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2025.36 Separated Migrant Children

**European Migration Network
Ad-hoc query**

October, 2025

AD-HOC QUERY ON 2025.36 SEPARATED MIGRANT CHILDREN

REQUESTED BY EUROPEAN COMMISSION ON 4 AUGUST 2025

Exported for: Unrestricted Dissemination

Responses from: EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden **(24 in total)**

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BACKGROUND INFORMATION

In the EU migration and asylum context, 'separated children' are those migrant children who arrive to the EU territory accompanied by adults other than their parents or legal guardians - for example, relatives, or other non-related but known adults-who do not have established rights to care for and represent them.

EU asylum law does not define 'separated children', but relies on the definition in Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) on the Treatment of unaccompanied and separated children outside their country of origin: "Separated children are children, as defined in article 1 of the Convention, who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members." Although this definition does not include non-related adults that the child may have met and formed a bond with during the migratory route, in the EU asylum context this is a relevant type of situation that should be acknowledged and assimilated to the notion of 'separated children'.

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'Separated children' are clearly in a different situation from the 'classic' unaccompanied minors, who arrive to the EU territory not accompanied by any adult to care for them. However, when the adults accompanying these children and caring for them do not have recognised representation powers under the law of the EU Member State or its practice, they are legally considered as 'unaccompanied minors' for the purposes of EU asylum law. According to Article 2(1) of the Qualifications Directive (2011/95/EU), an 'unaccompanied minor' means "[...] a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States". [The same definition was laid down in the current Asylum Procedures Directive (2023/32/EU) and Reception Conditions Directive (2013/33/EU) and is maintained across the Pact legislation.]

Note that this query is about the 'separated children' only, and not about unaccompanied minors in general. The query also does not cover Ukrainian children, or groups of children, who arrived to the EU accompanied by a representative designated under Ukrainian law, and whose representation mandate must be recognised in the EU Member States. [For further details on this topic see the FAQ on unaccompanied and separated children fleeing from war in Ukraine.]

Both the current asylum legislation and the Pact legislation differentiate between the notion of 'representative' and the notion of the adult person who is 'responsible' for the care of the child. [See Annex for a compilation of the relevant provisions]. In the context of the Pact legislation, the 'responsible' adult is considered as a 'family member', whereas the 'representative' must be qualified (have the necessary level of skills and expertise to represent the child in the context of the asylum procedure), be vetted, receive continuous relevant training, etc. Note that the mandatory requirements for the appointment of 'representative' in the Pact legislation (qualifications, vetting, training) constitute a change by comparison to the current CEAS legislation, which includes no such requirements, except for representatives who assist the unaccompanied minors in the context of Dublin procedures [see Annex for the relevant provision]

The adults who accompany the 'separated children' are migrants themselves and are usually an important positive point of reference and support for the children throughout the otherwise traumatic experience of migration or forced displacement. There may also be situations in which the child may be drawn into illegal activities carried out by the accompanying adults (trafficking, smuggling). Whether the relationship is beneficial or detrimental to the child can only be established with the best interests of the

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child in mind. In some Member States, legislative or ad hoc solutions have been developed to ensure adequate protection for the children while enabling a continuation of the relationship with the accompanying adults where this is in line with the best interests of the child.

In the context of preparations for the entry into force of the Pact legislation, it is important to obtain updated and comparable information about this specific category of unaccompanied children, namely the 'separated children', and about the way in which their protection needs are addressed in the Member States. How the relationship between the separated children and the accompanying adults is being treated has important implications in terms of the reception conditions, procedural guarantees and assistance that they will receive in the context of the different types of asylum procedure (normal, accelerated, border procedures).

Seeing that this ad-hoc query has more than six questions and is launched during the holiday period it will count for reporting purposes as two ad-hoc queries.

Please see separately uploaded Annex for a compilation of the relevant legal provisions.

WE WOULD LIKE TO ASK THE FOLLOWING QUESTIONS:

We would very much appreciate your responses by **15 September 2025**.


1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.

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2. If the answer to the Q.1 is 'yes', please briefly explain.
3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.
4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.
5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.
6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed
7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.
8. If the answer to Q.7 is 'yes', please give examples.
9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.

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RESPONSES

		Unrestricted Dissemination ?	
	EMN NCP Austria	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No. --- Source: Ministry of the Interior</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>n/a --- Source: Ministry of the Interior</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be</p>


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			<p>formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>No.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>n/a</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>Yes.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>In Austria, the representation (in the Austrian context also referred to as guardianship) of children is regulated in the General Civil Code (Art. 158ff). These provisions apply to all</p>
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			<p>children, including migrant children. According to the General Civil Code, the representation of a child encompasses the areas of care, education, asset management and legal representation (Art. 158ff General Civil Code). If a child is not represented by their parents, another suitable person is appointed as representative by court, taking into account the best interest and the wishes of the child (Art. 204f General Civil Code). In line with these provisions, the accompanying adult can be appointed by court as representative for the separated child. --- Source: Ministry of the Interior</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>Yes. --- Source: Ministry of the Interior</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>During the admission procedure, applicants for international protection are normally accommodated in federal reception facilities. In practice, the District Commission Baden can issue so-called "powers of attorney for care" for separated children accommodated in the federal reception facility in Traiskirchen to the</p>
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			<p>accompanying adults. These are, however, not legally binding and do not establish any form of legal representation for the child (Report of the Commission for the Best Interest of the Child, 2021, p. 115f).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No, the Belgian legislation only refers to unaccompanied minors. No distinction is made between the different types of unaccompanied minors.</p>

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			<p>(Source: The Guardianship Service)</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>Not applicable.</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>No, the Belgian legislation does not provide this.</p> <p>(Source: The Guardianship Service)</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>Not applicable.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>Yes, the Belgian legislation makes it possible for the accompanying adults to apply to be</p>
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			<p>recognised civil guardian.</p> <p>In Belgium, a distinction is made between the civil guardianship, which is governed by the Civil Code, and the guardianship for unaccompanied minors, which is governed by the Programme Law of 24/12/2002. A civil guardian is appointed by the Justice of Peace and is appointed if both parents of the child are deceased, both parents are legally unknown or both parents are permanently unable to exercise parental authority. The civil guardian is someone from the child's environment or a lawyer. The Justice of Peace is responsible for monitoring and supervising the civil guardian.</p> <p>A guardian for unaccompanied minor is appointed by the Guardianship Service and is appointed for unaccompanied minor only (this measure never concerns Belgian children). The guardian is then someone who has undergone training at the Guardianship Service and is monitored by the Guardianship Service and the Justice of Peace.</p> <p>The main difference between the two is that unaccompanied minors are not allowed to live at the same address as their appointed guardian, whereas it is possible for them to live at the same address as their civil guardian.</p> <p>The accompanying adult can thus apply at the Justice of Peace to be recognised civil guardian of the minor. The Justice of Peace will then investigate whether the parents are in a permanent state of factual inability to exercise parental authority. If this is the case, it may appoint that accompanying adult as civil guardian if the adult is willing to take on this role and understands the implications of the role.</p> <p>(Source: The Guardianship Service)</p>
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			<p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>The civil guardian has parental authority over the young person and must manage the belongings.</p> <p>(Source: The Guardianship service)</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>If the unaccompanied adult is staying at a private address, the unaccompanied minor may live with there, in which case there is the possibility of a recognition as foster parent.</p> <p>There is also a referral flow for unaccompanied minors who stay with accompanying adults/ family members at a private address. For now, this procedure is only formally established in the Flemish Community.</p> <p>When Fedasil (Federal Agency for Reception of Asylum Seekers) assigns a reception place for an unaccompanied minor in a family setting within its reception network, the possibility of joint reception is explored. The arrangement depends on the needs of both the unaccompanied minor and the accompanying adult. Several options are available:</p> <ul style="list-style-type: none">- Joint placement in a family setting: The unaccompanied minor and the accompanying adult are accommodated together in a family setting. In this case, the adult is expected to take responsibility for the care of the minor.
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- Placement in the same reception structure, but in different units: Both the minor and the adult are accommodated in the same reception facility. However, the minor stays in a designated section for unaccompanied minors, while the adult is placed in a separate area of the same structure.
- Separate placements in nearby facilities: The unaccompanied minor is assigned to a co-financed place in youth care—such as a residential group for very young children or children with special needs who cannot stay in a collective centre. The accompanying adult is housed in a reception centre located in the same area.

