



Funded by the
European Union



Ad-Hoc Query on 2023.24 Guardianship of Unaccompanied minors

Requested by Luxembourg on 26 May 2023

Compilation produced on 1 September 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Sweden plus Norway (23 in Total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. BACKGROUND INFORMATION

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

The Luxembourg Ombudsman for Children and Youth (OKaJu), together with UNICEF Luxembourg, is carrying out research on the situation of unaccompanied minors (UAMs) in Luxembourg. In this context, we would like to collect information on good practices in other EU Member States with a focus on the guardianship of UAMs. The rapid establishment of a specially trained guardian for an UAM is crucial to provide children with the best possible care in terms of protection, procedure, and daily life.

Upon arrival in Luxembourg, an UAM is referred to the international protection procedure (IPP). Currently, an ad hoc administrator, who is a lawyer, is appointed by the family court to assist and represent the young person in the IPP with a possible restriction if the UAM reaches 18 years of age before a decision on his/her international protection application is taken^[1].

At the request of the UAM's reception facility a guardian may be appointed by the same judge for a more comprehensive follow-up.^[2] Often, the appointed guardian is the organisation managing the reception facility housing the minor.^[3] However, a member of the UAM's family, residing in the territory, can also be appointed as a guardian.

The time period to appoint the ad hoc administrator and the guardian can be long, from a few weeks to a few months.

Since the 12 questions below are addressed to the same authorities, they will be launched in one questionnaire for the sake of practicality. **For reporting purposes, however, these 12 questions will count as two ad-hoc queries.**

^[1] Article 20(3) of the Law of 18/12/15 on International Protection and Temporary Protection which states: "The Minister may refrain from appointing an ad hoc administrator to an unaccompanied minor who is likely to reach the age of eighteen before a decision is taken by the Minister.

^[2] Article 20 of the law of 18/12/2015 on the reception of applicants for international protection and temporary protection: the unaccompanied minor shall be appointed a representative as soon as possible, namely a person or organisation designated by the guardianship judge to enable him/her to benefit from the rights and respect the obligations in terms of reception and, where appropriate, to perform legal acts on his/her behalf

^[3] In practice, guardianship is often shared between the Red Cross and Caritas, Adolfo Sommarribas, "Les mineurs en exil", [Forum 364, https://www.forum.lu/wp-content/uploads/2017/07/364_Sommarribas.pdf](https://www.forum.lu/wp-content/uploads/2017/07/364_Sommarribas.pdf)

We would like to ask the following questions:

1. Is there a centralized system in your Member State to appoint a guardian/ad-hoc administrator for UAMs and which ministry or department is responsible for requesting the appointment?

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

- 2. Is there any specific legislation organising the appointment of guardians/ad-hoc administrators for UAMs or does the general civil law apply?**
- 3. How are UAMs informed and accompanied from the outset of the various administrative procedures (international protection application, other applications for residence, reception, schooling, etc.)?**
- 4. Is it possible to appoint a family member residing in the Member State as a guardian for UAM? YES/NO. If the answer is yes, does this have a negative impact on a subsequent application for family reunification by the UAM's parents?**
- 5. What are the criteria (relevant diplomas and certificates, experience in working with UAMs, criminal record to be provided, etc.) a guardian/ad-hoc administrator needs to fulfil to be appointed?**
- 6. Is there an obligation for a guardian/ad hoc administrator to undergo specialised training? YES/NO. If your answer is yes, can you please please elaborate.**
- 7. What are the tasks to be carried out by a guardian/ad-hoc administrator appointed for an UAM?**
- 8. Does your legislation or administrative practice indicate how many unaccompanied minors can be managed (on average) by one guardian/ad-hoc administrator? YES/NO. Please explain your answer.**
- 9. Are there any quality standards, guidelines, official recommendations from the competent authorities, or any other quality assurance elements or mechanisms for the care of an UAM to be followed by an ad hoc administrator/guardian? YES/NO. If you answer YES can you please indicate which are they and if possible can you provide a copy.**
- 10. Is there a system for monitoring the appointment of guardians/ ad-hoc administrators to ensure that the deadlines for their appointment are respected and/or to deal with possible complaints against guardians/ad-hoc administrators?**

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

YES/NO. If your answer is YES, please explain who can lodge a complaint, how does this monitoring system work, and which is the competent authority to do the monitoring?

11. In order to facilitate the communication between the ad-hoc administrator/guardian and the UAM does your Member State provide an interpreting service? YES/NO. If your answer is YES, is this service free of charge? Please explain.

12. Does your Member State have an intercultural mediation system in place for the communication between the minor and the authorities? YES/NO. If your answer is YES, is this free of charge? Please explain.

We would very much appreciate your responses by **25 August 2023**.

2. RESPONSES

1

		Wider Dissemination²	
--	--	--	--

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

=	EMN NCP Austria	Yes	<p>1. Custody as defined in Art. 158 General Civil Code (care, upbringing, legal representation, asset management) is basically the responsibility of the parents. The assumption of custody requires the transfer of custody to the responsible child and youth welfare agency or another suitable person (e.g. relatives) by the guardianship court. In Austria, custody decisions are the responsibility of the district courts (Art. 109 para 1 Court Jurisdiction Act). There is no central Austria-wide authority.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>2. In Austria, the general civil law regulations on custody are found in the General Civil Code (Art. 158ff General Civil Code), which also apply to unaccompanied minor aliens.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>3. A legal advisor provides legal advice and legal representation to minors whose interests cannot be safeguarded by their legal representatives from the moment of their arrival at the initial reception center. The legal advisor assists underage minors in filing applications for international protection. Underage minors whose legal representative is the legal advisor may only be questioned in the presence of the legal advisor. The Federal Agency for Reception and Support Services is responsible for handling basic care for aliens in need of assistance and protection within the federal government's area of responsibility. In its federal care facilities, the Basic Care Division provides all unaccompanied minor refugees with a comprehensive brochure in a form appropriate to their age and stage of development with general information about the asylum procedure in Austria, available</p>
---	-----------------------	-----	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

in English, Dari/Farsi, Arabic, Somali and German. A "Who is Who" flyer for initial information was also developed and designed specifically for this target group.

In the federal care facilities, workshops with different pedagogical foci tailored to specific target groups are also offered regularly. In addition, unaccompanied minors have the opportunity to discuss questions and problems on a bilateral level with their primary caregivers around the clock every day. The Federal Agency for Reception and Support Services also offers an organized daily structure in cooperation with external partners and specialized institutions.

Source: Ministry of the Interior

4.

In principle, according to Art. 204 para 1 General Civil Code, the court has to entrust another suitable person with custody, taking into account the best interests of the child, if neither parents, grandparents, or foster parents are or can be entrusted with custody. If relatives of the unaccompanied minor refugee are staying in Austria, they seem to be considered as guardians in principle. No, the entrustment of custody to a family member staying in Austria has no influence on the (future) family reunification of the parents with the minor.

It should be noted that in Austria, there is no assumption of custody as defined in Art. 158 General Civil Code within the framework of the provision of basic care. The assumption of custody requires a transfer to the responsible child and youth welfare institution by the guardianship court. The temporary placement and care of unaccompanied minor refugees in federal care facilities has no influence on the basic responsibility of the respective locally responsible child and youth welfare authorities, especially since child and youth welfare and basic care pursue different objectives. As a rule, the responsible child and

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>youth welfare authorities only applies for custody once the unaccompanied minor refugee has been accepted into the basic care of the provinces.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. The law does not define any clear criteria, however, when selecting "another person for custody ... special consideration shall be given to the best interests of the child." This also includes that, among other things, the wishes of the child are to be taken into account, provided that they are in the best interests of the child (Art. 205 para. 1 General Civil Code). In addition, the prospective candidate must notify the court of any circumstances that make him or her appear unsuitable. If this notification is culpably omitted, the person is liable for all disadvantages resulting for the minor child (Art. 206 para. 1 General Civil Code). On the other hand, a "particularly suitable person" may only refuse to be entrusted with custody if this would be unreasonable for him or her (Art. 206 par. 2 General Civil Code).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. No.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>7. Pursuant to Art. 158 para 1 General Civil Code, custody of a minor child includes care, upbringing, asset management and (legal) representation in these and all other matters.</p> <p>---</p>
--	--	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>Source: Ministry of the Interior</p> <p>8. Although the Federal Agency for Reception and Support Services is responsible for handling the basic care of aliens in need of assistance and protection in the federal government's area of responsibility (see question 3 above), it is not entrusted with the care and upbringing of unaccompanied minor refugees in the federal basic care system and, with the exception of legal representation in asylum proceedings, is not a legal representative before authorities or courts. The responsibility for assuming or exercising custody is incumbent on the respective locally responsible child and youth welfare agency. See also answer to question 4.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>9. No, see answer to question 8.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>10. No, see answer to question 8.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>11. No, see answer to question 8.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>12. No, see answer to question 8.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	EMN NCP Belgium	Yes	<p>1.</p> <p>Note: sources used are the Belgian Guardianship Service and the Handbook for Guardians (Book 1: Guardianship service and the role of the guardian; Book 2: Psychosocial support for unaccompanied minors; Book 3: International protection and special residence procedure; Book 4: Other procedures and documents; Book 5: Reception and support; Book 6: Daily life and Book 7: Rights of unaccompanied minors (published in March 2022) which is available in Dutch and French on: https://justice.belgium.be/fr/themes/enfants_et_jeunes/mineur_etrangere_non_accompagne_mena/manuel_des_tuteurstutrices.</p> <p>Answer: Yes, the Guardianship Service (Dutch: Dienst Voogdij / French: Service Tutelle) (justice.belgium.be/fr/themes_et_dossiers/enfants_et_jeunes/mineurs_etrangers_non_accompagne/service_des_tutelles). The Guardianship Act (see Q.2) created the Guardianship Service, which became responsible for organising specific guardianship of unaccompanied minors. The Guardianship Service is attached to the Federal Public Service (FPS) Justice because of several reasons. Firstly, to ensure the independence of guardianship service vis-à-vis migration authorities (belonging to the FPS Home Affairs). Also, the FPS Justice has traditionally been responsible for guardianship (the justice of the peace appoints a civil guardian) and finally because of the links between unaccompanied minors and the issues of human trafficking and the fight against prostitution networks.</p> <p>The Guardianship Service is composed of a multidisciplinary team and has as its main tasks:</p> <ul style="list-style-type: none"> Receiving alerts from various authorities/entities regarding potential unaccompanied minors (explanation: Any authority that has knowledge of the presence of a person at the border or in the

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>territory who looks under 18 or declares to be under 18 and appears to meet the definition of an unaccompanied foreign minor must notify the Guardianship Department and notify the Immigration Office immediately. Non-governmental authorities may also notify the Guardianship Service in such a situation. This is not an obligation but recommended);</p> <ul style="list-style-type: none"> • Checking whether the reported persons meet the definition of an unaccompanied foreign minor; • If there is any doubt about the minority, have the age verified by medical examination carried out by a doctor; • Check whether reception is required; • Appoint a guardian; • Ensure that a durable solution in the best interests of the minor is sought by the competent authorities within the shortest possible time; • Recognise guardians, ensure they receive adapted training and, if necessary, withdraw their recognition; • Grant subsidies to associations whose employees carry out guardianships for the Guardianship Service (such as Caritas, Red Cross Flanders and Exil); • Monitor the quality of the work of the guardians by assigning them each a social expert from the Guardianship Service as a reference person who provides support and organises evaluation moments. <p>2. Yes, the Guardianship Act of 24 December 2002 (in Dutch: Programmawet (I) (art. 479) - Titel XIII - Hoofdstuk VI : Voogdij over niet-begeleide minderjarige vreemdelingen, gewijzigd bij artikel 385 van de programmawet van 22 december 2003, en het koninklijk uitvoeringsbesluit ervan van 22 december 2003 / in French: Titre XIII, chapitre 6 de la loi-programme du 24 décembre 2002, relatif à la tutelle des mineurs étrangers non accompagnés, modifié par l'article 385 de la loi-programme du 22 décembre 2003, et son arrêté royal d'exécution du 22 décembre 2003), and the Royal Decree of 22 December 2002 (in Dutch : Koninklijk besluit tot uitvoering van Titel XIII, Hoofdstuk 6 " Voogdij over niet-begeleide minderjarige</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>vreemdelingen " van de programmawet van 24 december 2002/ in French: Arrêté royal portant exécution du Titre XIII, Chapitre 6 " Tutelle des mineurs étrangers non accompagnés " de la loi-programme du 24 décembre 2002). Both available on: https://justice.belgium.be/fr/themes_et_dossiers/enfants_et_jeunes/mineurs_etrangers_non_accompagne/legislation.</p> <p>3. Since this is a rather broad question, please check also the Handbook for Guardians (Book 1: Guardianship Service and the role of the guardian and the other books for more information, available in French and Dutch on: https://justice.belgium.be/fr/themes/enfants_et_jeunes/mineur_etranger_non_accompagne_mena/manuel_des_tuteurstutrices). Check also the answer for Q.7 on the tasks to be carried out by the guardian.</p> <p>The Guardianship Service developed a checklist for guardians on the start-up of a guardianship:</p> <ol style="list-style-type: none"> 1. Designation by the Guardianship Service <ul style="list-style-type: none"> - You (the guardian) receive the description sheet of the minor and the official designation from the Guardianship Service. Read these documents to get an idea of the minor's profile. - See if you need an interpreter to speak with the minor and plan within the three days after designation the first contact with your pupil. The first meeting will effectively take place within a week and no later than 15 days after designation. - During the first meeting, it is best to explore your pupil's situation. Check, for example whether he or she already started a residence procedure, already has a lawyer, already goes to school, etc. school, and so on. - Forward the choice of place of residence to the Immigration Office and the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) - If your pupil filed a request for international protection you will be contacted by the Immigration Office to set a date for the hearing. If you are not contacted you can contact the Immigration Office yourself. 2. Meeting your pupil
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<ul style="list-style-type: none"> - A supervisor from the reception facility or someone from your pupil's foster family may be present during the introductory interview. Always ask if it is possible to speak to the young person alone for part of the introductory interview. - You can find a guideline for the content of the interview in the tool for guardians: "Guideline on getting to know the pupil". <p>3. Getting acquainted with the supervisors of the reception centre or the foster family</p> <ul style="list-style-type: none"> - Ask the reception centre if there is a report of your pupil's stay at the Observation and Orientation Centre (OOC). This will give you an idea of your pupil's needs and requirements. - Ask for a copy of the important documents, such as the Annex 26, certificate of immatriculation, any identity documents from the country of origin, and so on. - Discuss the following issues with the reception supervisor or the foster family: Is the young person already enrolled in a school?; Has a lawyer already been appointed?; Have proceedings already been initiated? - Meet the counsellors at the reception centre or foster family where your pupil is staying. At the reception centre, there are usually a number of counsellors specifically responsible for the unaccompanied minors. In most cases your pupil is assigned an individual counsellor (see Book 5 Reception, youth assistance and juvenile delinquency) - If your pupil stays in a foster family, provide a clear explanation of your duties as guardian (→ Book 5 - Staying with own network). - Agree who will take on which tasks. At the reception centre there are often standard arrangements for this. If your pupil is staying with a foster family, it is important to discuss the division of tasks in detail. If a consultant from the youth assistance services is involved, it is also best to involve them to make concrete agreements about the division of tasks. - Let the reception centre or family know when and how you can be reached. <p>4. After first meeting</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

- First guardianship report: The first guardianship report must be submitted no later than 15 days after your appointment as guardian to the Peace Court of your pupil's place of residence and to the Guardianship Service.
- Regular visits: Try to see your pupil at least monthly during the start of the guardianship. During the course of the guardianship, you may visit your pupil at least once every two months. If your pupil's situation is stable (right of residence, stable accommodation, ...) and you have a relationship of trust with your pupil, you determine the frequency of your contacts together with your pupil and the reception family or structure. One visit every three months is the minimum.
- Residence procedure: Appoint a lawyer for your pupil if they do not already have one. Also when it is still unclear which procedure you will initiate, it is best to contact a lawyer to review your pupil's situation (see Book 3 and 4).
- Opening a bank account: Open a current and (if possible) savings account as soon as the young person has a need for it. This is the case, for example, when your pupil is entitled to child benefit, does a student job, and so on (see Book 6 - Budget management).
- Apply for family benefits: Apply for family benefits and/or school allowance for your pupil as soon as he or she is entitled to it (see Book 6 - Education and Book 7 - Family benefits).
- Health insurance: From the moment your pupil has been enrolled in a school for three months, it is possible to arrange for registration with the health insurance fund (see Book 5).
- SIM card: Unaccompanied minors cannot always buy and register a SIM card themselves in their own name. If necessary, you as guardian can register the SIM card in your name. You can prepare a document for this purpose in which you explicitly transfer responsibility over the card to your pupil. You can find a template for such a document as a tool in the handbook (→ Tool for guardians - Template: prepaid SIM card).
- School: Most schools work with an online platform such as Smartschool. Via this platform, you can monitor your pupil's absences, consult the school report, communicate with the head teacher, and so on. The school secretariat can provide you with the login details for the platform. Also ask for the contact details of your pupil's student counsellor and follow-up coach. That way they can contact you easily if you

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

have any questions. Also try to attend at least one parent contact per school year. Ask your pupil regularly how things are going at school. Regularly contact the pupil guidance with questions about absences, learning difficulties, questions about the future pathway, problems with wellbeing at school, and so on (see Book 6 - Education).

- Monitoring medical and mental health: Discuss already at the start of your guardianship whether your pupil needs psychological counselling or medical care. Do this on a regular basis during the guardianship procedure (see Book 5 - Medical and psychological follow-up).

- Reception: Evaluate the reception situation your young person is staying in. Is the reception situation adapted to his or her needs? If you notice that your pupil has a great need for support, you should call on youth services to obtain better support. It is important to make this assessment as soon as possible, as waiting lists can be long. When you get to know your pupil better, you will probably also be able to assess these issues better (see Book 5 - Reception, youth assistance and juvenile delinquency).

4. The Guardianship Service can only appoint guardians who went through the selection procedure to become an official guardian, who meet the requirements and after the guardians followed the five days basic training. Family members can only be appointed through other guardian systems, such as the 'civil guardianship'. If the minor's parents no longer exercise parental authority, this may be an option. The guardian appointed by the Guardianship Service can help to start this procedure. For more information on civil guardianship see the Handbook for Guardians, Book 1: Guardianship service and the role of the guardian, sub-section 4.1 (available in French and Dutch on: https://justice.belgium.be/fr/themes/enfants_et_jeunes/mineur_etranger_non_accompagne_mena/manuel_des_tuteurstutrices).

