground and length for their detention. There have been concerns about unaccompanied minors who have gone missing from foster homes and the inefficiency in locating them⁽²⁸⁵⁾. Almost all unaccompanied children placed in foster homes disappeared between 2015 and 2019, and there were no specific efforts to search for them.⁽²⁸⁶⁾ There are often delays in identifying a guardian for an unaccompanied child, which can result in delayed access to the formal process of searching for a family or starting asylum procedures. Legal counselling is rarely provided, and in most cases, the child disappeared before the process of appointing a guardian is completed. Slovakia should ensure that unaccompanied minors receive appropriate protection and, as a matter of urgency, establish a register of disappeared unaccompanied children and conduct search operations for those children, in cooperation with other States

284 UNHCR - Submission For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: 3rd Cycle, 32nd Session, 2019. Available at: <https://www.refworld.org/pdfid/5c52c5e97.pdf>

285 UNHCR - Submission For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: 3rd Cycle, 32nd Session, 2019. Available at: <https://www.refworld.org/pdfid/5c52c5e97.pdf>

286 UNHCR - Submission For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: 3rd Cycle, 32nd Session, 2019. Available at: <https://www.refworld.org/pdfid/5c52c5e97.pdf>

as necessary.

It is therefore apparent that unaccompanied minors in Slovakia are in urgent need of an official vulnerability assessment procedure that consistently ensures the protection of their rights, particularly during age disputes.

Aid organisations supporting unaccompanied asylum-seeking minors in Slovakia are:

- Caritas Slovakia
- IOM Slovakia
- Liga za ľudské práva (Human Rights League)
- Slovak Humanitarian Council
- UNHCR Slovakia
- UNICEF Slovakia

Slovenia

Latest figures on arrivals and asylum applications

A total of 6,645 asylum seekers applied for international protection in Slovenia in 2021, 255 of whom were unaccompanied minors,⁽²⁸⁷⁾ in comparison to 5,301 asylum seekers applicants in 2021, 782 of whom were unaccompanied minors.⁽²⁸⁸⁾ Only 55 unaccompanied minors were granted a temporary stay in 2022.

Reception conditions and legal assistance

Asylum seekers in Slovenia face challenges in accessing the asylum procedure that are further aggravated by new amendments to the International Protection Act (IPA) that came into force in 2021. The amendments introduced new exceptions to the asylum procedure, shorter timelines for lodging judicial reviews, and other procedural changes that limit the rights of asylum seekers,

287 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

288 Asylum Information Database, 'Country Report: Slovenia' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-SI_2021update.pdf.

hindering their right to an effective remedy and to judicial review. Following the changes, the government was heavily criticised by NGOs for being too restrictive, and for violating the Slovenian Constitution.⁽²⁸⁹⁾

Unaccompanied minors in Slovenia are also no longer protected by lawyer-client privilege. Legal guardians are instead required to disclose any information they might have that could negatively affect an applicant's case, which violates the principle of lawyer-client confidentiality stipulated in the Constitution and compromises the trust of unaccompanied minors in their guardians. Additionally, the Government Office for the Support and Integration of Migrants has reported on a lack of adequate accommodation and systematic care provided for unaccompanied minor asylum seekers.⁽²⁹⁰⁾

Slovenian reception centres are extremely overcrowded, especially those hosting migrants quarantining as per COVID-19 regulations. Due to the lack

of capacity in 2021, some migrants were forced to quarantine in containers under inhumane conditions, and their freedom of movement was limited even after the quarantine period ended, as they were not permitted to leave reception centres without permission.

Main human rights concerns

Migrants in Slovenia do not have access to alternatives to detention, and unaccompanied migrant children were still being detained in the Foreigners Centre in 2021, while unaccompanied asylum seekers were accommodated in student dormitories or asylum homes. The IPA amendments also limited the rights of asylum seekers during their integration process, as firstly, the period during which beneficiaries are granted financial assistance for accommodation was shortened. Secondly, applicants who do not pass their language exams within one year of obtaining international protection can be removed from the country's unemployment register,

289 Asylum Information Database, 'Country Report: Slovenia' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-SI_2021update.pdf.

290 European Union Agency for Fundamental Rights, 'Migration: Key Fundamental Concerns' (2021). Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin-2_en.pdf.

thereby impacting access to financial sustenance. It is especially difficult to pass these language exams given the lack of language courses offered, and the limited number of exam terms each year.