If the unaccompanied minor and the accompanying adult choose not to be accommodated together in a family reception setting, the reception staff will support and facilitate regular contact between them.

(Source: The Guardianship Service and Fedasil)


8. If the answer to Q.7 is 'yes', please give examples.

If the accompanying adult is appointed as a foster parent, the adult must be responsible for the daily care and education of the unaccompanied minor. In addition, it will be agreed in mutual consultation with the guardian who will take on which tasks.

(Source: The Guardianship Service)

9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a

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			<p>breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>Statistics are kept on the number of unaccompanied minors applying for international protection, but no separate distinction is made between "separated children" and other unaccompanied minors.</p> <p>The data system of Fedasil keeps track of whether an unaccompanied minor is staying with a family member. However, this has to be noted manually in the unaccompanied minor's file, which means that the data underestimates the actual situation.</p> <p>(Source: The Guardianship Service and Fedasil)</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>At present, national legislation in the field of foreigners, asylum and refugees does not contain specific provisions that take into account the specific nature and interests of "separated migrant children" as a whole.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p>


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			<p>N/A</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>Legislation in the field of foreigners, asylum and refugees does not provide a specific opportunity for accompanying adults to be officially recognised as "responsible" or "representatives" of the "separated children" they accompany.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>N/A</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>Legislation in the field of foreigners, asylum and refugees does not provide a specific opportunity for accompanying adults to be officially recognised as "responsible" or "representatives" of the "separated children" they accompany.</p> <p>An unaccompanied minor seeking international protection may only be represented by a lawyer, entered in the legal aid register of the National Legal Aid Bureau, designated by the Chairman of the bureau or by an official authorised by him.</p>
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			<p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>N/A</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>It is within the competence of the State Agency for Refugees (SAR) to indicate the possibilities during the international protection procedure for "separated children" and accompanying adults to maintain close relations and in what form.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>-</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)?</p>
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		<p>YES/NO. If yes, please indicate.</p> <p>The Agency for Social Assistance collects data on unaccompanied refugee children (classic cases) who are subject to protection measures under the terms and conditions of the Law on Child Protection (LCP). The data collected does not distinguish between unaccompanied children and unaccompanied "separated" children.</p> <p>The State Agency for Refugees (i.e. the authority competent for conducting the procedure for international protection in the Republic of Bulgaria) collects data about the number of unaccompanied minors applying for international protection, their country of origin, sex and age.</p> <p>Please find below a link with statistical data on persons seeking international protection. https://aref.government.bg/en/%D0%B0%D0%BA%D1%82%D1%83%D0%B0%D0%BB%D0%BD%D0%B0-%D0%B8%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%8F/actual-information</p>
 EMN NCP Croatia	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No! The legislation of the Republic of Croatia does not contain special provisions for children who qualify as "separated" within the meaning of Art. 8 of the General Comment No. 6 of the</p>

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			<p>UN Committee on the Rights of the Child (2005), including children who are accompanied by non-related adults. Such children are treated as unaccompanied children in the Croatian legal framework regardless of the presence of an accompanying adult.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>n/a</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>No! The legislation of the Republic of Croatia does not provide possibilities for the accompanying adults to be formally recognized as responsible for the accompanied separated children. Children who arrive accompanied by adults who are not their parents are treated as unaccompanied children and the authority responsible for social welfare matters appoints a special guardian who is trained to work with children and has no conflict of interest with the child.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>n/a</p>
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5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.

Yes

6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed


To protect certain property and personal rights as well as the interests of the child, the Croatian Institute for Social Work may appoint a special guardian for a separated child in the person who accompanies a separated child. The special guardian shall be obliged to represent the child and safeguard his or her interests within the scope of authority conferred by the decision of the Croatian Institute for Social Work (for instance, in proceedings concerning the child's placement, the fulfilment of healthcare needs, the administration of property, and similar matters). However, for a person to be appointed as a special guardian, it is necessary that they meet the conditions laid down by the Family Act of the Republic of Croatia. Consequently, it is extremely rare for an accompanying adult to be appointed as a special guardian of a separated child. In most cases, a special guardian for separated children is appointed from among the professional staff of the Croatian Institute for Social Work.

7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout

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			<p>the asylum procedure? YES/NO.</p> <p>Yes</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>Although accompanying adult probably will not be formally appointed as a special guardian or legal representative of an unaccompanied child, in practice the closeness and relationship between children and adults can be maintained. If a separated child is over 16 years of age, accommodation may be provided in a reception centre for applicants for international protection, where adults and children accompanied by their legal guardians are accommodated. In this way, separated children over the age of 16 may remain with the accompanying adult and maintain a close relationship with them. It should be emphasized that, in such cases, the separated child continues to have a special guardian appointed to represent and protect his or her rights and interests, appointed from among the professional staff of the Croatian Institute for Social Work.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No. The Republic of Croatia does not collect or maintain separate statistical data on the number of separated children who arrived on the territory of the Republic of Croatia to apply for international protection.</p>
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	EMN NCP Cyprus	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>NO, Cyprus does not legislate any special provisions for the expanded notion of "separated children" as described. Such children are automatically handled under the unaccompanied minor framework, with no specific recognition of adult relationships formed during migration.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>N/A</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>NO – In Cyprus, accompanying adults of separated children cannot be formally recognised in</p>


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			<p>law as responsible for the children. Only the state (through SWS) assumes legal guardianship and representation</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>N/A</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>NO – Cypriot law reserves the role of representative exclusively for the state authorities (SWS / Commissioner for Children's Rights), and does not recognise accompanying adults as formal representatives of separated children.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>N/A</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout</p>
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			<p>the asylum procedure? YES/NO.</p> <p>YES – In Cyprus, informal/ad hoc solutions (through SWS practice) can and do allow separated children to preserve a close relationship with the accompanying adults during the asylum process, although these adults are not legally recognised as responsible or representative.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>Social Welfare Services (SWS), as the formal guardian, may arrange for the child to remain physically with the accompanying adult, provided this is assessed as being in the best interests of the child.</p> <p>Example: placing both the child and the accompanying adult in the same reception facility, or assigning the adult as a foster carer under SWS oversight.</p> <p>Where the adult is a close relative (e.g. aunt, uncle, older sibling), SWS may use foster care procedures or semi-independent living schemes to maintain the bond, while legal responsibility remains with SWS.</p> <p>Even with non-related adults (friends, community members), SWS can exercise discretion to allow regular contact and co-residence if considered safe and beneficial.</p> <p>These arrangements are practical, not statutory – the adult has no formal legal powers, but the child's relationship with them can be preserved in daily life.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)?</p>
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			<p>YES/NO. If yes, please indicate.</p> <p>NO – SWS does not hold or report specific data on separated children distinct from other unaccompanied minors. All are counted together under the category “unaccompanied minors.”</p>
 <p>EMN NCP Czech Republic</p>	<p>Yes</p>		<p>1. Does the legislation of your country make special provisions for children who qualify as ‘separated’ as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No.</p> <p>2. If the answer to the Q.1 is ‘yes’, please briefly explain.</p> <p>N/A</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p>

