

EMN FOCUSSED STUDY 2017

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

The study has been prepared by Legal-Informational Centre for Non-Governmental Organisations (*Pravno-informacijski center nevladnih organizacij* – PIC) in cooperation with the European Migration Network National Contact Point in the Republic of Slovenia and Ministry of Interior. To complement the desk research, interviews have been conducted with representatives of following authorities and organizations: Government Office for the Support and Integration of Migrants, Centres for Social Work Ljubljana Vič – Rudnik and Postojna, International Organization for Migration (IOM), and Slovene Philanthropy; the Police also provided input to the study.

European Migration Network has been established due to the need for exchange of information on all aspects of migrations and for the establishment of common asylum and migration policy. The European Migration Network reviews migration policies of third-country nationals or non-EU citizens, the scope of EU citizens is considered only supplementary to the European Migration Network' studies and other documents. The Council Decision 2008/381/EC, which provides a legal basis for the establishment of the European Migration Network, was adopted on May 14, 2008.

More information on the European Migration Network is available at: www.emm.si.

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focused Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

Top-line factsheet

The increase in refugee and migrant influx in the period between 2015 and 2016 has spurred efforts to provide adapted accommodation and care of unaccompanied minors (UAMs). With increased number of refugees and in migrants, consequently the number of UAMs arriving to Slovenia also increased.

In the analyzed period, 739 UAMs claimed asylum in Slovenia. Boys represent a significant majority of asylum-seeking UAMs in Slovenia, with more than 99% in average in the analyzed period. Most asylum-seeking UAMs are Afghans (more than 65%), other UAMS come from Kosovo, Syria, Pakistan, Morocco, and Algeria. Number of rejected asylum-seeking UAMS is low, altogether 34 in the analyzed period, with Morocco, Kosovo, Afghanistan, Ukraine, Algeria, and Pakistan as their countries of origin.

19 UAMs have been recognized international protection status: 6 refugee's status, and 13 subsidiary protection; among them was only one girl. UAMs with recognized international protection status come from Afghanistan (84,2% in the analyzed period), Syria (10,5%), and Iraq (5,2%). On average 79,9% UAMs absconded in the analyzed period, with peaks of 95,4% in 2014, and 93,4% in 2016).

The Government pilot project of special accommodation for UAMs in student dormitories, established in 2016, represents a step forward in ensuring adequate protection and care for unaccompanied children in Slovenia. In project implementation, it is crucial to include all UAMs in the project, regardless of whether they apply for international protection in Slovenia. Non-governmental (NGOs) and international organizations emphasize that the state should refrain from the practice of accommodating children at the Aliens Centre, where their freedom of movement is restricted, and find the appropriate solution for accommodation of all migrant children

(accompanied and unaccompanied). This issue might be overcome with development of a systemic solution for accommodation and care of UAMs. Despite the progress made in arranging the protection and care of UAMs in the Republic of Slovenia (RS), the holistic approach towards treatment of migrant children could be strengthened, including the systemic solution of accommodation of UAMs currently being developed. The absence of a comprehensive framework for the protection and care of children allows different standards / treatment depending on the status of the child and his¹ living conditions, which is not in line with the individual needs and the best interests of the child². Depending on the different migrant status, the UAM can shift several (legal) guardians while residing in RS, all of whom shall be well acquainted of his personal circumstances, and ensure the realization of his best interests. The guardianship system shall be rearranged, and encompass the establishment of minimum standards, training and parity of service (including codes of conduct) irrespective of the child's status³.

Among challenges is the age assessment procedure, since the methods of assessing age are not determined, therefore strengthened efforts in improving the age assessment methodology on the European Union (EU) level or minimum standards and sufficient guidance developed would be in practice of added value.

Number of absconding cases or disappearances of UAMs is increasing, which points to the need for the state to strengthen the protection and care system for UAMs.

Among the key changes planned by the Government of Slovenia is the development of a systemic form of accommodation and care of the UAMs as a separate unit for comprehensive treatment, which is currently being developed and shall be established by the end of 2018. The procedure of designing a systemic solution and the work of the interdepartmental group established for this purpose, is coordinated by the Office of RS for Care and Integration of Migrants (*Urad RS za oskrbo in integracijo migrantov* – UOIM).

Executive Summary

Section 1: Overview of the international and EU legislative framework on unaccompanied minors

Section 2: Overview of the situation of unaccompanied minors in the (Member) State

Q1. Please provide an overview of the current **public debate** with regard to unaccompanied minors who have received a final decision on their application for asylum/ another status in your (Member) State.

The UAMs are not a topic that would be extensively present in the public debate, with the exception of the expert public. During the period covered by the study, the issues related to the protection and care of refugees were significantly present in public debates due to the increased arrival of refugees and migrants from the autumn of 2015 to March 2016 (during the so-called refugee crisis), but within this, there was no special emphasis on UAMs. Media coverage about UAMs is seldom, during the period of the study, the news mostly referred to the Government pilot project of accommodating UAMs in student dormitories; the topic received a bit more media

¹ Whenever a gender-specific term is used, it should be understood as referring to both genders, unless explicitly stated.

² UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

³ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

attention at the end of the first year of the (pilot) project implementation, when the Government was deciding on how to arrange care for UAMs in Slovenia. In the beginning of 2016, when the Government of RS was looking for suitable accommodation facilities for UAMs, a more extensive negative echo was noted, as in one of the possible municipalities, the Government encountered the resistance of the local inhabitants⁴, and the incident was widely reported by the media. Situational analysis⁵ on the situation of children in Slovenia also recognizes that "the field of UAMs protection is not "immune" to political pressures and public opinion." The situational analysis points out that upon establishment of the pilot project of accommodating UAMs in student dormitories, there were comments in public debates that the priority is given to foreign children against Slovene children in providing decent livelihood, additional to security aspects.

Q2. Are unaccompanied minors that fall in this category a **national policy priority**, including those turning 18 years of age? Has this changed over the last few years, i.e. since 2014 onwards? Has there been a shift in focus within policy issues concerning unaccompanied minors?

By 2015, Slovenia had not faced larger numbers of UAMs, as children usually continued their path towards the destination countries. At the same time, UAMs are "so vulnerable and invisible social category that the regulation of this field has never been the primary commitment of any government⁶." In this regard, the situation analysis adds that "the care for UAMs is not perceived in our society as part of the system, but this field has been more exposed only from autumn 2015 onwards", i.e., from the increased flow of refugees and migrants across Slovenia. In this regard, Slovenia and the responsible authority have made several steps forward to improve protection of UAMs situation, including special accommodation of UAMs in student dormitories.

Care for UAMs is also included in the last Government's framework document on children's rights, the Program for Children and Youth 2006-2016⁷, namely UAMs are recognized among groups of children in need of special social care. The program defines two goals, i.e. ensuring that UAMs are guaranteed the realization of all their rights; and for each child to obtain relevant information about his position, to provide comprehensive treatment and to prepare such solutions that will benefit the best interests of the child. Hence, UAMs "have been defined at the declaratory level already more than a decade ago as a particularly vulnerable group that needs special protection⁸."

Within the framework of international protection policy, adequate protection and care for UAMs as a vulnerable group of international protection applicants and beneficiaries, is among state's priorities (International Protection Act – IPA⁹). Legislation on foreigners (Foreigners Act¹⁰) and international protection also includes special provisions for UAMs as a vulnerable group.

In response to the arrival of an increased number of refugees and migrants to Slovenia at the time of the so-called refugee crisis (between 2015 and 2016) and, consequently, the arrival of a larger number of UAMs, in the beginning of 2016, the state channeled efforts to provide an adequate accommodation for UAMs (as the Human Rights Ombudsman, NGOs and international organizations, e.g. United Nations High Commissioner for Refugees (UNHCR), have called for), in cooperation with the Ministry of the Interior, the Ministry of Labour, Family, Social

⁴ More information:

http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/9642/8c2e7394fde73430d227383143673408/.

⁵ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁶ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁷ Accessible at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/konferenca_o_participaciji_otrok_in_mladostikov_2014/slovensiki_dokumenti/Program_za_otroke_in_mladino_2006-2016_sprejet_na_Vladi_RS_2006.pdf.

⁸ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁹ Official Gazette of RS, Nr. 22/16, 5/17, and 16/17.

¹⁰ Official Gazette of RS, Nr. 50/11, 57/11, 26/14, 45/14, 90/14, 19/15, 47/15, 5/17, 16/17, 59/17, 1/18, and 9/18.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Affairs and Equal Opportunities, and the Ministry of Education, Science and Sport. As an appropriate solution, special accommodation for UAMs in student dormitories has been identified. With the decision of the Government of RS of 28 July 2016, a pilot project of special accommodation for UAMs was established in Postojna and Nova Gorica student dormitories. The decision of the Government of RS foresees the inclusion of all UAMs in the pilot project, that is, those who entered irregularly into Slovenia, those with international protection applicant status, and with recognized international protection; but the Government's decision has not been implemented for the first group of UAMs. In line with the Government decision, after one year of project implementation, an evaluation was planned, which would contribute to the development of better systemic solutions for the adequate accommodation of these categories of UAMs in RS. The pilot project was coordinated by the Ministry of the Interior¹¹.

Upon the completion of the pilot project, based on the evaluation, the Government of RS decided to continue with the project in the Postojna student dormitory, and entrusted the (newly established) UOIM to establish, by the end of 2018, in cooperation with the Ministry of the Interior, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Education, Science and Sport, and the Ministry of Health, the systemic solution of accommodation and care for UAMs as a separate unit for holistic treatment¹².

The second Government decision also foresees the accommodation of all UAMs, regardless of their legal status, in the student dormitory, but UAMs who do not apply for international protection in Slovenia are not included in the project – after being apprehended by the Police due to irregular border crossing, they are still placed in Aliens Centre, where their freedom of movement is restricted. This shall be overcome with the systemic solution of accommodation for UAMs. Slovenian Philanthropy emphasizes that the establishment of the Interdepartmental Working Group for the establishment of a systemic form of accommodation and care for UAMs has significantly intensified the awareness that the protection and care of this group of children shall be strengthened¹³.

At the beginning of 2016, the Government of RS concluded an agreement with the UN Children's Fund (UNICEF) on providing support to migrant and refugee children¹⁴. The agreement was based on the conclusions of the UNICEF observation mission of October 2015. The two-year presence of the UNICEF international office (which concluded its work at the end of 2017), in addition to providing services for care of migrant and refugee children, supported a number of support activities for capacity building in the protection and care of refugee, asylum-seeking and migrant children, with an emphasis on UAMs. The involvement of various sectors in addressing these issues has been strengthened, including stakeholders in the field of social protection. Together with UNHCR, UNICEF has initiated a multi-stakeholder procedure of developing the so-called Child Protection Standard Operation Procedures, which are still being developed.

Q3. a. Please provide an overview of **recent changes to law, policy and practice** in relation to what happens with unaccompanied minors after they have received a final decision on their application for asylum/ another status in your (Member) State since 2014 onwards. Please provide an account of such changes also in relation to those unaccompanied minors turning 18 years of age, as well as unaccompanied minors disappearing from guardianship/ care and/ or following a return decision.

During the period analyzed in the study, both laws regulating the situation of UAMs were amended: IPA and Foreigners Act.

In addition to the transposition of two EU directives, the Foreigners Act amendment of 2014 also transposed the

¹¹ More information: http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12208/9828/%20-%20-/.

¹² More information: http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/10112/.

¹³ Although a similar interdepartmental working group was established (and subsequently dissolved) in the past.

¹⁴ More information:

http://www.vlada.si/en/media_room/newsletter/slovenia_weekly/news/article/slovenia_concludes_an_agreement_with_unicef_on_providing_assistance_to_migrant_and_refugee_children_57421/.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

concept of family reunification of international protection beneficiaries, which until then had been regulated in IPA¹⁵. The law was amended again in 2017; the amendment addresses changed migration situation that could threaten the public order and internal security of Slovenia, and provides a legal basis for adoption of temporary and territorially limited measures in the event of massive irregular immigration¹⁶.

Similarly to the Foreigners Act amendments of 2014, IPA amendment of 2016 was based on the "transposition of the renewed EU legislation in the field of international protection into the national legal order with the aim of harmonizing legislation in the field of international protection, and establishing a common European asylum system." The Act amendment, adopted in March 2016, has transposed into the national legal order two EU directives that regulate more in detail the standards of procedures for the recognition of international protection, and the admission of international protection applicants¹⁷. The Act defined specific guarantees for international protection applicants from vulnerable groups, and applicants who require special procedural guarantees; it also specified the deadlines for issuing a decision at the first instance and set out more clearly the institute of an inadmissible application. The level of rights of international protection applicants has not changed with the new Act, and the scope of rights of international protection beneficiaries has decreased where they exceeded the minimum standards established by the European legislative framework of the Common European Asylum System¹⁸ (e.g. the abolition of one-time financial assistance after obtaining the international protection status). The Act amendment strengthened the competences of UAMs' legal representatives and changed the terms of appointment of legal representatives in order to strengthen the protection of the UAMs.

In response to the increased number of refugees and migrants coming to Europe between 2015 and 2016 (the so-called refugee crisis), the Government of RS adopted the national contingency plan to provide accommodation and care in case of an increased number of international protection applicants in June 2015. The contingency plan specifies objectives, actions and involvement of competent authorities, and various scenarios in terms of the extent of the increase in the number of the international protection applicants, and establishes foreseeable systems for responding to newly emerged emergency situations¹⁹.

Under the EU scheme for relocation and resettlement of international protection applicants and refugees, Slovenia has committed to relocating 218 persons from Italy and 349 persons from Greece, and to resettle 20 persons from third countries²⁰. On 4 August 2016, the Government of RS adopted a decision that, based on the EU-Turkey Agreement, 60 third-country nationals in total who are eligible for refugee status may be admitted²¹. In 2015, the Migration Office of the Ministry of the Interior prepared an Implementation Plan for the relocations from Italy and

¹⁵ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/Statisticno_porocilo_-_SLO_2014.pdf.

¹⁶ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/DUNZMN_2017/Statisticno_porocilo_-_SLOVENSKO_2016.pdf.

¹⁷ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/Statisticno_porocilo_-_SLO_2015_25052016.pdf.

¹⁸ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/DUNZMN_2017/Statisticno_porocilo_-_SLOVENSKO_2016.pdf.

¹⁹ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/Statisticno_porocilo_-_SLO_2015_25052016.pdf.

²⁰ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/Statisticno_porocilo_-_SLO_2015_25052016.pdf.

²¹ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/DUNZMN_2017/Statisticno_porocilo_-_SLOVENSKO_2016.pdf.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Greece, and permanent resettlement from third countries, which may be adapted in case of changing mandatory quotas. The Implementation Plan encompasses the foreseen timetable for the gradual reception of international protection applicants, and a comprehensive action plan of measures (admission procedure, determining the refugee / subsidiary protection status, special care for UAMs, accommodation facilities, integration programs, involvement of local communities, role of media, etc.), which is needed for successful relocation and resettlement, and integration of persons into Slovenian society²². In March 2016, the Government of RS established an interdepartmental working group to coordinate the implementation plan, which includes representatives of the Ministry of the Interior, the Ministry of Public Administration, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Defense and the Ministry of Education, Science and Sport.²³

At the end of June 2016, the Government of RS adopted a decision to ensure that UAMs, as the most vulnerable category of vulnerable persons, will be provided accommodation in student dormitories. In the framework of the pilot project, UAMs were accommodated in Postojna and Nova Gorica student dormitories between 1 August 2016 and 31 July 2017, as established in the Government decision. In both student dormitories, UAMs were ensured professional work and care, 24 hours a day, throughout the year. Special attention was paid to strengthening minor's competence in choosing life opportunities, lifestyle and value and normative system that will facilitate integration into the Slovenian society. The pilot project was coordinated by the Ministry of the Interior in cooperation with the competent ministries (Ministry of Labour, Family, Social Affairs and Equal Opportunities and Ministry of Education, Science and Sport²⁴).

Upon completion of the pilot project, based on the evaluation, the Government of RS decided to continue with the project in the Postojna student dormitory, and entrusted the (newly established) UOIM to establish, by the end of 2018, in cooperation with the Ministry of the Interior, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Education, Science and Sport, and the Ministry of Health, the systemic solution of accommodation and care for UAMs as a separate unit for holistic treatment²⁵. Both Government decisions foresee the accommodation of all UAMs, regardless of their legal status, in the student dormitories, but the project does not include UAMs, which do not apply for international protection in Slovenia.

In March 2016, the National Assembly adopted the Family Code²⁶, which regulates the field of children's rights and family policy. It focuses on protecting the best interest of the child, and transfers decision-making on childcare measures from Centres for Social Work (CSW) to district courts. Part of the provisions of the Family Code will enter into force in 2018 and 2019, therefore possible changes in care for UAMs provided under the new Code are not yet implemented.

The legal representation of UAMs is regulated in detail by the Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof²⁷, and the Rules on the remuneration and reimbursement of the expenses of statutory representatives of UAMs²⁸, both were updated in 2017.

²² Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/Statisticno_porocilo_-_SLO_2015_25052016.pdf.

²³ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/DUNZMN_2017/Statisticno_porocilo_-_SLOVENSKO_2016.pdf.

²⁴ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/DUNZMN_2017/Statisticno_porocilo_-_SLOVENSKO_2016.pdf.

²⁵ More information: http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/10112/.

²⁶ Official Gazette of RS, Nr. 15/17.

²⁷ Official Gazette of RS, Nr. 35/17.

²⁸ Official Gazette of RS, Nr. 34/17.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

b. Please indicate **any planned changes** to law/ policy/ practice regarding the care/ integration/ return of unaccompanied minors going forward.

The systemic solution for accommodation of UAMs is currently being developed. Based on the evaluation of the pilot project of accommodation of UAMs in Postojna and Nova Gorica student dormitories, the Government entrusted UOIM to establish, by the end of 2018, in cooperation with the Ministry of the Interior, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Education, Science and Sport, and the Ministry of Health, the systemic solution of accommodation and care for UAMs as a separate unit for holistic treatment²⁹.

Q4. What **statuses** does your (Member) State typically grant to unaccompanied minors and in what circumstances (e.g. asylum, humanitarian protection, temporary/ tolerated status, etc.)?