Slovenia has also adopted amendments to the Foreigners Act allowing police officers to return or detain irregular migrants at the border.⁽²⁹¹⁾ As a result, more than 10,000 Afghani, Pakistani, Bengali, and Turkish irregular migrants were detained in 2021, and an eight-year-old unaccompanied child has filed a complaint with the UN Child Rights Committee over abuses faced at the Slovenian border. The child had been subjected to a chain pushback, first being forcibly returned to Croatia, then returned to Bosnia and Herzegovina by Croatian authorities, violating the right to seek asylum as well as the prohibition on torture.⁽²⁹²⁾

Aid organisations supporting unaccompanied asylum-seeking minors in Slovenia are:

- Caritas Slovenia
- Catholic Church in Slovenia
- Christian Organisations Against Trafficking Network
- IOM Slovenia
- Jesuit Refugee Service – JRS Slovenia
- Maltese Aid Association Slovenia
- Order of Malta in Slovenia
- Slovenian Global Action (SLOGA)
- UNHCR Slovenia
- UNICEF Slovenia

Spain

Latest figures on arrivals and asylum applications

In 2022, a total of 116,135 people sought asylum in Spain, of whom 1,585 were unaccompanied minors,⁽²⁹³⁾ while in 2021, around 33,706 people arrived irregularly by sea to the Spanish mainland, islands,

291 European Union Agency for Fundamental Rights, 'Migration: Key Fundamental Concerns' (2021). Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin-2_en.pdf.

292 Child Rights International Network, 'Press Release (from ECCHR): Rohingya Child Challenges Croatia and Slovenia over Violent Pushbacks' (6 July 2022). Available at: <https://home.crin.org/readlistenwatch/stories/child-pushbacks>.

293 Eurostat, 'Unaccompanied minor asylum applicants by type of applicant, citizenship, age and sex – annual aggregated data' (29 March 2023, *EC Europa*). Available at: https://ec.europa.eu/eurostat/databrowser/view/migr_asyumacta/default/table?lang=en

and enclaves in North Africa,⁽²⁹⁴⁾ of whom 3,307 were unaccompanied minors; an estimated 1,025 died or went missing that year. The majority of migrants originated from Morocco, Algeria, and Cote⁽²⁹⁵⁾ d'Ivoire.

Reception conditions and legal assistance

The country's reception services are reportedly extremely inadequate and unequipped to deal with large numbers of pending applications and age assessments, with poor sanitary conditions and a lack of access to health and education services. The UNHCR has also expressed concern about inappropriate age assessment processes in Spain.⁽²⁹⁶⁾

As many migrants arrive at Spain's islands and enclaves, a lack of transfers from those islands to the mainland has resulted in their destitution and homelessness. The Spanish Ombudsman has also criticised the overcrowding and deprivation of

liberty faced in the reception centres. This is especially the case in the Canary Islands, where reception centres including El Matorral and Las Raíces have a shortage of trained personnel to identify and refer vulnerable asylum seekers to relevant services, as well as a lack of psychological and legal support for asylum seekers.⁽²⁹⁷⁾

Main human rights concerns

Border pushbacks have been an ongoing issue in Spain. In 2021, 8,000 migrants reached Ceuta by sea after swimming for around 36 hours. Of these migrants, 4,000 were immediately expelled after facing brutal violence by Spanish border police, including 2,000 unaccompanied minors. Around 700 additional unaccompanied minors were transferred to Tetuan in Morocco in 2021,⁽²⁹⁸⁾ and while Spain claims that the returns are legal and in accordance with its readmission agreement with Morocco, the summary deportations of these minors to Morocco

294 UNHCR, UNICEF and IOM, 'Refugee and Migrant Children in Europe Accompanied, Unaccompanied and Separated' (2022).

295 Statista Research Department, 'Unaccompanied foreign minors in Spain – Statistics & Facts' (1 Feb 2022). Available at: https://www.statista.com/topics/8907/unaccompanied-foreign-minors-in-spain/#topicHeader_wrapper.

296 HRW, 'Spain: Events of 2021' (2021). Available at: <https://www.hrw.org/world-report/2022/country-chapters/spain>.

297 European Union Agency for Fundamental Rights, 'Migration: Key Fundamental Concerns' (2021). Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin-2_en.pdf.