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			<p>Yes. If a child arrives accompanied by an adult (especially a distant relative), that adult can be formally recognised as a guardian (i.e., formally recognized as responsible). However, our legislation only recognises the term "unaccompanied minor."</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>They accompany them and are responsible for them in everyday matters/tasks, i.e. both the process and the conditions of admission (e.g. medical care).</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>Yes.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>See Q4, there is no distinction in CZ.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout</p>
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			<p>the asylum procedure? YES/NO.</p> <p>No – see Q5, the accompanying adult would always be appointed as representative.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No. Since separated children do not constitute a special legal category/there is no legal definition, collecting statistical data is not possible.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p>

Ad-Hoc Query on 2025.36 Separated Migrant Children

			<p>No. In Estonia, "separated" children are not treated as a separate category; in this context, we speak of unaccompanied minors.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>Yes and no. There is a possibility to be formally recognised as responsible for the unaccompanied minor(s) (as we do not have "separated" children as a separate category), namely formal guardianship can be applied for through the court. It is not stipulated by the law, thus the answer is yes and no to this question.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>No. In Estonia, we only have the possibility to apply for formal guardianship (or be in the</p>
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Ad-Hoc Query on 2025.36 Separated Migrant Children

			<p>position of performing the duties of a guardian) through court, we do not hold formally recognized representative roles.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>Yes</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>Communication is not restricted between unaccompanied minors and accompanying adults during asylum procedure and it is encouraged to apply for legal guardianship through court.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)?</p>
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Ad-Hoc Query on 2025.36 Separated Migrant Children

			<p>YES/NO. If yes, please indicate.</p> <p>No. Estonia collects data about unaccompanied minors arriving from Ukraine since 2022. Estonia does not hold or collect data distinguishing separated children from the other unaccompanied minors.</p>
+	EMN NCP Finland	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No. Finland treats all children arriving without their legal guardian as unaccompanied minors. When a child arrives with a relative, this relationship is verified, efforts are made to ensure that they will be staying in the same accommodation. These children will be appointed an official representative.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>N/A</p>


Ad-Hoc Query on 2025.36 Separated Migrant Children

			<p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>No, it depends on the relationship. All the children, who arrive with someone other than their legal guardian, are registered as unaccompanied minors. In the case that an unaccompanied minor arrives with a relative such as a sibling (must be over 18 years) they might be placed in same reception center. However this requires a verification of their relationship.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>N/A</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>No.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>N/A</p>
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Ad-Hoc Query on 2025.36 Separated Migrant Children

			<p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>Yes.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>When an unaccompanied minor arrives with a relative such as sibling (must be over 18 years) they might be placed in same reception center. However this requires a verification of their relationship.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No.</p>
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	EMN NCP France	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>YES</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>Firstly, it is necessary to review the definition of unaccompanied minors (UAMs) in French law. In France, recognition of unaccompanied minor status is based on three cumulative criteria: minority, isolation and foreign nationality. With regard more specifically to the concept of isolation, the decree of 20 November 2019, adopted pursuant to Article R. 221-11 of the Social Action and Families Code (CASF), relating to the procedures for assessing minors who are temporarily or permanently deprived of the protection of their families, stipulates that 'a minor is considered isolated when no adult is legally responsible for them on the national territory or effectively takes care of them and shows a willingness to have them placed in their care on a long-term basis, in particular by applying to the competent judge'. As such, the presence of members of the extended family (uncles, aunts, cousins, etc.), provided that they do not have parental authority over the minor, does not call into question their isolation. Thus, in accordance with this provision, separated children for whom the accompanying adult has not expressed a willingness to take responsibility and has not been granted responsibility are considered unaccompanied minors under French law.</p> <p>Upon arrival on French territory, individuals claiming to be minors and temporarily or permanently deprived of family protection are referred to child welfare services (ASE) so that</p>
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			<p>they can be placed in shelter and their minority and isolation status can be assessed. In order to benefit from child protection rights, individuals presenting themselves as unaccompanied minors must undergo an assessment of their minority and isolation. This assessment is the responsibility of the departmental council.</p> <p>The assessment of minority status and isolation takes place during the period of temporary emergency accommodation, following a respite period provided for by the law of 7 February 2022, during which the person receives health and social care and has their health needs identified. The assessment of minority status and isolation is carried out by the departmental services or, by delegation, by an association authorised and supervised by the departmental council. The assessment is based primarily on information provided to the president of the departmental council by the representative of the State in the department following consultation of the minority assessment support file, one or more interviews, with the assistance of the prefect to verify the authenticity of civil status documents and the assistance of the judicial authority when forensic examinations appear necessary.</p> <p>When the president of the departmental council concludes that a person is a minor and isolated, it refers the matter to the judicial authority. If the judicial authority recognises the person's minority and isolation, it may refer the case to the National Mission for Unaccompanied Minors, which is responsible for implementing the guidance system for unaccompanied minors, taking into account the best interests of the child and the national distribution key. The unaccompanied minor concerned will then be placed in a department by judicial decision. In the best interests of the child, particular attention is paid to any ties that may exist with persons present on French territory (uncles, aunts, cousins, etc.).</p> <p>Any minor taken into care outside their parents' home up to the fourth degree is placed under the responsibility of the public authorities. This protection is provided by the president of the departmental council (Article L.227-1 of the Social Action and Families Code). As such, in the presence of a separated minor accompanied by a responsible adult, the president of the departmental council shall assess the situation of danger or risk of danger in accordance with Article L.226-3 of the Social Action and Families Code. If there is a risk to the minor in</p>
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			<p>remaining with the accompanying adult, the departmental council refers the matter to the public prosecutor's office for a temporary placement order and proceeds to place the minor in a shelter.</p> <p>The departmental council shall assess the minor's needs and the accompanying adult's abilities. Pending verification of the accompanying adult's suitability, the minor may be placed with the ASE on a temporary basis. At the end of the assessment, the matter is referred to the judicial authority for the purpose of pronouncing a protective measure (placement with a trustworthy third party or with child welfare services) or for the purpose of pronouncing a measure of delegation of parental authority.</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>YES</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>In educational assistance, accompanying adults may be entrusted with separated children if they express this wish to the juvenile court judge in the context of placement with a trustworthy third party (Article 375-3, paragraph 2) if the protection of the child so requires. Article L. 221-2-1 of the Social Action and Families Code (CASF) also provides for the possibility, when a child is taken into care by the child welfare service (ASE) on grounds other than educational assistance, of entrusting them to a third party, within the framework of long-term voluntary foster care. This type of care, which can be particularly beneficial for wards of</p>
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			<p>the state or unaccompanied minors taken into care by the departmental guardianship service, may be implemented when it is in the child's best interests, following a thorough assessment of their situation. It takes place in the home of a third party, preferably chosen from among people already known to the child, or from among other volunteers likely to be able to provide long-term care.</p> <p>A preliminary assessment is carried out to evaluate the emotional and material context in which the third party lives and to determine their ability to take in and support the child on a daily basis, in view of the child's interests and needs (particularly in terms of emotional stability).</p> <p>When a child has been entrusted to a trustworthy third party or to a third party in the context of long-term voluntary foster care, parental authority continues to be exercised by the minor's legal representatives (parents or guardian). However, the person to whom the child has been entrusted performs all usual and unusual acts relating to the child's supervision and education (Article 373-4 of the Civil Code).</p> <p>The delegatee of parental authority may be regarded as the minor's legal representative in the context of his or her asylum application only where the delegation of parental authority is either total or, if partial, expressly includes the assistance and legal representation of the minor in the context of the administrative and judicial proceedings relating to his or her asylum application.</p> <p>In the context of placement with a trustworthy third party, the latter undertakes, for the duration of the measure ordered by the judge, to guarantee the well-being, safety and proper development of the protected child. Placement with a volunteer third party is subject to regular assessment and is terminated as soon as it no longer meets the child's basic needs. The trusted third party or long-term volunteer host must ensure the minor's good health, education, schooling, socialisation, etc. If the minor so wishes, this person may assist them with their procedures, in particular with preparing their asylum application. During the interview, the OFPRA may allow unaccompanied minors to be accompanied by an unauthorised trusted third party. Their presence is subject to prior authorisation by the French</p>
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Ad-Hoc Query on 2025.36 Separated Migrant Children