In case of recognition of the international protection status, the UAM can be recognized refugee status or subsidiary protection status, as defined in Article 20 of IPA. Refugee status shall be recognized to a person who demonstrates in a justified and credible manner to be in danger in the home country due to belonging to a particular race or ethnic group, religion, nationality, membership of a special social group, or political opinion. Subsidiary protection shall be granted to a person who does not fulfill the conditions for granting refugee status, but shall provide substantiated and credible reasons for serious harm (death penalty or execution, torture or inhuman or degrading treatment) upon return to his country of origin. Similarly, subsidiary protection may be granted to the applicant due to serious and individual threat against his life or freedom due to arbitrary violence in situations of international or internal armed conflict in the country of origin³⁰.

An UAM whose international protection application has been rejected, may be issued a permission to stay under the Foreigners Act. Pursuant to Article 73 of the Foreigners Act, "under this Act, permission to stay means an authorization to a foreigner who must be removed from the country, to temporarily stay in /RS/." The UAM is allowed to stay if requested by his special case guardian.

Q5. a. Please provide any further qualitative information available in your (Member) State on the **characteristics of unaccompanied minors**, as follows:

- Are unaccompanied minors **mostly close to the age of majority** when a final decision on their application for asylum/ another status is issued, or (much) younger?

Mostly older UAMs, aged between 15 and 17, arrive to Slovenia. Consequently, when the final decision on their asylum application is issued, they are close to the age of majority.

- Are they **boys or girls** predominantly?

Most asylum-seeking UAMs are boys, in the period analyzed in the study, the share of boys was over 99% (in 2014 98,46%, in 2015 100%, in 2016 99,18% and in 2017 99,5%). Among 19 UAMs recognized international protection status, there was only one girl (5,2%).

- Are they **resettled and/ or relocated** unaccompanied minors whose right to reside in your (Member) State has been clarified?

²⁹ More information: http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/10112/.

³⁰ More information: http://www.mnz.gov.si/si/mnz_za_vas/tujci_v_sloveniji/mednarodna_zascita_azil/.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

There were no UAMs among asylum seekers relocated to Slovenia³¹ upon submission of this study. Slovenia has not yet begun implementing the permanent resettlement program for third-country nationals. Along with the commitments under the EU permanent resettlement and relocation scheme, Slovenia's recommendation was to relocate and resettle families, literate persons and English-speaking people to Slovenia³².

- Please provide any other qualitative information available *not covered above, for example*, unaccompanied minors not presenting themselves to the authorities, etc.:

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b. Please complete the Excel document in Annex 1 (including data as well as metadata) if you have **national statistics** on:

- The total number of accepted/ rejected applications for asylum by unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total number of residence permits issued to unaccompanied minors on grounds such as asylum, humanitarian protection, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- If available, data pertaining to specific integration outcomes for unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor (e.g. unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; unaccompanied minors who have completed successfully any (civic) integration courses; unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); cases of successful family reunification involving unaccompanied minors). *If such data are not available, please provide below any existing qualitative information in relation to outcomes for unaccompanied minors;*
- The total number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (through voluntary and forced returns), including data on AVR(R)-programmes targeting unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors disappearing from care/ guardianship and/ or following a return decision, if possible disaggregated by age/ sex/ country of origin of the minor.

In the analyzed period, 739 asylum claims have been submitted by UAMs in Slovenia (2014: 65; 2015: 42; 2016:

³¹ By 23 January 2018, 245 international protection applicants for have been relocated to Slovenia, representing 43% of Slovenia's commitment.

³² More information:

http://www.mnz.gov.si/si/novinarsko_sredisce/teme_in_programi/premestitev_in_preselitev_oseb/.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

244; and 2017: 388 asylum applications). Boys represent a significant majority of asylum-seeking UAMs in Slovenia (in 2014: 98,5%; 2015: 100%, 2016: 99,2%; and 2017: 99,5%). Most asylum-seeking UAMs are Afghans (2014: 72,3% asylum claims of UAMs; 2015: 54,8%; 2016: 66,8%; and in 2017: 69,6%), other UAMS come from Kosovo (2015: 21,4% of UAMs' asylum applications), Syria (2015: 16,7% UAMs' asylum applications; 2016: 5,3%), Pakistan (2016: 7,4% of UAMs' asylum applications; 2017: 6,2%), Morocco (2016: 4,5% of UAMs' asylum applications), and Algeria (2016: 4,1% of UAMs' asylum applications; 2017: 10,6%).

Number of rejected asylum-seeking UAMs is low, altogether 24 in the analyzed period (2014: 3 rejected asylum-seeking UAMs, and 2015–2017: 7 rejected asylum-seeking UAMs, respectively), with Morocco (2014: 66,7% of rejected UAM's asylum claims; 2016: 14,2%), Kosovo (2014: 33,3% of rejected UAM's asylum claims; 2015: 85,7%), Afghanistan (2016: 71,4% of rejected UAM's asylum claims; 2017: 14,2%), Ukraine (2015: 14,2% of rejected UAM's asylum claims), Algeria (2017: 71,4% of rejected UAM's asylum claims), and Pakistan (2017: 14,2% of rejected UAM's asylum claims) as their countries of origin.

19 UAMs have been recognized international protection status: 6 refugee status (4 UAMs in 2016, and 2 in 2017), and 13 subsidiary protection (12 UAMs in 2016, and 1 in 2017). Among them was only one girl. UAMs with recognized international protection status come from Afghanistan (84,2% in the analyzed period), Syria (10,5%), and Iraq (5,2%).

Among asylum-seeking UAMs, 95,4% absconded in 2014, 81,0% in 2015, 93,4% in 2016, and 49,7% in 2017. Absconding rates were higher during the increased influx of refugees and migrants in the period 2015–2016. While the share of young UAMs (under 13 years of age) absconding was low throughout the analyzed period (in 2014: 4,8%; 2015: 11,7%; 2016 and 2017: 8,8%), share of older UAMs (aged 16 – 17) varied (in 2014: 69,4%, 2015: 47,1%; 2016: 57,0%, and in 2017: 66,3%).

UOIM provided statistics on enrollment of UAMs in educational programs. Whilst the number of UAMs enrolled in education in 2014 and 2015 was low (4 and 1, respectively, from Somalia and Afghanistan), the number rose in 2016 to 14 UAMs (7 enrolled in primary school, and 7 in primary school for adults). In 2017, 20 UAMs have been enrolled to school: 10 in primary school, 9 in primary school for adults, and 1 in secondary school. UAMs enrolled in school in 2016-2017 came from Afghanistan, Syria, and Iraq.

Q6. a. Please provide a general overview of what happens with unaccompanied minors in your (Member) State **when they turn 18 years of age**, including a brief description of the approach (e.g. transitional measures/plans) of your (Member) State:

- when an unaccompanied minor has received **a final negative decision** on his/ her application for asylum/ another status as a minor (please elaborate below):

If an UAM has been issued final negative decision upon his asylum application, the Police can issue him permission to stay. Permission to stay is issued to a foreigner for maximum 6 months, and can be extended upon request by the foreigner or *ex officio*, as long as there are reasonable grounds (Foreigners Act, Article 73.3). Among reasonable grounds for permission to stay are request by the special care guardian, or enrolment in mandatory education (in this instance, the permission to stay is issued until the end of the school year).

An underage foreigner issued permission to stay in RS, has the right to basic care³³, basic education and health care to the same extent as a child who is compulsorily insured as a family member³⁴.

³³ *"The right to basic care referred to in the first paragraph of this article is the right to payment of monetary assistance in the amount and in the manner prescribed by the law governing social security benefits for the payment of financial social assistance. The right to basic care is provided by the Office of the Government of the Republic of Slovenia responsible for the care of migrants.*

An alien who fails to comply with the first and second paragraphs of Article 90 of this Act, or the identity of an alien, has not been confirmed by giving false information in the procedure for establishing identity, does not belong to the right to basic care." (Foreigners Act, Article 75)

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

The return procedure of an UAM is regulated by the Foreigners Act, Article 82. In the event of removal of an UAM, the Police shall inform the CSW, which must immediately appoint a special case guardian. "The Police issues a return decision to an UAM, when the guardian, after careful consideration of all circumstances, establishes that the return is in the child's best interest." The Act provides for a safeguard not to remove an UAM to the country of origin or to a third a country that is willing to admit him, until reception is ensured there. Prior to removal, it has to be ensured that the minor foreigner is returned to a member of the family, selected guardian or relevant reception centre in the country of return. "UAM is, in agreement with the special case guardian, placed in appropriate facilities for accommodation of minors, and if this is not possible, in the Aliens Centre. In the case of accommodation in the Aliens Centre, the UAM shall be allowed to engage in leisure time activities, including games and recreational activities appropriate to his age."

It should be noted that the share of absconding cases is higher in the last period, due to intensified migration flows in Slovenia after 2015–2016 (on average 79,9% in the analyzed period, with peaks of 95,4% in 2014, and 93,4% in 2016).

Upon reaching age of majority, an UAM is considered as an adult.

- when an unaccompanied minor is **granted a status as a minor** (please elaborate below):

An UAM, who is recognized international protection status, is enrolled in the integration program. If an UAM is granted subsidiary protection status (until he reaches the age of majority), prior to expiration of subsidiary protection, he shall submit a request for extension of the protection, which is regulated by Article 66 of IPA. The competent authority shall review the existence of grounds for the extension of subsidiary protection; if the reasons are established, the subsidiary protection is extended for two years, but if the applicant does not meet the conditions for the extension, the extension of subsidiary protection is rejected. During the procedure of extending subsidiary protection, the applicant enjoys the rights of a person with recognized international protection.

If the UAM is recognized refugee status, "the decision on recognition of the refugee status is valid as a permanent residence permit from the date of service" (IPA, Article 92).

Regarding accommodation, the UAM upon reaching the age of 18 or, by the end of the school year, could stay in the dormitory (it could also be agreed to prolong this arrangement, if in the best interest of the UAM), then he is treated as an adult and provided accommodation in an integration house or private accommodation.

b. Please describe how unaccompanied minors who are approaching 18 years of age are **identified** in your (Member) State so that transitional measures/ plans can be introduced as part of their care/ integration/ return. How often is this review being done, e.g. every month, etc.?

No specific measures are in place to identify UAMs that are approaching age of majority. The transition to adulthood is planned and monitored in the context of individual plans or personal integration plans.

c. When are **transitional measures/ plans** for those unaccompanied minors turning 18 years of age likely to commence in your (Member) State, e.g. how many months / years before? And for how long can such measures continue after the unaccompanied minor reaches adulthood, e.g. is there any age threshold?

The legislation does not provide for specific measures for transition to age of majority / adulthood. An individual plan (for international protection applicants) or personal integration plan (for UAMs with recognized international protection), is prepared for each UAM, which also addresses transition to adulthood.

With regard to transitional measures for transition to adulthood, Postojna CSW highlights the lack of practice due

³⁴ "To the same extent, a schooling child after the age of 18 years is entitled to healthcare, until the end of schooling, but up to the age of 26." (Foreigners Act, Article 75.2)

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

to low number of UAMs. The shareholders agree that within current system, there are no possibilities for temporary accommodation, for example as temporary residential groups – by reaching the age of majority, the UAM's vulnerability does not end, therefore they need a certain form of follow-up. In practice, they are not left to themselves, they are supported by the integration advisor³⁵ (for UAMs with a recognized international protection status), as well as by UOIM and CSW in general.

Section 3: Care arrangements for unaccompanied minors, including after-care for unaccompanied minors turning 18 years of age

Overview of care provisions and organisational set-up in the (Member) State

Q7. a. What **priority** is given to the care for unaccompanied minors in your (Member) State (over their return, for example)? When does the care for unaccompanied minors commence, i.e. before or after status determination?

Care of an UAM commences upon his arrival to the country or when the competent authorities apprehend him due to irregular border crossing; but the specific care arrangement depends on the status of the UAM in the country (*please see described below*). Already upon arrival to the country, the UAM is appointed a guardian³⁶ and provided basic material, health and psychosocial care. Within the given options of the protection and care system, each UAM's treatment is guided by his best interests. Along the child's best interests as the key principle, IPA provides adjustment of the receiving and procedural rights for UAMs. As key guidelines for planning the care, UOIM emphasizes the child's well-being and his active participation, i.e. taking into account the voice of the child.

b. Please provide a summary overview of the provisions in place in your (Member) State for the **care** of unaccompanied minors following their status determination, including accommodation, guardianship, etc., indicating in particular how the legal status of the unaccompanied minor defines his/ her specific care arrangements (e.g. refugees, unaccompanied minors not seeking asylum, etc.).

Article 82 of the Foreigners Act regulates procedures in regard with UAMs that do not apply for international protection, or whose international protection application has been rejected.

The UAM is appointed a special case guardian (usually the locally competent CSW). He shall be accommodated in an appropriate institution, and only exceptionally the UAM shall be accommodated in the Aliens Centre. During leisure time, he shall be allowed to engage in various leisure time activities. Tasks of CSW in case of UAMs not applying for international protection, are following³⁷: "representing minors in the Police decision-making procedure on return of an underage unaccompanied foreigner to the country of origin; informing the minor with rights he can exercise in the territory of Slovenia as an unaccompanied underage foreigner; ensuring the minor's best interest regarding accommodation in an appropriate institution for accommodation of minors; representing the minor in decision-making procedures before different institutions in Slovenia". Article 82 of the Foreigners Act also provides that "an unaccompanied minor /.../ may not be removed to the country of origin or a third country, which is willing

³⁵ UOIM (previously Ministry of Interior) employs integration advisors, who follow individual progress of international protection beneficiaries, inform them and provide support in integration into society. They also provide information and support with arranging accommodation, personal planning, employment and education. This type of assistance is available within the first three years from recognition of international protection status. The advisors also provide psychosocial support.

More in EMN Focussed Study on integration of international / humanitarian protection into the labour market: policies and good practices, June 2016.

³⁶ Under Marriage and Family Relations Act, as a guardian, an individual can be appointed who possesses personal qualities and abilities necessary for performing the duties of a guardian, and who agrees to become a guardian.

³⁷ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Crnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

to admit him, until he is ensured reception in that country. Prior to removal, it must be ensured that the minor foreigner is returned to a family member, selected guardian or relevant reception centre in the country of return.”

However, UAMs “most often express their intention to apply for international protection. In this case, they are transported to the Asylum Centre in Ljubljana, where the procedure for submitting the international protection application begins as soon as possible³⁸.”

The situation of underage unaccompanied asylum-seekers and underage unaccompanied international protection beneficiaries is regulated under IPA. In general, international protection applicants' rights are determined by Article 78 of IPA, with the applicant having the right to:

- residence in RS,
- material care in case of accommodation in the Asylum Home or its branch,
- financial assistance in the case of accommodation on a private address,
- emergency health care,
- education,
- access to the labor market,
- humanitarian aid,
- allowance (pocket money).

With regard to health care, Article 86 of IPA stipulates that “minors and applicants who are /UAMs/, /.../ are entitled to health care in the same extent as children who are mandatory health insured as family members. To the same extent of health care are entitled children who are above 18 years of age and enrolled in school, until the end of schooling, but up to the age of 26.” An unaccompanied asylum-seeking minor is in accordance with IPA (Article 16) appointed a legal guardian, representing him in the international protection procedure, and in the fields of health care, education, protection of property rights and benefits, and in relation to the exercise of rights in the field of reception; until the enforceability of a decision issued in the international protection procedure. According to the law, an underage unaccompanied applicant is usually accommodated in the Asylum Home³⁹, unless accommodation is requested in a social security or other appropriate institution due to health or other needs. The CSW provides an opinion on appropriateness of the accommodation. In practice, from September 2016 onwards, UAMs are in most cases accommodated in the Postojna student dormitory (and Nova Gorica student dormitory until August 2017).

Under Article 90 of IPA, a person with recognized international protection is entitled to:

- obtain information on the status, rights, and obligations of international protection beneficiaries in RS,
- reside in RS,
- financial allowance for private accommodation,
- health care,
- social protection,
- education,
- employment and work,

³⁸ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

³⁹ And since the establishment of the pilot project, in the student dormitory.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

- assistance in integrating into the environment.

The rights of UAMs with recognized international protection are regulated under Article 100 of IPA. The locally competent CSW shall immediately appoint the UAM a guardian in accordance with the regulations governing family relations, and carry out the accommodation procedure in accordance with applicable regulation. In the case of accommodation, "as a rule, brothers and sisters are not separated, taking into account the best interest of the /UAM/, in particular his age and level of maturity. Residence changes of the /UAM/ shall be limited to the minimum." If the UAM's family members' tracing has not yet begun earlier, it begins upon recognition of international protection.

"/UAMs/, applying for international protection, are entitled to education, therefore they are enrolled in appropriate schools by the legal guardians with the assistance of /Dormitory/ staff. They continue their education after obtaining international protection"⁴⁰. After obtaining the international protection status, they are treated in the same way as underage Slovenian citizens. The same applies to healthcare: UAMs are entitled to healthcare to the same extent as children who are mandatory health insured as family members – regardless of whether they have the status of an international protection applicant, an international protection beneficiary, or permission to stay.

c. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the care for unaccompanied minors following a positive decision on status. Is this set out in legislation or any other internal administrative regulations?

Child's best interests are defined as the core guideline in the field of child protection – which derives from the Convention on the Rights of the Child, and is provided both in the Marriage and Family Relations Act⁴¹ as well as in IPA and Foreigners Act. However, as the formal procedure for determining the child's best interests with regard to care for the UAM is not established⁴², the guardian or legal representative⁴³ is entrusted with ensuring the best interests of an UAM, whose work is monitored by the CSW.

Regarding the method of determining the best interests of the child, the social workers follow their professional principles, and common principles in social protection are enshrined in the code of ethical principles of the field⁴⁴. In the social protection system, a procedure for assessing the risk or threats faced by a child by a multidisciplinary team is in place, but assessments are primarily developed in case of (potential) victims of violence⁴⁵. The multidisciplinary team develops measures to reduce risks, directs activities of CSW and other bodies involved in the treatment in a way that they operate in a coordinated, uniform and efficient way⁴⁶. In case of UAMs, threat assessments are prepared for vulnerable children, for example, in case of suspicion of violence, abuse, trafficking in children. The grounds for vulnerability can also be age, gender, traumatization, specific experience and behavior. The multidisciplinary team and all relevant stakeholders (e.g. CSW, dormitory employees, guardians or

⁴⁰ Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁴¹ Official Gazette of RS, Nr. 69/04, and 15/17.