298 Asylum Information Database, 'Country Report: Spain' (2021 Update). Available at: https://asylumineurope.org/wp-content/uploads/202204/AIDA-ES_2021update.pdf.

without conducting any procedures to identify their best interests has been strongly condemned by the UN Committee on the Rights of the Child for violating fundamental human rights and refugee laws.⁽²⁹⁹⁾

Though the Spanish Ombudsman and the UN Child Rights Committee have obliged Spain to amend its asylum laws and procedures, and organisations including Amnesty International and Save the Children have urged Spain to assess the needs of the children and ensure their best interests, no action has been taken on the ground.⁽³⁰⁰⁾ Furthermore, the NGO SOS Racismo has observed a pattern of systematic racial and ethnic discrimination evident in the border police's pushing back and targeting certain migrants;⁽³⁰¹⁾ the Spanish government granting temporary protection status to

over 10,000 persons fleeing Ukraine since March 2022 confirms this.⁽³⁰²⁾

Civil society organisations have reported violations in Spanish detention centres including alleged torture, humiliating treatment, and hate crimes in the Aluche detention centre in Madrid,⁽³⁰³⁾ and detainees do not have access to effective judicial protection or any procedural safeguards or complaints mechanisms. There are currently seven detention centres for foreign migrants and asylum seekers in Spain, plus plans to renovate and convert La Piñera (a former prison) into a detention facility, or Centros de Internamiento de Extranjeros (CIE). Additionally, while it is illegal under Spanish law to detain vulnerable asylum seekers, in practice, exceptions are in fact made to detain unaccompanied children and victims of trafficking.⁽³⁰⁴⁾

299 European Center for Constitutional and Human Rights, 'UN Committee condemns Spain's push-back policy.' Available at: <https://www.ecchr.eu/en/case/un-committee-condemns-spains-push-back-policy/>.

300 Euronews, 'Spain defends the return of unaccompanied child migrants to Morocco' (16 August 2021). Available at: <https://www.euronews.com/2021/08/spain-defends-the-return-of-unaccompanied-child-migrants-to-morocco>.

301 European Union Agency for Fundamental Rights, 'Migration: Key Fundamental Concerns' (2021). Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin-2_en.pdf.

302 Asylum Information Database, 'Country Report: Spain' (2021 Update). Available at: https://asylumineurope.org/wp-content/uploads/202204/AIDA-ES_2021update.pdf.

303 European Union Agency for Fundamental Rights, 'Migration: Key Fundamental Concerns' (2021). Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin-2_en.pdf.

304 Asylum Information Database, 'Country Report: Spain' (2021 Update). Available at: https://asylumineurope.org/wp-content/uploads/202204/AIDA-ES_2021update.pdf.

Aid organisations supporting unaccompanied asylum-seeking minors in Spain are:

- Asociación Comisión Católica Española de Migraciones (ACCEM)
- Caminando Fronteras
- Caritas Internationalis
- Federation of African Associations in the Canary Islands (Federación de Asociaciones Africanas en Canarias)
- OIM España (Organización Internacional para las Migraciones/ IOM Spain)
- Jesuit Migrant Service (SJM Spain)
- Madrid for Refugees
- ONG Rescate (translates to "NGO Rescue")
- Open Cultural Centre
- SOS Racismo
- Spanish Commission for Refugee Aid (Comisión Española de Ayuda al Refugiado, or CEAR)
- UNHCR Spain
- UNICEF Spain

Sweden

Latest figures on arrivals and asylum applications

In 2022, Sweden received a total of 14,045 first-time asylum applications, 580 of whom were unaccompanied minors. As for the year 2021, a total of 11,419 individuals applied for asylum in Sweden, 507 of whom were unaccompanied children—a dramatic drop from 35,000 unaccompanied minor applicants in 2015.⁽³⁰⁵⁾ Most applicants in 2021 originated from Syria, Afghanistan, and Somalia, and 77% of all applications were rejected.⁽³⁰⁶⁾

Reception conditions and legal assistance

Sweden is known for its well-established humanitarian and asylum policies, which incorporate international human rights standards.⁽³⁰⁷⁾ Unaccompanied minors are rarely detained in practice, never accommodated with adults, and

305 Statista Research Department, 'Number of Asylum Applications from Unaccompanied Minors in Sweden 2011-2022'. Available at: <https://www.statista.com/statistics/1299862/sweden-number-asylum-applications-unaccompanied-minors/>

306 Asylum Information Database, 'Country Report: Sweden' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-SE_2021update.pdf