			<p>office for the protection of refugees and stateless persons (OFPRA). The trusted third party is entitled to compensation for the costs of educating and maintaining the minor entrusted to them by court order in accordance with the provisions of Articles L. 228-3 and R.228-3 of the Social Action and Families Code. Long-term and voluntary foster carers may receive the same compensation in accordance with the provisions laid down in the social assistance regulations of their department of residence. Articles D.221-24-2 to D.221-24-4 of the CASF lay down the procedures for supporting and assessing foster care with a trusted third party. Articles D.221-16 to D.221-22 of the CASF set out the terms and conditions for supporting and assessing foster care with a third party in the context of long-term and voluntary foster care.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>YES</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>Legal representation for unaccompanied minors varies from one territory to another. Judicial practices differ, with each court free to adopt the procedural framework it deems most appropriate based on the specific characteristics of its jurisdiction, in accordance with legal provisions. Due to the vulnerable situation faced by unaccompanied minors and the lack of protection from their families, the appointment of a legal representative is a priority; either directly through the establishment of guardianship or delegation of parental authority, or through the</p>
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preliminary measure of educational assistance.


- Delegation of parental authority (Article 377 of the Civil Code): in cases of manifest disinterest or if the parents are unable to exercise all or part of their parental authority, the family court judge may order a measure of delegation of parental authority. The competent departmental council requests its implementation. When the child concerned is subject to an educational assistance measure, the delegation can only take place after consultation with the juvenile court judge.
- Guardianship: the family court judge decides on guardianship, at the request of the public prosecutor or the care facility, for any minor whose father and mother are deceased or unable to exercise parental authority. Unaccompanied minors may be placed under the guardianship of the child protection service acting on behalf of the president of the departmental council appointed as guardian.

With regard more specifically to the situation of separated minors, if an adult takes charge of the minor and demonstrates their willingness to have them placed in their care on a long-term basis, they have several options available to them. They can apply to the family court judge to obtain delegated parental authority or guardianship of the young person, or submit a request to the juvenile court judge to be granted custody of the minor as a trustworthy third party. In addition, an ad hoc administrator may be appointed to represent a minor in a specific procedure when their legal representatives are unable to do so or when the minor's interests are contrary to those of their legal representatives. The powers of representation are then limited to the designated task. With regard to unaccompanied minors wishing to apply for asylum, the ad hoc administrator will therefore have a mandate limited to representing the UAM in the context of the asylum application. With regard to unaccompanied minors wishing to apply for asylum, the ad hoc administrator will therefore have a mandate limited to representing the UAM in the context of the asylum application. The ad hoc administrator is then appointed by the public prosecutor from a list of legal entities or individuals whose constitution is determined by decree of the Council of State (Article L.521-10 of the Code on the Entry and Stay of Foreign Nationals and the Right of Asylum - CESEDA).

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			<p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>n/a</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>n/a</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>NO</p>
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Ad-Hoc Query on 2025.36 Separated Migrant Children

	EMN NCP Germany	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>Yes.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>Unaccompanied minors generally have the rights under the law on Child and Youth Welfare Act (Social Code VIII).</p> <p>In Germany, when an unaccompanied minor refugee enters the country, all necessary measures must be taken to protect the child's welfare on the basis of the Social Code VIII (SGB VIII).</p> <p>Unaccompanied minors must be taken into care and provided with the necessary support in accordance with the Social Code.</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>Yes.</p>
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			<p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>Within the framework of taking into care pursuant to Section 42 of the SGB VIII, the youth welfare office must immediately obtain a decision from the family court on the measures necessary for the welfare of the child. For the taking into care of an unaccompanied minor, § 42 (3) sentence 4 SGB VIII stipulates that the youth welfare office is obliged to arrange for the immediate appointment of a guardian or custodian. The family court is responsible for ordering guardianship (Section 1773 German Civil Code [BGB]), selecting the guardian (Section 1779 BGB), and formally appointing them (Section 1789 BGB) in accordance with Section 1774 BGB.</p> <p>Accompanying adults may also be appointed as guardians or custodians who are not legal guardians upon entry and therefore do not change the status of 'unaccompanied.'</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>Yes.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>see above, No. 4.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or</p>
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representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.

Yes.

8. If the answer to Q.7 is 'yes', please give examples.

This is examined as part of the youth welfare office's assessment of the child's welfare in the case of temporary custody and also as part of the youth welfare office's assessment of permanent custody.


Section 42a (2) SGB VIII expressly stipulates:

During temporary custody, the youth welfare office must assess, together with the child or young person,

1. whether the welfare of the child or young person would be endangered by the implementation of the distribution procedure,
2. whether a person related to the child or young person is residing in Germany or abroad,
3. whether the welfare of the child or young person requires joint custody with siblings or other unaccompanied foreign children or young people [...].

9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.

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			<p>Yes, there are many statistical surveys that specifically focus on unaccompanied minors. The German federal government publishes an annual report on unaccompanied minors (UMA) containing comprehensive data and information on UMA in Germany: https://www.publikationen-bundesregierung.de/pp-de/publikationssuche/minderjaehrige-fluechtlinge-2373804 The Federal Office of Administration continuously collects data on the number of unaccompanied minors in Germany who are under the care of child and youth welfare services.</p>
	EMN NCP Greece	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>YES.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>The General Secretariat for Vulnerable Persons and Institutional Protection is the competent authority for all the issues regarding the unaccompanied minors in the country. Its responsibilities regarding unaccompanied minors include the management of accommodation requests for unaccompanied minors, the evaluation of hosting facilities and supervised</p>