⁴² Sedmak and others (2015) emphasize that the child's best interests assessment is often dependent on interpretation of individual experts. More in: Sedmak, M., T. Žakelj, Z. Medarić and B. Lenarčič (2015): *Comparative report on fieldwork with experts and unaccompanied minors. An overview of the reception, protection and asylum procedures for unaccompanied minors in Austria, France, Slovenia and the United Kingdom with the focus on the concept of the best interest of the child and the formal processes of best interest determination*.

⁴³ IPA (Article 16) specifically regulates guardianship of UAMs: an asylum-seeking UAM is appointed a legal representative, representing him in the international protection procedure, and in the fields of health care, education, protection of property rights and benefits, and in relation to the exercise of rights in the field of reception. The legal representative implements the guardianship until the enforceability of a decision issued in the international protection procedure.

⁴⁴ Social Chamber, accessible at: https://docs.wixstatic.com/uqd/40cd9f_29d6a95f8fbd45e9abd049c38df97f7d.pdf.

⁴⁵ Provisions of legislation in the field of domestic violence also apply to the field of peer violence.

⁴⁶ Source:

http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/katalog_pooblastila_csd_jul08.pdf.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

legal guardians, UAMs, UOIM) prepare a response plan.

Ljubljana Vič – Rudnik CSW explained that during the analyzed period, special treatment was provided to girls and children under the age of 12 (taking into account also their social maturity, not just age). In cases of more serious behavioral issues by older UAMs, individual solutions were sought after.

In practice, professional workers look for the best possible solution for the child in a given situation and depending on the available options. Thus, with the increased influx of UAMs in 2015 and at the beginning of 2016, when organizing the accommodation of UAMs, the child's best interests could not be taken into account to the greatest extent, but it was about providing optimum care within given circumstances⁴⁷.

Standard Operating Procedures (SOPs) for Sexual and Gender-based Violence (SGBV) establish a mechanism for responding to violence, which is often used in case of UAMs (especially international protection applicants). SGBV SOPs apply to international protection applicants and international protection beneficiaries. After reporting a case, it is dealt with by a multidisciplinary team (consisting of experts in the field of prevention of violence, risks of trafficking in children, legal protection), convened within 48 hours, and developing an assistance plan. In the case of UAMs, legal guardians or guardians are always involved.

Upon accommodation in the student dormitory, an individual care plan is developed for each UAM (personal folder is kept), with the UAM, student dormitory employees, CSW, legal guardian or guardian, and other relevant stakeholders taking part. Individual plans (for international protection applicants) or personal integration plans (for UAMs with recognized international protection) are adapted to age, gender, needs, other circumstances and experiences, as well as wishes and interests of UAMs. Individual plan or personal integration plan covers all relevant information regarding planning care, health care, education and career path, as well as hobbies and interests. The individual plan for older UAMs also considers the transition to adulthood. By monitoring the child and through psychosocial care or treatment, depending on his strengths and weaknesses, the child is appropriately guided, including regarding leisure time activities.

When the UAM is recognized international protection status, a psychosocial report for integration is drafted with the purpose of ensuring continuity of care, which includes key information about the child (education, interests, health status). These procedures are established within UOIM.

Implementation of individual plans for UAMs, accommodated in the dormitory, is regularly monitored – the dormitory convenes coordination meetings of all stakeholders.

Q8. Which national/ regional/ local authorities and organisations (including NGOs where relevant) are responsible for the care of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of accommodation, guardianship, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
<i>Ministry of Interior (*until establishment of the Government Office for Support and Integration of Migrants)</i>	Care of UAMs (<i>until establishment of UOIM</i>), international protection procedures	Care and integration of UAMs, international protection procedure
<i>Government Office for Support and</i>	Care of UAMs (oversight)	Care and integration of UAMs

⁴⁷ Boškič, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Crnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

<i>Integration of Migrants</i>		
<i>CSW (Ljubljana Vič – Rudnik and Postojna)</i>	Guardianship / legal guardianship, social protection	Appointment, oversight and support of guardians and legal guardians of UAMs, social protection
<i>Postojna (and Nova Gorica) student dormitory</i>	Accommodation and care of UAMs	Implementation of the program of special accommodation of UAMs
<i>Ljudska univerza Postojna (and Nova Gorica; so-called People's University)</i>	Education	Literacy program for UAMs
<i>Primary (and secondary and tertiary) schools</i>	Education	National educational system
<i>Health care institutions</i>	Health care	National health care system
<i>ODNOS Association</i>	Integration	Implementation of the integration program
<i>Slovene Philanthropy</i>	Integration, psychosocial support; support of guardians	Cultural mediators and animators – Vič and Logatec Asylum Home (2016, 2017); provision of support to guardians
<i>Legal-Informational Centre for NGOs</i>	Legal protection	Legal counselling and representation of international protection applicants and beneficiaries
<i>Institute for African Studies</i>	Preventing trafficking in persons	Informing of the phenomenon and threats of trafficking in persons, identifying indices for trafficking in persons
<i>Ključ Association</i>	Preventing trafficking in persons	

Please note that the list is not exhaustive: it does not encompass institutions that implement or have implemented monitoring activities (e.g. national human rights institution – Human Rights Ombudsman, UNHCR, UNICEF, IOM).

Accommodation arrangements

Q9. a. Please provide information on the **accommodation** options available for unaccompanied minors in your (Member) State following status determination, as follows:

- Accommodation specifically for minors? Y /

Due to the low numbers of UAMs in the past, a specific accommodation for the UAMs has not been established, but the Government entrusted UOIM to establish, by the end of 2018, in cooperation with the Ministry of the Interior, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Education, Science and Sport,

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

and the Ministry of Health, the systemic solution of accommodation and care for UAMs as a separate unit for holistic treatment⁴⁸. An Interdepartmental Working Group was appointed to establish the systemic form of accommodation and care of UAMs, coordinated by UOIM.

- General accommodation with special provisions for minors? / N

In the past years, UAMs who irregularly entered the country were most often accommodated in the Aliens Centre, and occasionally in some of the youth crisis centres. "Although there are separate rooms in the Aliens Centre in Postojna for children, it is nevertheless an institution where adults are also placed"⁴⁹. During the time of the UAMs being placed in the Aliens Centre, it is necessary to establish "where their parents or guardians are (if they have them), and whether the reunification with them /is in the best interest of the child/". However, the Aliens Centre is a closed-type Police institution, persons are restricted their freedom of movement, and it is "almost impossible to properly separate minors from adults who might represent a threat to them. UAMs are an easy target for persons involved in trafficking in human beings"⁵⁰.

UAMs that applied for international protection had been prior to establishment of the (pilot) project of special accommodation of UAMs in student dormitories, placed in the Asylum Home in Ljubljana, which has a special department for minors. Under IPA, the UAM can also be placed in an appropriate social welfare institution, if necessary; the competent CSW shall give its opinion on the accommodation. "As in the Aliens Centre in Postojna, the problem of the Asylum Centre's department for minors is that it is physically not sufficiently separated from the department where adult asylum applicants are placed, and it is impossible to prevent the minors encountering the adult applicants"⁵¹. Until the establishment of the pilot project, UAMs with recognized international protection were accommodated in a student dormitory, youth crisis centers, a residential group and integration house. Due to lack of special accommodation for UAMs, opportunities were sought after among the existing accommodation facilities.

At the end of June 2016, the Government of RS adopted a decision to ensure that UAMs, as the most vulnerable category among vulnerable persons, will be ensured special accommodation in student dormitories. "When selecting the locations, special attention was paid to the appropriateness of accommodation facilities, and the safe growing-up of underage migrants, and the preparedness of local infrastructure to welcome and integrate these children into the environment (in particular, access to schools and various integration programs). With the Government decision, human resources capacities have been provided, which are the same as in educational institutions under the auspices of the Ministry of Education, in which children deprived of regular family life, are growing up. With the decision of the Government of RS, the ministries involved also developed the Forms and content of professional work with UAMs"⁵². In the framework of the pilot project, UAMs were accommodated in student dormitories in Postojna and Nova Gorica between 1 August 2016 and 31 July 2017. In both student dormitories, UAMs have been ensured professional work and care, 24 hours per day, throughout the year. Special attention has been paid to increasing the minor's competence in choosing life opportunities, lifestyle and value and normative system that will facilitate integration into the Slovenian society. The pilot project was coordinated by the

⁴⁸ More information: http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/10112/.

⁴⁹ Boškič, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁵⁰ Boškič, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁵¹ Boškič, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁵² Boškič, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Ministry of the Interior in cooperation with the competent ministries (Ministry of Labour, Family, Social Affairs and Equal Opportunities, and Ministry of Education, Science and Sport)⁵³.

Upon the completion of the pilot project, on the basis of the evaluation, the Government of RS decided to continue with the project in the Postojna student dormitory, and entrusted the (newly established) UOIM to establish, by the end of 2018, in cooperation with the Ministry of the Interior, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Education, Science and Sport, and the Ministry of Health, the systemic solution of accommodation and care for UAMs as a separate unit for holistic treatment⁵⁴. Both Government decisions foresee accommodation of all UAMs, regardless of their legal status, in student dormitories, but the project does not include UAMs, who do not apply for international protection in Slovenia.

- Specialised accommodation for unaccompanied minors with specific identified needs? Y /

UAMs with identified specific needs are accommodated within the framework of the options available for children in Slovenia. Occasionally, UAMs with identified specific needs have been placed in youth crisis centres. Youth crisis centres are intended for children in distress, so they can withdraw from their environment for a short time, until the conditions for return to their homes or other care are met. Crisis centres are generally small and dispersed across the country, and professional staff (mostly social workers) have so far, except in exceptional cases, not encountered with foreign children⁵⁵.

- Specialised accommodation for (unaccompanied) minors victims of trafficking? Y /

There is no specialized accommodation for UAMs – victims of trafficking in children, but they can be accommodated in specialized accommodation for adults and children – victims of trafficking in human beings (set up both for citizens and foreigners).

Ministry of Labour, Family, Social Affairs and Equal Opportunities provides funding for the program of crisis accommodation for victims of trafficking in human beings, with provision of comprehensive, up to 30-day care for identified victims, both adults and children, who need immediate withdrawal from the environment. Ministry of the Interior funds a program of safe shelter for victims of trafficking in human beings; this is a post-crisis program for all recognized victims of trafficking in human beings, who need further comprehensive care or are willing to cooperate with law enforcement authorities in criminal proceedings against perpetrators. The Ministry of the Interior also funds the project "Identifying, assisting and protecting victims of trafficking in human beings and / or sexual violence in asylum procedures in /RS/", which is intended to inform international protection applicants on the phenomenon of trafficking in human beings. All projects are implemented by NGOs⁵⁶.

Placement in an accommodation facility together with adults (e.g. in the Aliens Centre or Asylum Home) increases the risk for an UAM to become a victim of trafficking in human beings. An additional factor is important for

⁵³ Source:

http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DUNZMN_2013/DUNZMN_2014/DUNZMN_2015/DUNZMN_2016/DUNZMN_2017/Statisticno_porocilo_-_SLOVENSKO_2016.pdf.

⁵⁴ More information: http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/10112/.

⁵⁵ However, the situational analysis establishes that "regardless the fact that UAMs were placed in crisis centres unexpectedly, and that the experts /employees/ reported some problems they had because of the newly created situation – both when working with foreign children, as well as working with children from the home environment – it turned out that until with the relocation of UAMs to the new location at the end of August 2016, they worked well with them." Source: Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁵⁶ More information available at the Government of RS website:

http://www.vlada.si teme_in_projekti/boj_proti_trgovini_z_ljudmi/pomoc_in_zascita_zrtev_trgovine_z_ljudmi/.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

identification of potential victims of trafficking in children: since Slovenia is not their destination country, minors are often unaware of them becoming or in fact being victims of trafficking in children. Traffickers often do not treat them yet as badly as after reaching their destination. Therefore, during the hearings, as well as interviews with CSW employees, minors protect the persons whom they are traveling with, and who are not their parents or guardians. However, the social workers find it difficult to assess whether the suspicion of trafficking in children is real or not in a single interview, separately conducted with a minor⁵⁷.

- Accommodation with a foster family? / N

Slovenian legislation allows the UAMs to be placed in a foster family, but this option is seldom used. While Postojna CSW explains that, according to the current structure of UAMs (where most of them are older than 15, and are connected with the group they are accommodated with), foster care needs not necessarily to be strengthened (although they would provide foster care if it was assessed that accommodation in a family environment is in line with child's best interests), Ljubljana Vič – Rudnik CSW assesses foster care as the most suitable form of accommodation for younger children and considers that specialized foster care shall be established. The greatest challenge is to provide an adequate foster family.

- Other types of accommodation for unaccompanied minors, e.g. accommodation with adults if the unaccompanied minor is over 16 years of age, etc.? / N

Since the establishment of the government project, all UAMs are accommodated in the student dormitory (with the exception of particularly vulnerable UAMs). An UAM could be in the past (prior to the establishment of special accommodation in student dormitory) accommodated also with adults, e.g. in integration house. Otherwise, the possibility of accommodating an UAM with adults, with whom family relationships were confirmed, was in practice rarely used for UAMs with recognized international protection, but in any case, UOIM enables contacts with relatives. With the support of an NGO that implemented the assistance programs, daily monitoring / presence was provided (e.g. when UAMs were not at school), when they were accommodated in an integration house.

b. Please provide an estimate of the **costs** associated with the accommodation of unaccompanied minors, as well as how these are measured/ defined in your (Member) State, e.g. per day/ child, etc.

Since the establishment of the special accommodation of UAMs in the student dormitory, the daily cost of care on a school day is 11.95 Euros, while the daily care cost for an out-of-school day is 19 Euros. The amount covers the cost of accommodation, material care, personnel costs and other costs related to the implementation of the project⁵⁸.

The daily care cost on a school day is comprised of the food cost in accordance with the price list of the Secondary Forestry and Wood School of Postojna in the amount of 10.50 Euros. Additionally the daily care cost on a school day includes accommodation cost of 1.45 Euros.

The price of the daily care cost for an out-of-school day includes the daily care cost on a school day in the amount of 11.95 Euros, an additional snack for 2.42 Euros, and 4.63 Euros for other expenses (heating, increased electricity and water consumption, use of kitchen and common areas, taking into account the rise in food prices, use of sports facilities).

c. Please provide information on the **staff** responsible for the care of unaccompanied minors, for example, main tasks, any child-specific training received, etc.

⁵⁷ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁵⁸ Government of RS decision of 13 December 2017.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

In the student dormitory and Asylum Home, there are adequately trained and experienced professional workers working with children (in the past also a psychologist), who are regularly trained.

In the past, in case of accommodation in a student dormitory or a residential unit for care of UAMs, professional staff were employed who work with this population of children (educators, social workers). There were no special trainings for employees, but they were provided all the information they needed by UOIM.

d. What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their accommodation arrangements up to that stage?

- Do these unaccompanied minors turning 18 years of age change accommodation, or do they stay in the same accommodation, for example, until they reach a certain age? If so, what is the age threshold?

In the case of UAMs accommodated in the student dormitory, UAMs who have reached the age of 18 years and are enrolled in educational programs, stayed in the dormitory until the end of the school year. They then leave this accommodation and are accommodated in a private accommodation or some other form of accommodation (e.g. student dormitory, but not within the specific project for UAMs).

In the past years, when UAMs were accommodated in the Asylum Home, they were moved to another department upon reaching the age of majority.

- Does your (Member) State have any measures in place to support the unaccompanied minor before the transition, e.g. information provision, etc.? / N

UAMs are provided information on transition to adulthood, including during psychosocial conversations. An individual plan (for international protection applicants) or personal integration plan (for UAMs with recognized international protection) is prepared for each UAM, which also addresses transition to adulthood.

The purpose of the special accommodation of UAMs was precisely the preparation of UAM for an independent life after reaching the age of majority.

- Does your (Member) State have any measures in place to support the unaccompanied minor during the transition, e.g. pathway plan, personal adviser, etc.? / N

An individual plan or personal integration plan also addresses transition to adulthood. Regular psychosocial care is being carried out all the time.

- Does your (Member) State have any measures in place to support the unaccompanied minor after the transition, e.g. formal follow-up or after-care service, open-door policy at accommodation facility, etc.? / N

An asylum-seeking UAM is monitored by a social worker (in the Asylum Centre, or student dormitory employees), and an UAM with recognized international protection status is monitored by an integration advisor. At the age of majority, the UAM is (formally) no longer appointed a guardian or a legal representative, but is supported by a social worker or an integration advisor, student dormitory' employees (in the case of being accommodated in the student dormitory), and NGOs. The integration advisor monitors the international protection beneficiary as long as he has the international protection status, or until obtaining citizenship – support for integration into the environment is the most intensive in the first years, especially for UAMs. Even after reaching the age of majority, the integration advisor maintains contact with the school the UAM is attending.

e. Is there any research available in your (Member) State on:

- The **standards of accommodation** provided to unaccompanied minors? / N

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

- The **effects** of accommodation arrangements on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? / N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Situational analysis of the situation of children in Slovenia concludes that both – accommodation in the Asylum Centre and the Aliens Centre are problematic, as the departments for minors are physically not sufficiently separated from the department where adult asylum applicants are placed, and it is impossible to prevent the minors encountering the adult applicants. "The department for minors should be completely separated either as a separate location of the Asylum Home or as an independent unit, as foreseen in the pilot project adopted at the session of the Government of /RS/ (29 July 2016)." In the event of placing the UAMs in youth crisis centres, professional workers encountered tensions due to unequal treatment, as UAMs were enabled more activities, and at the same time (also due to the lack of other accommodation capacities), their violation of rules and house rules was more tolerated. This demonstrated the importance of the competence of professional workers, "to be able to direct attention only to the child when considering his or her best interests." Upon arrival of increased numbers of UAMs, it turned out that employees of some CSWs were not aware of the possibility of placing UAMs in foster care. "Minors who entered our country were generally older, and older minors are more difficult to place into a foster family – in cases where there is no family-related foster parenting." In March 2016, the Ministry of Labour, Family, Social Affairs and Equal Opportunities provided the CSWs with instructions for finding possible placements in foster care⁵⁹. "Among the existing foster families, an inquiry was carried out on their preparedness to welcome a new child, and at the same time the possibility was extended to apply for a permit to perform foster care activities to persons interested in receiving a child from abroad"⁶⁰. Ljubljana Vič – Rudnik CSW explains that despite the initial interest of foster parents, they are still facing challenges in concrete cases when seeking for a foster family. Placement of an UAM in a foster family requires adaptation, therefore, it would be necessary to invest in specialized foster care, or empower foster families with specific skills in the care of children with multiple challenges.