307 UNHCR, 'In Dialogue with Sweden, Experts of the Committee against Torture Commend the Implementation of Human Rights Standards and Ask about Pre-Trial Detention Conditions' (10 November 2021). Available at: <https://www.ohchr.org/en/press-releases/202111/dialogue-sweden-experts-committee-against-torture-commend-implementation>

are given a daily allowance covering clothes, medical services, and leisure activities. Municipalities are responsible for the reception of unaccompanied minors and the assignment of their legal guardians, and once a child receives a residence permit, a new guardian is appointed to support their integration into the community.⁽³⁰⁸⁾ Yet there has been a noticeable shift towards more restrictive asylum policies in the wake of the 2015 migration crisis, starting with the introduction of the Temporary Alien Act.⁽³⁰⁹⁾ While the temporary limitations ceased in 2020, certain permanent changes were incorporated into Swedish law, such as the promotion of temporary residence permits, limiting family reunification, and further restrictions on prerequisites for permanent residence permits.⁽³¹⁰⁾ These changes reflect a move from a perspective of integration and

resettlement to a temporary solution, depriving unaccompanied minors of a sense of stability and belonging, as well as the ability to plan their life and future, leaving them in a condition of "social and civic limbo".

Main human rights concerns

The Swedish response to migrants from Afghanistan has been very deterrent with extremely high rejection rates—nearly four times higher than they were before the crisis.⁽³¹¹⁾

The medical community has heavily criticised Sweden's use of unreliable methods in age assessment procedures, including measuring knee joints, and the great weight the age assessment carries in the application process.⁽³¹²⁾

Aid organisations supporting unaccompanied asylum-seeking minors in Sweden are:

308 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-guardianship-systems-developments_en.pdf

309 Marianne Garvik and Marko Valenta, 'Seeking Asylum in Scandinavia: a comparative analysis of recent restrictive policy responses towards unaccompanied Afghan minors in Denmark, Sweden and Norway' (2021) 9(15) Comparative Migration Studies.

310 Statista Research Department, 'Number of Asylum Applications from Unaccompanied Minors in Sweden 2011-2022'. Available at: <https://www.statista.com/statistics/1299862/sweden-number-asylum-applications-unaccompanied-minors/>.

311 Marianne Garvik and Marko Valenta, 'Seeking Asylum in Scandinavia: a comparative analysis of recent restrictive policy responses towards unaccompanied Afghan minors in Denmark, Sweden and Norway' (2021) 9(15) Comparative Migration Studies.

312 Asylum Information Database, 'Country Report: Sweden' (2021). Available at: https://asylumineurope.org/wp-content/uploads/202205/AIDA-SE_2021update.pdf.

- Caritas Sweden
- Centre for Refugee Solidarity
- Flyktinggruppernas Riksråd (FARR) –
Swedish Network of Refugee Support
Groups
- IOM Finland (Responsible for projects
in Sweden)
- Rädda Barnen (Swedish Save the
Children)
- Swedish Red Cross
- Swedish Refugee Advice Centre
- UNHCR Sweden
- UNICEF Sweden

Conclusions

Migrant children, and most of all unaccompanied children, are amongst the most vulnerable groups of people on the planet. They are often subjected to the same criminalisation and inhumane treatment as adult migrants. Borders in particular can be dangerous places for them, as they are often regarded with suspicion by officials who cast doubt on their age and on their reasons for fleeing or travelling on their own. They can be subjected to violence or arbitrary and prolonged detention by border guards. In some situations, they have no access to appropriate identification, age assessment procedures, family tracing, and/or the appointment of a guardian or legal representative.

Immigration controls should never override the best interest of the child. All European states have ratified the Convention on the Rights of the Child, which obliges them to give special protection and assistance to children deprived of their family environment, and to consider every child's best interest as

a primary factor in all actions concerning the child. According to the principle of non-refoulement, unaccompanied children should never be rejected or expelled at the border. Additionally, no unaccompanied child should be kept in structures characterised by conditions of promiscuity or forms of de facto detention, in compliance with the ban envisaged by Article 37 of the UN Convention on the Rights of the Child ("no child shall be deprived of his/her liberty unlawfully or arbitrarily"), and shall instead be placed in specific reception facilities for minors. Placing children in detention is never in the best interest of a child; on the contrary, it is always at odds with their fundamental rights and is likely to have a negative and irreversible impact on their psycho-physical development. These facilities are not suitable places for children, especially when paired with a migration experience that has already been traumatic.

There is often a striking difference in treatment between unaccompanied and accompanied minors, as this report has shown. Accompanied minors have more

guarantees of safety, despite generally having a family environment of support. In Malta, for instance, the detention of unaccompanied asylum-seeking children is frequent, while the detention of asylum-seeking children with families is rare. Additionally, authorities do not implement policies to identify and monitor unaccompanied minors that consider the fact that they are underage and on their own, and disappearances occur as a result—for instance, 78% of all unaccompanied minor applicants in Austria disappeared in 2021. Also apparent is a clear gap in services targeting unaccompanied minors, and in ensuring their education and integration into society, as evident in Portugal, Ireland, and France.