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			<p>apartments for minors, the safeguard of the institutional protection of unaccompanied minors, the coordination and supervision of the National Guardianship System and the support with regards to social integration of unaccompanied minors. At the same time, the General Secretariat aims to guarantee and safeguard the rights of all the vulnerable third-country nationals or stateless persons in the country. This includes coordination of actions, services and actors involved in issues of protection of vulnerable persons, interventions to enhance access to their rights as well as measures and initiatives to ensure these rights.</p> <p>Moreover, concerning the procedures at the entry points into Greek territory, according to art 64 of law 4939/2022, the competent authorities, as well as any competent authority establishing the entry into Greek territory of an unaccompanied or separated minor, shall promptly notify the General Secretariat for Vulnerable Persons and Institutional Protection of the Ministry of Migration and Asylum and the nearest Prosecutor's Office.</p> <p>Also, the Reception and Identification Service shall be responsible for the reception and identification of unaccompanied and separated minors in the Reception and Identification Centres or the Closed Controlled Access Centres. In this context, it shall also ensure, through the General Secretariat for Vulnerable Persons and Institutional Protection of the Ministry of Migration and Asylum and the competent Prosecutor, that the daily care of an unaccompanied or separated minor is immediately assigned to an adult blood relative up to the third (3rd) degree or to a person of his friendly environment, provided that this is considered to be in the best interests of the minor, in accordance with Article 66 IA as described in the answers of the questions below.</p> <p>According to Greek law and more specifically according to the definition in point (ιδ) of Article 1 of Law 4939/2022, "minor separated from his/her family" or "separated minor" means a minor who arrives in Greece without being accompanied by a person exercising his or her parental responsibility, in accordance with Greek law or by another person to whom it has</p>
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			<p>been entrusted in accordance with the law, but accompanied by an adult relative who effectively cares for him/her.</p> <p>Apart from unaccompanied minors, separated children also receive guardianship services, in accordance with the National Guardianship System in Greece (art. 66A of law 4939/2022).</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>YES.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>According to art. 66IA of law 4939/2022 as valid, the Prosecutor ordering guardianship may assign, by means of an order, the daily care of an unaccompanied minor to an adult blood relative up to the third degree or an adult person in his/her friendly environment, following an assessment of suitability, in the light of the best interests of the minor. For the purposes of the first sentence, the opinion of the minor shall be taken into account, the relationship between the minor and the adult person shall be assessed and inquiries shall be made as to whether such person is in possession of a permanent or temporary residence permit, consents to and is capable of taking care of the minor. To this end, account shall be taken of the best interest assessment or social report prepared by the guardian or the Reception and Identification Service or another competent authority or child protection agency.</p> <p>So, if there is an adult in Greece accompanying the minor and their relationship must be</p>
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			<p>investigated to determine whether the best solution is to entrust the adult with the minor's daily care, the guardian contributes to investigating the best interests of the minor. If the assignment is successful, the guardian monitors the well-being of the minor and the quality of care they receive.</p> <p>Thus, the relative or close person of the minor assumes the daily care of him/her, which means that the minor is accommodated with him/her and he/she is responsible for the wellbeing of the minor. This includes concern and supervision to ensure adequate and healthy nutrition that meets the minor's needs, age and state of health, adequate and decent garments for the minor, depending on the season of the year, age, development and gender, personal and daily hygiene, preparation of the child for school; activities and associations of the minor, as well as the promotion of positive behavior patterns, prevention of delinquency and strengthening of participation in activities suitable for their age and interests etc.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>YES.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>Note that according to law 4939/2022, the guardianship of UAMs includes three functions: 1) Representation in matters of personal status (due to limited legal capacity, the guardian represents the minor in any administrative or judicial proceeding); 2) Care (the guardian will take appropriate action and cater for matters of housing, medical care, education, daily care</p>
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			<p>without providing services himself/herself but ensuring that they are provided by the competent actors and that the overall well-being of the minor is safeguarded); 3) Assistance in property matters (the guardian will assist the minor in matters of access to benefits, access to the labour market, in accordance with current legal framework, and in other property transactions).</p> <p>According to art. 66Δ of law 4939/22 as valid, the relative or close person of the minor takes over the care of the minor, whereas the other two functions of guardianship remain within the authority of the guardian appointed for the minor.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>N/A</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>-</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a</p>
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			<p>breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>YES. According to the contribution by the Directorate of Information and Communication Technology Applications, data are recorded either at the time of submitting the asylum application or during the examination of the application, and they are categorized as follows:</p> <p>A. Unaccompanied Minors B. Separated Minors</p> <p>Year of asylum application submission: 2021 2022 2023 2024 2025 (έως 31.08)</p> <table style="margin-left: 40px;"> <tr> <td>Unaccompanied Minors</td> <td>2241</td> <td>3178</td> <td>2962</td> <td>4418</td> <td>2035</td> </tr> <tr> <td>Separated Minors</td> <td>56</td> <td>111</td> <td>683</td> <td>454</td> <td>137</td> </tr> <tr> <td>Total</td> <td>2297</td> <td>3289</td> <td>3645</td> <td>4872</td> <td>2172</td> </tr> </table> <p>The table shows the number of the two categories with the requested vulnerabilities. These include individuals for whom either one or the other vulnerability was recorded, as well as those who present both.</p>	Unaccompanied Minors	2241	3178	2962	4418	2035	Separated Minors	56	111	683	454	137	Total	2297	3289	3645	4872	2172
Unaccompanied Minors	2241	3178	2962	4418	2035																
Separated Minors	56	111	683	454	137																
Total	2297	3289	3645	4872	2172																
	EMN NCP Hungary	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p>																		


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			<p>According to Section 33(5) of Government Decree 301/2007 (XI. 9.) on the implementation of the Asylum Act, "An unaccompanied minor may also be placed with a relative if the relative undertakes in writing to provide accommodation, care and support for the unaccompanied minor, and it is clear from the personal relationship between the unaccompanied minor and the relative that the placement is in the best interests of the unaccompanied minor. Besides this, the Hungarian asylum legislation does not make special provisions for children who qualify as 'separated' as described above.</p> <p>On the other hand the legislation in force defines the term "unaccompanied minor" as follows: "a foreign national under the age of eighteen who entered Hungary without being accompanied by an adult responsible for his or her supervision under the law or custom, or who remained unsupervised after entry, until such person is placed under supervision."</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>No See answer to Q1.</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>No</p>
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			<p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>N/A</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>No</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>Not applicable</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>No</p> <p>In such cases, the asylum authority shall proceed in accordance with the general rules applicable to unaccompanied minors.</p>
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			<p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>Not applicable</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No</p>
	<p>EMN NCP Ireland</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No, there is no specific legal provision in Irish Law.[1] Where a child presents in the company of an adult family member such as an older sibling who is supporting the child, the International Protection Office (IPO) will assess the relationship and if satisfied that the child is well cared for, the older sibling will make an application on behalf of the child and represent their best interests throughout the</p>

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			<p>process.[2] In circumstances where a child presents with an adult who is not a sibling, the IPO conduct checks to establish bona fides. These checks include questions about the parent, what the relationship is and assess any documentation.[3] If the International Protection Office (IPO) feels there is a child protection risk because they are concerned about the bona fides of the relationship, the IPO refer to Tusla (the Irish the Child and Family Agency) under the Child Care Act 1991, sending all details gleaned during their assessment. This is not a specific legal provision for separated children.[4] While there is no specific legal provision, Tusla have a 'Separated Children Seeking International Protection' policy available here on their website: https://www.tusla.ie/services/alternative-care/separated-children/ However, for the purposes of this policy, Tusla's definition of a separated child includes unaccompanied minors. Tusla advised that if a separated child was travelling with an adult, who was not a Guardian, and there were queries about the bona fides of the relationship, Tusla would take the child into care under the Child Care Act while an assessment as to the relationship between the non-related adult and the child was being undertaken. Tusla could then potentially reunify the child with the adult. The views of the child could also be taken into consideration.[5]</p> <p>[1] Correspondence with Tusla. Comments received 26.8.2025 [2] Correspondence with the Department of Justice, Home Affairs and Migration, September 2025 [3] Correspondence with the Department of Justice, Home Affairs and Migration, September 2025 [4] Correspondence with the Department of Justice, Home Affairs and Migration, September 2025 [5] Correspondence with Tusla. Comments received 26.8.2025</p>
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2. If the answer to the Q.1 is 'yes', please briefly explain.

NA

3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.

No. Child Care legislation, under which Tusla operates does not provide for this possibility.[1]

[1] Correspondence with Tusla. Comments received 26.8.2025

4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.