Otherwise, Ljubljana Vič – Rudnik CSW emphasizes that with the special accommodation of UAMs in student dormitory, a significant step forward has been made, but it should be upgraded – solutions shall be sought after that are more tailored to each child. Numerous adjustments (e.g. according to age, adjusted strictness of rules) could be implemented in the student dormitory.

UNICEF established that the range of accommodation options for UAMs, particularly younger children and girls, is limited. While Slovenia has a long-standing tradition of foster care, this service remains largely inaccessible to refugee children, including due to lack of specialized foster parents, and the support and guidance the foster parents would need⁶¹.

Guardianship arrangements

Q10. a. Please describe the arrangements for **guardianship** of unaccompanied minors in your (Member) State following status determination, specifying in particular who can become a guardian to an unaccompanied minor, the guardian's role, e.g. legal representation, etc., which unaccompanied minors (e.g. asylum/ non-asylum seeking) are entitled to a guardian and until what age, etc.

⁵⁹ Children growing up in the family (original or substitute) is among basic orientations of Slovenian family policy.

⁶⁰ Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁶¹ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

If an UAM is apprehended due to the irregular border crossing and is placed in the Aliens Centre, a guardian is appointed under the Marriage and Family Relations Act. The guardian is involved in child care and procedures for tracing family members. "Guardianship tasks are performed by employees of /CSW/ Postojna, which is the locally competent authority for the area where the Aliens Centre is located. Experiences of the /CSW/ Postojna show great frustration of children who were taken out of the migrant flow as part of the child care procedure for minor migrants. It was often necessary to have more conversations with minors, before a sense of security and trust has been established. The conversations included informing minors of their rights and opportunities that were in their best interests in the given circumstances"⁶².

An unaccompanied asylum-seeking minor is in accordance with IPA (Article 16) appointed a legal guardian, representing him in the international protection procedure, and in the fields of health care, education, protection of property rights and benefits and in relation to the exercise of rights in the field of reception; until the enforceability of a decision issued in the international protection procedure. Article 18 of IPA stipulates that a legal guardian may be an individual who fulfills the conditions for a guardian determined by the law regulating marriage and family relationships, and has attended the training. An UAM may also be appointed a special case guardian under the Marriage and Family Relations Act, if he needs representation in any other area (e.g. misdemeanor or criminal proceedings). The legal guardian is appointed by the CSW Ljubljana Vič – Rudnik as a locally competent CSW for the area where the Asylum Home is located (Ljubljana – Vič). In accordance with the Decree on the implementation of the statutory representation of UAMs and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof, the UAM legal guardian signs the general code of conduct in the international protection procedure.

Analysis of the situation of children in Slovenia states that three public calls for UAMs' legal guardians have been carried out so far (in 2014, 2015 and 2016). The mandatory 40-hour training (under the Decree on the implementation of the statutory representation of UAMs and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof, Article 6) is provided by the University of Ljubljana, Faculty of Social Work. The training covers theoretical and practical part. Since this is a relatively new practice of identifying individuals for legal guardianship, the procedure has been upgraded with each call. Within the framework of the first call, candidates with complete applications who underwent the mandatory training were included in the list of legal guardians, managed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. For the second call, a personal interview was also held as a mandatory condition for the selection of candidates, while the last call gave priority to candidates from the towns where the UAMs have been accommodated as part of the government project⁶³. There are currently 50 UAMs legal guardians in Slovenia (2018 data).

After obtaining the international protection status, the locally competent CSW, in accordance with the regulations regulating family relations, immediately appoints the UAM a guardian, and carries out the accommodation procedure in accordance with valid regulations. The Marriage and Family Relations Act stipulates that a person who possesses personal qualities and abilities necessary for performing the duties of the guardian, and who agrees to become a guardian (Article 180), can be appointed as the guardian. The guardian's function is voluntary and honorable (Article 179 of the Marriage and Family Relations Act). The purpose of guardianship of minors is that with care and education, personality of the minor placed in guardianship is comprehensively developed, and that the minors are equipped / skilled for independent living and work (Article 179 of the Marriage and Family Relations Act). Article 185 of the Marriage and Family Relations Act stipulates that a CSW can also be appointed as a guardian. If at any given point of time, no guardian is available, the guardianship is assumed by the CSW, and implemented by an appointed CSW employee. The guardian performs his function until the UAM reaches the age of majority.

⁶² Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁶³ Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

The guardianship ceases at the age of majority; and legislation does not allow for the extension of guardianship (with the exception of vulnerability when extending parental rights is considered after reaching the age of majority).

The work of UAMs legal guardians is monitored by Ljubljana Vič – Rudnik CSW. UAMs legal guardians submit annual reports on their work. In addition to appointment of UAMs legal guardians, Ljubljana Vič – Rudnik CSW also performs educational activities with UAMs legal guardians. Aside regular, daily problem solving, bi-monthly, so-called intervision meetings of UAMs legal guardians are convened. Among key issues are eligibility of costs, organization of transport of UAMs (e.g. when accommodating the UAM in Postojna student dormitory), division of competences between UAMs legal representatives and student dormitory employees.

The formal monitoring of UAMs guardians is based on guardianship reports (under Rules on the Procedure for the Census and Assessment of the Assets of Undertakings and on the Preparation of Guardianship Reports), which shall be submitted by guardians at least once a year. In practice, UAMs guardians prepare semi-annual reports. Meetings of the UAMs guardians, aimed at exchanging information and discussing pending challenges, are convened by Slovenian Philanthropy in cooperation with UOIM and Postojna CSW.

Despite transfer of competences from the Ljubljana Vič – Rudnik CSW to the Postojna CSW in case of recognition of international protection status of an UAM, both CSWs regularly take part in meetings in the student dormitory, hence informal contacts are maintained even after the transfer of responsibilities between CSWs.

b. What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their guardianship arrangements up to that stage, e.g. are these unaccompanied minors still entitled to a guardian and until what age, or are they expected to become fully autonomous, also in terms of finances, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. information provision, informal follow-up with guardians, etc.?

At the age of majority, the UAM is (formally) no longer appointed a (legal) guardian, but is supported by a social worker or an integration advisor, student dormitory' employees (in the case of being accommodated in the student dormitory) and NGOs. The integration advisor monitors the international protection beneficiary as long as he has the international protection status, or until obtaining citizenship – support for integration into the environment is most intensive in the first years, especially for UAMs. Even after reaching the age of majority, the integration advisor maintains contact with the school the UAM is attending.

c. Is there any research available in your (Member) State on:

- The **standard of guardianship** provided to unaccompanied minors? Y/ N
- The **effects** of guardianship on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

The stakeholders assess the guardianship arrangement as inadequate, since an UAM can shift by several guardians or legal guardians. They add that the guardianship system is problematic in general (also for Slovene citizens), and express the need to rearrange the system, as the system of honorary and free guardianship is not appropriate.

When establishing the system of legal guardianship of asylum-seeking UAMs, in practice, some legal guardians appeared to be non-responsive, while certain legal guardians showed inadequate personal characteristics, therefore the selection procedure was upgraded with each call. "In turn, legal guardians also reported about lack of

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

information and the fact that the field of minor migrants entering the country unaccompanied is so unequivocal that it is difficult to effectively represent such a child, and protect his best interests"⁶⁴.

The guardianship / legal representation modalities vary according to the status of the child; in Slovenia, the field of guardianship of children is regulated by legislation in the field of family relations, which also regulates other relationships between parents (guardians) and children. Guardianship is a voluntary and honorable function, while legal guardians receive a reward for their work (although the amounts are not high). CSWs face the challenge of finding people who are willing to become a guardian to a child whom they are not related to, therefore the CSWs often assume the guardianship, and one of their employees then performs the guardianship tasks. In the past, Slovenian Philanthropy was assuming guardianships of UAMs, but regarding the possibility of organizing the guardianship in the way that an NGOs would perform the guardianship of UAMs⁶⁵, situational analysis concludes that the level of mutual trust between the governmental and non-governmental sectors is "currently too low for such cooperation". At the same time, when developing family policy services in Slovenia, the primary role of public sector in implementation of such services was in most areas maintained within the CSWs. As a potential option, the situational analysis recognizes establishment of a special guardianship service⁶⁶ within the framework of the planned reorganization of the CSWs. Otherwise, the situation analysis concludes that "from the UAMs' care point of view, a harmonized system of representation, regardless of the child's status, would be the most effective"⁶⁷.

UNICEF acknowledges that the current system of UAMs (legal) guardianship is inadequate and allows for different levels of service and treatment provided according to location, status and, particularly, according to the capability and competences of individuals. Standards and Codes of Conduct⁶⁸ are not set for UAMs guardians and legal representatives. Apart from submitted written annual reports, submitted by UAMs guardians / legal guardians, there is no monitoring system⁶⁹.

Consequences of a temporary residence permit on the care arrangements for unaccompanied minors

Q11. What impact does the expiration of a **temporary residence permit** have on the above-mentioned care arrangements for unaccompanied minors in your (Member) State, e.g. unaccompanied minors disappearing from care, etc.?

In addition to the international protection status, the Foreigners Act provides for other statuses, but those relate to regular entry into the country (including the possession of valid travel documents).

Challenges and good practices

Q12. Please indicate the main **challenges** associated with the care of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18 years of age, and/ or the competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

⁶⁴ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁶⁵ A similar system has been established in the Netherlands, where the NGO Nidos is authorized to provide guardianship of UAMs.

⁶⁶ This kind of arrangement was introduced in Croatia.

⁶⁷ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁶⁸ In accordance with the Decree on the implementation of the statutory representation of UAMs and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof, the UAM legal guardian signs the general Code of conduct in the international protection procedure.

⁶⁹ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

UNICEF identified potential discrimination risks based on age, origin and administrative status, including in relation to guardianship (different guardianship / legal representation systems apply based on the legal status of the child with no clear underlying rationale or overarching standards or guidance); participation (children in families under 15 are not necessarily consulted in international protection procedures), and financial support (asylum-seeking UAMs are entitled to monthly allowance but are not entitled to financial social assistance as UAMs with recognized international protection status)⁷⁰.

Status of the child determines his access to services and level of care provided, rather than his individual needs. UAMs with recognized international protection are entitled to financial social assistance, while asylum-seeking children are entitled to monthly allowance, creating unequal treatment and different conditions within the dormitories also in relation to issues such as clothing etc. This is against the Convention on the Rights of the Child (CRC) which stipulates that a child is foremost a child, regardless of his refugee or migrant status, and as such his rights are enshrined in the CRC⁷¹. In the context of social protection, Postojna CSW also pinpoints to the unequal treatment of UAMs who are international protection applicants, and those with recognized international protection status. However, UOIM adds that with adequate planning, it may be possible to overcome this gap, as the UAM is also empowered for independent living and the differences in the situation, he will have to face in his independent life.

When an UAM expresses his intention to apply for international protection and is transferred to the Asylum Home, the application procedure begins as soon as possible. Nevertheless, "NGOs point out that the procedure of submitting international protection application is not child-friendly, as they often fail to rest or get some sleep, in particular after multiple days or weeks of traveling." Consequently, the UAM might not provide the competent authorities with (sufficiently) coherent statements. "On the other hand, the competent /CSW/ can start the search and identification procedure of the child's legal guardian only the next morning, who then shall be present during the procedure of submitting the international protection application. If it were possible to wait with the procedure for submitting the application at least a day, the minor would be a bit more rested, and the /CSW/ could opt for the optimal choice and appoint the best fit legal guardian for the child"⁷². The Ministry of Interior clarifies that an UAM is always appointed a legal guardian prior to initiating the international protection procedure, and the legal guardian has the possibility to request the postponement of lodging the asylum application for a maximum of 48 hours (from submitting the postponement request).

The duration of the international protection procedure is also problematic, as pointed out by numerous NGOs, including PIC. As an asylum applicant, the UAM is already enrolled in education program and integrating in society, but a lengthy international protection procedure puts the child in distress or raises possibly unreasonable expectation of a positive outcome.

Among challenges is the age assessment procedure, since the methods of assessing age are not determined, therefore strengthened efforts in improving the age assessment methodology on the EU level or minimum standards and sufficient guidance developed would be in practice of added value. Slovenian Philanthropy points that since the methods of assessing age are not determined, in practice, X-rays are usually used, though there were not many cases of age assessment tests in the past. There was a change in practice of age assessment, as approximately from 2016, the Pediatric Clinic no longer implements age assessment tests. UNICEF also points out that in case of the doubt of the age of the child, the Foreigners Act and IPA provide for possibility of an age assessment to be implemented by experts. However, the methods of assessment are not prescribed, whilst IPA does not even provide for the possibility of an appeal on the outcomes of the assessment. Among UNICEF

⁷⁰ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

⁷¹ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

⁷² Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Crnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

recommendations is to provide for an appeal procedure on age assessment under IPA, and to establish an age assessment system in line with international standards in this field, including appropriate safeguards⁷³.

Regarding the guardianship system, all stakeholders pinpoint to the unequal treatment of UAMs guardians and legal guardians, while the field is characterized by the lack of guardians (not only for UAMs guardianship). The arrangement of an UAM changing guardians or legal guardians according to his status, does not ensure the continuity of care and established trust, as well as information flow. Both CSWs emphasized that the guardianship system shall be rearranged, so that the guardians would also be entitled to the reward as a reimbursement of costs generated by implementing the guardianship (as the system for UAMs legal guardians has been established). After establishing the pilot project for special accommodation of UAMs in student dormitory, Postojna CSW actively strived to find guardians, and presented guardianship in relevant institutions, but despite some responses and feedback, the usual discouraging factor was the fact that the guardians do not receive reimbursement of costs, not even the travel costs associated with implementing the guardianship.

Among challenges in working with UAMs, UOIM mentions the establishment of a confidential relationship, overcoming cultural and linguistic obstacles, motivation for managing their own situation, or taking responsibility for their own lives (e.g. attending education, learning the Slovene language - especially during the international protection procedure, when UAM's future in Slovenia is uncertain).

Regarding practical implementation of special accommodation of UAMs in the student dormitory, Postojna CSW emphasizes that it would be necessary to draft more detailed instructions on adequate educational measures by age (despite the small age difference between most UAMs). From this standpoint, accommodation in line with the principle of a residential group would allow for greater flexibility compared to the usual system of rules in the student dormitory, as well as several adjustments for UAMs with special vulnerabilities. Ljubljana Vič – Rudnik CSW emphasizes that special accommodation of UAMs in student dormitory should be upgraded to individually tailored forms of living, in accordance with the social care system (and not education and training).

The legislation does not provide for support measures for transition to adulthood, but taking into account the structure of the UAMs, consideration should be given to transitional measures - from planning adequate accommodation and care, to other relevant areas. All actors perceive that for older UAMs, house rules of student dormitory often represent too many limitations, and are consequently a source of tensions. UOIM and Ljubljana Vič – Rudnik CSW add that in order to move to independent life, special accommodation of UAMs in student dormitory should be upgraded and adjusted to enable the UAMs to assume responsibility for their lives. If the accommodation would function as a residential group, it would allow for more autonomy for (older) UAMs to learn household tasks, manage financial resources, and assume responsibilities for participation in education and other fields.

An important challenge is the high abscond rate, especially among asylum-seeking UAMs. In special accommodation of UAMs in student dormitory, the disappearances of children are affecting the group dynamics among the UAMs. It is necessary to plan appropriate response mechanisms, and consider and properly address the causes of absconding.

Within the framework of the regional project *Protecting Children and the context of the refugee and migrant crisis in Europe*, implemented by the IOM, data collection and analysis of situation of refugee and asylum-seeking children are also taking place. IOM conducted the survey among UAMs and accompanied children, but due to low numbers of children (unrepresentative sample), Slovenia will not be included in the study.

Q13. Please describe any examples of **good practice** in your (Member) State concerning the care of unaccompanied minors, including those turning 18. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting*

⁷³ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

The Government pilot project of accommodating UAMs in student dormitories, established in 2016, represents a step forward in ensuring adequate protection and care for unaccompanied children in Slovenia, especially from the viewpoint of socialization and integration, since there is great interaction with other students. But it is crucial to include all UAMs in the project, regardless of whether they apply for asylum in Slovenia. When designing the system solution, consideration shall be focused on providing different accommodation options due to versatile needs of children, their different personal circumstances, as well as vulnerabilities.

Among good practices is the project of informing asylum seekers, as potential victims, of trafficking in human beings, sexual violence or gender-based violence (i.e. the PATS project). During the interview, indicators of child trafficking are also sought after, and the child is provided with knowledge of the risks and incidence of trafficking in human beings immediately after applying for international protection, before he is placed in student dormitory (unless his psychological condition does not enable it).

The mechanism established by the SGBV SOPs is primarily applicable in case of asylum-seeking UAMs. For UAMs not placed in institutional care (e.g. UAMs with recognized international protection status, residing in private accommodation), the mechanism is less of added value. Instead of establishing parallel systems, it is reasonable to adapt existing child protection systems and upgrade them according to the needs of UAMs.

UOIM (previously within the structure of the Ministry of the Interior) assesses cultural mediators as good practice, which were provided by Slovenian Philanthropy in 2016 and 2017 as part of the project of psychosocial support for children⁷⁴ financed by UNICEF. Activities for children were organized in the children's friendly places within accommodation facilities. The program, implemented by animators and cultural mediators, included various psychosocial, recreational, rehabilitation, educational and other activities, aimed at restoring feelings of normalcy in the lives of children, helping them cope with the negative and traumatic experiences, and contributing to improving their psychosocial well-being.