5. The conditions for becoming a guardian relate to skills and knowledge regarding the issues of unaccompanied minors:

- commitment to the issues of the unaccompanied foreign minors,

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<ul style="list-style-type: none"> • relational skills, • organisational and coordination skills, • absence of conflict of interest with the minor, <p>No specific diploma is required to perform the function of guardian. One must be of age and reside in Belgium or hold a permanent residence permit.</p> <p>Submitting an application :</p> <p>As a "private" guardian" (the voluntary guardian and the self-employed guardian): Applicants may submit a written application to the Guardianship Service. The application file must contain the following documents:</p> <ul style="list-style-type: none"> • a motivation letter • a curriculum vitae • the candidate's national register number so that the Federal Public Service Justice can request an extract from the candidate's criminal record • any additional information attesting to the candidate's training, availability and skills in relation to the issue in question <p>As an "employed guardian" (or employee-guardian) in an association working with unaccompanied minors: If the candidate is applying via an association, they must submit their application via their employer, who will send it to the Guardianship Service. The association should also enclose all information attesting to their experience and skills in this field: copy of its articles of association, training programme, etc. Employee guardians must also be able to provide a certificate of blank criminal record. If the candidate meets the criteria, s/he will be invited by the Guardianship Service for an interview during which the Guardianship Service will assess the candidate's motivation and her/his vision of the role of guardian, as well as the knowledge and experience of the issues surrounding unaccompanied foreign minors and their supervision. The Guardianship Service will also check whether there is sufficient knowledge of immigration law, youth law and aspects of civil law relating to property management. They</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>will also consider the candidate's pedagogical and psychological qualities, including training in listening to minors and multicultural reception.</p> <p>Becoming a guardian is compatible with a professional activity insofar as the candidate can take a few days off per year to assist the minor in the various hearings and procedures concerning the minor. On average, a full-time working person can carry out one to two guardianships, depending on her/his availability.</p> <p>Certain categories of persons (persons referred to in Articles 397 and 398, 1° and 2° of the Civil Code and persons who, by virtue of their office, have a conflict of interest with the minor) cannot be recognised as guardians.</p> <p>6. Yes. The Guardianship Service ensures that guardians receive training appropriate to the issues faced by unaccompanied minors. Guardians must undergo basic training of 5 days spread over the first months of their activity as guardians. The training covers the following topics:</p> <ul style="list-style-type: none"> • immigration law, • juvenile law, • civil law related to the management of assets, • notions of pedagogy and psychology, • notions of multicultural care/reception. <p>Once a year, guardians must also undergo continuing/further training while exercising their guardianship. Furthermore, the Guardianship Service:</p> <ul style="list-style-type: none"> • sends a monthly newsletter to guardians, with information on any legislative changes or changes in the field, information from partners, training offers, ... • guardians can also follow external training courses and apply to the Guardianship Service for reimbursement of registration fees, • has a coaching project, in which experienced employee guardians support volunteer and self-employed guardians,
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<ul style="list-style-type: none"> • makes materials available to guardians, such as thematic information sheets and the Handbook for Guardians. <p>7. As the legal representative responsible for overseeing the general welfare of the minor, the guardians acts as a 'red line' that guarantees the development of the skills required for active participation in society. Their main tasks are to:</p> <ul style="list-style-type: none"> • requesting the assistance of a lawyer to represent the minor in the various procedures; • submitting an asylum application or an application for a residence permit for the minor; • exercising remedies when they considers that the decisions taken regarding the minors are not in accordance with their best interests; • assisting the minors in all procedures concerning them, and attending all hearings (at the Immigration Office, at the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), at the Council for Alien Law Litigation (CALL), ...); • ensuring that the minor receives education and psychological support as well as the necessary medical care, appropriate accommodation and help from the authorities; • explain to the minor the decisions concerning his/her person; • take all useful measures to recover the relatives of the minor; • propose durable solutions for the minor; • cooperate with the minor, with the person or institution hosting him, with the authorities responsible for asylum, access to the territory, residence and removal, or with other relevant bodies; • managing the minor's assets as a 'good family man'; • prepare regular reports on the evolution of the minor's situation. <p>The tutor's tasks were clarified by the General Guidelines for Guardians of Unaccompanied Minors of 2 December 2013. These guidelines aim to harmonise the work of tutors and define a working framework. The general guidelines also clarify the tutor's role in relation to other institutional players and social</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>workers. These guidelines are available in French and Dutch on: _ https://justice.belgium.be/sites/default/files/directives_generales_pour_tuteurs - 02 12 2013.pdf. Also check the Handbook for Guardians which is available in Dutch and French on: https://justice.belgium.be/fr/themes/enfants_et_jeunes/mineur_etrangere_non_accompagne_mena/manuel_des_tuteurstutrices.</p> <p>8. Yes. The guardians appointed by the Guardianship Service can have different statutes, namely:</p> <ul style="list-style-type: none"> • a voluntary guardian, taking on up to 5 guardianships; • a guardian with self-employed status, who takes up more than 6 guardianships; • an employee guardian, who takes on 25 guardianships simultaneously (in a full-time regime). Employee-guardians work at an association with which the Guardianship Service has entered into a protocol agreement, such as Red Cross Flanders, Caritas International, Exil, Seso and SETM. These associations receive a subsidy from the Guardianship Service. <p>9.</p> <p>Yes. the Handbook for Guardians (Book 1: Guardianship service and the role of the guardian; Book 2: Psychosocial support for unaccompanied minors; Book 3: International protection and special residence procedure; Book 4: Other procedures and documents; Book 5: Reception and support; Book 6: Daily life and Book 7: Rights of unaccompanied minors (published in March 2022) which is available in Dutch and French on: https://justice.belgium.be/fr/themes/enfants_et_jeunes/mineur_etrangere_non_accompagne_mena/manuel_des_tuteurstutrices.</p> <p>And the General Guidelines for Guardians of Unaccompanied Minors of 2 December 2013. These guidelines aim to harmonise the work of tutors and define a working framework. The general guidelines also clarify the tutor's role in relation to other institutional players and social workers. These guidelines are</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

available in French and Dutch

on: https://justice.belgium.be/sites/default/files/directives_generales_pour_tuteurs_-_02_12_2013.pdf.

10. Yes. The guardian is subject to **two types of supervision**: supervision by the Guardianship Service and checks by the Justice of the Peace of the minor's residence.

Within 15 days of being appointed, the guardian must submit an initial report to the Guardianship Service and the Justice of the Peace. Twice a year, the guardian must send a report to the Justice of the Peace and a copy to the Guardianship Service. A final report is made at the end of the guardianship.

- **Supervision by the Guardianship Service**

This daily administrative control concerns the practical organisation of the guardian's work. Examples: checking that the tutor still meets the conditions of recognition, ensuring the uniformity of practice, monitoring the way in which the guardian performs his or her duties etc. The Guardianship Service also ensures that the guardian seeks a lasting solution that is in the best interests of the minor. The reference person also reads the guardianship reports of the guardian, reviewing whether the guardian properly performs. The Guardianship Act and the General Guidelines for Guardians of Unaccompanied Minors of 2 December 2013 are hereby guiding. Complaints from minors or external parties about the functioning of the guardian also reach the reference person. If the Guardianship Service establishes that the guardian is not performing properly or at all, it may withdraw the recognition of the guardian. The guardian will always be heard prior to this and be given the opportunity to recover. In case of serious allegations, the Guardianship Service suspends the guardian. When the recognition of a guardian is withdrawn, this person can no longer act as guardian. In case of suspension or a withdrawal of recognition, the Guardianship Service shall immediately appoint another guardian for the minors concerned.

Note that the Guardianship Service not only supervises the guardian, but also has a supporting role towards the guardian (For more information see the Handbook for Guardians, Book 1 Guardianship Service and the role of the guardian, available in French and Dutch

on: https://justice.belgium.be/fr/themes/enfants_et_jeunes/mineur_etrangere_non_accompagne_mena/manuel_des_tuteurstutrices).

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.


- **Checks by the Justice of the Peace of the minor's residence**

The Justice of the Peace checks whether the guardian is managing the minor's property correctly and whether the guardian is seeking lasting solutions for the minor. The Justice of the Peace also the guardianship reports and keeps the administrative file of the minor. The Justice of the Peace is also competent to settle disputes between the minor and the guardian. Any party involved can file a petition for this purpose to the Justice of the Peace: the minor, the guardian, a supervisor of a reception facility, a family member, the Guardianship Service, ... The Justice of the Peace must immediately inform the Guardianship Service when a petition has been filed. Then the Guardianship Service will appoint an ad hoc guardian. The ad hoc guardian has the same tasks as a normal guardian and remains appointed until the decision of the Justice of the Peace. The Justice of the Peace hears the minor, the guardian, possibly the lawyer and any other person whose hearing he or she deems useful. The Justice of the Peace may decide whether to continue the guardianship or to terminate it. The Justice of the Peace may terminate the guardian's assignment in an individual guardianship in case of serious disagreements with the minor or when the guardian has not fulfilled his assignment with due care. Within 24 hours, the court clerk notifies by court letter the order to terminate the guardian's assignment to the Guardianship Service, which immediately appoints a new guardian. The Guardianship Service will first ask the guardian ad hoc to continue the guardianship. In practice, a Justice of the Peace checks whether a relationship of trust still exists between the minor and his or her guardian. If the Justice of the Peace finds that there is no trust, he or she usually terminates the guardianship, even if no manifest negligence is found on the part of the guardian.

11. Yes. The General Guidelines for Guardians of unaccompanied minors of 2 December 2013 mention the rules regarding the application for an interpreter service: the guardian has to request the permission to use an interpreter from the Guardianship Service in advance. In the request, the guardian states the reason for the talk, the name of the interpreter and the estimated duration of the interview. If the interview takes place in the evening or at the weekend, the guardian will justify why the interview cannot take place during the week. The guardian's unavailability is not a valid reason to incur this extra cost. It must be for

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>urgent unforeseen situations, such as an arrest, a stowaway or arrival at an airport. The authorisation of the Guardianship Service will be added to the claim for the interpreter fee. Guardians contact the social interpreters themselves. The claim form for the interpreter is completed by the guardian after the appointment, after which the interpreter sends it to the Guardianship Service (so the guardians do not pay advances to interpreters on their own account).</p> <p>Furthermore the guidelines stipulate that the guardian shall use an interpreter during the first conversations and subsequent talks with the minor unless the guardian and the minor know the same language sufficiently well. The guardian sees to it that the interpreter translates only the words of the minor and of the guardian, without mentioning other information, such as about his country of origin. If the guardian encounters problems with the interpreter, s/he signals this to the Guardianship Service. The guardian relies as little as possible on family members or residents of the reception facility to interpret. When s/he does so anyway, for example because there are no other possibilities or for small messages, s/he will ask the minor's explicit consent.</p> <p>When the minor requests to use another interpreter, the guardian shall try to understand the reasons for this request and not comply immediately with the request.</p> <p>12. No.</p>
	EMN NCP Bulga ria	Yes	<p>1.</p> <p>Pursuant to the Law on Asylum and Refugees, an unaccompanied minor seeking or granted international protection who is present on the territory of the Republic of Bulgaria shall be represented in the proceedings under this Law by a lawyer. He shall be appointed by the President of the National Legal Aid Bureau or by an official authorised by him. This representative shall ensure the best interests of the child, assist the unaccompanied minor to enjoy his/her rights and fulfil his/her obligations under this Law. Until the child reaches the age of majority, the representative shall take care of the child's legal interests in proceedings for granting international protection until their conclusion by a final decision; represent the child</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

before all administrative authorities, including social, health, educational and other institutions in the Republic of Bulgaria; act as a procedural representative in all proceedings before administrative and judicial authorities. The powers of the representative shall remain in force until the child is reunited in the territory of the Republic of Bulgaria with a parent, guardian or custodian; when he/she has received special representation and care under the Family Code; whom guardianship or custody has arisen by right under the Family Code.

It should be borne in mind that the Bulgarian legislation in force makes it possible to take actions and measures in the best interests of any child who is on the territory of the country, taking into account all the facts and circumstances surrounding the arrival of that unaccompanied child in Bulgaria, his/her status, the presence of relatives, the possibility of reunification with the family, etc. Depending on the specific case, the relevant legal and regulatory provisions shall apply.

It is necessary to make the following clarification concerning the use of the term "guardian": According to the Family Code, a guardian (respectively custodian) of a child is appointed in the cases explicitly mentioned in the Code: the parent is placed under guardianship, deprived of parental rights, the parent is deceased. The guardianship and custody authority is the mayor of the municipality or an official designated by him.

The Family Code has also provided for special cases of representation and custody when persons who are not the child's parents are entrusted with the care of the child (by a court decision or there is a court-ordered placement). These persons carry out the necessary legal actions to protect the child's personal rights relating to his or her health, education, civil status, including the issue of identity documents. In certain cases, these actions are carried out by the Social Assistance Directorate.

The Law on Child Protection defines a "child at risk". When certain risks are identified, an appropriate protection measure is taken in compliance with the protection principles. The Child Protection Department of the Social Assistance Directorate in the municipality concerned is competent to take the measure.

Foster care is developed in Bulgaria, as well as the system of social services and services providing residential care.