NA

5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.

No.

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6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed

NA

7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.

Yes, if the adult is a relative.[1]


[1] Correspondence with the Department of Justice, Home Affairs and Migration, September 2025

8. If the answer to Q.7 is 'yes', please give examples.

Where a child presents in the company of an adult family member, such as an older sibling who is supporting the child, the International Protection Office (IPO) will assess the relationship and if satisfied that the child is well cared for, the adult may make an application on behalf of the child and represent their best interests throughout the process.

If there is no family relationship between the child and the adult, but Tusla have established the bona fides of the relationship and do not have any child protection concerns, the

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			<p>accompanying adult may make an application for international protection on behalf of the child. [1]</p> <p>[1] Correspondence with the Department of Justice, Home Affairs and Migration, September 2025</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No, statistics are not retained on separated children specifically. The IPO and Tusla advised that very few children arrive meeting the definition of a separated child. [1]</p> <p>[1] Correspondence with Tusla. Comments received 26.8.2025; Correspondence with the Department of Justice, Home Affairs and Migration, September 2025</p>
	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the</p>

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			<p>child]? YES/NO.</p> <p>No. Separated children are legally regarded as unaccompanied minors. In Italy, there is no specific legal provision for minors who fall within the category of separated children as defined in Article 8 of General Comment no. 6 of the United Nations Committee on the Rights of the Child (2005). Within the Italian legal system, Law n. 47 of 2017, which sets out protection measures exclusively for unaccompanied minors, entered into force on 6 May 2017.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>N/A</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>In Italy, there is no legislation that provides for accompanying adults to be formally recognized as responsible for the separated children. Also, please see answer to question 5.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p>
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			<p>N/A</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>No. In Italy, there is no legislation allowing accompanying adults to be formally recognized as representatives of the separated children.</p> <p>Indeed, in order to represent the minor, the accompanying adult must be appointed as legal guardian by the Juvenile Court. If the minor does not have a legal guardian, pursuant to Article 19, paragraph 5 of Legislative Decree n. 142/2015, the public security authority must immediately notify the Public Prosecutor at the Juvenile Court for the initiation of guardianship proceedings (pursuant to Articles 343 and following of the Civil Code and the related implementing provisions), and for the ratification of the reception measures already adopted, as well as the Ministry of Labour and Social Policies, using means that ensure confidentiality, in order to guarantee the registration and monitoring of unaccompanied minors. The order appointing the guardian and any other measures relating to guardianship are issued by the President of the Juvenile Court or by a Judge delegated by him.</p> <p>The legal guardian (Articles 343 and following of the Civil Code) is responsible for the care of the minor, representation in all civil acts, and administration of the minor's property, in cases where the parents are suspended from parental authority or are unable to exercise it. The guardian is therefore entrusted with ensuring that the minor enjoys all the rights recognized under the Italian legal system.</p> <p>As a general rule, a minor must never be left without protection: pending the appointment of a guardian, the director of the reception facility to which the minor has been entrusted under Article 403 of the Civil Code is always present to provide support. To avoid potential conflicts of interest, Law n. 184/1983, Article 3, paragraph 2, stipulates that the director of the facility cannot be appointed as guardian.</p>
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			<p>Jurisdiction over the appointment of a guardian for unaccompanied foreign minors lies with the Juvenile Court, which maintains a register of voluntary guardians (Article 11, Law n. 47/2017). This register is open to private citizens, selected and adequately trained by the Regional Children's Ombudspersons and by the Ombudspersons of the Autonomous Provinces of Trento and Bolzano for Childhood and Adolescence.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>Pursuant to Article 357 of the Civil Code, the guardian is responsible for the care of the minor, represents the minor in all civil acts, and administers his or her property. In particular, the guardian must support financially and educate the minor, taking into account the minor's abilities, natural inclinations, and expressed aspirations.</p> <p>In carrying out these duties, the guardian must act solely in the best interests of the minor. Before making important decisions, the guardian must hear the views of the minor if he or she has reached the age of twelve, and also those of younger minors if capable of discernment. The guardian must promptly inform the guardianship judge of any significant matter concerning the minor's person or property and must request the authorizations required by law for acts beyond ordinary administration (Article 358).</p> <p>The guardian is responsible for legally representing the minor and for ensuring that the minor has access to his or her rights without discrimination.</p> <p>In particular, guardians are required to:</p> <p>Promote the physical and psychological well-being of the minor. Support the minor's educational and integration pathways, taking into account his or her abilities, inclinations, and aspirations. Oversee the minor's reception, safety, and protection conditions. Submit applications for residence or international protection on behalf of the minor. Provide informed consent for medical decisions and treatments. Cooperate with social services, residential communities, or foster families responsible for the minor. Manage the minor's assets, if</p>
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			<p>any. The Juvenile Court is responsible for revoking the guardian's mandate in cases where the minor cannot be located, upon reaching the age of majority, in the event of return, or in the case of family reunification. Revocation may also occur if the guardian fails to fulfill the duties assigned.</p> <p>Each guardian may legally represent up to three unaccompanied minors, unless there are specific and compelling reasons (e.g., the presence of siblings).</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>NO</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>N/A</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p>
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			NO. There are overall monitoring of unaccompanied minors without distinction from separated children.
 EMN NCP Latvia		Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>Those migrant children who arrive to the EU territory accompanied by adults other than their parents or legal guardians are treated the same as any child who has been left without custody. A guardian shall be appointed temporarily for this minor by an Orphan's Court, in accordance with the procedures specified by the Civil Law of the Republic of Latvia, while he or she is staying in the Republic of Latvia.</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p>

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			<p>No.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>N/a</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>According to the Civil Law of the Republic of Latvia the guardians may not be foreigners, except for the case when the guardianship passes to the kin or persons who are in a common household together with the minor. The Orphan's Court has a duty, in all cases, to assess the compliance of a person to be appointed as a guardian with the performance of the duties of a guardian.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>If the accompanying adult is appointed as a guardian by the Orphan's Court, the role and tasks are the same as any guardian</p>
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7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.


Yes.

8. If the answer to Q.7 is 'yes', please give examples.

In accordance with the provisions of Section 9, Paragraph six of the Asylum Law of the Republic of Latvia an unaccompanied minor shall be accommodated at the accommodation centre for asylum seekers, placed in a childcare institution or in a foster family. A decision to accommodate an unaccompanied minor at the accommodation centre for asylum seekers, placement in a childcare institution or in a foster family shall be taken by the Orphan's Court in co-operation with the social service, by ascertaining the opinion of the Office. An unaccompanied minor is accommodated at the accommodation centre for asylum seekers or childcare institution until the moment when he or she is ensured appropriate care with a guardian or in a foster family, or it is established that appointing of a guardian or placement in a foster family is not appropriate for the particular unaccompanied minor. In evaluating the bests interests of the child, the Orphan's Court shall take into account the possibility of family reunification of the minor, the welfare and social development of the minor, particularly his or her origin, protection and safety considerations, especially the probability that the minor is a victim of human trafficking, and also the interests and opinion of the minor according to his or her age and maturity, in conformity with the following conditions:

- 1) an unaccompanied minor shall be accommodated together with adult relatives;
- 2) children from one family shall not be separated, except in cases where it is done in the best interests of the children;

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			<p>3) the place of accommodation of an unaccompanied minor shall only be changed if it conforms with the interests of this person.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p>


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			N/A
			3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO. No
			4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed. N/A
			5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO. Yes
			6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed Under Lithuanian law, persons accompanying a child may be appointed as the child's temporary guardians for the period of their stay in the territory of the Republic of Lithuania, provided they meet the legal requirements for guardians. In this capacity, they are formally