Section 4: Integration of unaccompanied minors, including transitional arrangements for unaccompanied minors turning 18 years of age

Overview of integration provisions and organisational set-up in the (Member) State

Q14. a. What **priority** is given to the integration of unaccompanied minors in your (Member) State (over their return, for example)?

Integration of an UAM commences in a limited scope already upon his arrival to the country. Already upon arrival in the country, the UAM is appointed a guardian and provided basic material, health and psychosocial care. If an UAM applies for international protection, his care and integration continue upon accommodation in the Asylum Home or student dormitory as a special accommodation for UAMs.

From a professional point of view, the key consideration is individual treatment – for each UAM, it is necessary to determine his best interests, within the given possibilities of child care and child protection system. Along the child's best interests as the key principle, IPA provides adjustment of receiving and procedural rights for UAMs. As key guidelines for care planning, UOIM emphasizes the child's well-being and his active participation, i.e. taking into account the voice of a child.

b. Please provide a summary overview of the provisions in place in your (Member) State for the **integration** of unaccompanied minors following their status determination, indicating in particular how the legal status of the

⁷⁴ More information available at: <http://www.filantropija.org/projekti-2/>.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

unaccompanied minor defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

Under Article 90 of IPA, a person with recognized international protection is entitled to:

- obtain information on the status, rights, and obligations of international protection beneficiaries in RS,
- reside in RS,
- financial allowance for private accommodation,
- health care,
- social protection,
- education,
- employment and work,
- assistance in integrating into the environment.

Persons with recognized subsidiary protection status are issued a temporary residence permit for the duration of subsidiary protection, while UAMs with refugee status obtain a permanent residence permit (IPA, Article 92). Article 103 of IPA stipulates that a person with recognized international protection is entitled to support for integration into the environment within three years from obtaining the status.

Rights of UAMs with recognized international protection are regulated by Article 100 of IPA. The locally competent CSW shall immediately appoint a guardian to the UAM in accordance with the regulations governing family relations, and carry out the accommodation procedure in accordance with the applicable regulations. In the case of accommodation, brothers and sisters are "as a rule not separated, taking into account the best interest of the /UAM/, in particular his age and degree of maturity. Residence changes of the /UAM/ shall be limited to the "minimum." If the UAM's family members tracing has not yet begun earlier, it begins upon recognition of international protection.

"/UAMs/, applying for international protection, are entitled to education, therefore they are enrolled in appropriate schools by the legal guardians with the help of professional staff /social workers/. They continue their education after obtaining international protection⁷⁵." After obtaining international protection status, they are treated in the same way as underage Slovenian citizens. The same applies to healthcare: UAMs are entitled to healthcare to the same extent as children who are mandatory health insured as family members – regardless of whether they have the status of an international protection applicant (Article 86 of IPA), an international protection beneficiary (Article 98 of IPA), or a permission to stay (Article 75.2 of the Foreigners Act).

b. Do the above provisions **differ** from those for accompanied minors, as well as for adults and if so, how?

Provisions regarding guardianship are specific for UAMs. Right to education and health care in the same extent as Slovenian citizens applies to underage international protection beneficiaries (UAMs and accompanied children), there are no other significant differences between rights of underage or adult international protection beneficiaries.

c. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the integration of unaccompanied minors. Is this set out in legislation or any other internal administrative regulations?

⁷⁵ Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Crnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Child's best interests are defined as the basic guideline in the field of child protection – which derives from the Convention on the Rights of the Child, and are provided both in the Marriage and Family Relations Act as well as in IPA and Foreigners Act. However, formal procedure for determining the child's best interests with regard to integration of UAM is not established⁷⁶, the guardian or legal guardian is entrusted with ensuring the best interests of an UAM, whose work is monitored by CSW. Regarding the method of determining the best interests of the child, the professions / social workers follow their professional principles, and the common principles in social protection are enshrined in the code of ethical principles of the field⁷⁷. In the social protection system, a procedure for assessing the risk of a child by a multidisciplinary team is in place, but assessments are primarily developed in case of victims of violence. The multidisciplinary team develops measures to reduce risks, directs activities of CSW and other bodies involved in the treatment in a way that they operate in a coordinated, uniform and efficient way⁷⁸.

In practice, professional workers are searching for the best possible solution for the child in a given situation and depending on the available options. Thus, with the increased influx of UAMs in 2015 and in the beginning of 2016, when organizing the accommodation of UAMs, the child's best interests could not be taken into account in the greatest extent, but it was about providing optimum care in given circumstances⁷⁹.

Upon accommodation in student dormitory, an individual care plan is developed for each UAM, with the UAM, student dormitory employees, the CSW, legal guardian or guardian and other relevant stakeholders taking part. When an UAM is recognized international protection status, a personal integration plan is developed for him, following the individual plan.

Q15. Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the integration of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of education, employment support, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
<i>Ministry of Interior (*until establishment of the Government Office for the Support and Integration of Migrants)</i>	Care of UAMs (<i>until establishment of UOIM</i>), international protection procedures	Care and integration of UAMs, international protection procedure
<i>Government Office for the Support and Integration of Migrants</i>	Care of UAMs (oversight)	Care and integration of UAMs
<i>CSW (Ljubljana Vič – Rudnik and Postojna)</i>	Guardianship / legal guardianship, social protection	Appointment, oversight and support of guardians and legal guardians of

⁷⁶ Sedmak and others (2015) emphasize that the child's best interests assessment is often dependent on interpretation of individual experts. More in: Sedmak, M., T. Žakelj, Z. Medarić and B. Lenarčič (2015): *Comparative report on fieldwork with experts and unaccompanied minors. An overview of the reception, protection and asylum procedures for unaccompanied minors in Austria, France, Slovenia and the United Kingdom with the focus on the concept of the best interest of the child and the formal processes of best interest determination.*

⁷⁷ Social Chamber, accessible at: https://docs.wixstatic.com/ugd/40cd9f_29d6a95f8fbd45e9abd049c38df97f7d.pdf.

⁷⁸ Source:

http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/katalog_pooblastila_csd_jul08.pdf.

⁷⁹ Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Crnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

		UAMs, social protection
<i>Student dormitory Postojna (and Nova Gorica)</i>	Accommodation and care of UAMs	Implementation of the program of special accommodation of UAMs
<i>Ljudska univerza Postojna (and Nova Gorica; so-called People's University)</i>	Education	Literacy program for UAMs
<i>Primary (and secondary) schools</i>	Education	National educational system
<i>Health care institutions</i>	Health care	National health care system
<i>ODNOS Association</i>	Integration	Implementation of the integration program
<i>Slovene Philanthropy</i>	Integration, psychosocial support	Cultural mediators and animators – Vič and Logatec Asylum Home (2016, 2017)
<i>Legal-Informational Centre for NGOs</i>	Legal protection	Legal counselling and representation of international protection applicants and beneficiaries
<i>Institute for African Studies</i>	Preventing trafficking in persons	Informing of the phenomenon and threats of trafficking in persons, identifying indices for trafficking in persons
<i>Ključ Association</i>	Preventing trafficking in persons	
<i>IOM</i>	Family reunification	Assistance in family reunification procedures

Please note that the list is not exhaustive: it does not encompass institutions that implement or have implemented monitoring activities (e.g. Human Rights Ombudsman, UNHCR, UNICEF, IOM).

Access to healthcare

Q16. a. When providing access to **healthcare** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to healthcare **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to healthcare as nationals of the (Member) State? / N

UAMs' access to healthcare is automatic – not only after obtaining international protection status or applying for international protection, but also for UAMs with issued permission to stay.

- Please describe what this access to healthcare **includes**, for example, emergency treatment, basic medical care, essential or specialised medical care, counselling, etc.? / N

UAMs are entitled to healthcare in the same extent as children who are mandatory health insured as family members – regardless of whether they have the status of an international protection applicant (Article 86 of IPA),

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

an international protection beneficiary (Article 98 of IPA), or a permission to stay (Article 75.2 of the Foreigners Act).

In line with the Slovenian healthcare system, children are not required the supplementary health insurance. Based on the mandatory health care insurance, they have access to the full range of health care (basic health care, referrals to specialized medical care, dental care, pedopsychiatric treatment, etc.). When diagnosed a health problem, the UAM is referred to a health care system where he receives adequate health care according to his health needs. In practice, not knowing the language might narrow the range of options.

- Does the (Member) State undertake any form of **individual assessment** to ensure that the medical care provided to unaccompanied minors corresponds to the minor's specific physical, as well as mental health needs? Y/ N

Upon accommodation in student dormitory, an individual care plan, which also includes possible needs for health care, is developed for each UAM, with the UAM, employees of the student dormitory, the CSW, legal guardian or guardian and other relevant stakeholders taking part. The individual plan also records specific health needs. Same applies to the personal integration plan. Unlike international protection applicants, UAMs, after being recognized international protection status, are included in the mandatory health insurance system, and they select their personal doctor and dentist.

- Please provide any **other important information** in relation to the healthcare available for unaccompanied minors *not covered above*.

Prior to accommodating the UAM in the student dormitory, a medical examination is carried out to assess the health status of the UAM, and identify any chronic diseases and possible infectious diseases. If necessary, he will be referred for further treatment within the health care system. At the same time, potential vulnerabilities (e.g. injuries) can be identified during the medical examination. Those in need of psychologist or pedopsychiatrist treatment, are also referred to the health care system. UOIM utilizes the possibility of *pro bono* psycho-social assistance provided by NGOs if necessary. In addition, Ljubljana Vič – Rudnik CSW adds that understanding of the UAMs' experience is still very weak, which may result in traumatization being overlooked, but in others cases it might be misinterpreted. It is necessary to strengthen the competencies in this field.

Slovenian Philanthropy adds that, in practice, asylum-seeking UAMs might encounter difficulties in accessing health care system, as they do not have a health insurance card. Health care centers should be informed of asylum-seeking children being entitled to the same level of health care as minor citizens of RS, but in practice, it depends on the doctor or the nurse, and whether they are familiar with the regulation and rights of asylum-seeking UAMs.

UAMs have the possibility of being tested (free-of-charge) for sexually transmittable diseases.

IOM implements a project on cultural mediation in healthcare, with international protection applicants as target group, and takes place in the Asylum Home; UAMs, who are accommodated in student dormitory, are hence not included in the project activities.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to healthcare, including counselling up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, etc.?

The consequences of UAMs' transition to adulthood on their access to health care depend on their status. UAMs with recognized international protection are entitled to the same scope of rights as Slovene citizens, while adult international protection applicants and foreigners issued a permission to stay are entitled only to emergency medical care. However, a schooling child after the age of 18 and until the end of schooling, but up to the age of 26 years, is entitled to the same scope of health care services as a minor Slovenian citizen.

The UAMs are explained the consequences of transition to adulthood when accommodated.

c. Is there any research available in your (Member) State on:

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

- The **quality of healthcare, including counselling**, provided to unaccompanied minors? Y/ N
- The **effects** of the access to healthcare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

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Access to education

Q17. a. When providing access to **education** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to education **automatic** for unaccompanied minors who have obtained a status which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to education as nationals of the (Member) State? Y/ N

UAMs' access to education is automatic – not only after obtaining international protection status or applying for international protection, but also for UAMs issued permission to stay.

For asylum-seeking UAMs or those recognized international protection status, a tailor-made literacy program (for older UAMs) has been established, and upon conclusion they are enrolled in the mainstream education system. Younger UAMs are enrolled in primary school.

UAMs are entitled to obtain regular (free-of-charge) education at primary, secondary and tertiary level, and to related rights, e.g. accommodation in student dormitories, scholarships.

- Does the (Member) State undertake any form of **individual assessment** to ensure that the education provided to unaccompanied minors is adapted to the age, level of education in the country of origin, degree of language barrier of the unaccompanied minor, etc.? Y/ N

Upon accommodation in student dormitory, an individual care plan, which also addresses education and career planning according to age, previous education, skills and aspirations of the UAM, is developed for each UAM, with the UAM, student dormitory employees, CSW, legal guardian or guardian, and other relevant stakeholders taking part.

When enrolling in primary school or literacy program, UAMs are usually tested (when enrolling in primary school, this serves as a basis for deciding to which class the UAM will be enrolled). In addition, Ljubljana Vič – Rudnik CSW adds that due to low prior education and poor knowledge of language, they usually start at lower levels of primary school. Upon concluding primary school, the decision on secondary education is significantly influenced by their place of accommodation, which requires greater flexibility in the future, especially for UAMs, who are already sufficiently integrated as well as independent and mature.

- Are any **special measures** to support access to education specifically for unaccompanied minors available in the (Member) State, in particular language training*, guidance regarding the national education system, etc.? Y/ N

* Are there specialised institutions for the language training of unaccompanied minors? Does language training take place in public schools, in specialised language courses for unaccompanied minors or minors in general, or within adult language learning programmes for foreign citizens?

In 2016, a literacy program in Slovene for adult speakers of other languages with an addition for underage international protection applicants, aged 15-18, was developed and adopted. The program supports inclusion in primary school program for adults.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Literacy in Slovene for adult speakers of other languages is an educational program designed to literate people whose first language is not Slovene. The program has an addition with specific contents and instructions for implementation for underage international protection applicants, aged 15 to 18 years. The purpose of adapting this program to underage international protection applicants is their empowerment to integrate into adult education, thereby increasing the possibilities for their integration into Slovene society. By enhancing their literacy skills, it shall be easier for them to integrate into different areas of society⁸⁰.

In addition to the literacy program, which is foreseen for learning the language and preparing for school, the UAMs can additionally enroll to the Slovene language course (which is rarely done in practice, as noted by UOIM).

- Do unaccompanied minors receive **education in accommodation centres**, or as part of the **mainstream schooling system**? Or are there **other education arrangements** for unaccompanied minors in your (Member) State? / N

In accommodation centres (Asylum Home and specific accommodation of UAMs in student dormitory), learning assistance is provided (in student dormitory also individually), otherwise UAMs are enrolled in the regular (mainstream) education system, while UAMs aged 15-18 are firstly enrolled in the adjusted literacy program. In 2016, the literacy program in Postojna took place in the student dormitory, but the practice has changed, since it is more beneficial from the viewpoint of integration that the programs do not take place in the student dormitory. UAMs are enrolled in many leisure time activities. NGOs also provide learning assistance and various leisure time activities.

- Please provide any other important information in relation to access to education for unaccompanied minors *not covered above*.

The systemic regulation of the education of immigrant children is based on the Guidelines for the Integration of Children of Immigrants in Kindergartens and Schools (2012), which mandates also kindergartens to implement the principle of "an inclusive approach to implementation of rights of immigrant children to education in order to effectively integrate them and create an intercultural society", but professional assistance for teaching Slovene language is provided only for schooling children.

The Ministry of Education, Science and Sport provides schools, which enroll immigrant pupils, with hours of additional professional assistance in learning Slovene language in the first and second year of schooling. Additional to providing resources for teaching Slovenian language, the Ministry of Education, Science and Sport enables and supports implementation mother tongues and cultures classes for immigrant pupils. Rules on Assessment of Knowledge and Advancement of Students in Primary Schools (2008) includes a provision that allows the possibility of adjusting the knowledge assessment for immigrant pupils. Immigrant pupils from other countries whose mother tongue is not Slovene and are first to be enrolled in primary school in RS in grades 6 or 9, can perform the national knowledge assessment test in the same year only on a voluntary basis.

The Rules on Norms and Standards for Implementation of Educational Programs in Secondary Education stipulate the obligation of a secondary school to organize a Slovenian language course for students who, because of lack of knowledge of the Slovene language, need and wish for assistance, taking into account the expert assessments of the teacher on the level of their knowledge and understanding Slovenian language. Schools organize a course for students only for the first two years of their education in RS.

Given the particular dimension of integration into education of children who are international protection applicants and international protection beneficiaries whose primary needs are to provide basic living needs, and given the fact that these children originate from non-Slavic areas that represent a more demanding dimension for learning

⁸⁰ More information:

http://www.mizs.gov.si/fileadmin/mizs.gov.si/pageuploads/podrocje/odrasli/Dolgan/Opismenjevanje_cistopis_konc_enMIZS_29_8_16.pdf.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Slovenian language, the Ministry of Education, Science and Sport recommends a two-level integration model. The integration procedure is divided into two periods, i.e. preparatory phase and introductory phase. Before enrolling in regular classes, a 20-hours preparatory phase is organized for the children. Thereafter, children are included in regular classes, with additional professional assistance in learning Slovene language, with recommended adjusted implementation. After completing the introductory phase, the pupil is included in a follow-up program, where he is provided additional support in the period of two school years, as the program includes activities offered both by school and in the local environment (learning Slovene as a second language, learning assistance, individual programs for pupils, adapting methods and forms of work in teaching and adjusting the assessment during the school year, supporting involvement in interest activities at school and in the local environment, various holiday opportunities and activities in the local environment, continuation of language courses and support in organizing complementary classes of mother tongues and the culture of immigrant children)⁸¹.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to education up to that stage, e.g. do unaccompanied minors have the possibility to continue compulsory education post-18, to progress to third-level education, vocation studies and training, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, education pathway/ plan, personal adviser, etc.?

"UAMs/, applying for international protection, are entitled to education, therefore they are enrolled in adequate schools by the legal guardians with the assistance of professional staff /social workers/. They continue with education after obtaining international protection⁸²". After obtaining international protection status, they are treated in the same way as underage Slovenian citizens.

The transition to adulthood is planned within the individual plans or personal integration plans. They can continue regular education up to the age of 26, which also maintains their scope of other rights to the extent applicable to minor Slovenian citizens (health care, social welfare).

c. Is there any research available in your (Member) State on:

- The **quality of education** provided to unaccompanied minors? Y / N
- On the educational performance of unaccompanied minors? Y / N
- The **effects** of the access to education on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y / N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

/

Access to (support to) employment

Q18. a. When providing **access to employment**⁸³ to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

⁸¹ Dr. Stanka Lunder Verlič (2016): Vključevanje priseljencev v slovenski vzgojno-izobraževalni sistem: http://www.sloga-platform.org/wp-content/uploads/2016/11/SLOGA_casopis_24st_SPLET.pdf.