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>An interpreter is provided for each proceeding. A social worker or specialist is provided if necessary or mandatory.</p> <p>The teamwork and the coordination between the responsible institutions and bodies is scheduled also in “Coordination mechanism for interaction between institutions and organizations in cases of unaccompanied children or foreign children separated from their families who are on the territory of the Republic of Bulgaria, including children seeking and/or granted international or temporary protection”.</p> <p>2. Please see the answer of question 1.</p> <p>3. Please see the answer of question 1.</p> <p>4. Please see the answer of question 1.</p> <p>5. Please see the answer of question 1.</p> <p>6. Please see the answer of question 1.</p> <p>7. Please see the answer of question 1.</p> <p>8. Please see the answer of question 1.</p> <p>9. Please see the answer of question 1.</p> <p>10. Please see the answer of question 1.</p> <p>11. Please see the answer of question 1.</p>
--	--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			12. Please see the answer of question 1.
	EMN NCP Croatia	Yes	<p>1. No.</p> <p>2. Guardianship of unaccompanied children is regulated by the Family Act. In accordance with the Family Act, in order to protect individual personal and property rights and interests of the child, the Regional Office of the Croatian Institute for Social Work appoints a special guardian to a child who is foreign citizen or a stateless who finds himself on the territory of the Republic of Croatia without the accompanying legal representative. The rights and obligations of the special guardian are also defined in the Protocol on the Treatment of Unaccompanied Children.</p> <p>3. In accordance with the Protocol on the Treatment of Unaccompanied Children adopted by the Government of the Republic of Croatia in 2018, the standard procedure related to the collection of data on an unaccompanied minor and interview with the child is prescribed. During the interview interpreter should be present, special guardian should establish communication with child to ensure that unaccompanied child could express his or her needs, in accordance with the age, maturity and understanding of the child. The child is informed about all the facts and circumstances, he is provided with the right to express opinions and needs. In carrying out the identification procedure, the special guardian is the support to the unaccompanied child. The procedure is carried out in a manner adapted to the unaccompanied child and to insure that all procedures and decisions are taken in accordance with the well-being of the child. A special guardian may ask for international protection on behalf of the child if, he assess that child is in need of international protection. A special guardian may express doubts about the age of the child and inform him, familiarize him with the assessment procedures and possible consequences thereof. A special guardian assess the</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>risk indicators related to the suspicion that the unaccompanied child is a victim of trafficking in human beings. In conversation with the child, the guardian also collects information about previous schooling, whether he has documents on previous schooling and on the languages he speaks.</p> <p>4. Yes, when it is assessed that a family member or a person from the group in which the unaccompanied child is found, would protect the rights and interests of the unaccompanied child. Such an appointment does not adversely affect the family reunification process.</p> <p>5. No specific conditions are prescribed for appointing special guardians. The Regional Office of the Croatian Institute for Social Work issues a decision on the appointment of a special guardian. Appointed special guardians are professional workers who are employees of the Regional Office of the Croatian Institute for Social Work. When hiring in the Regional Office, conditions for employment are level of education - faculty, academy, master's degree, completed educational program; social work, psychology, social pedagogy, educational rehabilitation. Candidate has to submit also certificate of the competent court on impunity.</p> <p>6. For special guardians trainings and education are held annually.</p> <p>7. The Family Act defines the rights and obligations of a special guardian, which include a professional approach to work, the independence and impartiality of a special guardian. The Decision on the appointment of a special guardian is issued by the competent Regional Office of the Croatian Institute for Social Work. The decision on the appointment of a special guardian determines his duties and powers. The special guardian is obliged to:</p> <ol style="list-style-type: none"> 1. Represent the child in the proceedings for which he was appointed
--	--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>2. Inform the child of the subject matter of the dispute, the course and the outcome in a manner appropriate to the child's age; and</p> <p>3. As appropriate, contact the parent or other persons who are close to the child.</p> <p>The duties of a special guardian are also prescribed by the Protocol on the Treatment of Unaccompanied Minors.</p> <p>The monitoring of an unaccompanied child is entrusted to a special guardian. A special guardian is obliged to protect the person, rights and legal interests of the unaccompanied child in the procedure of his hearing with the police, during the initial health examination, placement in an institution and representation before public law bodies of the Republic of Croatia.</p> <p>8. No</p> <p>9. Yes, Protocol on the Treatment of Unaccompanied Children adopted by the Government of the Republic of Croatia in 2018 (not available in English).</p> <p>10. Yes. The work of a special guardian is supervised by the Regional Office of the Croatian Institute for Social Work. If a special guardian abuses his authority or performs his duties disorderly, which may cause damage to the person he represents, the Regional Office of the Croatian Institute for Social Work will relieve the rights and obligations of the current special guardian and appoint another special guardian.</p> <p>11. Yes, during the communication between the special guardian and the unaccompanied child, an interpreter is present.</p> <p>12. No</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	EMN NCP Cyprus	Yes	<ol style="list-style-type: none"> 1. As soon as an unaccompanied child enters the Republic of Cyprus, she/he is taken under the care of the Director of the Social Welfare Services (public authority), who acts as a guardian of the child. The Director of the Social Welfare Services assigns the role to Social Services Officers. 2. The role of the guardian is determined by legislation (The Refugee Law, article 10). 3. The guardian inform and is present in all procedures related to the unaccompanied minor (e.g. asylum procedure, health, education etc), , from the first day they enter the first reception center, until they turn 18th years old. 4. No 5. The guardians are Social Services Officers of the Social Welfare Services (public authority). 6. The guardians go through specialized training provided by the Social Welfare Services and other competent authorities 7. <ul style="list-style-type: none"> • As the legal guardian of the unaccompanied minors, the Director of the Social Welfare Services: • Assigns Social Services Officers as guardians to the unaccompanied minors. • Ensures the integration of the unaccompanied in activities aimed at further socialization and integration of the minor to the society (i.e. educational activities, sports activities, etc.) • Provides the minor with life skills and knowledge that will assist the minor with his/her transition to adulthood.
--	----------------------	-----	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<ul style="list-style-type: none"> • Has taken various measures, both to create a number of places for the accommodation of unaccompanied minors, and to ensure their rights, having access to services that concern them. • Cooperation with all the relevant involved services. • Provision of support services and cooperation with the minor. • Provision of the necessary information. • Placement of the minor in the most appropriate programme, according to the needs of the minor. • Presence of the guardian in all the procedures (i.e. examination of the international protection application). • Cooperation with Ministry of Education, Sports and Youth - Enrolment in School. • Cooperation with Schools. • Cooperation with Ministry of Health - Health and Mental Health Issues. • Cooperation with the Police – Victim of Trafficking. <p>8. Based on European best practices, each guardian should be responsible for around 20 unaccompanied minors</p> <p>9. The measures taken by the guardians are in accordance with the legislation regarding refugees and they also follow other internal procedures/ guidelines.</p> <p>10. The Director of the Social Welfare Services is appointed as the guardian of the unaccompanied minor.</p> <p>11. YES, The cost of an interpreting service is covered by the state budget.</p> <p>12. Registered interpreters are used to translate information given by unaccompanied minors.</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	EMN NCP Czech Repu blic	Yes	<p>1. It is not possible to clearly define whether the system of appointing guardians for unaccompanied minors (hereinafter referred to as UAMs) is centralized. The guardians are appointed by courts, which are a part of centralized system, (for more information please see Q2) however, it is not in a competence of one single court, but local courts. The court is informed about the presence of the UAM in the territory of the Czech Republic by Social-Legal Child Protection Authority (hereinafter referred to as OSPOD). The OSPOD is methodologically guided by the Ministry of Labour and Social Affairs. Primarily, priority in the selection of a guardian shall be given to a relative or other person close to the child, if he/she resides in the territory of the Czech Republic, who is willing to take care of the child and who is able to be a proper guardian. If no such person is available, the court appoints another suitable person as guardian, which may be either a natural person or a legal person (e.g. a non-profit organisation). Only in the last place is it possible to appoint a competent authority for social and legal protection of children, namely the municipal authority (OSPOD).</p> <p>2. In case of foreigners, including international protection applicants, general civil law is applied. If the parents of the UAM are not alive, their identity is unknown or they are unable to care of the child, it is necessary to appoint a guardian for him/her. The guardian, in principle, overtakes all rights and duties in relation to the child instead of the parents, with the exception of the maintenance obligation (pursuant to Sections 878(2) and 928 et seq. of the Civil Code) The appointment of a guardian for a child to protect his/her rights and defend his/her interests is covered by the general provisions of Act No. 89/2012 Coll., the Civil Code. The appointment of an UAM's guardian must always be decided by the court issuing the decision on proceedings pursuant to Section 466 et seq. of Act No. 292/2013 Coll., on Special Court Proceedings.</p> <p>3.</p>
---	--	------------	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>Children's specific needs and increased vulnerability are always taken into account as soon as the OSPOD is informed of the presence of UAMs in our territory.</p> <p>Each UAM is provided with information by OSPOD staff in a language that they understand and in a child-friendly manner. The OSPOD always verifies that the child understands well the information and the wishes and needs of the UAM are always taken into account.</p> <p>The OSPOD staff together with the UAM creates the so-called IPOD (Individual Child Protection Plan). These plans are created together with the UAM and take into account the wishes and attitudes of the child. The IPOD plans address comprehensively all the needs of UAMs (e.g. access to appropriate care and support, accommodation, healthcare, education and training and any other relevant specialist support services assessed as necessary, including support for transition to adulthood, etc.)</p> <p>4. YES.</p> <p>The court shall preferably appoint a relative or other close person or another suitable natural person as a guardian of the UAM. If it is not possible to appoint any natural person as guardian, the guardian of the UAM shall be the competent authority (OSPOD or municipal authority), as a public guardian.</p> <p>5.</p> <p>All OSPOD workers are obliged to follow and comply with the quality standards for social-legal protection of children in the provision of social-legal protection, which, among other things, guarantee the rules and conditions for the selection of workers, including criminal integrity, their professional skills and professional education.</p> <p>6. YES.</p> <p>As part of their professional development, OSPOD staff are required to undergo mandatory training aimed at further developing their professional skills with a focus on the agenda they perform.</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>7. OSPOD is typically appointed as the child's procedural guardian in proceedings an application for international protection. A resolution on the appointment of a guardian for the purposes of international protection proceedings is issued by the Ministry of the Interior, Asylum and Migration Policy Department (according to the Administrative Procedure Code). The duty of the guardian is primarily to represent the UAM in all procedural acts in the international protection proceedings conducted in the first stage by the Ministry of the Interior. Once a residence guardian has been appointed for the UAM, the separate procedural representation of the UAM is no longer necessary and the UAM will be represented in the proceedings only by his/her residence guardian. The appointed guardian shall in principle conduct all rights and obligations related to the child instead of the parents, except for the maintenance obligation.</p> <p>8. NO.</p> <p>9. YES. All OSPOD staff are obliged to follow and comply with the detailed quality standards of social-legal protection of children when providing social-legal protection. https://www.mpsv.cz/documents/20142/953091/manual_OSPOD.pdf/71acde91-cbdd-36a4-7383-0a4c4552958a https://www.mpsv.cz/postup-prace-u-nbd https://www.mpsv.cz/web/cz/ukrajina https://www.mpsv.cz/web/cz/rok-2016-4</p> <p>10.</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>YES.</p> <p>It is possible to lodge a complaint. Any person who has been affected by the inappropriate treatment of officials or the procedure of an administrative authority has the legal right (stated in the Administrative Procedure Code) to address the administrative authorities with complaints.</p> <p>The complainant must be notified within 60 days with the result. If the complainant disagrees with the manner in which the complaint was handled, he or she may request a review of the complaint by a superior administrative authority, i.e. in the case of the OSPOD, the regional office.</p> <p>According to the regulation of quality standards, each OSPOD is obliged to develop internal rules for handling complaints about the OSPOD and its staff and is obliged to inform clients (including children) via the Internet and other appropriate means in a clear manner about where and under what conditions complaints can be filed.</p> <p>11.</p> <p>YES.</p> <p>If necessary, OSPOD staff may use and provide interpreting services, which are covered by the subsidy for social-legal protection of children.</p> <p>12.</p> <p>NO.</p>
	EMN NCP Estonia	Yes	<p>1.</p> <p>In Estonia, child protection is managed by the Ministry of Social Affairs, Social Insurance Board, local government authorities and other related authorities depending on the procedures. The Ministry of Social Affairs is responsible for policymaking regarding services for the beneficiaries of temporary and international protection, unaccompanied minors as well as victims of trafficking in human beings. Its subordinate organisation, the Social Insurance Board coordinates organisation of those services.</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>An unaccompanied minor must be appointed a legal representative or a guardian in Estonia who takes care of the child's well-being and represents them in the necessary actions. Until a legal representative/guardian is appointed, the guardian's duties are performed by the local municipality's where the child is registered and by the child protection specialist (in the absence of registration, the local municipality in which the child lives). Since 2020, the reception system of unaccompanied minors has a case-by-case approach.</p> <p>2. In Estonia, child protection is managed pursuant to the Child Protection Act and Family Law Act by the Republic of Estonia Government. In addition, specific legal provisions are applied (e.g. Act on Granting International Protection to Aliens etc.).</p> <p>3. An unaccompanied minor must be appointed a legal representative or a guardian in Estonia who takes care of the child's well-being and represents them throughout various administrative procedures. He/she be represented by a natural or legal person who is reliable and has the knowledge and skills needed for representing an unaccompanied minor. Until a guardian is appointed, the guardian's duties are performed by the local municipality where the child is registered by a child protection specialist (in the absence of registration, the local municipality in which the child lives). The guardian is appointed by the court. If guardianship is requested in the framework of the procedure of preliminary legal protection, the court usually makes a decision on the appointment of guardianship within five days. After receiving the order, the guardian can already officially represent the child. The person appointed as guardian is fully responsible for the child, including raising them, making decisions related to them, and caring for and representing their person and property.</p> <p>The Social Insurance Board in its Child Protection Department offers support to specialists working with children and manages cross-sectorial prevention and cooperation (social, education, medicine, legal protection). Local government authorities manage child protection on local level and create the necessary</p>
--	--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

preconditions for safeguarding the rights and welfare of children in the municipality (such as schooling, medical care, applying for benefits etc). Regarding proceedings carried out by the Estonian Police and Border Guard Board (PBGB) (such as international protection, application for residence), the PBGB has agreed to inform the Social Insurance Board and involves other experts if necessary. Unaccompanied minor is informed about the legal procedures by the legal representative/guardian as well as the appointed case worker.

4.

Yes. If the minor is travelling with an adult who is his/her relative, the relative can be appointed as a guardian unless there is reason to believe that this is not in the best interests of the child. If the minor arrives with an adult with who he/she has no family ties, the suitability of that adult as a guardian is assessed more carefully. In such cases, it is necessary to ensure that it is not a case of trafficking. It is also necessary to assess whether the adult is able to perform his/her duties as a guardian in administrative procedures.

5.

According to the Family Law Act, a person who has been fully or partially deprived of parental legal custody or who has previously violated the obligations of a guardian cannot be a guardian. Upon the selection of a guardian, his or her personal characteristics, financial situation and ability to perform the obligations of a guardian, the presumed will of the parents and relationship with the child who is placed under guardianship, the need for consistency of raising of the child and the child's national, religious, cultural and linguistic origin will be taken into account. Upon the selection of a guardian, a court and rural municipality or city government has the right to require from the person appointed guardian documents and information for the assessment of his or her suitability.

Any other caseworker in charge of proceedings regarding the unaccompanied minor (e.g. international protection proceedings) is familiar with the applicable legislation.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>6. No, there is no obligation to undergo any form of specialized training. However, all the officials who are in contact with minors have to comply with competency requirements which enable them to observe a special need and take it into account child best interests. The child's best interests are central to all the proceedings.</p> <p>7. A legal representative or guardian takes care of the unaccompanied child's well-being and represents them in the necessary actions (e.g., applying for benefits, issuing a bank card, deciding on treatment, administrative proceedings etc.).</p> <p>8. No. It is important to note that there have not been many cases of unaccompanied foreign minors in Estonia.</p> <p>9. No. However general recommendations for improving the system for appointing guardian/representative to unaccompanied minors have been made by the Estonian Chancellor of Justice; Social Insurance Board together with the Ministry of Social Affairs, Police and Border Guard Board, Ministry of the Interior and others have put together practical guide about duties/actions carried out by each authority/actor involved; Social Insurance Board has put together a special information brochure regarding unaccompanied minors in the context of the ongoing war in Ukraine and temporary protection.</p> <p>10. No. Guardianship is monitored by the court.</p> <p>11.</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>Yes. Social Insurance Board provides interpretation services on ad hoc basis and service is free of charge. There are no prescribed limits, interpretation service is provided to an extent necessary for the welfare of the child.</p> <p>12. No.</p>
+	EMN NCP Finland	Yes	<p>1. In Finland, a representative appointed to an unaccompanied minor asylum seeker by a district court order serves in the capacity of the minor's guardian. The application for appointing the representative is submitted by the reception facility where the child is registered as a client. The right of the guardian to be heard in matters concerning the child's person and assets is exercised by the director of the reception centre until a representative has been appointed for the child. The staff of the group home where the child lives is responsible for the daily maintenance, upbringing and other care of the child. In Finland, reception centres are maintained either by the Finnish Immigration Service (under the Ministry of the Interior), non-governmental organisations such as the Finnish Red Cross, municipalities or private companies. There is no centralised system to appoint a guardian of interests for an UAM not seeking asylum in Finland. When receiving an application for a residence permit from an UAM, the Finnish Immigration Service asks the municipal social services in the municipality where the UAM resides to designate a guardian of interest for the UAM.</p> <p>2. The appointment of a representative for an UAM asylum seeker is regulated in the Act on the Reception of Persons Applying for International Protection and on Identifying and Assisting Victims of Trafficking in Human Beings (the Reception Act). There is no legislation regulating the guardianship of UAMs applying for a residence permit instead of asylum. However, it is regular practice of the Permits and Nationality Unit to ask the municipal social services to designate a guardian for the child before the child is interviewed.</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

3. Reception facilities brief UAMs about practical issues and the asylum process. UAMs are appointed a representative, who also explains the process to the child. Legal counsels are free for unaccompanied minors. When unaccompanied children are invited to an asylum interview, invitation includes information about the interview and applicants' rights and obligations. Interviews are conducted by a caseworker trained in working with children. Information regarding the interview is explained in a manner appropriate to the child's age. The child's representative is always present at the interview. Decisions are interpreted to a language the applicant understands and applicants and their representatives are given instructions on the appeal process and family reunification. The Finnish Immigration Service has prepared a brochure specifically designed for children: 'Information for asylum seekers - Children without a guardian', which is given to all unaccompanied minors.

There are no specific information channels for UAMs applying for a residence permit instead of asylum. The UAM and his/her family member in Finland have to look up the information for applying for a residence permit for the UAM and for family reunification from the webpages of Finnish Immigration Services.

4. YES and NO. A person who is found able to perform the required duties correctly and who does not have a conflict of interest with the child may be appointed as a representative for an UAM seeking asylum. In practice family members are rarely appointed as representatives for the child due to the latter condition. In case a family member would be appointed as a representative for an asylum-seeking UAM, it would not have a negative impact on family reunification, if the UAM has previously led family life with his/her parents (and siblings) in their home country/country of residence and wants to continue family life in Finland.

If an UAM is applying for a residence permit instead of asylum, in theory it is possible to appoint a family member residing in Finland as an additional guardian for the child, if the family member is deemed suitable for the task by the district court. If the UAM is issued a residence permit based on individual humanitarian grounds, the appointment of a family member as an additional guardian usually has no