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			<p>entitled to represent the child in all matters concerning them (such as in healthcare or educational institutions, and in accessing necessary services and support) and are obliged to ensure the child's best interests.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>Yes</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>Unaccompanied minor asylum applicants or other foreign children for whom the accompanying adult cannot be appointed as a guardian (for example, where it is determined that this would not be in the child's best interests) are accommodated in temporary reception facilities managed by the Reception and Integration Agency. In such cases, the Agency itself is appointed as the child's guardian. However, if the child has arrived with accompanying persons, arrangements are made to enable them to maintain a close relationship throughout the asylum procedure.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a</p>
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			<p>breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>Since the concept of “separated children” is not defined in Lithuania, the country collects data on the number of unaccompanied minors in Lithuania and on the number of unaccompanied minors who have applied for asylum. In the case of temporary protection, data is collected on how many unaccompanied minors have arrived and how many of them were accompanied by adults who were appointed as their guardians.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as ‘separated’ as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No.</p> <p>2. If the answer to the Q.1 is ‘yes’, please briefly explain.</p> <p>N/A.</p>


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			<p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>YES.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>The Family Court Judge (Juge aux affaires familiales) is always consulted when a child is accompanied by a family member who is not their father or mother, in order to determine whether the child should be considered an unaccompanied minor (MNA) or accompanied. If the child is considered accompanied, then the accompanying adult is appointed as guardian by the Family Court Judge, in accordance with the best interests of the child.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>Yes.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>See answer to question 4. In fact, in the case described above, where a child is separated from their parents but accompanied by another relative, and that relative is appointed as guardian by the Family Court Judge, the accompanying adult acts as both the person</p>
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			<p>responsible for the child and the child's legal representative, in the same way a parent would.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>N/A.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>N/A.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>At present, in Luxembourg, we are not in a position to provide figures on "separated children," as no specific data has been collected on the number of such cases over the past five years. The available statistics concern only unaccompanied minors. Separated children are not recorded as a distinct category, since they submit their application together with the responsible adult and are therefore considered and counted as accompanied.</p>
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	EMN NCP Netherlands	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>NO. A minor migrant child will be found to be unaccompanied if they are not accompanied by adult parents or legal guardians. All minors in the Netherlands must be under guardianship – either parental authority or guardianship. For children who apply for asylum, without a parent or parents or guardian in the Netherlands, Nidos provides (temporary) guardianship. Nidos is a national organisation that works on a specific basis, namely the Dutch Civil Code. It guides the minor towards independency and is obliged to intervene when the child's development stagnates or is threatened in any way.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>N/A</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p>

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Yes, any adult person can request a juvenile judge to appoint him or her as a legal guardian. The Dutch Civil Code opens this possibility. The juvenile judge is responsible to review this request. Family members in the Netherlands rarely apply for such a request to be appointed as guardian. The reason is that almost always the minor still has parents in the country of origin. They prefer an independent guardian to take decisions over the child so that they are not responsible. However, it is possible that Nidos approves of the UAM living with a family member in the Netherlands. This is also in line with the Reception Directive. The guardianship system for unaccompanied minors is laid down in law and Nidos as the guardian is appointed by a juvenile court judge. In the case of UAM's the judge will appoint the Nidos foundation as a (temporary) guardian.

4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.

The role and task of a parent apply accordingly to a guardian. Parental authority includes the duty and right of a parent to care for and educate his or her minor child. Care and upbringing include the care and responsibility for the child's mental and physical well-being and safety, as well as promoting their personality development. In caring for and raising the child, parents shall not use mental or physical violence or any other degrading treatment. (article 1:247 Dutch Civil Code jo. article 1:248 Dutch Civil Code.)


5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.

YES. If the accompanying adult is formally recognised (by a juvenile court judge) as the

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			<p>guardian of the child, he or she is formally recognised as representative for the child.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>See the answer to question 4.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>See the answer to question 3.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>The intention of Nidos is always to let the UAM live with a family member in the Netherlands. An exception will only be made if it turns out that the family member(s) is not suitable for the UAM to live with.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a</p>
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			<p>breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>NO.</p>
	EMN NCP Poland	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>NO.</p> <p>The Act of June 13, 2003, on Granting Protection to Foreigners within the Territory of the Republic of Poland Polish legislation does not contain specific provisions addressing the situation of separated children in the sense described above – that is, children accompanied by non-related adults with whom they have formed a bond during the migratory route and who care for them. All cases are proceed as “unaccompanied minors”.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>N/A</p>


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			<p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>YES</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>The Act of June 13, 2003, on Granting protection to foreigners within the territory of the Republic of Poland states that for minors who are not accompanied by adults responsible for them according to the law, an adult relative (grandparents, adult siblings, uncles or aunts /sisters or brothers of mother or father/) may be appointed to act as a foster family if he or she consents to this.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>YES</p>
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			<p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>The accompanying adult (related or non-related), might be appointed as a guardian for a minor in asylum procedure, if he/she has legal capacity and is guaranteeing proper performance of the duties of a guardian.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>YES</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>In asylum procedure an unaccompanied minor might be interviewed in the presence of an adult indicated by him/her, provided that this does not hinder the proceedings. Above that, they can be located in the same reception centre and participate in the same education and integration activities. Close relationship preserved during the long journey together is taken into account. The migration service is not against such contacts as long as they do not violate the child's welfare.</p> <p>9. Does your country collect/hold specific data about the number of separated children who</p>
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			<p>arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>NO Currently Poland collects data only for unaccompanied minors in general, without a special category for separated ones.</p>
	<p>EMN NCP Portugal</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>NO</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>-</p>

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3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.

YES

4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.

Although Portuguese legislation does not contain specific provisions applicable to children who are in a situation of 'separation' as defined above, it does have rules that accommodate the possibility of accompanying adults being formally recognised as responsible for separated children.

This decision may be taken in the context of a promotion and protection process, through the application of the measure of promotion and protection of "trust in a suitable person", and is always subject to the principle of the best interests of the child.

This measure consists of placing the child or young person in the care of a person who, although not a member of their family, has established a relationship of mutual affection with them. The measure may be accompanied by psycho-educational and social support and, where necessary, financial assistance.

This measure is, however, temporary in nature and aims to remove the child from the dangerous situation.

Civil guardianship is a more stable measure and aims to overcome situations in which parents are unable to exercise their parental responsibilities.


It is a civil guardianship measure, and the person who has cared for or is caring for the child or young person and who has shown affection for them may be appointed as their guardian.