⁸² Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁸³ Please note that this shall not apply to UAMs enrolled in full-time education.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

- Is access to employment **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? What does the access include, e.g. internships, traineeships, vocational preparation, etc.? Is this subject to rules generally applicable to the profession and to the public service? Is this conditional upon obtaining a work permit, etc.? / N

Article 87 of IPA stipulates that the "international protection applicant has the right to free access to the labor market nine months after the application has been submitted, if the decision by the competent authority has not been served to him at that time and this delay cannot be attributed to the applicant." Pursuant to Article 102 of IPA, international protection beneficiaries are exercising rights arising from employment and work in accordance with the regulations governing the employment and work of foreigners. They are also entitled to active employment policy measures. Pursuant to Article 21 of the Employment Relationships Act⁸⁴, persons who have reached the age of 15 may enter into an employment contract.

- Is the access to employment for unaccompanied minors **limited** in any way, for example, open only to unaccompanied minors of a certain minimum age after status determination, or restricted for a certain period and/ or limited to a maximum number of days per year? Are these limitations for unaccompanied minors same as those applied to minors who are nationals of the (Member) State? / N

Access of international protection applicants to the labor market is partially limited, which also applies for UAMs. Pursuant to Article 87 of IPA, an international protection applicant has the right to free access to the labor market nine months after the application has been submitted, if the decision of the competent authority has not been issued during that time and this delay cannot be attributed to the applicant.

Other limitations of access to the labor market apply both to UAMs and to Slovene citizens. An UAM who has been recognized international protection status, acquires access to employment at the age of 15 (Article 21 of the Employment Relationships Act). The Employment Relationships Act specifies in Article 211 work of children under the age of 15, pupils and students: "A child under the age of 15 can, exceptionally, if paid by a fee, participate in filming, preparing and performing art, other works in the field of cultural, artistic, sports and advertising activities. A child who has reached the age of 13 may perform easier work for a maximum of 30 days in each calendar year during school holidays, or also other activities, in the manner, to the extent and provided that the performed work does not jeopardize his safety, health, morale, education and development. The types of easier works are determined by a secondary legislation. High school and university students who have reached age of 14 years may take practical training with an employer in the framework of educational programs."

In accordance with the Employment and Insurance Against Unemployment Act⁸⁵, pupils, students and participants in adult education may, during the period of education and under the conditions specified by law, perform temporary and occasional work (i.e. student work) with an employer. Temporary and occasional work by pupils and students can be performed by:

- persons with a pupil status in RS who have already reached the age of 15,
- persons with a student status in RS,
- persons with a status of participants in adult education who are under the age of 26 and who are enrolled in publicly available programs of basic, vocational, secondary and higher professional education.

So-called student work can therefore be performed by UAMs that are enrolled in an educational program (regardless of legal status).

⁸⁴ Official Gazette of the RS, Nr. 21/13, 78/13, and 52/16.

⁸⁵ Official Gazette of the RS, Nr. 107/06.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

- Are any **special measures** to support access to employment specifically for unaccompanied minors available in the (Member) State, in particular vocational guidance, jobseeker allowance for unaccompanied minors not able to find employment, etc.? Y / N

There are no specific measures to support UAMs in accessing employment. The student dormitory employees try to support the UAMs in finding a job, especially in the form of student work, if they are enrolled in education or literacy program. UOIM observes that in practice, UAMs legal guardians often give preference to education prior to employment. Insofar as the UAM opts for work, he has options according to the legislative framework and depending on labor market demands, as well as on his skills and knowledge. In addition to education, UAM's career path is also addressed in the personal integration plan.

- Please provide any other important information in relation to access to employment for unaccompanied minors *not covered* above.

/

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to employment up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. ongoing employment support as part of integration pathway/ plan, personal adviser, etc.?

An asylum-seeking UAM is monitored by a social worker, and an UAM with recognized international protection status is monitored by an integration advisor. At the age of majority, the UAM is (formally) not appointed a guardian or a legal representative anymore, but is supported by a social worker or an integration advisor, dormitory' employees (in case of being accommodated in student dormitory) and NGOs. The integration advisor monitors the international protection beneficiary as long as he has international protection status, or until obtaining citizenship – support for integration into the environment is the most intensive in the first years, especially for UAMs. In addition to education, the personal integration plan also plans the UAM career path and entry into the labor market.

c. Is there any research available in your (Member) State on:

- The **quality of employment access support** provided to unaccompanied minors? Y / N
- The **effects** of the access to employment on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y / N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

/

Family reunification of unaccompanied minors

Q19. a. Please provide here any updated information on the **possibility for family reunification** for unaccompanied minors since the 2016 EMN Focussed Study on "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices," including any information on the effects of family reunification on the integration of unaccompanied minors in your (Member) State (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

The family reunification procedure is regulated by the Foreigners Act, though the right to family reunification for international protection beneficiaries derives from IPA. There are no specific provisions in the Foreigners Act concerning family reunification of minors who are third-country nationals or international protection beneficiaries. Reunification of an UAM recognized refugee or subsidiary protection status with his family is separately regulated in IPA. Unlike the Foreigners Act, IPA explicitly stipulates that, when dealing with minors who are international

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

protection beneficiaries, the main guideline are the child's best interests.

Pursuant to Articles 47a and 47b of Foreigners Act, only parents are considered as family members of an UAM granted international protection. If the UAM has been recognized refugee status, his parents obtain his status (i.e. permanent residence permit); the status of parents of an UAM with subsidiary protection is bound to the child, thus parents obtain a temporary residence permit.

In the procedure of reuniting the UAM with his family, the guardian monitors the procedure. UAM's guardian also arranges travel if the UAM wants to, for example, meet with relatives in another country. Formally, the UAM is acquainted with the possibility and arrangement of family reunification procedure upon obtaining international protection status. Among key challenges is obtaining relevant documents.

UOIM adds that there are currently no resolved cases of UAMs reuniting with family (and neither case-law). The limitation of eligible family members only to parents (and not even siblings) makes the procedure even more difficult, at the same time, for an UAM enrolled in education and not employed, it is difficult to bear the financial burden of the procedure (including document translations, air tickets, and IOM assistance if necessary), as the costs are borne by the family reunification applicant / sponsor. In practice, NGOs provide support and raise needed funds.

From 2013, IOM has been implementing family reunification program for persons with recognized international protection. In the procedure of reunifying an UAM with his family, it is crucial to identify and locate the parents or guardians. In the period covered by the analysis, UAMs have not participated in the program; although the aforementioned project *Protecting Children in the context of the refugee and migrant crisis in Europe* provides support for family reunification until the completion of project activities.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to family reunification up to that stage, for example:

- Is there any cut-off of family reunification rights when unaccompanied minors reach 18 years of age? Y / N

With transition of the UAM into adulthood, the right to family reunification does not cease, since it is conditional upon status rather than age (47a and 47b of Foreigners Act). Although the law explicitly mentions UAMs, the same conditions apply as for adults. Article 47 of Foreigners Act determines conditions of family reunification for foreigners with a residence permit.

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Y / N

Legislation does not provide support measures during the transition of UAMs to age of majority. In practice, support measures are implemented in the form of integration support and planning of transition to adulthood in the context of individual plans or personal integration plans.

- Please provide any other important information in relation to family reunification for unaccompanied minors *not covered above*.

If an UAM receives a decision on subsidiary protection for one year at the time of transition to adulthood, he cannot apply for family reunification before his subsidiary protection has been extended (as defined in Article 47 of Foreigners Act, an applicant with a temporary residence permit may file an application for family reunification only after one year of residence in Slovenia). Ljubljana Vič – Rudnik CSW highlights the problem of lengthy family reunification procedures.

According to the results of measurement of trafficking in human beings indicators, including trafficking in children, the IOM points out that the UAMs are the most vulnerable group. Many UAMs want to continue their journey, therefore it is necessary to organize reunification with parents or relatives in a safe way. IOM carries out identification in the field of whether these persons actually are parents or relatives. The family reunification procedure is longer, but a safe route is organized, with the UAM accompanied and waited for at the destination.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

c. Is there any research available on the **effects** of family reunification on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y / N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

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Social welfare supporting unaccompanied minors

Q20. a. Does your (Member) State provide any **social welfare/ assistance** to support unaccompanied minors? Y / N

If yes, please provide information on this below, citing any evidence on the **effects** of social welfare/ assistance on the integration of the unaccompanied minors where available (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

International protection applicants are not entitled to social protection, but they have the right to material care in case of accommodation in the Asylum Home or its branch, to financial assistance in case of accommodation on a private address, humanitarian aid and pocket money (Article 78 of IPA). The right to material care consists of accommodation, food, clothing and footwear, and hygienic necessities (Article 79 of IPA).

International protection beneficiaries are equal in the exercise of social welfare rights with citizens of RS (Article 99 of IPA). UAMs recognized international protection status are therefore entitled to child benefit, financial social assistance and extraordinary social assistance.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to social welfare/ assistance up to that stage, for example:

- Is there any benefits cut-off when unaccompanied minors reach 18 years of age? Y / N

UAMs with recognized international protection are included in the national social protection system. If the UAM meets the requirements for financial social assistance at the age of 18 years, there are no changes in social protection during the transition to adulthood.

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Y / N

Legislation does not provide for support measures during the transition of UAMs to age of majority. In practice, support measures are implemented in the form of integration support and planning of transition to adulthood in the context of individual plans or personal integration plans.

- Please provide any other important information in relation to social welfare for unaccompanied minors *not covered above*.

/

c. Is there any research available on the **effects** of social welfare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y / N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

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Further monitoring of unaccompanied minors' transition to adulthood

Q21. Further to any information on after-care already provided above, please describe any (other) **monitoring mechanisms/ reviews/ evaluations** ensuring the effective transition of unaccompanied minors to adulthood, including the types of measure(s) undertaken and the duration of the monitoring period after unaccompanied minors reach 18 years of age.

For persons with recognized international protection, integration advisors provide assistance with integration in the environment for the first three years after they have obtained the status. It is not a measure or mechanism established specifically for UAMs, but for all international protection beneficiaries. The first three years are the most intensive period, but UOIM provides them with information and support even after this period. Integration assistance focuses initially on the language course, but all other information is also provided to international protection beneficiaries – as their life situations change.

Consequences of a temporary residence permit on the integration of unaccompanied minors

Q22. What impact does the expiration of a **temporary residence permit** have on the above-mentioned integration measures for unaccompanied minors in your (Member) State, e.g. possibility for education-related extension of a temporary residence permit originally granted on grounds of international/ humanitarian protection, etc.?

In addition to international protection status, the Foreigners Act provides for other statuses, but those relate to regular entry into the country (including the possession of valid travel documents).

If UAM's subsidiary protection expires, and the application for extension of subsidiary protection is rejected, he may apply for a residence permit under the Foreigners Act (e.g. based on enrolment in education).

Challenges and good practices

Q23. Please indicate the main **challenges** associated with the integration of unaccompanied minors in your (Member) State experienced by both unaccompanied minors (including those turning 18 years of age), and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

The special accommodation of UAMs in student dormitory is not adapted to different age of UAMs, their status and preparation for independence. Vulnerability of UAMs does not end with age of 18, there are no transitional measures (e.g. up to the age of 21), including establishment of a transitional accommodation for the period of transition to adulthood.

In the field of education, it would be necessary to establish faster or different manner of obtaining qualifications. In the case of older UAMs with concluded few grades of primary school, they are upon concluding primary school already too old for enrollment in regular secondary school programs, while adult education programs are not free-of-charge. This issue could be solved either through a faster procedure of recognition of qualifications or by partly covering tuition fees in adult education programs. The Decree on the methods and conditions for ensuring the rights of persons with international protection⁸⁶ enables persons without a proof of previous education to pass individual examinations to obtain a certificate on the fulfillment of minimum standards for enrollment in secondary education or college, as well as in the programs of national vocational qualifications.

Guardianship system should be rearranged, including the arrangement of rewards or cost reimbursements to

⁸⁶ Official Gazette of RS, Nr. 72/17.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

guardians. The guardianship is a responsible function, both content-wise and time-consuming. It is also necessary to establish specialized foster care (especially for younger UAMs) and to train foster families accordingly. If a child is enrolled in regular education, foster care can be extended up to the age of 26.

Lack of formal procedures for determining the child's best interests and other temporary status does not enable the comprehensive assessment of the child's best interests in the early stage of treatment from the child protection point of view. For example, introduction of a humanitarian status (based on residence permit and consequently ensuring right to education, health care, and social care – in the same scope as applies for all children) would allow this assessment – which would also assess the impact of international protection or return to on the child's well-being. Also, the UAM's family could be verified, and in the meantime, the UAM would be equipped with necessary skills and knowledge according to the identified perspective (international protection / integration / humanitarian protection / return).

Q24. Please describe any examples of **good practice** in your (Member) State concerning the integration of unaccompanied minors – including those turning 18 – identifying as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

Postojna CSW observes that after initial challenges of establishment of special accommodation of UAMs in student dormitories, progress has been made. In the beginning, it was a challenge to motivate UAMs for education, but it was successfully overcome. The UAMs shall be encouraged to spend as much time in leisure time activities as possible (and financial resources shall be aligned with the needs and interests of the child).

The new Decree on the methods and conditions for ensuring the rights of persons with international protection enables persons without a proof of previous education to pass individual examinations to obtain a certificate on the fulfillment of minimum standards for enrollment in secondary education or college, as well as in the programs of national vocational qualifications.

Despite shortcomings of the guardianship system, it should be emphasized that appointing an individual as a guardian, and not an institution, provides more personal and individual treatment.

Systemic guidelines have been established for gradual integration of migrant children into education, which includes a preparatory and an introductory phase. A higher number of Slovene language course shall be considered. Schools should consider cultural mediators / assistants who might be present in the classroom (according to the number of foreign-speaking children). In the future, more support shall also be provided to kindergartens in the field of enrolling migrant children.

Section 5: Return of unaccompanied minors

Overview of the return procedure and its legal and organisational set-up in the (Member) State

Q25. a. Does your (Member) State foresee the **return** of unaccompanied minors? / N

If so, please provide a brief overview of the provisions in place in your (Member) State with regard to the **return** of unaccompanied minors to the country of origin when the minor receives a negative decision on his/ her application for asylum/ another status:

- Possibility for an unaccompanied minor to return to the country of origin through a **voluntary return**? / N

If yes, please describe the procedures/ processes under which an unaccompanied minor may be returned voluntarily to the country of origin according to national legislation/ policy and practice, including any challenges.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Foreigners Act does not limit return procedures of UAMs, but provides special guarantees for UAMs (Article 82 of Foreigners Act).

In the event of removal of an UAM, the Police shall inform the CSW, which must immediately appoint a special case guardian. "The Police issues a return decision to an UAM, when the guardian, after careful consideration of all circumstances, establishes that the return is in the child's best interest." The Act provides for a safeguard not to remove an UAM to the country of origin or to a third a country that is willing to admit him, until reception is ensured there. Prior to removal, it must be ensured that the minor foreigner is returned to a member of the family, selected guardian or relevant reception centre in the country of return. UAM is, in agreement with the special case guardian, placed in appropriate facility for accommodation of minors, and if this is not possible, in the Aliens Centre. In case of placement in the Aliens Centre, the UAM shall be allowed to engage in leisure time activities, including games and recreational activities appropriate to his age.

Postojna CSW is responsible for guardianship of UAMs in return procedures. With UAMs, the first interview is done by a social worker or the emergency service already "in the field" (at the Police station, where the UAMs was apprehended due to irregular border crossing). If a guardian is needed, UAM signs a statement. When the UAM is placed in the Aliens Center, Postojna CSW is informed, and the UAM is appointed a special case guardian. Usually, the UAMs are placed in the Aliens Center for a short period of time, approximately 2 days. Postojna CSW believes that in case of short-term placement, and with care and services provided by the Aliens Center (basic care and hygiene, identification), placement in the Aliens Center is a more appropriate option than accommodation directly in student dormitory. The UAM is provided a translator. An appointed Postojna CSW employee (social worker) interviews the UAM. A social worker discusses with the UAM the possibilities of applying for international protection and return procedures; but usually there is no option to return, so most UAMs apply for international protection. Then the Aliens Center transfers them to the Asylum Home Vič, where they submit the international protection application, and then they are accommodated in the Postojna student dormitory. In practice, there were some UAMs who expressed their wish to return to the country of origin.

- Possibility for an unaccompanied minor to return to the country of origin through an **assisted voluntary return**? / N

If yes, please describe the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State and the procedures/ processes under which an assisted voluntary return of an unaccompanied minor may be carried out, including any challenges.

The voluntary return program is implemented by IOM. UAMs usually do not participate in the program, nevertheless internal procedures and safeguards for UAMs are in place. The key guideline of procedures are the child's best interests. After identification of the UAM's legal representative in Slovenia (i.e. special case guardian) and in the country of origin, the UAM is informed about the program. Information provision is mandatory – the meetings are held live with the person entering the program, and repeated, if necessary. In parallel, there are two procedures taking place: the child's best interests assessment (whether returning to the country of origin is in the child's best interests) and the family assessment in the country of origin. The family assessment is carried out after establishing contact with the family; they assess the conditions in which they live, or whether they have sufficient means of subsistence, etc. If a family cannot be found, family tracing is initiated. Return procedure commences only when return is assessed as in the child's best interests. The legal representative (special case guardian) and the UAM sign a consent for use of personal data and for organization of return. For organization of return, consent must be given by a legal representative in Slovenia (special case guardian) and in the country of return. Before departure, the legal representative signs a consent for the travel, which covers all the details of the travel.

If family assessment also shows that return is in the child's best interests, organization of the travel continues. Whenever children travel on their own (in all procedures, including returns), it is necessary to arrange escorts on the go and ensure that they are awaited at the destination. When organizing possible escort, age of the child and recommendations of the legal representative (e.g. direct flight, shorter flight) are taken into account; children older than 16 years can travel alone. A travel document is prepared for the UAM. IOM escorts the UAM to the exit point, and he receives reception support in the receiving country. Parents or legal representatives sign a statement

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

that the minor has returned.

In case of special needs, additional procedures are in place, for example in the event of health problems, medical assistance is provided. If health problems are identified at the beginning of the voluntary return procedure, it is checked whether health care in the country of origin is available for this particular health condition. In this case, reintegration support may also be provided.