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>negative impact on family reunification. If the UAM has received a residence permit based on a family tie to this family member residing in Finland (who has been appointed as his/her additional guardian) the appointment may have a negative impact on future family reunification with the parents. Most of the UAMs in Finland present the basis for their residence permit applications on a family tie to family member already residing in Finland.</p> <p>5. The representative can be any legally competent, suitable and consenting person who is found able to perform the required duties correctly. The criminal record of potential representatives is also verified. The district court responsible for appointing a guardian of interest for an UAM applying for a residence permit assesses if the candidate is suitable for the task.</p> <p>6. YES and NO. There is no legal obligation for a representative to undergo training. However, the Finnish Immigration Service (Migri) strongly recommends that all representatives attend The Competent Representative -online training (in Finnish). Reception centres advise the representatives to undergo the training. The training includes with basic information on being a representative, the related tasks and other matters and legislation related to unaccompanied children arriving to Finland. The training was created in 2020 as part of the 'Osaava edustaja' (The competent representative) – project funded by AMIF. There is no obligation for a guardian of interest (nor an additional guardian) of an UAM applying for a residence permit to undergo any specialised training.</p> <p>7. The representative is tasked with ensuring that the child's best interests are realised and that the child is heard in official decisions concerning the child. The representative is always present when the child is interviewed. The representative also helps the child to take care of official affairs, such as obtaining a residence permit, and exercises a guardian's right to be heard. A guardian of interest of an UAM applying for a residence permit also ensures that the child's best interests are realised. The guardian of interest has to be present if/when the UAM is interviewed personally for the residence permit. All correspondence during the application process goes through the</p>
--	--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>guardian of interest. If the UAM is 14 or younger, the guardian of interest receives the decisions made for the UAM. When the UAM 15 or older both the UAM and the guardian of interest receive the decision.</p> <p>8. YES and NO. There is no legislation specifying how many UAM asylum seekers a representative may represent. It is the responsibility of the reception centre to ensure that the representative is able to perform the required duties correctly. It is the responsibility of the representative to decide, how many UAMs they can represent at the same time in order to be committed to the tasks.</p> <p>9. YES and NO. There are no official quality standards or quality assurance mechanisms for the representatives. The Finnish Immigration Service has various guidelines and instructions for representatives (in Finnish/Swedish), including the guideline 'Representing a child applying for asylum without a guardian'. Migri informs representatives on current issues and gives them advice regarding their tasks. Migri regularly organises training for the representatives.</p> <p>10. YES. During the asylum process, the steering, planning and monitoring of the representative system is the responsibility of the Finnish Immigration Service (Migri). UAMs and other parties can make complaints against as representative to Migri. If an employee of the reception centre notices that a representative is neglecting their tasks or is not otherwise suitable for the task, the reception centre will hear the child and the representative on the matter. The reception centre or a child who is 15 years old or older can file an application to a district court to exempt the representative from their tasks. The representative can also make the application.</p> <p>11. YES. The reception centre organises and pays for the necessary interpretation and/or translation services. This includes the interpretation services needed in the meetings between the child and the representative.</p> <p>12. NO.</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	EMN NCP France	Yes	<p>1. The appointment of an ad hoc administrator, guardian or delegate of parental authority on behalf of a minor is a judicial decision, within the competence of a magistrate. There is therefore no centralised appointment system in France.</p> <p>2. Once the situation of minority and isolation has been established, there are several mechanisms for ensuring the legal representation of unaccompanied minors (UAMs).</p> <ul style="list-style-type: none"> An ad hoc representative may be appointed if the minor is in a waiting zone or applying for asylum. Article L. 343-2 of the Code on the Entry and Residence of Foreigners and the Right of Asylum (CESEDA) states that when an UAM is not authorised to enter France and is therefore held in a waiting zone, the Public Prosecutor with territorial jurisdiction is notified immediately by the administrative authority and, in the minor's interest, appoints an ad hoc administrator without delay. The ad hoc administrator represents the minor in all administrative and legal proceedings relating to their entry into France. <p>Article L. 521-9 of the CESEDA provides that when an asylum application is made by an UAM, the territorially competent Public Prosecutor, who is immediately notified by the administrative authority, appoints an ad hoc administrator without delay. The ad hoc administrator assists and represents the minor in administrative and legal proceedings relating to their asylum application.</p> <p>UAMs come under the child protection system. For each UAM brought to its attention, the Public Prosecutor with territorial jurisdiction refers the matter to the Children's Judge for the opening of educational assistance proceedings on the basis of articles 375 et seq. of the Civil Code. The minor is then placed in care, pursuant to article 375-3 of the same code, and in particular entrusted to the Departmental Social child and youth care services. Once the matter has been referred to the Children's Judge, the latter may, pending a decision on guardianship or delegation of parental authority, authorise the Social child and youth care services, or</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>the third party to whom the minor has been entrusted, to perform one or more acts relating to parental authority, on the basis of the second paragraph of article 375-7 of the Civil Code.</p> <p>The Public Prosecutor and the person or service to whom the minor has been entrusted are competent to refer the matter to the Family Affairs Judge (JAF), in their capacity as guardianship judge for minors or judge for actions relating to the exercise of parental authority.</p> <ul style="list-style-type: none"> • Opening a guardianship <p>Guardianship of a UAM is established in accordance with the common law rules of the Civil Code. Under article 390 of the Civil Code, guardianship is opened by operation of law when:</p> <ul style="list-style-type: none"> - Both parents are deceased; - The parents are deprived of the exercise of parental authority within the meaning of article 373, i.e. are unable to express their wishes, due to incapacity, absence or any other cause. - The child has no legally established filiation. <p>In the case of UAMs, the absence of a legal representative on national territory means that the parents are considered to be unable to express their wishes.</p> <p>In principle, guardianship is family-based and is organised around:</p> <ul style="list-style-type: none"> - The family council, composed of at least four people who have an emotional bond with the minor (these may be family members, close friends or even members of an association) (articles 398 and 399 of the Civil Code) - The guardian, appointed by the family council from among its members, who is responsible for looking after the minor and representing him or her in all acts of civil life. In practice, this is the person who takes in the minor (article 408 of the Civil Code) <p>However, this procedure seems unsuited to the situation of UAMs (who have no or few family members present on French territory) and will generally take a long time to implement, which in practice means that the minor is deprived of a legal representative for a long time (several months on average, regardless of the type of guardianship applied for).</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>When family guardianship remains vacant, guardianship is Departmental. In this case, the guardianship judge refers the matter to the President of the Departmental Council (article 411 of the Civil Code). Guardianship enables the exercise of parental authority and the administration of the minor's property. In practice, by decision of the President of the Departmental Council, the minor child is taken into the care of the Social child and youth care services (article L.222-5 of the Social Action and Family Code). As such, this service represents the minor in the conclusion of legal acts concerning them and requiring such representation, as well as in all legal and administrative procedures relating to their person and property, and in particular in the asylum application procedure.</p> <ul style="list-style-type: none"> • Delegation of the exercise of parental authority: <p>When parental authority cannot be exercised due to the physical absence of a minor's parents on national territory, the Family Affairs Judge may intervene to delegate parental authority. Article 377 paragraph 2 of the Civil Code provides that in the event of manifest disinterest or if the parents are unable to exercise all or part of their parental authority, the Family Affairs Judge may be asked to delegate all or part of the exercise of parental authority. However, these two conditions are not sufficient if it is not shown that the delegation is in the child's best interests. This delegation relates only to the exercise of parental authority and not to the ownership of the right itself. It may be total or partial, voluntary or forced (articles 376 to 377-3 of the Civil Code). The matter may be referred to the Family Affairs Judge in the event of voluntary delegation at the request of the parents, who wish to delegate, together or separately, all or part of the exercise of their authority to a third party, whether a family member or a trustworthy relative, to an establishment approved to take in children, or to Social child and youth care services (article 377, paragraph 1 of the Civil Code). The judge may also be asked to delegate the exercise of parental authority by the private individual, the establishment or the Departmental Social child and youth care services that have taken in the child, a member of the family, or the Public Prosecutor (article 377, paragraph 2 of the Civil Code).</p> <p>3.</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>With regard to information for UAMs, the French Office for the Protection of Refugees and Stateless Persons (OFPRA) has published a guide to the asylum procedure for UAMs, which is available to the general public, and in particular to those accompanying them, in order to guide UAMs in international protection procedures.</p> <p>The association France Terre d'Asile has also published a "Practical guide to the care of unaccompanied foreign minors and asylum seekers" (https://www.france-terre-asile.org/notre-expertise/mineurs-isoles-etrang...) and a "Legal guide to the care of unaccompanied foreign minors and asylum seekers" (https://www.france-terre-asile.org/notre-expertise/mineurs-isoles-etrang...), which are available to the general public.</p> <p>"InfoMIE", a national platform designed to promote the dissemination of and respect for the rights of UAMs, also provides technical tools on its website for the various stakeholders supporting and working with these particularly vulnerable young people.</p> <p>As regards assistance for UAMs, in France, as soon as a young person is recognised as an unaccompanied minor, this third-country national under the age of 18 falls within the scope of the child protection system under common law, enabling them to benefit from care, socio-educational assistance and support in accessing the law within this framework. A young person recognised as an unaccompanied minor is entrusted to the Department, to the Social child and youth care services (ASE) by the judicial authority under article 375-5 of the Civil Code (articles 375 of the Civil Code and L. 221-1 of the Social Action and Family Code (CASF)). The Department's services are responsible for the reception and accommodation of migrants who have been declared and recognised as UAMs, and for providing for all their needs and ensuring their care and education (healthcare, schooling, vocational training, etc.).</p> <p>In addition, the law of 7 February 2022 on the protection of children introduced provisions to improve care for young people recognised as UAMs:</p> <ul style="list-style-type: none"> - UAMs are supported by Social child and youth care services in their efforts to obtain a residence permit when they reach the age of majority or, where applicable, an asylum application. If they are taken into care when they turn 17, they must be given an interview as soon as possible to prepare for coming of age;
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>- UAMs in the care of a trustworthy third party now have the same rights as those in the care of Social child and youth care services in terms of access to residence permits.</p> <p>Similarly, as young people entrusted to Social child and youth care services, they benefit from other advances in the aforementioned law, such as the ban on hotel accommodation, support until the age of 21 and the possibility of using sponsorship or mentoring schemes.</p> <p>Furthermore, under French legislation, as a minor, an UAM cannot initiate legal or administrative proceedings without a legal representative. It is therefore the responsibility of the ad hoc administrator or appointed guardian to take charge of the legal and administrative procedures on behalf of the minor.</p> <p>Pursuant to article L.221-2-4 of the Social Action and Family Code (CASF), resulting from the law of 7 February 2022 on the protection of children, the Departmental Council is responsible for assessing the minor's minority and isolation, as well as providing shelter, in accordance with its competences in the area of child protection.</p> <p>Any person presenting themselves as an unaccompanied minor is taken into temporary emergency care by the services of the Department in which they are located, and more specifically by the Social child and youth care services (ASE), for the duration of the period during which the person's situation is being assessed.</p> <p>As part of this emergency provisional reception, the person is cared for in a structure adapted to their situation, authorised and controlled by the Departmental Council and providing initial social support. They are given a period of respite before being assessed. Minority and isolation are assessed either by the Social child and youth care services or by a service authorised and supervised by the Departmental Council. The Departmental Council can therefore call on operators/associations for this purpose. In addition, when faced with UAMs who are wandering and not seeking protection, the French government also supports schemes and associations that work to reach out to these young people and connect with them, by setting up specific schemes for young people who are wandering and by working to combat human trafficking.</p> <p>To this end, "InfoMIE" is making available to the general public an "overview" of the specific services for foreign unaccompanied minors set up by associations in all the Departments of mainland France: https://www.infomie.net/IMG/pdf/panorama_et_dispositifs_mie_existants_ve...</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>Within the French Ministry of Justice's Department of Judicial Protection for Young People (DPJJ), the Unaccompanied Minors Mission (MMNA) coordinates the national system for sheltering, assessing and referring UAMs. At the request of the judicial authorities, it provides operational assistance to magistrates in their decisions to allocate unaccompanied minors to Departmental Social child and youth care services, in application of the law of 14 March 2016. When the MMNA is requested by the judicial authority that has recognised the minority and isolation of a young person, it issues a proposal for referral to a Department. The proposal for referral is made in accordance with the distribution key for each Department and the best interests of the child. The distribution key aims to achieve a balanced and proportionate distribution of minors temporarily or permanently deprived of the protection of their family entrusted to the Departmental Councils. The aim is to spread the resulting burden more evenly, at a time when migration flows are concentrated in certain areas. Otherwise, each Department would be entrusted with all the young people assessed as minors by its services. More broadly, the MMNA has a role to play in providing expertise and coordinating the network of stakeholders working for unaccompanied minors - whether during the phase of assessing minority and isolation or during care. Finally, the MMNA participates in public policies relating to UAMs and the fight against human trafficking.</p> <p>4. YES.</p> <p>When the UAM is no longer in contact with their parents but other members of their family or close friends (acquaintances, members of associations, children's professionals or general councillors) are present in France, they can be appointed as ad hoc administrators by the Public Prosecutor, guardians or delegates of the exercise of parental authority by the Family Affairs Judge (JAF). In the case of guardianship, these relatives may also form the family council, which will take part in decisions concerning the UAM.</p> <p>Pursuant to article L. 561-2 of the CESEDA, an unmarried minor who is granted asylum or subsidiary protection may apply for family reunification for their father and mother, possibly accompanied by their unmarried minor brothers and sisters.</p>
--	--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

In all cases, the best interests of the child must take precedence, in accordance with the recommendations of the Hague Convention of 19 October 1996 and the provisions of the European Convention on Human Rights relating to the protection of private and family life.

5.

According to articles R. 343-2 to R. 343-11 and R. 521-19 of the CESEDA, a list of ad hoc administrators is drawn up every four years, within the jurisdiction of each court of appeal, "for the representation of minors held in a waiting zone or seeking refugee status". The ad hoc administrator may be a natural person or a legal entity, but the task is carried out by a natural person identified in advance. In both cases, the individual must meet a number of conditions, such as "having been known for a sufficient period of time for their interest in children's issues and for their competence". To this end, candidates must send the courts a letter of application and motivation, which may be accompanied by supporting documents demonstrating a particular and long-standing interest in children's issues, as well as a certain competence in this area with legal and psychological knowledge (work contract, work certificate, attestations, certificate of attendance at a training session or internship, diplomas, etc.), although the aforementioned texts do not require specific expertise in asylum matters. Candidates must reside within the jurisdiction of the Court of Appeal, be at least 23 years old and no more than 70 years old, and provide proof that they have not been convicted of any criminal offence or been subject to any disciplinary or administrative sanction for acting in a dishonourable manner, and that they have not been subject to personal bankruptcy or any other sanction pursuant to Title VI of Law no. 85-98 of 25 January 1985 on the receivership and compulsory liquidation of companies.

When the UAM is no longer in contact with its parents and no family member is present in France, the guardian appointed by the JAF is usually the President of the Departmental Council of the UAM's place of residence.

Usually, this responsibility for legal representation as guardian is then delegated, and the delegation of parental authority is directly entrusted, to the ASE unit responsible for the UAM, and more specifically to an ASE sector manager.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

The latter is responsible for implementing measures to protect children entrusted to the Department, in liaison with partners, and for monitoring their progress. This job in the local civil service is open to candidates who have passed a competitive examination. To enter this category A competition, candidates must have at least a 3-year higher education qualification (e.g. in social action management or a similar field) or have completed specialised training courses such as the CAFERUIS (certificate of aptitude for management and social intervention unit manager functions), the DEIS (State diploma in social engineering), or the CAFDES (certificate of aptitude for the functions of director of a social intervention establishment or service).

6.

No (See Q5).

With regard to the ad hoc administrator, the aforementioned texts do not require any particular expertise in asylum matters.

As regards guardians and delegates of parental authority, this is not an obligation, but specialised training is more commonly taken in order to pass the examinations.

7.

In application of articles L. 343-2 and L. 521-9 of the CESEDA, the ad hoc administrator represents and defends the UAM's interests in the legal and administrative procedures for applying for asylum or remaining in the waiting zone. They inform them of their rights, the role of the people they will meet and the steps to be taken. They can accompany the applicant to the personal interview they will be called to by OFPRA and receive their administrative correspondence. The ad hoc administrator cannot help the minor with anything other than the aforementioned steps, and their role ends as soon as the procedures are completed, the minor reaches the age of majority or a guardianship order is issued.

Unlike an ad hoc administrator, who can only represent the minor in specific proceedings, the guardian is responsible for full legal representation in all acts of civil life, except in cases where the law or

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>custom authorises the minor to act themselves, pursuant to article 408 of the Civil Code. For example, a minor whose guardianship is referred to the President of the Departmental Council will not need to be represented by an ad hoc administrator in their asylum application procedure.</p> <p>In principle, UAMs are subject to social guardianship, under which a guardian is appointed to protect them and manage their property. For minors with family in France, guardianship is guided by a family council, which makes the most important decisions.</p> <p style="text-align: center;">The voluntary or forced delegation of the exercise of parental authority may be total or partial (delegation of the exercise of certain attributes only and expressly specified). In the absence of any specification in the judgment ordering the delegation, the delegation is total (Cass. Civ 1ère, 24 Feb 2006, no. 04-17.090).</p> <p>In all cases, the delegation of parental authority entails a delegation of the exercise of this authority and not of the ownership of the right itself. As a result, the delegated third party will be granted the exercise of the delegated attributes of parental authority by the Family Affairs Judge.</p> <p>The delegated third party must then exercise parental authority in order to protect the child's safety, health and morals, and to ensure their education and development with due respect for their person. The third party to whom parental authority has been delegated is therefore competent to carry out all the usual and non-routine acts for the young person without needing to obtain the prior agreement of the parents (e.g. authorisation to operate, leaving the country), provided that the JAF has not ordered the parents to share all or part of their authority with the delegate third party under a shared delegation (article 377-1 of the Civil Code). In any event, decisions must always be taken with the child's best interests in mind.</p> <p>8. No information.</p> <p>9. YES. A guide for ad hoc administrators has been published by the Ministry of Justice. It is available on its website.</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

In addition, the Defender of Rights, an independent administrative authority, published a report in 2022 on unaccompanied minors in the light of law, in which it issued recommendations for stakeholders involved in protecting UAMs.

10.

The Public Prosecutor monitors the work of ad hoc administrators. According to article R. 343-7 of the CESEDA: "Within one month of the completion of each assignment, the ad hoc administrator shall send the Public Prosecutor a report detailing the steps taken and, where applicable, in order to ensure the best possible protection, the information gathered on the minor". Article R. 343-10 also states that "The removal of an ad hoc administrator may be ordered each year by the general assembly of the court of appeal, either at the request of the person concerned or on the initiative of the Public Prosecutor, after the person concerned has been given the opportunity to present their observations, if the ad hoc administrator has not complied with the obligations arising from their mission".

French case law has also imposed time limits for the appointment of the ad hoc administrator. In particular, the Court of Cassation ruled in a judgment of 22 May 2007 (no. 06-17238) that "a delay of thirty-nine hours between the disclosure of minority and the appointment of the ad hoc administrator necessarily adversely affects the minor" and in a judgment of 6 May 2009 (no. 08-14519) ruled that "any delay in implementing the obligation to appoint an ad hoc administrator, in the absence of justification of particular circumstances, necessarily adversely affects the interests of the minor".

The guardians' duties are also monitored by the guardianship judge and the Public Prosecutor. Article 411-1 of the Civil Code states that "The guardianship judge and the Public Prosecutor exercise general supervision over guardianship within their jurisdiction. Guardians and other guardianship bodies are obliged to comply with their summons and to provide them with any information they require", which means ensuring that the minor's care in the exercise of the guardianship function is effective and respects all his or her rights. In addition, in the event of a conflict of interest between the minor under guardianship and their guardian, in this case the Departmental Council (which may be the case where there is a dispute over