It is the guardian's responsibility to exercise parental responsibilities, that is: to ensure aspects of the child's personal life, such as safety, health, maintenance, education; to

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			<p>represent them and manage their assets.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>YES</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>As mentioned in the answer to question number 4, the court may appoint a guardian for the child or young person, who will be responsible, among other duties, for representing them before public and private entities.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>Prejudiced by the answer to question number 4.</p>
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			<p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>-</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>NO</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No.</p> <p>Note: According to the Act on Social and Legal Protection of Children and Social Guardianship, an unaccompanied minor is a child who is not a citizen of the Slovak Republic and is in the territory of the Slovak Republic unaccompanied by a parent or other adult natural person who could be entrusted with personal care. The said Act regulates exclusively the implementation of measures for the social and legal protection of children and social guardianship. The rights</p>

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			<p>and obligations of an unaccompanied minor in asylum proceedings are also regulated by the Asylum Act, which requires that he/she has a court-appointed legal representative (guardian/guardian) in the asylum procedure.</p> <p>In practice, this means that a child who could be entrusted to the care of an adult other than the parent (a relative or a person known to the child) is not considered to be an unaccompanied minor.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>NA</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>Yes.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>A minor may be entrusted to the personal care of a relative or other natural person with whom he or she has a close relationship. Such entrustment is always decided by the court. It is therefore for the judicial authority to assess the merits of each specific case and to rule on such a case. In such a case, the child does not have to be placed in a Centre for Children and</p>
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			<p>Families (Foster home) where unaccompanied minors are placed during the asylum procedure, but may remain with the person appointed as guardian/guardian or the person to whom the court has entrusted the personal care of such a child.</p> <p>This person submits an application for asylum on his behalf (signs the foreigner's declaration), is present during all acts of the proceedings, may propose evidence, submit proposals and statements, is served with documents in the proceedings (including the decision in the proceedings) and, in the event of a negative decision, may lodge an appeal.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>Yes.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>An unaccompanied minor may have a relative appointed as a legal representative (guardian) or another natural person with whom he or she has a close relationship. Such entrustment is always decided by the court. It is therefore up to the court to assess the merits of each specific case and to rule on such a case. In the asylum procedure, the legal representative represents the minor throughout the proceedings. He submits an application for asylum on behalf of the foreigner (signs the foreigner's declaration), is present at all acts in the proceedings, may propose evidence, submit motions and statements, is served with documents in the proceedings (including the decision in the proceedings) and, in the event of a negative decision, may lodge an appeal.</p>
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			<p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>NA</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>NA</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No.</p>
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	EMN NCP Slovenia	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>N/A</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>No.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>N/A</p>
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			<p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>No.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>N/A</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>Yes.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>The International Protection Act does not include the term separate child. Separated children are considered as unaccompanied minors. There is a provision in the International Protection Act that allows applicants that are minors to be accommodated together with adults responsible for them (if it is established that it is in the minor's best interest). A definition of a family member includes "other adults that are responsible for a minor", when such</p>
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			<p>relationship existed before coming to Slovenia. This must be substantiated with some kind of evidence and might be examined/established during an interview (best interests of a child are considered, a social work center must approve that such accommodation is appropriate). In recognised cases, a minor is accommodated with the responsible adult. However, a statutory representative is still appointed to the minor in such cases and is the one legally responsible for representing the minor.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>N/A</p>
	EMN NCP Spain	Yes	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>YES.</p>

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			<p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p> <p>The 'Resolución de 13 de octubre de 2014, de la Subsecretaría', which publishes the Agreement for the approval of the Framework Protocol on certain actions in relation to unaccompanied foreign minors (PMMENA) assumes the possibility that a minor arrives in Spain irregularly with a family member or responsible for him.</p> <p>In Spain, the legal system gives validity to figures representing minors such as guardianship, foster care, guardianship, kafala and foster care.</p> <p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>YES.</p> <p>If the status of "responsible" has been processed in another country, then in order to be valid in Spain the document must be apostilled, translated and cannot go against the Spanish legal system.</p> <p>If, on the other hand, the decision of "responsible", guardian or foster care of the child is decided by the competent Spanish authorities (Court or the Service for the Protection of Minors of the Autonomous Communities) it will be fully valid.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>Depending on the type of representation that has been processed, the adult will have some</p>
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			<p>obligations and duties towards the minor that are established in Organic Law 1/1996, of January 15, on the Legal Protection of the Minor, of partial modification of the Civil Code and of the Law of Civil Procedure.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>YES. See questions 3 and 8.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p> <p>See question 4.</p> <p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>YES.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p>
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			<p>The Framework Protocol on certain actions in relation to unaccompanied foreign minors (PMMENA) establishes that when the minor and the adult have entered the national territory clandestinely or surreptitiously or intending to transfer the Spanish border posts and that minor who does not have sufficient judgment to be heard and the adult claims to have a paternal-maternal biological bond or to be another relative or responsible for the minor, but does not indubitably prove it by documentation or other means. Then the adult will be interviewed privately by qualified staff of the National Police in order to clarify his situation, migratory decision, bond and relations with the minor who accompanies him, in particular destination in Spain, people to whom he will visit or with whom he will remain in our country. If the adult states that he has a paternal-maternal filial relationship, DNA tests are performed on him.</p> <p>If, on arrival, the police officer notices signs of helplessness, the adult is immediately removed from the minor, such facts are reported to the Public Prosecutor's Office and the Child Protection Services, and the minor is referred to a Juvenile Centre.</p> <p>If, on the other hand, there are no indications of homelessness, the 'family' group, after carrying out the relevant immigration procedures in police units, is referred to a humanitarian host entity.</p> <p>Currently in the Canary Islands at the request of the host entities, the Child Protection Service of the Canary Government usually authorizes (administrative resolution) that the child remains with the adult, as long as the host entity where they are not informed of the situation. Before 2022, such resolutions were not usually carried out as a de facto practice.</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)?</p>
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			<p>YES/NO. If yes, please indicate.</p> <p>We were not able to collect the information.</p>
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. Does the legislation of your country make special provisions for children who qualify as 'separated' as described above [i.e. within the meaning of Art. 8 of the General Comment No. 6 of the UN Committee on the Rights of the Child (2005) but also including non-related adults with whom the child has formed a bond during the migratory route and who care for the child]? YES/NO.</p> <p>No, there is no specific legislation that explicitly targets children who are "separated" in the sense described.</p> <p>Under the Dublin Regulation, families and relatives who are separated across different European countries can be reunited during their asylum claim. Unaccompanied children can apply to join a parent, legal guardian or sibling, aunt, uncle or grandparent who is living in Europe.</p> <p>2. If the answer to the Q.1 is 'yes', please briefly explain.</p>

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			<p>3. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as responsible for the accompanied separated children? YES/NO.</p> <p>No. Under Swedish legislation, there are no provisions for accompanying adults to be formally recognized as responsible for the child. These children are generally treated as unaccompanied minors.</p> <p>4. If the answer to the Q.3 is 'yes', please briefly explain the role and tasks attributed.</p> <p>5. Does the legislation of your country provide possibilities for the accompanying adults to be formally recognised as representative for the accompanied separated children? YES/NO.</p> <p>No. If a child arrives in Sweden without their legal guardians but accompanied by another adult (e.g., a relative, neighbour, or family friend), there is no law that automatically recognizes the accompanying adult as the child's representative. In certain exceptional cases, the accompanying adult may be appointed as a legal guardian (god man), but this requires that it is in the best interests of the child, that the person is deemed suitable, and that there is no conflict of interest. This assessment is made by the municipality and the chief guardian (Överförmyndaren), not by the Swedish Migration Agency.</p> <p>6. If the answer to Q.5 is 'yes', please briefly explain the role and tasks attributed</p>
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			<p>7. If there is no legal possibility to appoint the accompanying adults as responsible or representative, are there ad hoc / practical / informal arrangements possible that allow for the separated children and the accompanying adults to preserve a close relationship throughout the asylum procedure? YES/NO.</p> <p>Yes.</p> <p>8. If the answer to Q.7 is 'yes', please give examples.</p> <p>The social services can decide that the child may live with the accompanying adult if it is considered a safe arrangement. In such cases, the adult can become a foster home (familjehem), but does not have any legal representative role – that responsibility remains with the appointed legal guardian (god man).</p> <p>9. Does your country collect/hold specific data about the number of separated children who arrived in your territory to apply for asylum in the last (up to) 5 years? (e.g. do you have a breakdown of data distinguishing separated children from the other unaccompanied minors)? YES/NO. If yes, please indicate.</p> <p>No, because these children are treated as unaccompanied minors within the asylum process.</p>
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