Reintegration programs are provided in case of certain vulnerabilities. Children or UAMs belong to this group and are eligible for reintegration program. Admission support is always provided for children, while adults are provided admission support only upon their request. The specifics of reintegration support for children is that it can be used not only directly for the needs of the child – for development, better reintegration, but also for assisting the entire family or even a wider community (if it is in the child's best interests) – e.g. renovation of the house in the event of poor housing conditions, infrastructure support for the community. Return procedures and reintegration programs are carried out in close cooperation with IOM missions.

Article 106 of IPA provides that UOIM “provides assistance to applicants and persons with recognized international protection who wish to return to their country of origin.” They retain their rights and obligations until the day of departure from the country. “If an applicant or a person with recognized international protection does not have sufficient own resources, the cost of return to the country of origin shall be borne by the Office.”

- Possibility for an unaccompanied minor to return to the country of origin through a **forced return**?
 / N

If yes, please describe the procedures/ processes under which an unaccompanied minor may be subject to a forced return to the country of origin according to national legislation/ policy and practice, including any challenges.

Foreigners Act (Article 82) does not exclude UAMs from forced returns, but provides appropriate safeguards for forced returns of UAMs. The Aliens Center has not registered a forced return of an UAM.

b. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** once a negative decision has been reached. Is this set out in legislation or any other internal administrative regulations?

Article 82 of Foreigners Act stipulates that “the Police shall issue a return decision to an UAM only when the special case guardian, after careful consideration of all circumstances, establishes that the return is in the child’s best interest”. UNICEF emphasizes that best interest determinations for UAMs are not routinely and systematically implemented⁸⁷.

Both IPA and Foreigners Act provide the principle of child’s best interests as the key guiding principle when dealing with UAMs, but the formal procedure for determining the child’s best interests is not established. Guardianship of the UAM placed in the Aliens Center is implemented by Postojna CSW, which is appointed as a special case guardian of minor foreigners who were apprehended due to irregular border crossing, and placed in the Aliens Center. The CSW as the guardian is responsible for representing the minor in the Police decision-making procedure on the return procedure, informing the minor of the rights he holds on the territory of RS, ensuring child’s best interests with adequate accommodation in appropriate institutions, and representing him in decision-making procedures. Most often, the UAMs decide to apply for international protection and are transferred to the Asylum Home.

In the assisted voluntary return program, two parallel procedures are implemented: the child's best interests assessment (whether returning to the country of origin is in the child's best interests) and the family assessment

⁸⁷ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

in the country of origin. The family assessment is carried out after established contact with the family; conditions in which they live are assessed, whether they have sufficient means of subsistence, etc. Return procedure commences only when return is assessed as in the child's best interests. Child's best interests are assessed by IOM in cooperation with the special case guardian and the UAM. All the time, the security situation in the receiving country is monitored and considered.

Q26. Which **national authorities and organisations** (including NGOs where relevant) are responsible for the return of unaccompanied minors? Please describe briefly the competent authorities involved in return, family tracing, etc., as well as any other stakeholders concerned, what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account in the return of the minor, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
<i>Police</i>	Return procedure	Accommodation, care, return
<i>CSW</i>	Guardianship	Guardianship of UAM in return procedure, ensuring the child's best interests
<i>IOM</i>	Assisted voluntary return	Assisted voluntary return and reintegration support
<i>Caritas Slovenia</i>	Safeguards	Monitoring return procedures
<i>PIC</i>	Legal protection	Legal counselling to foreigners in return procedures

Enforcement of return decisions and key arrangements pre/ during/ post departure

Q27. What is the estimated timeframe within which your (Member) State **implements** a return decision following a rejection of an unaccompanied minor's application for asylum/ another status? If there are delays (deviating from this timeframe), what are the usual reasons for such delays?

Each case is specific with regard to duration of the procedure, which is largely dependent on participation of all involved stakeholders (UAM, parents, competent authorities – e.g. consular office, etc.).

Q28. Please describe the measures (if any) taken by your (Member) State to:

- encourage **voluntary return** when an enforceable return decision is issued to an unaccompanied minor:

IOM informs the UAM about the possibility of voluntary return and reintegration support after returning to the country of origin.

- **enforce** return decisions against unaccompanied minors; please clarify in particular how your (Member) State perceives the forced return of unaccompanied minors, as well as what is considered effective in this context:

The Aliens Center did not carry out the forced return of an UAM.

- mitigate any negative impact (please specify) of a return decision on the **well-being of unaccompanied minors**:

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

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Q29. a. Please provide an overview of key arrangements for the **return of unaccompanied minors** to the country of origin, in particular information, support, services and preparation before departure, safeguards for unaccompanied minors during the operation, transfer of custodial care, etc.

An UAM is appointed a special case guardian (locally competent CSW) who is in regular contact with the minor and explains him all options. The guardian also cooperates with the Police, IOM and minors' parents.

The return procedure of an UAM is regulated under Foreigners Act, Article 82. In the event of removal of an UAM, the Police shall inform the CSW, which must immediately appoint a special case guardian. "The Police issues a return decision to an UAM, when the guardian, after careful consideration of all circumstances, establishes that the return is in the child's best interest." The Act provides for a safeguard not to remove an UAM to the country of origin or to a third a country that is willing to admit him, until reception is ensured there. Prior to removal, it must be ensured that the minor foreigner is returned to a family member, selected guardian or relevant reception centre in the country of return. UAM is, in agreement with the special case guardian, placed in appropriate facilities for accommodation of minors, and if this is not possible, in the Aliens Centre. In the case of accommodation in the Aliens Centre, the UAM shall be allowed to engage in leisure time activities, including games and recreational activities appropriate to their age.

It should be noted that the share of absconding cases is higher in the last period, due to intensified migration flows in Slovenia after 2015–2016 (on average 79,9% in the analyzed period, with peaks of 95,4% in 2014, and 93,4% in 2016).

b. Please describe the policy/ practice of your (Member) State with regard to **family tracing** in the country of origin, including when such measures are taken, which authority/ organisation is responsible, as well as the contribution and responsibility of the guardian.

The UAM's guardian, in cooperation with the Police (responsible for return procedures), contacts his parents directly or through diplomatic and consular missions.

c. How does your (Member) State interpret the term '**adequate' reception facilities** in the country of origin, as one of the requirements for removing an unaccompanied minor from EU territory according to the Return Directive?⁸⁸ Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

Foreigners Act (Article 82) provides for a safeguard not to remove an UAM to the country of origin or to a third country that is willing to admit him, until reception is ensured there. Prior to removal, it must be ensured that the minor foreigner is returned to a family member, selected guardian or relevant reception centre in the country of return.

Within the IOM's voluntary return program, in the event that children are returned to another type of accommodation and not family (e.g. a temporary care center), IOM assesses the conditions separately. An additional assessment is prepared whether the center is indeed appropriate, and accommodation in the center is in the child's best interest.

In practice, Aliens Center records only cases of returning UAMs to parents or guardians.

⁸⁸ Art. 10(2) of Directive 2008/115/EC stipulates that before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that s/he will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

d. Please indicate any **special/ transitional arrangements** for the return of unaccompanied minors approaching 18 years of age.

An UAM is considered a minor until the age of 18. There are no special procedures or arrangements to those who are approaching age of majority.

e. Please provide information on the **follow up** of unaccompanied minors once they have returned, such as duration of such follow up, competent service, etc.

After return, Police does no longer monitor or follow an UAM.

f. Please elaborate on any **existing cooperation arrangements** between your (Member) State and countries of origin when it comes to the return of unaccompanied minors, such as bilateral readmission agreements concerning unaccompanied minors.

Most bilateral agreements encompass a provision on treatment of vulnerable categories of foreigners, which primarily refer to their best interests and quick procedures.

Q30. a. Does your Member State provide any **reintegration assistance** to unaccompanied minors returning to their countries of origin:

- through **voluntary return**? N

If yes, please describe the kind of supports available before, during and after the voluntary return of an unaccompanied minor.

Prior to return, adequate psychosocial and health care, school attendance and psychological care are ensured. Assistance and escort on the go are provided during the return. Upon return, in-kind support up to 2,000 Euros is available and cash support up to 500 Euros.

- through **assisted voluntary return**? N

If yes, please describe the kind of supports available under the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State before, during and after the assisted voluntary return of the unaccompanied minor.

(Please see above)

Within the framework of voluntary return program, IOM can also provide reintegration support. Reintegration programs are provided in case of vulnerabilities. Children, including UAMs, belong to this group, and are eligible for reintegration support. Admission support is always provided for children, while adults are provided admission support only upon their request. The specifics of reintegration support for children is that it can be used not only directly for the needs of the child – for development, better reintegration, but also for assisting the entire family or even a wider community (if it is in the child's best interests) – e.g. renovation of the house in the event of poor housing conditions, infrastructure support for the community. Return procedures and reintegration programs are carried out in close cooperation with IOM missions.

For victims of trafficking in human beings, return procedures can also be organized by Caritas, although in the country of origin, Caritas often contacts the IOM mission regarding admission assistance and support.

- through **forced return**? Y/ N

If yes, please describe the kind of supports available before, during and after the forced return of an unaccompanied minor.

The Aliens Center did not carry out any forced return of UAMs.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

b. Please describe the **monitoring mechanisms** (if any) in place in your (Member) State to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

The Aliens Center has no follow-up mechanisms after return. In case of IOM providing reintegration support, the program allows monitoring within six months after provision of the support.

Alternatives to return

Q31. Does your (Member) State provide for any **alternative solutions to stay** for unaccompanied minors, such as regularisations, etc.? How do you **inform** unaccompanied minors of such possibilities to stay following a negative decision on their application for asylum/ another status?

If grounds from Article 72 (principle of non-refoulement) and Article 73 of Foreigners Act are established, a minor may be allowed to stay in the territory of RS.

"Article 50 of Foreigners Act stipulates that "a victim of trafficking in human beings who resides illegally in /RS/ shall be allowed by the Police, upon his request or *ex officio*, to stay for a period of 90 days in order to decide whether to cooperate as a witness in criminal proceedings for the criminal offense of trafficking in human beings. For the same period of time, the Police, upon /victim's/ request or *ex officio*, allows the victim of illegal employment to stay in order to decide whether to participate as a witness in criminal proceedings against the employer for the criminal offense of illegal employment, or if he has filed a lawsuit against the employer to exercise employment rights. For the same period of time, the Police, upon /victim's/ request or *ex officio*, allows the victim of domestic violence to stay in order to decide whether to cooperate with competent authorities in the investigation or as a witness in criminal proceedings for domestic violence. In case of justified reasons, the permission to stay for 90 days may be prolonged for a victim of trafficking in human beings, victim of illegal employment, and victim of domestic violence."

Dealing with unaccompanied minors who cannot be immediately returned

Q32. a. Please describe the procedure of dealing with **unaccompanied minors who are not/ cannot be returned immediately** in your (Member) State, specifying the circumstances whereby the enforcement of a return decision has been deferred/ postponed, for how long such a deferral/ postponement is possible, where unaccompanied minors are housed during the deferral/ postponement period, whether unaccompanied minors have the possibility to be granted a status/ right to stay in the (Member) State (e.g. tolerated status), etc.

If a minor enters the country irregularly without parents or other legal representatives, or resides in the territory of RS, the Police must inform the nearest CSW before introduction of the return procedure, which must immediately appoint the UAM a guardian. The Police shall issue a return decision only if the guardian confirms that return is in the best interest of the UAM. The guardian is appointed under the provisions of the Marriage and Family Relations Act. For the duration of the procedure, the Police places the UAM in the Aliens Centre in the special department for minors.

If an UAM has been issued final negative decision upon his asylum application, the Police can issue him permission to stay. Permission to stay is issued to a foreigner for maximum period of 6 months, and can be prolonged upon request by the foreigner or *ex officio*, as long as the grounds exist (Foreigners Act, Article 73.3). Among grounds for permission to stay are request by special care guardian, or enrolment in mandatory education (in this case, the

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

permission to stay is issued until the end of the school year).

An underage foreigner issued permission to stay in RS, has the right to basic care⁸⁹, primary education and health care to the same extent as a child who is mandatory health insured as a family member⁹⁰. UOIM is responsible for accommodation and care.

In practice, the Aliens Center has not recorded such a case of final rejection of an UAM's international protection application, and issuance of a return decision. The UAMs mostly apply for international protection, which is either positively resolved or they are transferred to other procedures, or these foreigners reach the age of majority. They have not registered a case of a minor asylum-seekers being rejected on final stage, and a return decision issued consequently.

b. What is the impact of a deferred return decision on the **well-being** of unaccompanied minors (as cited in existing evaluations/ studies/ other sources or information received from competent authorities, please provide references)? Does your (Member) State provide any state-guaranteed healthcare, including counselling, guardianship, etc. to the unaccompanied minor during this state of limbo?

An underage foreigner issued permission to stay in RS, has the right to basic care⁹¹, primary education and health care to the same extent as a child who is mandatory health insured as a family member⁹². UOIM is responsible for accommodation and care.

The Aliens Center explains that for all UAMs certain procedures are in place (i.e. there are no "insecure situations"), during which accommodation and care is provided to UAMs, including health care.

c. Please provide any other information available in your (Member) State on the **well-being** of unaccompanied minors during the above-mentioned state of limbo, such as instances of unaccompanied minors transferred to another reception facility because of disciplinary reasons, unaccompanied minors involved in incidents, number of consultations with psychologists, school absenteeism or school drop-out rates, etc.

/

Challenges and good practices

Q33. Please indicate the main **challenges** associated with the implementation of the return of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18, and/ or

⁸⁹ "The right to basic care referred to in the first paragraph of this article is the right to payment of monetary assistance in the amount and in the manner prescribed by the law governing social security benefits for the payment of financial social assistance. The right to basic care is provided by the Office of the Government of the Republic of Slovenia responsible for the care of migrants.

An alien who fails to comply with the first and second paragraphs of Article 90 of this Act, or the identity of an alien, has not been confirmed by giving false information in the procedure for establishing identity, does not belong to the right to basic care." (Foreigners Act, Article 75)

⁹⁰ "To the same extent, a schooling child after the age of 18 years is entitled to healthcare, until the end of schooling, but up to the age of 26." (Foreigners Act, Article 75.2)

⁹¹ "The right to basic care referred to in the first paragraph of this article is the right to payment of monetary assistance in the amount and in the manner prescribed by the law governing social security benefits for the payment of financial social assistance. The right to basic care is provided by the Office of the Government of the Republic of Slovenia responsible for the care of migrants.

An alien who fails to comply with the first and second paragraphs of Article 90 of this Act, or the identity of an alien, has not been confirmed by giving false information in the procedure for establishing identity, does not belong to the right to basic care." (Foreigners Act, Article 75)

⁹² "To the same extent, a schooling child after the age of 18 years is entitled to healthcare, until the end of schooling, but up to the age of 26." (Foreigners Act, Article 75.2)

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and the measures (that could be) taken to overcome these challenges. For example, do boys face different challenges than girls (and vice versa) when it comes to return and if so, how does your (Member) State deal with such challenges?

In return procedures of all foreigners (regardless of age, gender, etc.), the biggest challenge for the Police is to verify false claims about identity, age, nationality and other personal data. Problems also arise in (non) cooperation between (third countries) authorities, responsible for identity validation and the issuance of documents for the purpose of return.

Since the work of UAMs' guardians at the border is not monitored, Slovenian Philanthropy is in doubt whether appointed guardians follow the child's best interests in their decisions, as they most often agree with the views of the Police about child's return⁹³.

Among challenges of return procedures, IOM highlights the desire for shorter procedures, while at the same time respecting the mechanisms of protection, and implementing all procedures (with the aim of providing the child's best interests and his safety). Duration of the procedure depends on the complexity of the case, the country of origin, whether it is necessary to arrange travel documents with one-time validity, and organize escort or transit assistance; how quickly contact with the family in the country of origin is established; or health condition. Obtaining documents is a challenge, since there are not many foreign diplomatic missions and consular offices established in Slovenia.

During the period analyzed by the study, three assisted voluntary returns of UAMs were carried out.

IOM emphasizes that accommodation of UAMs in the Aliens Center is problematic not only because detention is harmful for children, but certainly influences the child's decision to return, and due to the length of the procedure, he could be accommodated in the Aliens Center for a longer period.

Q34. Please describe any examples of **good practice** in your (Member) State concerning the return of unaccompanied minors.

Upon identification of problems in cooperation among CSWs in Police in procedures with minors, a Protocol on cooperation between CSWs and Police in provision of assistance to underage unaccompanied foreigners was signed in 2012, under the Foreigners Act. With this Protocol, CSW Postojna became the competent CSW (due to location of the Aliens Centre) for appointing guardians for UAMs. To perform the special case guardianship duties for minor foreigners, who enter the country irregularly and who are temporarily placed by Police in Aliens Centre in Postojna, CSD Postojna appoints his employees as guardians⁹⁴ (though the institution assumes the guardianship, and a designated employee is tasked with implementation of guardianship tasks). As a good practice, Aliens Center highlights good cooperation of Police with CSW in appointing guardians to the UAMs, and the CSW commitment to identify child's best interests. In case of returns of UAMs, the CSW is extremely active in connecting with the UAM's parents or the relevant institutions in the country of origin.

⁹³ Živa Gabaj and Marina Uzelac (2013): Izvajanje temeljnih standardov za skrbnike otrok brez spremstva v Evropi – Poročilo o oceni stanja v državi: Slovenija. Ljubljana: Slovenska filantropija. Available at: http://www.filantropija.org/wp-content/uploads/2015/01/CountryAssessments_SLO_WEB.pdf.

⁹⁴ Živa Gabaj and Marina Uzelac (2013): Izvajanje temeljnih standardov za skrbnike otrok brez spremstva v Evropi – Poročilo o oceni stanja v državi: Slovenija. Ljubljana: Slovenska filantropija. Available at: http://www.filantropija.org/wp-content/uploads/2015/01/CountryAssessments_SLO_WEB.pdf.