Migrant children, especially those who are unaccompanied, should be automatically considered as a vulnerable group, and their distinct needs should be immediately addressed upon arrival by competent authorities and organisations with specific and relevant expertise. The primary step should always be to allow unaccompanied

minors to enter the territory of an EU state, and to accommodate them in first reception facilities for minors for the purposes of providing first aid, guidance, and other forms of immediate assistance. The second step should not be to automatically decide on an individual's age, the outcome of their application, or their return to another country, but rather to designate a guardian as swiftly as possible to represent the interests of the child by informing them of their rights, present options, events expected to unfold in the immediate future, and their longer-term responsibilities.

A timely provision of proper guardianship is fundamental for the concrete application of the best interests of the child, and is central to establishing a course of appropriate action for finding durable and suitable solutions for unaccompanied or separated children. Not only is this the best way to protect against any negligence by authorities in the host country or abuse from traffickers, but it will also centre the individual child—building mutual trust and shaping a new form of reception and

protection that is truly responsive to a person’s unique needs and wishes. Poland has been criticised, as the guardians appointed for concrete proceedings or a set of proceedings remain distant from the child, impeding decision-making and the ability to assess the best interests of children across fields such as education, medical care, and so on.

The legal guardian can also be the right expert to ask questions and identify features in the child that require the attention of other adults, especially psychosocial or health specialists, as well as interpreters, religious personnel, people from the child’s country of origin or community, other children, etcetera, according to priorities singled out by the guardian or expressed by the child themselves. In cases of justifiable doubts as to a child’s declared age and the impossibility of confirming using a personal data document, this multidisciplinary dialogue and cooperative approach between the legal guardian, child, and other possible experts could also lead to the identification of the age, avoiding any

invasive medical age assessment. Indeed, as reported in this work, one of the main obstacles standing between children and the right to safeguards and protection is their timely identification as minors, particularly in Malta and Ireland. Another obstacle is the lack of benefit of doubt on the age of unaccompanied minors, which leads to their detention in dangerous “waiting zones” with adults, exposing them to security risks, as is the case in France and the Czech Republic.

These children have no control over their circumstances, whether they are not considered full people due to their age—and are therefore deemed incapable of making proper decisions—or are designated as adults against their will and hence still not considered credible. They eventually find themselves prone to distress, violence, and exploitation, not only in their countries of origin and transit but in their destination countries, which prolongs, rather than eases, their trauma. As highlighted in this text, there are several shortcomings in each of the EU Member States in regard to dealing with

unaccompanied children. Most notable are the systematic beatings on the Hungarian border and the pushbacks of 72,787 people to Serbia in 2021, as well as the chain pushbacks in Slovenia to Croatia and then to Bosnia and Herzegovina, greatly impacting minors’ psychosocial health.

It is extremely likely that there are greater numbers of rights violations and illegitimate practices occurring in each EU country than those documented here. The reason behind this is a general and persistent lack of official data, or disaggregated data, on unaccompanied minors. Especially affected are smaller and often overlooked countries like Latvia, Lithuania, and Luxembourg, leading to minimal knowledge of the situations there. Still, the shortcomings across Europe that have been reported are undoubtedly in stark contrast with both European and international law, and are particularly contrary to the provisions of the UN Convention on the Rights of the Child listed below.

- Article 2 (non-discrimination);
- Article 3 (best interests of the child);
- Article 6 (right of life, survival and development);
- Article 12 (right of the child to express his or her views freely);
- Article 18 (appointment of a guardian or adviser and legal representative);
- Article 20 (care and accommodation arrangements);
- Article 22 (refugee children);
- Article 24 (right of health);
- Article 27 (right to an adequate standard of living);
- Article 37 (inhumane treatment and detention).
- Inspired by the principle of the best interest of the child, above all, the following procedures should be guaranteed in each EU country for unaccompanied minors: they must never be pushed back; they must not be detained, and must be accommodated in reception facilities designed for minors; they must have the right to be heard and treated like a child throughout all administrative

procedures concerning their status;
and they must be assisted by a
promptly appointed guardian that is
an expert on the topic, and who will
develop a relationship of mutual trust
with the child.



Euro-Med Human
Rights Monitor

الأورومتوسطي لحقوق الإنسان

+41 78 679 24 15

+41 229295703

Regus - Geneva Balexert Tower - Avenue
Louis-Casaï 18 - 1209 - Genève-Switzerland
Geneva- Headquarters

 www.euromedmonitor.org

 Geneva@euromedmonitor.org