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>minority, reassessment, or failure by the guardian to take steps to reconstitute the minor's civil status, etc.), article 388-2 of the Civil Code provides for the appointment of an ad hoc administrator by the judge hearing the case. It should be noted that in France, referral to the Children's Judge is an exception to the legal incapacity of minors, since a minor, whether unaccompanied or accompanied, may refer the matter directly to the Children's Judge without any legal representative. Consequently, pursuant to article 396 of the Civil Code, "Any guardianship responsibility may be withdrawn due to the incapacity, negligence, misconduct or fraud of the person to whom it has been entrusted. The same applies where a dispute or conflict of interests prevents the holder of the office from exercising it in the minor's best interests. Any person to whom guardianship has been entrusted may be replaced in the event of a significant change in his or her situation".</p> <p>With regard to the time limit for appointing a guardian, one of the measures proposed in the "Vulnerabilities Plan" of 28 May 2021 was to set up an interministerial working group comprising representatives from the Ministry of Justice and the Ministry of Solidarity and Health, with a view in particular to considering how to speed up the appointment of a legal representative UAMs. There are also plans to amend the Civil Code to clarify the use of legal guardianship for UAMs whose parents are alive but geographically distant, pending legislation.</p> <p>Concerning the delegation of the exercise of parental authority, article 377-2 of the Civil Code states that "The delegation may, in all cases, be terminated or transferred by a new judgment, if it is justified by new circumstances". Any application to terminate the delegation (known as revocation), or to transfer it if the third party initially in charge of the child no longer wishes to or is no longer able to assume the delegation, must therefore be made to the Family Affairs Judge.</p> <p>11. No information.</p> <p>12. A local project has been developed by non-governmental stakeholders along these lines, but it is not a 'system' that has been uniformly implemented throughout France.</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>The MIMNA ('Information Mediation for Unaccompanied Minors') project, born of the convergence of field expertise developing an intercultural approach, and supported by Grenoble-Alpes University, the Foyer de l'Enfance Sud Isère and Savoie Mont Blanc University, is an interdisciplinary initiative. It aims to promote access to information for UAMs by developing non-linguistic tools for mediating knowledge, taking into account their situation of linguistic, intercultural, psychological and procedural vulnerability (as recommended by the European recommendations of the Council of Europe in 2018). The various field analyses carried out as part of this project have served as a basis for formalising knowledge mediation principles and strategies capable of guaranteeing information that is effectively adapted to UAMs. By information that is effectively adapted, they mean enabling the UAM not only to activate meaning, but also to appropriate the information and construct knowledge that is meaningful to them.</p> <p>Regional initiatives have been taken to better meet the needs of UAMs under court supervision and/or in detention, such as agreements with interpreters or the use of a language mediator, for example in the Île-de-France region. Several PJJ (Justice's Department of Judicial Protection for Young People) inter-regions are also developing pictogram-based welcome booklets for detainees.</p>
	EMN NCP Germ any	Yes	<p>1. Yes. Legal provisions in sections 1773 - 1813 of the German Civil Code and section 168 et. seq. of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction provide the framework on how and whom to appoint as a guardian. A guardian is appointed by the competent court ("Familiengericht").</p> <p>The procedure for an "ad-hoc administrator" for UAMs is regulated in sections 42 and 42a of the Social Security Code VIII. An "ad-hoc administrator" for an UAM is designated by law. The "ad-hoc administrator" is the local youth welfare office ("Jugendamt"). UAMs are taken into care provisionally by the local youth welfare office.</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>In Germany, the youth welfare office must take temporary custody of a foreign child as soon as his or her unaccompanied entry into Germany is established. The request for the appointment of a guardian for an UAM shall be made by the local youth welfare office.</p> <p>The Youth Welfare Office must arrange for the appointment of a guardian or custodian without delay after the distribution pursuant to Section 42 (3) sentence 4 SGB VIII. In principle, "without delay" means that the youth welfare office must act "without culpable hesitation". The Federal Administrative Court ruled in an individual case in 1999 that "without delay" in this context means a period of 3 working days. In some federal states, however, in view of the great challenges faced by the youth welfare offices in 2015 and 2016, the appointment of guardians in a period of between 7 and 10 days was still accepted as "without delay".</p> <p>2. §§ 1773 - 1813 of the German Civil Code provide the legislation for the appointment of a guardian. There is no specific legislation regarding the appointment of a guardian for UAMs.</p> <p>Section 42a of the Social Security Code VIII provides a specific legislation for "ad-hoc administrators". In case of the arrival of an UAM the local youth welfare office gets preliminary custody by law until due process and a guardian is appointed.</p> <p>3. Guardians and "ad-hoc administrators" are obliged to inform the UAM in an addressee-oriented way about the affairs of the minor and the ongoing procedures, section 42 subsection 2 of the Social Security Code VIII.</p> <p>4. Yes. It does not affect the application for family reunification.</p> <p>5.</p>
--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>There are no special legal requirements for a person to be appointed as a guardian. Section 1779 subsection 1 of the German Civil Code specifies the general requirements of a guardian (the guardian must be suitable in regards to his knowledge and experience, personal qualities, financial situation etc.). Section 1784 of the German Civil Code lists the grounds for exclusion.</p> <p>However, around 80% of the guardians and every “ad hoc administrator” is an employee of the youth welfare service with appropriate training. Under section 72a of the Social Security Code VIII an employee of the youth welfare service must not be legally convicted of specific crimes, e.g. an offence against sexual self-determination.</p> <p>6. No. However, around 80% of the guardians and every “ad hoc administrator” is an employee of the youth welfare service with appropriate training.</p> <p>7. The guardian is the legal representative of the UAM. The guardian is responsible for the personal and financial welfare of the minor (section 1789 subsection 1 of the German civil code) In Germany, the guardian is expected to visit the child once a month in the child’s usual environment; however, individual cases may require shorter or longer intervals between visits or visits to take place in a different location, Section 1790 subsection 3 of the German civil code.</p> <p>The law assigns guardians the responsibility for the asylum procedure and for any other legal residence procedure. This includes applications for a residence permit not connected to the asylum procedure, or providing assistance in the Dublin procedure or the family reunification procedure involving family members from the country of origin. The guardian is only obliged to the welfare of the ward. In all his or her activities, he or she is subject only to the supervision of the family court.</p> <p>Section 42a of the Social Security Code VIII defines the tasks of the “ad-hoc administrator” during the provisionally phase regarding the implementation of the subsequent distribution procedure, the possibility</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>of family reunification and the possibility of shared accommodation with siblings. The “ad-hoc administrator” must take every action to safeguard the welfare of the UAM.</p> <p>8. There is no general rule on how many UAMs can be managed by one guardian/”ad-hoc administrator”. However section 1780 of the German Civil Code stipulates that if a professional guardian or an association guardian is to be appointed his or her professional workload, in particular the number and scope of the guardianships and conservatorships already to be conducted, shall be taken into account.</p> <p>Employees of the youth welfare services are not supposed to manage more than 50 guardianships as fulltime employees without any other tasks.</p> <p>9. No, not on a Federal level.</p> <p>10. No, there is no monitoring system.</p> <p>A complaint can be lodged against the court decision of appointment of a guardian after section 58 et. seq. of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction.</p> <p>11. During hearings an interpreting service is provided free of charge for the UAM.</p> <p>12. No, not on a Federal level.</p>
	<p>EMN NCP</p>	<p>Yes</p>	<p>1. In July 2022 the Hellenic Parliament adopted a new legislation pertaining to the establishment of a National Guardianship System for unaccompanied minors (Law 4960/2022; Govern. Gazette A' 145 -</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	Greece	<p>https://migration.gov.gr/wp-content/uploads/2022/12/%CE%9D.4960_EN-1.pdf). According to article 65 par. 1(c) of the aforementioned law “the competent authority for the protection, guardianship and accommodation of unaccompanied and separated minors shall be the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum”. However, on 27 June 2023 the Special Secretariat was abolished according to the Presidential Decree 77/2023 (Government Gazette A’ 130/27-6-2023) and all of its responsibilities were transferred to the newly established General Secretariat for Vulnerable Persons and Institutional Protection.</p> <p>In addition, the above-mentioned law provides that the State holds a coordinating, guiding and supervising role, prosecutorial authorities constitute the impartial institutional guarantee for appointing the guardian, whereas public or private legal entities act as guardians. These legal entities are authorizing natural persons, i.e. professionals, to undertake the guardianship tasks and act as appointed guardians of the minors in practice.</p> <p>More specifically, according to the new legislation the Institutional Protection Unit of the General Secretariat is the competent authority for the design of guardianship programs, the monitoring of the implementation and the evaluation of the guardianship institution, as well as for the issuance of relevant guidelines and directives.</p> <p>The guardianship agencies are the following:</p> <ol style="list-style-type: none"> 1. Prosecutor (appoints the Guardian) 2. Guardian (public or private legal entity or international organization, as legally represented) 3. Guardianship mandated person (a natural person with a working relationship with the Guardian and performs the guardianship duties in his name and on his behalf) 4. Guardianship Council for Unaccompanied Minors. <p>According to article 66-XI of Law 4939/2022, the Prosecutor shall a) order guardianship, b) designate the guardian, c) determine the personal details and place of residence of unaccompanied minors under guardianship and d) determine the field of action of the guardian. More specifically, the Prosecutor ordering</p>
--	--------	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

guardianship shall, in principle, appoint a guardian from the list of guardianship services providers. If for any reason the compilation of such list has not been completed, the Prosecutor shall designate as guardian any legal person meeting the criteria set out in Article 66-8(1) and (2) a) at the request of the legal person, or b) on recommendation of the Institutional Protection Unit, notifying a guardianship status.

2.

As mentioned above, the specific legislation organizing the appointment of guardians for UAMs is Law 4960/2022. It should be noted, however, that the general provisions of the Civil Code regarding guardianship may still be applicable. More specifically, the guardianship of minors who lack parental care is regulated by articles 1589 to 1654 of the Civil Code. In this case, the court is competent to appoint the guardian. It is worth noting that, according to article 4 of the Civil Code, foreign citizens (persons who do not have Greek citizenship) have the same civil rights as nationals (Greek citizens). In addition, the Greek courts are competent to appoint a guardian of a foreign minor, if his/her habitual residence is Greece (art. 24 para. 2 AK). However, if the minor simply remains at the moment in Greece, only a decision on interim measures can be issued (s. 24 AK). Therefore, it was deemed necessary to create a flexible and efficient guardianship system adapted to the needs of unaccompanied minors, while at the same time maintaining a high level of supervision and accountability. And those needs are met by the aforementioned Law 4960/2022.

3.

Unaccompanied minors arriving to the Greek territory stay in Closed Controlled Access Centers (CCAS) or Reception and Identification Centers (RICs) at the designated border points, unless they are identified in the mainland who are then referred to the National Emergency Response Mechanism that ensures their immediate transfer to accommodation facilities. The children remain in those centers only for the time period necessary for the completion of the identification and initial reception procedures (e.g. registration, health care and immediate treatment, vulnerability screening) until they are transferred to accommodation centres or other modality for unaccompanied minors. They stay in designated areas, separate from adult facilities

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>and have access to age-appropriate activities and care. During their stay, free information is provided regarding procedures to be applied, their rights and obligations in a child-friendly manner orally and in writing. Free interpretation services are always ensured at all stages and in a language the child understands.</p> <p>During the children's stay in the long-term accommodation facilities, a variety of services are offered, such as psychosocial and legal support, interpretation, primary healthcare, remedial educational classes, extracurricular activities. The professionals working in these facilities receive authorization from the competent Public Prosecutor for Minors to assist and accompany the children in all the various administrative procedures they may need to undergo. Attention is also given to ensure their unhindered access to school. The Integration and Support Unit of the Secretariat works closely with the Refugee Education Department of the Ministry of Education and Religious Affairs towards this direction, by mediating with schools when needed, enhancing the capacity of Reception Classes, training schoolteachers and other educators who support UAMs and strengthening the role of the Refugee Education Coordinators. At the same time, the basic conditions for the inclusion of children in schools, such as their access to the national vaccination program and their registration even when lacking documentation is ensured.</p> <p>Moreover, the newly introduced legislation on the guardianship institution (L. 4960/2022) contains provisions that ensure the inclusion of minors in the procedures that affect them, by enshrining as a general principle the duty of the relevant authorities and bodies to inform minors of their rights, procedures, decisions and consequences in a language they understand, to seek the opinion of unaccompanied minors and to take it into account, depending on their age and degree of maturity. It also provides for the establishment of a relevant complaints mechanism thus promoting the inclusion of minors in all matters that affect them.</p> <p>4.</p> <p>Yes. Law 4960/2022 provides that 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</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

minor. For the purposes of this, the opinion of the minor shall be taken into account, the relationship between the minor and the adult person shall be assessed and inquires 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 interests assessment or social report prepared by the guardian or the Reception and Identification Service or another competent authority or child protection agency.

Regarding the second part of the question, it is understandable that any application for family reunification requires a thorough and in-depth investigation of the child's best interests, which means that all of the child's relationships with family members are taken into account and assessed. This does not necessarily mean that the appointment of one family member as a guardian renders the family reunification with another member impossible.

5.

Law 4960/2022 sets out that the guardianship mandated person must:

- a) hold a degree in humanities or law or social sciences or a diploma awarded by national or equivalent foreign university in the same disciplines;
 - b) have a thorough knowledge of Greek and good knowledge of English or French, or Arabic, Urdu or other language spoken by a significant number of unaccompanied minors in Greece; and
 - c) be registered in the Register of Members of Non-Governmental Organisations referred to in Article 78.
- When the guardianship mandated person is used by public-sector GSPs or an international organisation, Article 7 of Law 4837/2021 (A 178) on impediments to staff employment in child protection bodies and Article 8 of the Code on the Status of Civil Servants and NPDD Officials [Law 3528/2007 (A 26)] on incapacity for appointment to civil servants posts shall apply mutatis mutandis. Every guardianship mandated person, whether in the public or private sector, shall be required to re-produce a copy of judicial or general-purpose criminal record within the last two months of each year and the recruitment body shall

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

monitor compliance with this obligation. In case of noncompliance, the sanctions laid down in Article 7(5) and (6) of Law 4837/2021 shall apply accordingly.

6.

Yes. Article 66-XXIII of Law 4960/2022 dictates the following:

“1. The Institutional Protection Unit shall establish and develop training and continuing education programmes for guardians, guardianship coordinators and guardianship mandated persons, in collaboration with nonprofit public and private sector bodies, as well as international organisations and European agencies.

2. The Guardianship Service Providers designated by the Prosecutor as guardians of unaccompanied minors shall develop appropriate introductory training and continuous education programmes for their staff, in accordance with the European, international and national rules applicable to the guardianship of unaccompanied minors. The Institutional Protection Unit shall provide instructions as to the content of the training and may supervise the GSPs referred to in the first sentence.

3. In the context of the National Guardianship System for Unaccompanied Minors, training and education shall relate in particular to: a) any legal and factual matter relating to the exercise of the functions of guardianship of unaccompanied minors; b) introduction to family, refugee and immigration law, fundamental rights of the child at European, international and national level, as well as of the institutional framework for protecting and safeguarding personal data; c) any legal and factual matter relating to the protection of childhood in general and the particular nature of the needs and best interests of unaccompanied minors, as well as the procedure for assessing their best interest; d) any matter of relating to intercultural mediation, interpretation, and social inclusion; e) counselling and psychological support.”

7.

According to the new law, the guardianship includes three functions:

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>1) Representation in matters of personal status (due to limited legal capacity, the guardian represents the minor in any administrative or judicial proceeding);</p> <p>2) Care (the guardian will take appropriate action and cater for matters of housing, medical care, education, daily care 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);</p> <p>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 other property transactions).</p> <p>8. Yes. According to Law 4960/2022 each mandated person can be responsible for up to 15 children.</p> <p>9. Yes. Article 66-XXIV of Law 4960/2023 entitled “Guidelines and standard operating procedures” provides for the following: “The Institutional Protection Unit shall organise and coordinate policies for the proper and effective implementation of the European, international and national rules applicable to the guardianship of unaccompanied minors, by:</p> <ul style="list-style-type: none"> a) establishing standard operating procedures for the exercise of guardianship functions; b) compiling indicators for assessing the best interest of the unaccompanied minor, in collaboration with international and European organisations and, in particular, the UNHCR and the EU Agency for Asylum, and establishing a standard assessment form and procedures for determining best interests; c) developing guidelines and directives on guardianship and training of guardians; and d) exchanging best practices between nonprofit services, authorities and private sector bodies.” <p>In fact, the General Secretariat for Vulnerable Persons and Institutional Protection of the Ministry of Migration and Asylum launched on 2 August 2023 the pilot implementation of a new Toolkit, in the framework of the project "Harmonization, Establishment and Certification of Best Interests Procedures",</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

with a view to establish standardized tools and harmonize the best interests assessment procedure of the child. The new Best Interests Procedures Toolkit has been distributed to 21 partner child protection actors providing services for the identification and direct support of unaccompanied children, as well as accommodation and care services throughout Greece. During the pilot phase of the project, which will last six months (August 2023 - January 2024), the General Secretariat will roll out training sessions for professionals on how to conduct the child's best interests assessment. The aim of the program, in line with the National Strategy for the Protection of Unaccompanied Minors, is to harmonize the best interests procedures.

10.

Yes, there is. Article 66-XX of Law 4960/2022 provides for the supervision and control procedure within the national guardianship system and dictates the following:


The Institutional Protection Unit shall be responsible for monitoring, supporting and regularly evaluating the work of the guardian, the coordinator and the guardianship mandated person, by:

- a) reviewing regular and extraordinary reports submitted by the guardian and the coordinator;
- b) carrying out onsite sample checks at the headquarters of the GSPs in charge of guardianship;
- c) checking the individual files of unaccompanied minors under guardianship;
- d) hearing unaccompanied minors; and
- e) exchanging information with other competent authorities or professionals or notifying persons or bodies supporting unaccompanied minors, in particular by filling out specific questionnaires or submitting complaints.”

At the same time, the newly introduced legislation provides for two separate complaints procedures. On the one hand, it provides for the establishment of the Guardianship Council which reviews, at the request of anyone with a legitimate interest or ex officio, any complaint and report relating to compliance with the rules applicable to guardianship of unaccompanied minors, in particular complaints lodged by unaccompanied minors about guardianship services they receive, upon referral by the Institutional Protection Unit. And on