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination***Section 6: Disappearances of unaccompanied minors from guardianship/ care facilities and/ or following a return decision**

Q35. Is the **disappearance of unaccompanied minors** an issue in your (Member) State? If so, can this be linked to i) the decision on their application for asylum/ another status in terms of the point in time, i.e. before/ after a decision on status is issued, and ii) in terms of the outcome of the procedure, i.e. positive/ negative decision?

It should be noted that the share of absconding cases is higher in the last period, due to intensified migration flows in Slovenia after 2015–2016 (on average 79,9% in the analyzed period, with peaks of 95,4% in 2014, and 93,4% in 2016).

Most of the UAMs leave Slovenia before a decision in the international protection procedure is issued, usually immediately after submitting the application. Absconding is usually associated with having relatives or acquaintances in other countries, and that Slovenia is not their destination country. After absconding, the Ministry of Interior stops the international protection procedure, and UOIM reports the disappearance to the Police. Unlike asylum-seeking UAMs, the number of disappearances among UAMs with recognized international protection is low.

Q36. If your (Member) State has recorded cases of **unaccompanied minors disappearing from accommodation facilities and/ or guardianship care** following a decision on status, what are the possible **reasons** for such disappearances (e.g. running away from guardianship/ care facilities, expiration of a temporary residence permit, etc. as cited in existing evaluations/ studies/ other sources or information received from competent authorities, *please provide references*)?

Also, what are the **consequences** of their disappearance on their permit to stay? For example, can their status and/ or residence permit be withdrawn?

Absconding is usually associated with having relatives or relatives and that Slovenia is not the country of destination. After absconding, Ministry of Interior stops the international protection procedure, and UOIM reports the disappearance to the Police. In case of an UAM with a recognized status of international protection leaving the country, this does not affect his status, with the exception of conditions for withdrawal of status, as defined by IPA. In the case of an UAM with recognized subsidiary protection, his absconding might have a consequence on the status, only if he does not apply for an extension upon the expiry of subsidiary protection.

Q37. Does your (Member) State have any procedures/ measures in place to:

- **Prevent and react** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, Missing Children Europe and its member organisations, fingerprinting/ photographing unaccompanied minors as an aid for tracing, etc.? / N

UAMs are provided special care and protection, including protection against disappearances. In institutions where UAMs are accommodated, they are provided special protection. If disappearance of an UAM nevertheless occurs, all necessary measures for the search of a minor are carried out by the Police, including entry of the child as a missing person into the national record (missing underage unaccompanied foreigners) and into the Schengen Information System. All foreigners above age of 14 (according to the new proposal, this limit should be lowered to 11 years in the near future), who are in international protection procedure, are fingerprinted and photographed for entry into Eurodac. In every case of UOIM or institutions (where UAMs are accommodated) reporting a missing child, Police officers also obtain a photo which, in addition to the measure, is entered into the national system and the Schengen Information System.

Separate accommodation (outside the Asylum Home) for the UAMs was established also with the aim of preventing disappearances of UAMs. All international protection applicants are informed about the risks of trafficking in human beings, sexual violence or gender-based violence (i.e. PATS project). During the interview, indicators of child

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

trafficking are also sought after, and the child is provided with knowledge of the risks and incidence of trafficking in human beings immediately after applying for international protection, before he is placed in student dormitory (unless his psychological condition does not enable it).

Disappearance of an UAM can be reported to a special, European phone number for reporting missing children (116 000) (additional to the Police).

- **Report and respond** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.? / N

The Decree on the implementation of the statutory representation of UAMs and the method of ensuring adequate accommodation, care and treatment of UAMs outside the Asylum Centre or a branch thereof in Article 3.3 stipulates that "upon disappearance of a minor from the institution where he is accommodated, /the institution/ shall immediately inform the legal guardian and the UOIM, and the latter shall immediately inform the Ministry responsible for internal affairs. Police uses all available means and procedures to find the missing minor."

To find missing persons, including UAMs, special instructions have been developed that include measures that could help trace the missing person. With institutions where minors are accommodated, it was previously agreed that in every case of disappearance of an UAM, it will be reported to the local Police station.

Q38. If your (Member) State has cases of **unaccompanied minors disappearing following a return decision**, please describe the actions (if different from the above) taken by your (Member) State to decrease the **risk of such disappearances**, as well as any **follow-up measures** in case of disappearances.

(please see above regarding measures)

Police explains that there were no such cases, and notes that minor international protection applicants are persons who continue their route to another EU Member State, but communicate their decision prior to departure to employees and residents of the Asylum Home. Examples show that they voluntarily seek protection in another EU Member State and, in fact, are not regular missing persons. Nevertheless, they are introduced as missing into the Schengen Information System with the grounds of "determination of stay of unaccompanied foreigners".

Q39. Please indicate the main **challenges** associated with the disappearance of unaccompanied minors in your (Member) State for the competent authorities, as well as the minors themselves and the measures (that could be) taken to overcome these challenges. For example, do you have evidence of instances of disappearances of unaccompanied minors linked to any negative consequences for the minors (e.g. exploitation, radicalisation, etc.)?

In cases of disappearances of UAMs, Police defines their vulnerability as the main challenge, but they have not had practical experiences or cases of disappearances of UAMs, as they have not considered such cases so far.

Ljubljana Vič – Rudnik CSW emphasizes that efforts must be invested in the empowerment of UAMs, and to enable them legal path to the destination target country. In case of perceived risks of trafficking in children, forced marriages, or violence, a crucial response is to ensure the safety of the UAM. In this case, a multidisciplinary team is convened by the CSW, and a child protection plan is drawn up, but in such a short time, it is not possible to establish a relationship of trust with the child.

During the increased number of transitions of refugees and minors along the so-called the Balkan route, IOM monitored indicators of trafficking in human beings, including trafficking in children, and the results were alarming. UAMs are among the most vulnerable, therefore it is necessary to ensure safe continuation of the path and reunification with parents or relatives.

The IOM project *Protecting Children in the context of the refugee and migrant crisis in Europe* focuses on preventing violence, exploitation and, in particular, trafficking in children. The project identified the need of stakeholders for more trainings and information in the area of preventing trafficking in children – partially strengthening all stakeholders' competencies can be ensured through educational activities, while at the same time skills in identifying indicators of trafficking in children can only be acquired in practice. Among challenges is lack of

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

accommodation for children victims of trafficking in human beings.

Q40. Please describe any examples of **good practice** in your (Member) State concerning the issue of disappearances of unaccompanied minors. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

Police recommends that the institutions responsible for international protection in the EU Member States should connect and exchange information in this area. The goal of UAMs are Western countries of the EU, which means that Slovenia is only a transit country for many of them. Police records quite a few cases of UAMs traced during checking in the Schengen Information System, or Eurodac hit.

Section 7: Conclusions

In the absence of any coordinating structure or body with the mandate to focus solely on child protection / children's rights, the approach to child protection remains sectorial, with each line Ministry having its own focus, norms, standards and, as noted, by several stakeholders its own "approach" to children and their protection. "There seems to be a lack of an overarching framework for children's care and protection shared by all agencies / no one single agency has overall responsibility for children in need irrespective of their location or status"⁹⁵.

The identified shortcomings in protection and care of UAMs show "that as a state, we have not devoted enough attention to this issue in the past. For areas where practice is rarely established and which require intensive inter-ministerial cooperation, there is always a greater risk of being handled inadequately, and this has also been seen with increased number of UAMs in the country. It has not turned out that the departments or the government and NGOs do not want to cooperate, but in particular that in the field of care for UAMs, we simply do not have the adequate practice." Slovenia being among the smallest EU Member States and traditionally a transit country for migrants and refugees, this characteristics are reflected in its institutional system and capacities. The situation analysis recommends that "a clear policy on the care of UAMs should be outlined." EU-level and national good practices should be examined and integrated in the framework of protection and care for UAMs, where appropriate.

Among the areas to be strengthened, the situation analysis identifies provision of care for UAMs with specific vulnerabilities. Despite special attention in the perception of victims of trafficking in human beings, it is necessary to plan an appropriate response to the victims of forced marriages and child soldiers⁹⁶.

UNICEF observes that the new pilot project of Ministry of Interior, Ministry of Education, Science and Sport, and Ministry of Labour, Family, Social Affairs and Equal Opportunities represents a positive attempt in moving UAMs from the general Asylum Centres to the two high-school dormitories; however, at field level, there is a lack of clarity in some institutions regarding responsibilities, especially in relation to the roles of UAMs legal guardians and in terms of day to day decisions on the care of children. Monitoring of such joint project is not defined and many of the challenges faced by the high-school dormitories remain unaddressed⁹⁷.

⁹⁵ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

⁹⁶ Boškić, Ružica (2016): Otroci brez spremstva v Republiki Sloveniji. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kobal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁹⁷ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

The situation analysis identifies following necessary changes for further development of the field of care of the UAMs⁹⁸:

- "It is necessary to define long-term and medium-term goals in the field of integration of UAMs into Slovenian society;
- furthermore, cooperation between authorities in comprehensive treatment of UAMs should be strengthened;
- optimum personnel structure in services working with UAMs shall be ensured, in particular in CSWs, educational institutions and institutions where appropriate psychosocial care can be provided;
- mutual trust and better cooperation between governmental, non-governmental and intergovernmental organizations should be enhanced;
- the public should be acquainted with the facts in the area of migration, and awareness should be raised about the vulnerability of UAMs.

In addressing specific cases of underage migrants, it is necessary to ensure that minors are provided interpreters in all proceedings – not only during submission of international protection application, but also later – interpreters shall be available to help them understand legal procedures. It is important that minors start to learn Slovene language as soon as possible. For effective representation and care for UAMs, the guardianship system should be rearranged. In terms of protecting the best interest of the child, it does not matter what his status is in the country in a particular moment⁹⁹. Developing a long-term vision of UAMs protection in RS would also contribute to facilitating the work with UAMs, and easier assessment of the child's best interests¹⁰⁰.

Establishing a comprehensive treatment of UAMs would mean that when a child enters the territory of RS, the needs and circumstances of the child are identified within the priority and early treatment, and he is directed towards international protection or otherwise regulated status. Slovenian Philanthropy emphasizes that in practice, there is a need for a multi-tier system of protection, not only the accommodation of unaccompanied children. Transitional support measures for transition to adulthood are also lacking.

Stakeholders agree that while the special accommodation for UAMs in student dormitories was a significant step forward, it should be upgraded – solutions should be sought after that are more tailored for each child. The Ljubljana Vič – Rudnik CSW assesses that numerous adjustments (e.g. according to age, adjusted strictness of rules) could be implemented in the student dormitory. Placement of UAMs in a foster family requires adaptation, therefore, it would be necessary to invest in specialized foster care, and empower foster families with specific skills in care of children with multiple challenges.

Over the last year, calls for alternatives to detention of UAMs (which IOM evaluates as key challenge in return procedures) have been more intense. In the autumn of 2017, two calls were sent to the Slovenian Government: a NGOs call¹⁰¹ and a joint statement ahead of the European Forum on the Rights of the Child¹⁰².

⁹⁸ Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

⁹⁹ Boškić, Ružica (2016): *Otroci brez spremstva v Republiki Sloveniji*. In *Položaj otrok v Sloveniji danes: situacijska analiza*, ed. Andreja Črnak Meglič and Barbara Kopal Tomc, pg. 208–24. Ljubljana: Inštitut RS za socialno varstvo.

¹⁰⁰ Sedmak, M., T. Žakelj, Z. Medarić and B. Lenarčič (2015): *Comparative report on fieldwork with experts and unaccompanied minors. An overview of the reception, protection and asylum procedures for unaccompanied minors in Austria, France, Slovenia and the United Kingdom with the focus on the concept of the best interest of the child and the formal processes of best interest determination*.

¹⁰¹ Available at: <http://pic.si/omejitev-gibanja-ni-nikoli-v-najvecjo-korist-otroka-poziv-ministrstvu-za-notranje-zadeve-k-odpravi-pripora-migrantskih-otrok/>.

¹⁰² Available at: <https://slovenia.iom.int/news/iom-signs-joint-statement-calling-end-child-immigration-detention> or http://eea.iom.int/images/Download/JointStatement_Child_Immigration_Detention_FINAL.PDF

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

When developing the systemic solution, reflection is needed upon provision of different accommodation options due to diverse needs of children, their various personal circumstances, as well as vulnerabilities. In addition to institutional care in student dormitories, even if based on the principle of a residential group, consideration is needed on the multi-faceted care and accommodation system of unaccompanied children – from guardianship and foster care to residential groups that provide support during gradual transition to adulthood, to possibility of more intensive care for more traumatized children or children with multiple vulnerabilities.

Among challenges is the age assessment procedure, since the methods of assessing age are not determined, therefore strengthened efforts in improving the age assessment methodology on the EU level or minimum standards and sufficient guidance developed would be in practice of added value. Slovenian Philanthropy points out that since the methods of assessing age are not determined, in practice, X-rays are usually used. UNICEF also points out that in case of the doubt of the age of the child, the Foreigners Act and IPA provide for possibility of an age assessment to be implemented by experts. However, the methods of assessment are not prescribed, whilst IPA does not even provide for the possibility of an appeal on the outcomes of the assessment. Among UNICEF recommendations is to provide for an appeal procedure on age assessment under IPA, and to establish an age assessment system in line with international standards in this field, including appropriate safeguards¹⁰³.

In the context of social protection, Postojna CSW also pinpoints to the unequal treatment of asylum-seeking UAMs and those with recognized international protection status. However, UOIM adds that with adequate planning, it may be possible to overcome this gap, as the UAM is also empowered for independent living and the differences in the situation, he will have to face in his independent life.

Regarding the guardianship system, all stakeholders pinpoint to the unequal treatment of UAMs guardians and legal guardians, while the field is characterized by the lack of guardians (not only for UAMs guardianship). The arrangement of an UAM changing guardians or legal guardians according to his status, does not ensure the continuity of care and established trust, as well as information flow. Both CSWs emphasized that the guardianship system shall be rearranged, so that the guardians would also be entitled to the reward as a reimbursement of costs generated by implementing the guardianship (as the system for UAMs legal guardians has been established). After establishing the pilot project for special accommodation of UAMs in student dormitory, Postojna CSW actively strived to find guardians, and presented guardianship in relevant institutions, but despite some responses and feedback, the usual discouraging factor was the fact that the guardians do not receive reimbursement of costs, not even the travel costs associated with implementing the guardianship.

Among challenges in working with UAMs, UOIM mentions the establishment of a confidential relationship, overcoming cultural and linguistic obstacles, motivation for managing their own situation, or taking responsibility for their own live (e.g. attending education, learning the Slovene language - especially during the international protection procedure, when UAM's future in Slovenia is uncertain).

Regarding practical implementation of special accommodation of UAMs in the student dormitory, Postojna CSW emphasizes that it would be necessary to draft more detailed instructions on adequate educational measures by age (despite the small age difference between most UAMs). From this standpoint, accommodation in line with the principle of a residential group would allow for greater flexibility compared to the usual system of rules in the student dormitory, as well as several adjustments for UAMs with special vulnerabilities. Ljubljana Vič – Rudnik CSW emphasizes that special accommodation of UAMs in student dormitory should be upgraded to individually tailored forms of living, in accordance with the social care system (and not education and training).

The legislation does not provide for support measures for transition to adulthood, but taking into account the structure of the UAMs, consideration should be given to transitional measures - from planning adequate accommodation and care, to other relevant areas. All actors perceive that for older UAMs, house rules of student dormitory often represent too many limitations, and are consequently a source of tensions. UOIM and Ljubljana Vič – Rudnik CSW add that in order to move to independent life, special accommodation of UAMs in student dormitory

¹⁰³ UNICEF (2016): Summary of Key Findings from the Mapping & Analysis of the Child Protection System in Slovenia, undertaken in October 2016.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

should be upgraded and adjusted to enable the UAMs to assume responsibility for their lives. If the accommodation would function as a residential group, it would allow for more autonomy for (older) UAMs to learn household tasks, manage financial resources, and assume responsibilities for participation in education and other fields.

An important challenge is to address the higher abscond rate in the last period, especially among asylum-seeking UAMs. In special accommodation of UAMs in student dormitory, the disappearances of children are affecting the group dynamics among the UAMs. It is necessary to plan appropriate response mechanisms, and consider and properly address the causes of absconding.

Among good practices, the project of informing asylum seekers, as potential victims, of trafficking in human beings, sexual violence or gender-based violence (i.e. the PATS project) can be identified. During the interview, indicators of child trafficking are also sought after, and the child is provided with knowledge of the risks and incidence of trafficking in human beings immediately after applying for international protection, before he is placed in student dormitory (unless his psychological condition does not enable it).

The mechanism established by the SGBV SOPs is primarily applicable in case of asylum-seeking UAMs. For UAMs not placed in institutional care (e.g. UAMs with recognized international protection status, residing in private accommodation), the mechanism is less useful. Instead of establishing parallel systems, it is reasonable to adapt existing child protection systems and upgrade them according to the needs of UAMs.

Systemic guidelines have been established for gradual integration of migrant children into education, which includes a preparatory and an introductory phase. Number of hours of learning Slovene language should be increased to provide sufficient level of knowledge for UAMs. Schools should consider cultural mediators / assistants who might be present in the classroom (according to the number of foreign-speaking children). In the future, more support shall also be provided to kindergartens in the field of enrolling migrant children.

We can conclude that, despite numerous positive developments and the establishment of special accommodation of UAMs in the student dormitories, Slovenia should strengthen the individual approach towards care and protection of UAMs, and ensure greater flexibility in care and integration, including transitional support measures for transition to adulthood.

[Annex 1 National statistics \(in Excel\)](#)

Q41. With reference to **Q5.b.** above, please complete the following table with national statistics on the (estimated) number of unaccompanied minors in your (Member) State, if available.

Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy, etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a 'total EU estimate' for the Study.

Ministry of Interior and UOIM provided statistical data, while the Police does not keep statistical data on return procedures of UAMs. Ministry of Interior and UOIM provided data on number of asylum claims by UAMs, number of rejected asylum applications of UAMs, number of UAMs recognized international protection, and number of UAMs absconding from accommodation facilities, disaggregated by age group, sex and country of origin. UOIM also provided data on enrollment of UAMs in educational programs, disaggregated by country of origin, sex, age, and type of educational program.



EMN- UAMs-
Annex-