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>the other hand, the law introduces the obligation of the Guardianship Service Providers to observe a procedure for lodging, reviewing and resolving complaints by unaccompanied minors placed under their guardianship, by establishing a relevant complaints mechanism.</p> <p>11. Yes, as mentioned above free interpretation services are always ensured at all stages and in a language the child understands.</p> <p>12. No. However, to enhance children's right to participation, a youth network has been developed comprised of teenage unaccompanied children discussing matters that concern them and coordinated by the Secretariat. This group of minors are primarily guided by the Secretariat "mentors". The "Mentorship" programme was launched initially in the summer of 2021 aiming to the empowerment and support of minors reaching majority. It is implemented by former unaccompanied minors now adults who act as role models.</p>
	EMN NCP Hungary	Yes	<p>1. In all cases, the appointment of a guardian is the responsibility of the guardian authority, which is performed by the district (capital district) office of the county (capital) government office responsible for the location of the identification of the unaccompanied minor, after which the case is handed over to the Budapest Capital Government Office, which is specially designated for the administration of unaccompanied minors.</p> <p>2. The assignment of a child protection guardian to an unaccompanied minor is regulated by Act 80 of 2007 on the right to asylum, Act 31 of 1997 on the protection of children and guardianship administration</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>(hereinafter: Child Protection Act) and its implementing Government's Decree 149/1997 (IX.10.), partially identical to the appointment of a child protection guardian in general cases (for minors with Hungarian citizenship).</p> <p>3.</p> <p>The unaccompanied minor is informed about all procedures by the child protection guardian - including the child protection guardian assigned as ad-hoc administrator in the immigration proceeding -, or by the acting authority in the presence of the guardian, as well as by the child protection institution providing the care and education, in a manner understandable to the child as a guarantee rule, including the interpretation.</p> <p>4.</p> <p>According to the Child Protection Act, an unaccompanied minor is a person under the age of 18 who entered the territory of Hungary unaccompanied by an adult who is responsible for their supervision based on law or custom, or who remained unsupervised after entering, as long as they are under the supervision of such a person. The legal representation of children placed in child protection care, including unaccompanied minors, is always provided by a child protection guardian, so if a family member is found who is capable of legally representing and caring for the unaccompanied minor and undertakes to do so, the child is no longer considered an unaccompanied minor, his/her child protection guardian is dismissed, his/her child protection care is terminated and the guardianship authority assigns him/her a relative capable of taking care of him/her.</p> <p>5.</p> <p>The child protection guardian is a person employed as a civil servant by the regional child protection service. Qualification requirements for professional positions in child protection services are contained in the Decree 15/1998 (IV.30.) of the Minister of People's Welfare. According to this, the position of child protection guardian can be filled with the following higher education qualifications: lawyer, administrative organizer,</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>public administration organizer, social sciences (sociology, social policy, social worker), teacher - except religious teacher - , psychologist, behavior analyst or mental health professional, child and youth protection consultant, family protection consultant with a legal qualification with a diploma: nurse, theologian, religious teacher, certified pastoral counselor and organizational development specialist.</p> <p>As a general rule, a person with a criminal record, who is criminally liable for certain crimes, who is prohibited from working, and whose parental rights have been terminated by the court, or whose parental rights are suspended, cannot be employed in the child protection system. Before starting employment, the person concerned must declare this and prove his criminal record.</p> <p>6. The training program for child protection guardians is currently being developed and implemented. By the way, child protection guardians - similarly to other professionals employed in the professional positions of the social, child welfare and child protection institutional system - are obliged to continuing education, as part of which they must also complete the continuing education programs related to their job.</p> <p>7. Pursuant to the Child Protection Act, the child protection guardian is the child's legal representative under Civil Code, who therefore represents the child in his/her personal and property matters, monitors and promotes the child's physical, intellectual, emotional and moral development and education, as well as checks that the child is fully provided with full-scale care. Within the scope of the duties, the child protection guardian protects the child's property interests, ensures the proper utilization and management of the property and manages the child's affairs according to the rules of normal property management.</p> <p>8. Based on the regulations of the Child Protection Act, the child protection guardian can simultaneously supervise up to thirty children, regardless of whether they are unaccompanied minors or not. However,</p>
--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>pecially appointed child protection guardians employed by the Capital Region Child Protection Service are available to provide legal representation of unaccompanied minors, in their case knowledge of a foreign language appears as an additional requirement during employment</p> <p>9. In order to enforce the interests of the child and fulfill his/her duties as a guardian, the child protection guardian - in addition to the governing legislation - applies the uniform principles and methodology approved by the minister and published on the ministry's website (child protection guardian methodology).</p> <p>10. Based on the Child Protection Act, the activities of the child protection guardian are managed and supervised by the guardianship authority. As the employer of the child protection guardian, the regional child protection service informs the guardianship office if the dismissal, removal or suspension of the child protection guardian from the position of guardian is justified. The supervision of the legality of the activities of the guardianship authority is carried out by the capital and county government offices, and the substantive decision of the acting guardianship authority can also be challenged in court. The guardianship office can change the decision of the child protection guardian, acting in its management authority, if, in its judgment, it is contrary to the child's interests.</p> <p>11. For unaccompanied minors, the children's home provides the translation and interpretation necessary for their care, as well as for the management of their affairs and hearings related to their care, as part of the full-scale care, and therefore free of charge. If a translator or interpreter qualified in the required language is not available, the person who speaks the language to the extent necessary for the performance of the tasks can perform the work in an employment relationship.</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>During the guardianship authority procedure, the participation of an interpreter in the procedure is also mandatory, if the administrator of the guardianship office does not speak the child's language.</p> <p>12. no</p>
	EMN NCP Ireland	Yes	<p>1. In Ireland, Tusla, the Child and Family Agency, operates a specific, designated service that discharges duties associated with guardianship. A dedicated Social Work Team for Separated Children Seeking International Protection has responsibility for unaccompanied children who come to Ireland. Specialist social workers working with unaccompanied minors in Ireland fulfil all the roles outlined in the definition of 'guardianship' at p.12 of Recommendation CM/Rec(2019)11[1]. Tusla, the Child and Family Agency is the statutory agency responsible for a broad range of services including child protection and welfare and alternative care services as well as educational welfare, family support, domestic, sexual and gender-based violence and adoption services. Social Workers and social care workers are allocated to support and monitor the progress of the child / young person. The care plan may involve specialist English language tuition, intensive educational supports and therapeutic work in respect of trauma. Note that the majority of unaccompanied minors being cared for by Tusla will not come before the courts and therefore will not be appointed a guardian ad litem. The role of a guardian ad litem is separate to that of a specially trained guardian for a UAM. Under the 2022 Child Care (Amendment) Act[2], the role of a guardian ad litem is to enhance the decision-making capacity of the court by advising on a child's best interests and conveying the views of the child to the court. Specialised social workers in Tusla fulfil the UAM guardianship role envisaged in this inform, therefore guardian ad litem has not been referred to further within this inform. [1] Council of Europe Committee of Ministers, Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration (Adopted by the</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>Committee of Ministers on 11 December 2019 at the 1363rd meeting of the Ministers' Deputies), Available at https://rm.coe.int/cm-rec-2019-11-guardianship-en/16809ccfe2</p> <p>[2] Child Care (Amendment) Act 2022 (Act No. 21/2022) (Ir.), https://www.irishstatutebook.ie/eli/2022/act/21/enacted/en/print.html</p> <p>2.</p> <p>There is no specific legislation for the appointment of guardians for UAMs. Under Section 14 of the International Protection Act 2015[1] Tusla, the Child and Family Agency is notified if an unaccompanied child presents who is seeking to make an application for international protection, or who is the subject of a preliminary interview.</p> <p>Thereafter, under Ireland's equity of care principle the child is assessed under the same thresholds as any other child needing care and protection and receives the same standard of care as any other child.</p> <p>The Child Care Act 1991[2] covers (among other things) the following areas, relevant to UAMs:</p> <ul style="list-style-type: none"> • promotion of welfare of children, including the relevant functions of Tusla • protection of children in emergencies, including Section 12 which governs the powers of An Garda Síochána to take a child to safety • care proceedings, including the different types of care orders which can be made by a court • children in need of special care or protection • jurisdiction and procedure, including provisions for the appointment of a guardian ad litem for a child • children in the care of Tusla. <p>A child can be taken into care by court order, or voluntary care under Section 4 of the Child Care Act 1991. In the case of older children, following an assessment they may be accommodated under Section 5 of the Child Care Act, 1991 rather than being taken into care.</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>[1] International Protection Act 2015 (Act No. 66/2015) (Ir.), https://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/html</p> <p>[2] Child Care Act 1991 (Act No. 17/1991) (Ir.), https://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html</p> <p>3.</p> <p>If an unaccompanied minor is referred to Tusla, the Child and Family Agency, the Separated Children Seeking International Protection (SCSIP) Service will take responsibility for the minor, informing and supporting them on administrative procedures, such as whether it is in their best interests to make an application for international protection or whether other options may apply such as family reunification or family tracing[1]. Children who arrive in Ireland outside of a dedicated refugee programme are supported in their application for refugee status.</p> <p>Following the International Protection Act 2015[2], when deemed necessary, Tusla appoints an employee or another appropriate person to make an application for international protection on behalf of the child and assist the child in the preparation of the application. The Legal Aid Board provides legal advice to unaccompanied minors seeking protection. The person appointed by Tusla can be present at the interview with immigration services and can make representation on behalf of the minor[3].</p> <p>When an unaccompanied minor is referred to Tusla, Tusla makes every attempt to contact relatives of the child and to reunite the child with family members or friends. Where relevant the process of reunification is started as soon as the children come to the attention of Tusla.</p> <p>Assisting children with reunification with their families has evolved as a key piece of the support social workers provide to those who are eligible to apply for a family member to enter under Section 56 of the International Protection Act.</p> <p>If children cannot be reunified with family or friends, they are either received into State care, or, if older and in line with their needs, are fully supported by Tusla in having an appropriate placement, education and other assistance.</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

[1] International Protection Office (2017) Information Booklet for Applicants for International Protection Available at: <http://www.ipo.gov.ie/en/IPO/InfoBookletNew.pdf/Files/InfoBookletNew.pdf>

[2] International Protection Act 2015 (Act No. 66/2015) (Ir.), <https://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/html>

[3] International Protection Office (2017) Information Booklet for Applicants for International Protection Available at: <http://www.ipo.gov.ie/en/IPO/InfoBookletNew.pdf/Files/InfoBookletNew.pdf>

4.

No. When an unaccompanied minor is referred to Tusla, Tusla makes every attempt to contact relatives of the child and to reunite the child with family members or friends. However, there is no system in place to officially appoint a family member as a guardian to represent them in the way envisaged here.

Depending on individual circumstances, it may be possible for a family member to be granted legal guardianship. The Children and Family Relationships Act 2015^[1] provided for a number of changes to the Guardianship of Infants Act 1964^[2] related to the appointment of legal guardians. Legal guardianship is an entirely separate process to the appointment of a guardian under Recommendation CM/Rec(2019)11^[3]. A child with a legal guardian in Ireland would likely only be in the care of Tusla if child protection concerns arose.

If a parent or legal guardian lives abroad a process to reunify could take place unless any particular child protection concerns arise. The Separated Children Seeking International Protection (SCSIP) Service in these circumstances will work closely with International Social Services (ISS). ISS Ireland is located in Tusla.

It should be noted that separated children may present for reunification, sometimes with an agent, to be reunified with a family member in Ireland. Tusla's assessment of the child's circumstances includes an assessment into how the child arrived in Ireland, and any concerns in relation to child trafficking. If required, the child is received into care until a more extensive child protection and welfare assessment can be undertaken including DNA testing if required, and inter-agency working continues as required.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>[1] Children and Family Relationships Act 2015 (Act No. 9/2015) (Ir.), https://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/html</p> <p>[2] Guardianship of Infants Act 1964 (Act No 7/1964) (Ir.), https://www.irishstatutebook.ie/eli/1964/act/7/enacted/en/print.html</p> <p>[3] Council of Europe Committee of Ministers, Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration (Adopted by the Committee of Ministers on 11 December 2019 at the 1363rd meeting of the Ministers' Deputies), Available at https://rm.coe.int/cm-rec-2019-11-guardianship-en/16809ccfe2</p> <p>5. A dedicated Social Work Team for Separated Children Seeking International Protection has the responsibility within Tusla for unaccompanied children who come to Ireland. Specialist social workers working with unaccompanied minors in Ireland fulfil all the roles outlined in the definition of 'guardianship' at p. 12 of Recommendation CM/Rec(2019)11. This team is composed of social work staff with an appropriate level of academic education and professional experience to deliver the specialist supports that separated children require. The role of social worker is a protected title in Ireland, and social workers are required to register with the regulatory body CORU - Regulating Health & Social Care Professionals, provide evidence of relevant continuous professional development and undergo regular police checks.</p> <p>6. See response in Q. 5 above.</p> <p>7. The social worker or the duty social work service, in consultation with the child, develops a written statutory Care Plan, which identifies the needs of the child, and how those needs are to be met. Statutory regulations set out that the child's Care Plan is reviewed regularly, and that the allocated social worker regularly meets with the child. The role of specialized social workers is separate to providing for the day-to-day care of the</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

child (e.g. by foster carers or social care staff of a residential facility). Indeed, it is the role of the allocated social worker to advocate on behalf of the child in their care placements. Under the EU Reception Condition Directive, they are considered as the representative of the child.

8.

No. All children in care, including unaccompanied children, should have an allocated social worker. There is no standardised case load per worker as it depends on the experience and post qualification practice levels of each worker.

However, given the current very high level of demand, the Separated Children Seeking International Protection (SCSIP) social work team currently operate a duty system to respond to minors' needs based on a duty response system where it is not possible to provide all minors an allocated social worker or social care worker.

9.

If the child is taken into care by Tusla under the provisions of the Child Care Act 1991, then their placement is governed by the Child Care Act 1991, including National Regulations for placements in Residential Care and Foster Care, and independent regulatory standards.

The social worker or the duty social work service, in consultation with the child, develops a written statutory Care Plan, which identifies the needs of the child, and how those needs are to be met. Statutory regulations set out that the child's Care Plan is reviewed regularly, and that the allocated social worker regularly meets with the child.

Unaccompanied Minors, following an assessment, may be accommodated under Section 5 of the Child Care Act 1991, if they are not deemed to meet the threshold of needing to be taken into care under a court order. Where the Separated Children Seeking International Protection (SCSIP) service can contact parents, consideration is given to the use of Section 4 of the Child Care Act 1991 to receive the child into Voluntary Care with the parents' consent.


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>In regard to care placements, standard procedure for unaccompanied minor children, who have been taken into the care of Tusla, is placement in small residential centres staffed by specialists with relevant expertise. The residential homes in which UAMs live are considered to be specialist placements and are not used to accommodate children in the general care population. Qualified staff provide and procure specialist supports which address their identified needs, in line with their written Care Plan.</p> <p>The Health Information and Quality Authority (HIQA), Ireland's independent regulator for health and social care regularly inspect placements of unaccompanied minors and reviews compliance with relevant standards, including regarding the provision of care of UAMs from a child's allocated social worker. The placements for unaccompanied children are inspected against the same national standards as for all children in state care. The reports are published on HIQA's website[1]. HIQA inspects statutory residential centres for SCSIP whilst the regulatory arm of Tusla inspects centres operated by the charity and voluntary sector and private providers.</p> <p>[1] HIQA Inspection Reports available at: https://www.hiqa.ie/reports-and-publications/inspection-reports?term_node_tid_depth=2 Most recent inspection report of the Separated Children Seeking International Protection Service published on 26 July 2023 is available at: https://www.hiqa.ie/system/files?file=inspectionreports/4425_SCSIP_28022...</p> <p>10.</p> <p>All children in care, including unaccompanied children, should have an allocated social worker. As discussed above, specialist social workers fulfil roles outlined in the definition of 'guardianship'. However, given the current very high level of demand, the social work team operate a duty system to respond to minors' needs based on a duty response system where it is not possible to provide all minors an allocated social worker or social care worker.</p> <p>Any complaints regarding a child's care can be made through Tusla at https://www.tusla.ie/get-in-touch/feedback-and-complaints1/. In situations where an investigation is required, the complaints officer will prepare a report and will advise the complainant in writing of their right to have the recommendations of the</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>complaint reviewed internally and their right to refer the complaint to the Ombudsman or Ombudsman for Children. See https://www.tusla.ie/uploads/content/Tell_Us_Complaints_A5_6pg_LR_amend.pdf</p> <p>11. Yes, where needed, Tusla social workers can access interpretation services. The Separated Children Seeking International Protection (SCSIP) team uses interpretation services extensively. The team ensure that these services operate in a culturally sensitive and professional manner. Interpretation services provided by SCSIP are free to the UAMS.</p> <p>12. The Separated Children Seeking International Protection (SCSIP) team is well trained to recognise any communication difficulties with minors and work with culturally appropriate NGOs to assist in the regard. Interpretation services are also provided by SCSIP for free to the UAMS. While informally cultural mediators may play a role in individual cases on an ad hoc basis, they are not routinely used by the SCSIP team.</p>
	EMN NCP Italy	Yes	<p>1. The local Family Court with territorial jurisdiction appoints the volunteer guardian.</p> <p>2. Law No. 47 of 2017, Article 11, provides for the establishment of dedicated lists of volunteer guardians at the Family Courts. The appointment of the volunteer guardian is carried out by the President of the Family Court. While the execution of guardianship is regulated by the provisions of the Civil Code. Within ninety days of the enforcement of this Law, a list of volunteer guardians is established at each Family Court, to which citizens, selected and properly trained, may be enrolled by the regional guarantors and Trento and Bolzano independent provinces' guarantors for children and adolescents. Volunteer guardians</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>will be prepared to assume guardianship of one unaccompanied minor or several minors, up to a maximum of three, unless there are specific and relevant reasons. Appropriate Memorandums of Understanding between the aforementioned guarantors for children and adolescents and the presidents of Family Courts are established to promote and facilitate the appointment of volunteer guardians.</p> <p>3. During the first interview, UAMs are informed and assisted regarding the procedures related to international protection, appointment of a guardian etc. as provided by Law No. 47 of 2017.</p> <p>4. Yes, it is possible, following a review of its appropriateness. No, there are no negative consequences or impacts on subsequent application for family reunification by the UAM's parents.</p> <p>5. The requirements to apply, as provided by the Guidelines of the Guarantor Authority for Children and Adolescents, are:</p> <ul style="list-style-type: none"> - Have reached the age of 25 years - Register residence in Italy - Have a verified knowledge of the Italian language - Enjoy civil and political rights - Have not been convicted or have pending criminal proceedings or for the application of security or preventive measures - Have a residence permit (if not an EU citizen) - Must not have any of the conditions of restriction provided for in Article 350 of the Civil Code: <p>Must not be in a situation of conflict of interest with the child Must not have been removed from other guardianship</p>
--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>Must have time and energy available to exercise his/her function Must have irreproachable conduct, i.e., morally suitable Must not be the subject of any order of disqualification, limitation or suspension of parental responsibility Must not be registered as a bankrupt.</p> <p>6. Yes. Responsibility for the selection and training of volunteer guardians lies with the regional guarantors and Trento and Bolzano independent provinces' guarantors.</p> <p>7. Several activities are required from the volunteer guardian, including:</p> <ul style="list-style-type: none"> - Submission of the application for residence for the minor - Submission of the application for international protection if any - Duty to inform the minor that in a court proceeding he/she may be assisted by a trusted lawyer and to benefit from free legal aid - Participation in the identification phase of the minor - Request to initiate any procedures for family investigations and subsequent family reunification - Relationships with the social services in charge of the child, residential communities or foster families - Contact activities and legal representation in school/training procedures - Application for enrollment in the National Health Service - Provision of informed consent in health care decisions and interventions - Monitoring of care choices for the child - Application for trafficked minors to a specific program. <p>8.</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>The legislation provides for a maximum number of three UAMs per volunteer guardian in order to ensure the principle of proximity and effectiveness of the exercise of guardianship. Under the law, the limit can be waived only for relevant reasons.</p> <p>9. No.</p> <p>10. No. There is quantitative and qualitative monitoring of the UAM guardianship system in Italy. Responsibility for monitoring the progress of the guardianship exercise belongs to the Family Court that appointed the volunteer guardian.</p> <p>11. No. The cultural mediator is responsible for taking care of it. If the child is a party to proceedings before a judicial authority, the interpretation is charged to the State</p> <p>12. Yes, and it is free of charge.</p>
	EMN NCP Latvia	Yes	<p>1. Information to the Orphan's court about the need to appoint a guardian for an unaccompanied minor is provided by the Office of Citizenship and Migration Affairs and the State Border Guard - both institutions are involved in ensuring the asylum procedure. Until a guardian is appointed, the child's representative is the head of the Child care institution or the Orphan's court.</p> <p>2. The general norms of the Civil Law and the norms of the Asylum Law apply to the appointment of the guardian.</p>


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>3. All submissions, etc. is submitted by the Guardian on behalf of the unaccompanied minor and all information from the authorities is provided to the Guardian. The general norms of the Law on Administrative Procedure provide for the involvement of minors from the age of 15 in all processes, so in such cases, decisions and other documents are issued to minors as well.</p> <p>4. A relative can also be appointed as the Guardian and this does not have a negative impact on the unaccompanied minor's right to family reunification.</p> <p>5. Regarding the appointment of the Guardian for an unaccompanied minor, there are general criteria and procedures for the appointment of the Guardian established in the Civil Law, including that the person must be of legal age (at least 18 years old) and cannot be criminally punished.</p> <p>6. Yes. As a general rule, before becoming a guardian, a person attends special training. Even after the establishment of guardianship, the Guardian attends training paid for by the state. The aim of these trainings is to strengthen the knowledge of the guardian and to promote the skills of the guardians.</p> <p>7. The Guardian's duty is to replace the child's parents, to ensure its representation, care and conditions for the child's development.</p> <p>8. No. The legislation does not provide for such a limitation.</p> <p>9. Yes. Guidelines, recommendations and information are provided in trainings, such information is periodically prepared and distributed by non-governmental organizations as well as Orphans' courts.</p> <p>10. Yes. The Guardians, including complaints about it, are monitored by the Orphan's Court. On the other hand, the actions of orphans' rights are monitored by the State Inspectorate for the Protection of Children's Rights. There are no legal restrictions on who can submit this type of complaint.</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>11. No. The State does not provide such translation.</p> <p>12. No. There are no such special programs. In practice, non-governmental organizations may be involved in these processes, if necessary.</p>
	EMN NCP Lithuania	Yes	<p>1. In Lithuania, there is a partly centralized, two-step system and there are two main actors who are involved in the appointment of a guardian (by law only a guardian may be appointed, not an ad hoc administrator). The State Child Rights Protection and Adoption Service (hereinafter – the Service) submits a reference to the municipal administration regarding the appointment of a guardian. The mayor of the municipality makes a decision on the appointment of a guardian. The Service acts as a representative of an unaccompanied minor until a guardian is appointed for the child.</p> <p>2. Both general civil law (Chapter VIII of the Civil Code of the Republic of Lithuania) and specific Law on the Legal Status of Foreigners (Articles 2, 32, and 140²⁷) apply.</p> <p>3. First, the representatives of the State Child Rights Protection and Adoption Service participate to ensure the best interests of the child in the initial steps after identifying an UAM (participating in the interview, communicating with the minor, etc.) and, together with officers of the State Border Guard Service, inform the UAM about various administrative procedures. Subsequently, the appointed guardians inform about and assist UAMs in various administrative procedures. In case a legal entity is appointed as the guardian of an UAM, it has an obligation to appoint a responsible employee who performs the duties of the representative of the unaccompanied foreign minor.</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>4. YES. According to the law, a child has a natural right to grow and develop in a biological family; therefore, the appointment of a legal representative does not prevent family reunification.</p> <p>5. A person who intends to become a guardian must submit an application to the State Child Rights Protection and Adoption Service and provide the following documents:</p> <ul style="list-style-type: none"> • health certificates - both their own and of persons over the age of sixteen who live with them • a written consent of persons older than sixteen living together • in case the applicant has lived in another country for longer than 6 months, s/he must provide information about his/her criminal record and any convictions. <p>After evaluating these documents, if there are no obstacles, the person is sent to special training for guardians. However, there is no special preparation for fostering UAM. If the person is a relative of the UAM, he doesn't have to meet the above-mentioned criteria for health and criminal records.</p> <p>6. YES. Training is mandatory for all persons who wish to become a guardian of a child. However, there is no special preparation for fostering UAM. After the Service completes the evaluation of documents, if there are no obstacles, the person is sent to special training for guardians. Training is organized by persons certified by the Service, who are authorized to provide these trainings and who provide services in foster care centers operating on the territory of each municipality. Each municipality has an obligation to provide free training for guardians to persons living in its territory. The training program is approved by the order of the Director of the Service 2018-06-01 No. BV-66 and the trainings are implemented in accordance with the Recommendations for the Search, Preparation, Selection, Counseling, and Provision of Support Services for Guardians</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

(Caregivers) and Adoptive Parents, which are approved by the order of the Director of the Service 2011-06-22 No. BV-16.

The training consists of 7 group meetings with between 3 and 18 participants who want to become guardians and at least 2 individual meetings with each person or family who wants to become guardians. The training covers the most important topics about children who have lost parental care, their experienced losses and traumatic events, how this can affect the child's behavior, and which parenting methods work and which do not. After the group and individual meetings, the training organizers fill out a special questionnaire with each participant about the person's living conditions, emotional resilience, family environment and ability to meet the needs of a child who has lost parental care. The final step is the preparation of a conclusion on the readiness of the person or family to become guardians. The assessment of a person's readiness to care for a child is carried out by assessing the individual's and family's motives and readiness to become a child's guardian according to five abilities:

- ensuring a safe environment and meeting physical needs;
- meeting the child's needs and compensating for developmental difficulties;
- ensuring the child's ties with his biological family;
- helping the child establish secure and lasting relationships;
- cooperation in solving child and family problems.

It is important to note that the conclusion can also be negative. In this case, the person and the family are given recommendations, such as visiting a psychologist or overcoming other unresolved crises.

Immediately after the start of the war against Ukraine on 02/24/2022, preparations began for a possible influx of migrants, including UAM, therefore, considering that some of the arrivals will first be appointed as child representatives and only later they will receive training, the Service has prepared short educational videos about PTSD, child loss, a possible response to traumatic experiences, etc.

<https://www.youtube.com/watch?v=p21k-_WU8tE&list=PLXKalkyT3thb69bP5fc7q2...>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>7. The guardian is responsible for the performance of all duties of a legal representative, as well as for daily life and childcare.</p> <p>The guardian's duties are defined in Article 3.271 of the Civil Code:</p> <ol style="list-style-type: none"> 1. ensuring the child's physical and mental safety; 2. taking care of the child's health and learning; 3. raising the child; 4. cooperating with the municipal administration, the care center, the state institution for the protection of children's rights, and other interested state and municipal institutions when solving issues related to the interests of the child; 5. not preventing the child from communicating with the parents, if this does not harm the child's interests; 6. maintaining relations with the child's parents, informing the child's parents or close relatives, if they so wish, about the child's development, health, education, and other important issues; 7. taking care of the child's free time, taking into account his age, health, development, and inclinations; 8. preparing the child for independent life and work in the family, civil society, and the state. <p>8. When it is possible to foster a child in a family, there is a general limit of up to 3 fostered children, with the exception that there can be more children to prevent the separation of siblings. If this possibility is not available, the child is accommodated in a refugee reception center, which is not subject to strict restrictions on the number of UAMs accommodated and managed.</p> <p>9. NO</p> <p>10. NO. There is no special monitoring system to ensure that the deadlines for the appointment of a guardian are respected.</p>
--	--	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>Monitoring the appointment of guardians is implemented by the dual system of appointing the guardian: after the Service submits a reference to the municipal administration regarding the appointment of a guardian, the Service starts to monitor the established terms, within which the mayor of the municipal administration must adopt a decision on the appointment of a guardian (provisions of Article 3.250 of the Civil Code and the provisions on the organization of child care, approved by the Resolution of the Government of the Republic of Lithuania on 03/27/2022 No. 405).</p> <p>It should be noted, however, that the State Child Rights Protection and Adoption Service acts as a centralized child protection institution and, in fulfilling its functions, it may both accept complaints and supervise the quality of guardianship.</p> <p>The complaint can also be submitted to the municipal administration responsible for the appointment of a guardian, in compliance with the established deadlines.</p> <p>11. YES</p> <p>According to the law, an unaccompanied minor has the right to an interpreter during the interview, and this right is guaranteed by the Migration Service.</p> <p>According to the best interest of the child, the State Child Rights Protection and Adoption Service, while acting as legal representative of the UAM, until the appointment of a guardian, provides the services of an interpreter in all actions in the appointment of the guardian procedure as well as all further actions in the performance of custodial care.</p> <p>In case the refugee reception center is appointed as a guardian, they provide their own translation service in daily life, if needed.</p> <p>In all these cases, the translation service is free of charge for UAMs.</p> <p>However, lately, while dealing with the migration crises, there have been problems in practice due to the lack of interpreters in certain languages. The Red Cross, the Order of Maltese, Save the Children and other NGOs provide various types of support, including translation services at the primary reception centers.</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			12. NO.
	EMN NCP Luxembourg	Yes	<p>1. In Luxembourg, there is no centralized, one-stop system, but there are two main actors who intervene in the appointment of an ad-hoc administrator or guardian. The Ministry of Foreign Affairs (Directorate of Immigration) informs and initiates procedures before civil courts, specifically the judge handling family affairs, who then appoints the ad-hoc administrator. The guardians initiate their nomination before the same judge.</p> <p>2. In Luxembourg, both general civil law as well as specific legal provisions regarding unaccompanied minors (amended law of 18th December 2015 regarding international protection and temporary protection, amended law of 18th December 2015 on the reception of applicants for international protection and temporary protection and amended law of 29 August 2008 on free movement of persons and immigration) are applied.</p> <p>3. In Luxembourg, the appointed guardians inform as well as accompany UAM's throughout various administrative procedures. However, since the guardian is not instantly appointed, said information is often given at a later stage, whereas there is no provision that would guarantee a child-friendly information from the start. The ad-hoc administrator informs the UAM regarding legal provisions and procedures. However, since this appointment can also be delayed, said information is also often given at a later stage.</p> <p>4. In Luxembourg, it is possible to appoint a family member as guardian. According to a literal interpretation of the legislation, the minor is not considered as UAM, but accompanied, so in principle no family reunification is granted.</p>


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>5. Luxembourg does not provide for qualitative criteria for the appointment as a guardian. The ad-hoc administrators are lawyers and are thus familiar with the applicable legislation.</p> <p>6. In Luxembourg, there is no obligation to undergo any form of specialized training in order to qualify as a guardian or ad-hoc administrator.</p> <p>7. In Luxembourg, the ad hoc administrator is solely nominated for the immigration or asylum procedure. The guardian is responsible for everyday life, decisions related to the child such as school enrolment etc.</p> <p>8. Luxembourgish legislation does not limit the number of UAM's a guardian or ad-hoc administrator can take charge of. But in practice the Judge is attentive not to nominate the same lawyer for too many children.</p> <p>9. Luxembourg does not provide for any kind of quality standards or guidelines regarding the handling of the guardian or ad hoc administrator.</p> <p>10. Luxembourgish legislation does not provide for a monitoring of the guardians or ad-hoc administrators activities.</p> <p>11. Luxembourgish legislation specifies the right to an interpreter, free of charge. However, there have been problems in practice due to the lack of interpreters in certain languages.</p> <p>Lawyers (ad hoc administrators) use their own interpreters for interviews outside the ministry.</p> <p>For applications for international protection, the Directorate of Immigration provides interpreters for the application and the interview.</p>
--	--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>ONA has a yearly convention with the Luxembourg Red Cross, which provides the translation in the primary reception centers, so the interpretation is done on-site, but also works together with external private interpreting agencies in Luxembourg.</p> <p>The interpreters work on a freelance basis for the Luxembourg Red Cross. This often keeps interpreters from working long term for the Red Cross and creates high volatility of availabilities of different languages over time.</p> <p>In particular, ONA's communication unit works closely with a translation agency. This translation agency can handle any translation request (flyers, website, portail DPI, posters, etc.) for any of our 12 working languages.</p> <p>Moreover, interpretation is guaranteed internally on demand by ONA's multi-lingual staff, the intercultural communication agents. If needed (languages not spoken by staff) an interpreter of the Luxembourg Red Cross intercultural interpretation department can be booked for appointments in the reception facility (vulnerability assessment interview for example) or outside the facility.</p> <p>12. Luxembourg does not provide for an accompaniment by an intercultural mediation institution or professional. However, regarding educational matters, the Ministry of Education can provide for an intercultural mediation which would then be free of charge.</p>
	EMN NCP Netherlands	Yes	<p>1. All minors in the Netherlands must be under authority, 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 general basis. It offers help to youngsters on the grounds of juvenile protection measures. In addition, the Ministry of Justice and Security can indicate other categories of minors who can be placed under the guardianship of Nidos. A court decides about the guardianship and whether Nidos becomes guardian. Minors also receive a lawyer to represent their interests during the asylum procedure. Minors are assisted and accommodated at a</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

special reception center of the Central Agency for the Reception of Asylum Seekers (COA) for young asylum seekers, in a foster family, or a so-called protected reception facility.[1]

[1] <https://ind.nl/en/about-us/background-articles/unaccompanied-minors>, last accessed 13 July 2023.; De Rechtspraak, 'Voogdij', <https://www.rechtspraak.nl/Onderwerpen/Voogdij>, last accessed 13 July 2023; Nidos, 'organisatie en medewerkers', <https://www.nidos.nl/en/home/organisatie-en-medewerkers/>, last accessed 13 July 2023.; Nidos, 'guardianship', <https://www.nidos.nl/en/home/voogdij-en-gezinsvoogdij/guardianship/>, last accessed 13 July 2023.

2. Child custody proceedings are governed by civil law. An application to the district court to appoint a guardian may only be made by a lawyer. Choosing who the guardian is does not require a lawyer.[1] The guardian is the legal representative for unaccompanied minor asylum seekers/aliens, is responsible for their welfare and has the task of protecting the youngsters.[2]

[1] De Rechtspraak, 'Voogdij', <https://www.rechtspraak.nl/Onderwerpen/Voogdij>, last accessed on 13 July 2023.

[2] Nidos, 'organisatie en medewerkers', <https://www.nidos.nl/en/home/organisatie-en-medewerkers/>, last accessed on 13 July 2023.

3. From the outset of the asylum procedure the unaccompanied minor is appointed a guardian from Nidos. The guardian will help throughout the entire asylum procedure, from the registration to the final decision.

In order to apply for asylum in the Netherlands, the minor reports to the IND application centre in Ter Apel. Here, personal details are registered and a guardian from Nidos will have talks with the UAM. If the UAM is under the age of 12 the asylum application is signed by the guardian from Nidos. Dependent on the age

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

of the UAM, they will either be placed in a foster family or appointed to a special UAM reception centre of the COA.[1]

Before the application interview the UAM is given a leaflet that contains information about the asylum procedure. The Immigration and Naturalisation Service (IND) will also give information on the procedure at the beginning of the application interview. The UAM is prepared by their guardian, their lawyer and the Dutch Council for Refugees (VWN) for the procedures and steps that follow in the asylum procedure. The guardian from Nidos is allowed to attend all interviews during the asylum procedure.[2]

In preparation for the detailed interview: the lawyer discusses with the UAM what type of questions they can expect. Following the interview a discussion of the detailed interview takes place with the lawyer. The lawyer discusses with them the report of the detailed interview, what is correct and what is incorrect, and whether important subjects have not been discussed. On the basis of this interview, the lawyer will indicate what matters are different to those recorded in the report and they will indicate what they would like to see added to the report.

If the application is to be rejected, the lawyer will reply in writing to the intention of the IND to not grant the UAM a residence permit. If the IND decides that the UAM will not be given a residence permit and an appeal has also been rejected, they will have to prepare to return to their country of origin. The guardian will also support the UAM in this process.[3]

[1] Nidos, 'Je asielpcedure', <https://www.nidos.nl/en/voor-jongeren/je-asielpcedure/>, last accessed 13 July 2023; Information proved by the IND on 26 July 2023; VWN, 'You want to apply for asylum', https://www.vluchtelingenwerk.nl/sites/default/files/u32918/aanmeldfase_..., last accessed on 14 July 2023.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>[2] Nidos, 'Je asielprocedure', https://www.nidos.nl/en/voor-jongeren/je-asielprocedure/, last accessed 13 July 2023; ; Information proved by the IND on 26 July 2023; VWN, 'You want to apply for asylum', https://www.vluchtelingenwerk.nl/sites/default/files/u32918/aanmeldfase_...., last accessed on 14 July 2023.</p> <p>[3] Nidos, 'Je asielprocedure', https://www.nidos.nl/en/voor-jongeren/je-asielprocedure/, last accessed 13 July 2023.</p> <p>4. No, however it is possible that the guardian appointed by Nidos approves of the UAM living with a family member in The Netherlands.[1]</p> <p>[1] Nidos, 'Where will you live?', https://www.nidos.nl/en/voor-jongeren/living-in-the-netherlands/where-will-you-live/, last accessed on 13 July 2023.</p> <p>5. The Netherlands does not provide criteria for a guardian/ad-hoc administrator which have to be fulfilled before appointment. Nidos is certified by the Keurmerkinstituut, which on its turn is established and guaranteed by the Dutch government.[1]</p> <p>[1] Nidos, 'Organisatie', https://www.nidos.nl/home/organisatie-en-medewerkers/, last accessed on 17 July 2023.</p> <p>6. No, in the Netherlands there is no formal obligation for a guardian/ad hoc administrator to undergo specialised training.</p> <p>7. Every UAM has the right to receive legal aid. The lawyer (ad-hoc administrator) is appointed to represent the interests of the UAM during the asylum application procedure. The guardian is responsible for the supervision of all thematic, overarching and future-oriented aspects of the UAM's life. This affects areas such as the asylum procedure, education, accommodation, sports, wellbeing etc.[1]</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

[1] Stichting Nidos, 'Opvang gezinnen, voor alleenstaande minderjarige asielzoekers', 2019, https://www.nidos.nl/wp-content/uploads/2019/05/OWG_NL_2019-05_digitaal-bestand.pdf#:~:text=Het%20hoofdkantoor%20van%20Nidos%20is%20gevestigd%20in%20Utrecht.,jeugd%20beschermers.%20Een%20jeugdbeschermer%20begeleidt%20gemiddeld21%20tot%2024%20kinderen, last accessed on 17 July 2023.

8.

No, Dutch legislation or administrative practice does not indicate how many unaccompanied minors can be managed by one guardian/ad-hoc administrator. On average, a Nidos guardian (Jeugdbeschermer) managed 21 – 24 children in 2019.[1]

[1] Stichting Nidos, 'Opvang gezinnen, voor alleenstaande minderjarige asielzoekers', 2019, https://www.nidos.nl/wp-content/uploads/2019/05/OWG_NL_2019-05_digitaal-bestand.pdf#:~:text=Het%20hoofdkantoor%20van%20Nidos%20is%20gevestigd%20in%20Utrecht.,jeugd%20beschermers.%20Een%20jeugdbeschermer%20begeleidt%20gemiddeld21%20tot%2024%20kinderen, last accessed on 17 July 2023.

9. Yes. Nidos adheres to specific methodologies in its approach to guardianship. Nidos is committed to aligning its methodology with scientific insights regarding the pedagogical guidance of children. In pursuit of this objective, Nidos established its own chair at the University of Groningen in 2012, in part to further advance this endeavor. In 2011, an evaluation of the methodology employed for guardian adolescents was conducted, resulting in a comprehensive improvement program aimed at addressing various aspects of the approach.[1]

[1] Nidos, 'Methodology', <https://www.nidos.nl/en/home/missie-en-visie-van-nidos/methodiek/>, last accessed 14 July 2023.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

10. Yes, there is a system to deal with possible complaints against guardians. In instances where an UAM feels that they are being treated unfairly, Nidos advises them to initially communicate with the respective staff member involved. If successful, further steps can be taken. The procedure is as follows: The UAM can discuss their complaint with the regional manager, who will handle the matter by arranging a meeting with the UAM and, preferably, the staff member in question. If the UAM is not satisfied with the resolution proposed by the regional manager, they can escalate the complaint to the general manager. Should this also fail to provide a satisfactory solution, the complaint can be submitted to the complaints committee. Alternatively, the complaint can be directly submitted to the complaints committee. This committee consists of three individuals, including a chairman and two members who are not employed by Stichting Nidos. The complaint must be submitted in writing. The procedures followed by the complaints committee in handling the complaint are defined in a specific regulation.^[1]

^[1] Nidos, 'Complaints', <https://www.nidos.nl/en/voor-jongeren/veiligheid-en-klachten/complaints/>, last accessed on 14 July 2023.

11. Yes, the Netherlands provides an interpreting service. The guardian from Nidos can decide if an interpreter is needed when contacting the UAM.^[1]

^[1] VWN, 'You want to apply for asylum', https://www.vluchtelingenwerk.nl/sites/default/files/u32918/aanmeldfase_rv_amv_engels_maart_2021_merit_avg_0.pdf, last accessed on 14 July 2023.

12. No.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

	EMN NCP Poland	Yes	<p>1. In Poland, matters related to unaccompanied minors who apply for international protection are regulated in national legislation, among others, in the Act of 13 June 2003 on granting protection to foreigners in the territory of the Republic of Poland. Special care is foreseen in regard to the UAM who is present at the border - legal provisions allow for the taking care of this minor from the moment he/she arrives at the border. If an unaccompanied minor declared to the Border Guard authority the intention to submit an application for international protection (the application cannot be lodged by the minor but must be lodged by the guardian – appointed by the family court – or the representative of the international or non-governmental organisation which provides legal support to foreigners), the authority that accepted the declaration:</p> <ol style="list-style-type: none"> 1) draws up a report on this activity; 2) registers the declaration of intention to submit an application for international protection in the register; 3) occurs immediately to the family court competent for the place of residence of the unaccompanied minor with a request for: <ol style="list-style-type: none"> a) the appointment of a guardian to represent the minor in the proceedings for international protection, transfer to another Member State under Regulation 604/2013, provision of social assistance and assistance in voluntary return to the country of origin, b) placing him/her in foster care. <p>The court appoints the legal guardian immediately, but later than 3 days from receiving the request.</p> <p>2. General civil law applies with modalities established in the Act of 13 June 2003 on granting protection to foreigners in the territory of the Republic of Poland.</p> <p>3. Via legal guardian.</p>
--	----------------------	-----	---


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>4. YES. It does not have a negative impact on a subsequent application for family reunification by the UAM's parents.</p> <p>5. The provisions of the Act do not specify who may be appointed guardian of a minor foreigner. The Family and Guardianship Code indicates that the guardian should be a person having full legal capacity, not deprived of public rights, or one in relation to who there is no probability that he/she will not properly fulfil the obligations imposed on him/her (Article 148 § 1, § 1a, § 2 and Art. 178 § 2 of the Family and Guardianship Code).</p> <p>6. No</p> <p>7. Take care of the minor's best interests, be active in the proceedings, receive correspondence, submit applications, present claims, participate in activities involving the minor.</p> <p>8. No</p> <p>9. No</p> <p>10. This matter is regulated by internal judicial control system. Both the requesting authority and the candidate for a guardian may file a complaint in a situation of inaction.</p> <p>11. No, but the guardian may use an interpreter if necessary (the costs are refunded).</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			12. No
	EMN NCP Portugal	Yes	<p>1. No. In fact, in the Portuguese system for the protection of children and young people, the Public Ministry in Family and Juvenile Courts assumes the representation of any child, whatever the respective status, in the light of international law, or their particular context of life. To that extent, with regard to the reception of unaccompanied migrant minors, a judicial process of promotion and protection is initiated and within the scope of such process, the measures that best fulfill the best interest will be taken, namely, the appointment of a guardian or administrator ad hoc.</p> <p>2. The Law for the Promotion and Protection of Children and Young People in Danger (LPCJP) and, secondarily, the Civil Code apply.</p> <p>3. Once received in national territory and placed in a Shelter Home suitable for their particular life context and age, the necessary information and follow-up are from the responsibility of the person responsible for the Shelter House and from the respective Reference Technician, assigned to the young person.</p> <p>4. Although Portuguese law allows for this possibility, it will always be at a later stage of the reception and integration process described above, after studying the family member proposed as guardian, analyzing the relationship with the unaccompanied minor and listening to their perspective. Under Portuguese law, this situation does not constitute an impediment to family reunification.</p> <p>5.</p>


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>Since tutors are members of Portuguese State structures or public utility organizations that work with children and youth, including unaccompanied migrant minors, their qualification is a prerequisite and condition for exercising such functions, and they must have academic and professional experience that enable them to perform mentoring tasks.</p> <p>6. No, for the reason indicated in 5.</p> <p>7. It will always be up to the guardian to ensure that all the procedures that allow the child's integration into his new community are triggered, manage his day-to-day life, provide for his school/pre-professional/social integration, learn about his life history and their cultural context, convey to the young person their rights and obligations and provide contact, by any means, including long-distance communication, with family members and key figures, and, above all, accompany and represent the child before all bodies to which he is called, taking into account his status as an unaccompanied migrant.</p> <p>8. No. Unaccompanied children are placed in residential structures according to their response capacity, previously defined according to the number of vacancies.</p> <p>9. No. The answer is negative, considering the way in which the reception of unaccompanied minors is set up in Portugal, which seeks to be similar to that of any other child in the national territory, regardless of nationality and always considering the applicable international instruments.</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>It should be noted that the High Commission for Migration, together with the Social Security Institute, monitors, in macrostructural terms, the reception and integration process, in collaboration with other competent entities, allowing an updated diagnosis of the situation.</p> <p>10. Monitoring is carried out within the scope of judicial processes that are initiated when children enter the national territory, and periodic evaluation reports are requested, indicating the various measures and the progress that has been made. Anyone can point out deficiencies in the work carried out, including the child.</p> <p>11. There is no centralized interpreter service for this purpose, however assistance from the High Commission for Migration or other NGOs may be required.</p> <p>12. No.</p>
	EMN NCP Slova kia	Yes	<p>1. The function of guardian is in the Slovak Republic always performed on the basis of a court decision. The proposal for the appointment of a guardian for UAM is submitted to the court by the body of social-legal protection of children and social guardianship, i.e. Office of Labour, Social Affairs and Family relevant according to the place of placement of the UAM (at the moment there is only one facility for UAMs in Slovakia). If it is not possible to appoint a natural person as guardian, the function of guardian is performed by the body of socio-legal protection of children and social guardianship on the basis of a court decision.</p> <p>2. In the Slovak Republic, a guardian is always appointed by the court decision. As regards procedural regulation, the court proceeds according to Act No. 161/2015 Coll. Civil Codex (in particular Article 111),</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

while in matters not regulated therein it proceeds according to Act No. 160/2015 Coll. Civil Procedure Codex. As regards substantive legislation, the court proceeds according to Act 36/2005 Coll. on the Family and on Amendments to Certain Acts (in particular Section 60 et seq.). The Act No. 305/2005 Coll. on the Social and Legal Protection of Children and on Social Guardianship in connection with the Civil Codex is also important in the process.

3. UAM is accompanied by the body of social-legal protection of children and social guardianship already during the initial procedures (e.g. questioning at the police, placement in the Centre for Children and Families (CCF) – foster home), which subsequently conveys all necessary information to UAM in the position of guardian. Similarly, CCF communicates with the child on all matters (facilities are obliged to find out, if possible bearing in mind the child's age and intellectual maturity, the child's opinion on all facts concerning him/her, in particular to find out the child's opinion on his/her removal, family reunification, return to the country of origin, asylum, even before carrying out actions for his/her removal, family reunification, return to the country of origin or before submitting an asylum application). In order to ascertain the child's opinion, the Centre for Children and Families will provide interpretation into a language the child understands.

4. The Slovak Republic does not see an obstacle why this would not be possible, the legislation of the Slovak Republic prefers a relative as the guardian. There are no special requirements for a natural person to be appointed as a guardian (see question 5).

5. There are no specific requirements for the appointment of a guardian. He/she has to meet the criteria under Section 117 of the Civil Codex: 'If a guardian has to act on behalf of a minor, the court shall, upon application, appoint as guardian in particular a close person of the minor who is expected to act in the interests of the minor if he or she agrees with the provision. Otherwise, he shall appoint a body for the socio-legal protection of children and social guardianship as guardian.' In other words, he/she is required to act in the interests of the minor (so he/she must meet the criterion of legal capacity) and must not


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>conflict with the interests of the minor and, at the same time, he/she must agree to the appointment as guardian.</p> <p>If the guardian of UAM is the body of social-legal protection of children and social guardianship, the qualification requirements for the purpose of implementing measures of social-legal protection of children and social guardianship are regulated by law.</p> <p>6. No.</p> <p>7. The guardian's main role is to represent the minor in his or her best interests, to the extent set by the court. This will mainly concern representation in ordinary matters. As for things that are not ordinary (e.g. transfer of real estate, inheritance matters, etc.), these do not fall here.</p> <p>The actions of the body of social and legal protection of children and social guardianship on behalf of UAM are regulated by law – from submitting a proposal for the appointment of a guardian, placing in the CCF, submitting an application for tolerated stay, submitting an application for international protection, cooperation with international organizations, to providing legal advice and legal assistance. The child's everyday life is taken care of by CCF (school, leisure activities, health care, etc.). If there is a serious interference with children's rights, the court decides on the matter.</p> <p>8. The court always decides on an ad hoc basis according to the specific conditions of the individual case and determines the scope of authorisations/obligations within this.</p> <p>9. The actions of the body of social and legal protection of children and social guardianship are regulated by law and conditions and requirements for the implementation of measures of social-legal protection of children and social guardianship, as well as by international documents by which the Slovak Republic is bound. The Office of Labour, Social Affairs and Family itself is also methodically guided by the Central Office of Labour, Social Affairs and Family. There are no quality standards for the actual exercise of</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>guardianship by the body of social-legal protection of children and social guardianship or for any natural person.</p> <p>10. As regards the time limits for appointing a guardian, these are not laid down by law. However, in practice, courts act in these cases without delay as soon as possible. The court also takes evidence ex officio and de facto must act continuously, continuously, ascertaining, for example, whether the facts have changed, etc. no time limits were therefore set.</p> <p>11. For the purpose of seeking the child's opinion, the CCF shall provide interpretation for UAM into a language the child understands. And, if necessary, the body for the social-legal protection of children and social guardianship will also provide interpretation. Proceedings before the police, including the foreign police, proceedings on applications for international protection or proceedings before a court are conducted in a language that the child understands (taking into account the availability of interpreters).</p> <p>12. No.</p>
	EMN NCP Sweden	Yes	<p>1. No. In Sweden a guardian is appointed by the chief guardian in the municipality where the child is living. It is the municipality that is responsible. All municipalities have a chief guardian and a guardian committee supervising guardians, custodians and trustees.</p> <p>2. There is a specific law – "Lag (2005:429) om god man för ensamkommande barn"</p> <p>3. A guardian is appointed as soon as possible by the municipality after application from the Migration Agency. Information is given by the guardian and by the Migration Agency as soon as possible and in many different ways depending on personal circumstances and age of the child. There are a lot of</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>information on the webpage of the Migration Agency and an app with information has been developed especially for children.</p> <p>4. Yes, if the family member fulfills the general requirements in order to become a guardian. This has no impact on an application for family reunification.</p> <p>5. The guardian is appointed by the Chief Guardian in each municipality. In Sweden, guardians of unaccompanied minors are normally private persons. To qualify as a legal guardian, a person needs to have relevant experience and be suitable for the assignment and particularly suited to work with minors in a vulnerable situation. Normally, the criminal record will be checked and data from reference persons will be retrieved. He/she should be proficient in Swedish and have a good grasp of Swedish society and institutions (school, healthcare etc.). In addition, he/she shall act impartially in relation to the authorities and have knowledge about the asylum process. Municipalities have vetting procedures in place to assess candidates' suitability for the mission.</p> <p>6. No. But there is a web-education available for all guardians. The requirements can also differ between municipalities with some municipalities arranging training. According to the Parental Code a legal guardian should be a judicious, experienced and otherwise suitable person. Before someone is ordained as a special representative, his or her suitability should be checked and an active investigation must be made. How extensive such control may be may be decided on a case-by-case basis. Normally, however, the criminal record will be checked and data from reference persons will be retrieved.</p> <p>7. A legal guardian is responsible for the unaccompanied minor's personal, economic and legal matters and has a right and obligation to take decisions in these matters. The task includes:</p>
--	--	--


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<ul style="list-style-type: none"> • Apply for residence permit (if not done by the legal counsel) • Support the child during the investigation at the Swedish Migration Agency • Support the child at meetings with the legal counsel • Apply for financial benefits from the Migration Agency and the Social Services • Prepare the child for what happens after the asylum decision – residence permit/return. • Arrange a health check for the child • Represent the child in contacts with health care agencies • Ensure that the child has a functional schooling • Take part in student conferences at school • Manage the financial matters of the child • Make sure that the child get the right allowances • Sign a lease for housing after the child has got residence permit • Represent the child in different contracts • Agree to the reception housing of the child • Apply for services from the social services • Help to establish contact with the family of the child • Represent the child if victim of a crime • Represent the child if he/she commits a crime • Notify the chief guardian if the child moves to another municipality or is granted residence permit <p>The assignment shall be reported to the chief guardian.</p> <p>8. No. It has been criticized that a guardian can have too many clients.</p> <p>9. This can vary between different municipalities and counties and also depending on topic. Some information and guidelines are available through the national organization for voluntary societal workers</p>
--	--	---

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>(Riksförbundet frivilliga samhällsarbetare). General information and support is also available through for example the webpage of the Swedish Migration Agency and other government agencies.</p> <p>10. All municipalities have a chief guardian and a guardian committee supervising guardians, custodians and trustees. If someone is of the opinion that the legal guardian is not fulfilling the assignment or for some other reason is not suitable for the assignment this person can turn to the municipal chief guardian. The municipal chief guardian will then investigate the case and can decide that the legal guardian will be relieved. The social welfare board in the municipality can also initiate the case in court if the legal guardian due to misconduct, neglect or for other reasons no longer is suitable as guardian. The County Administrative Board carry out inspections on a regular basis at the chief guardian. At the inspections they review if the chef guardian's proceedings comply with laws and regulations and are carried out in a legally secure and appropriate manner. They may also review a chief guardian after, for example, receiving a complaint. The complaint is to be raised to the County Administrative Board of that region.</p> <p>11. Yes, interpretation is provided in all contacts with authorities free of charge.</p> <p>12. No.</p>
	EMN NCP Norway	Yes	<p>1. Yes. In Norway, the County Governor has the national responsibility for recruiting, training, guiding and appointing guardians for unaccompanied minors. The state civil administration has the overall responsibility for all guardianship arrangements in Norway. And further, the state civil administration is placed under the Ministry of Justice.</p> <p>2. In Norway, guardianship for unaccompanied and separated children in the <i>asylum procedure</i> is regulated in the Norwegian Immigration Act chapter 11 A Act relating to the admission of foreign nationals</p>

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

into the realm and their stay here (Immigration Act) - Chapter 11A Representatives of unaccompanied asylum-seeking minors - Lovdata.

Guardianship for unaccompanied and separated children in general is regulated in the Norwegian Guardianship Act Lov om vergemål (vergemålsloven) - Lovdata. The States Civil Law administration and County Governor has developed a framework of guidelines and measures for guardianship for unaccompanied and separated children: Representantordningen (sivilrett.no).

3. UAMs get information through different channels. All UAMs are appointed both a guardian/representative and a lawyer in the initial phase of the asylum procedure, who provide information about the minor's rights throughout the process. Furthermore, information is given at the reception centers by an NGO (currently Caritas) and by staff at the reception centers. The Norwegian Directorate for Immigration (UDI) has developed a webpage with information about the asylum process in both film and text, www.asylbarn.no. The information is available in 16 languages and is supposed to serve as an information tool for both guardians, staff at reception centers, NGOs, teachers, the children themselves and others.

4. Yes, it is possible but happens rarely due to the possibility of incapacity. To have a family member as guardian should not have any impact on a subsequent application for family reunification by the UAM's parents.

5. The UAM needs an adult he or she can trust and who attends to the special needs of the child. It is important that the representative has good knowledge of Norwegian society, the Norwegian language and that he or she can orient himself or herself in the public system. To become a representative/guardian, one must submit an application, CV, provide references and submit a criminal record certificate. The application will be processed by the County Governor who will assess whether a person is suitable to take on a specific assignment.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

		<p>6. Yes. The County Governor shall provide the representatives with adequate training, guidance and assistance to representatives/guardians.</p> <p>7. The representative/guardian for UAMs in Norway is a legal substitute for the parents and makes all decisions falling under parental and guardianship responsibilities. This involves decisions that concern both personal and financial matters. The guardian is not responsible for providing reception and care. Examples of tasks that are carried out by the guardian are:</p> <ul style="list-style-type: none"> • Safeguard the minor's interests in the asylum case and in any other ongoing cases. • Contact the minor's attorney. • Dialogue with those who exercise their responsibility for care, and any follow-up from other actors such as: Assistance lawyers, child welfare services, police, etc. • Ensure that the minor receives proper care, adequate health care and schooling. • Ensure that the child's best interests are assessed, and that the child is heard and is involved in decisions according to age and maturity. <p>8. NO. This is only regulated by the County Governor's internal practice.</p> <p>9. NO. It is only regulated that the guardian is <i>not</i> responsible for the minor's support and day-to-day care. The guardian's task is to ensure that the minor's needs for care are met in a satisfactory manner, and if not file a complaint on behalf of the minor, if the minor does not receive the services he or she is entitled to. The guardian can receive assistance and guidance from the County Governor.</p> <p>10. YES. The County Governor is responsible for monitoring the guardians. Any person may lodge a complaint against a guardian by contacting the County Governor. The UAMs can also contact the County Governor directly, which is something the minor should have been informed about during the initial phase of the</p>
--	--	--

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>asylum procedure. This information can be found in English here, follow link: Representantordningen_Engelsk.pdf (d71tvbqpkymo.cloudfront.net)</p> <p>11. YES. It is being covered as a necessary expense for an interpreter in consultation between the representative and the minor. The interpreter can send an invoice directly to the County Governor. If there is a need to use an interpreter which means going beyond the existing interpretation budget, the representative must apply for this to the County Governor.</p> <p>12. NO.</p>
--	--	--	---
