

EMN STUDY 2014

Policies, practices and data on unaccompanied minors in 2014 - contribution of the Slovak Republic

Top-line 'Factsheet' (National Contribution)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Please also provide a summary of the main findings of Sections 1-6 below, notably:

- What have been the key changes / improvements in your (Member) State's policy(ies) on UAMs, with a particular focus on developments since 2009?
- Has the phenomenon changed? Have any new challenges with regard to the situation of UAMs arisen / remained in your (Member) State?

The childhood of each child is entitled to special protection, care and assistance. It is believed that these functions are ensured mainly by the child's family and/or by the country of origin in case the family is incapable of providing such care. At present, there are still many children in the world who do not have the possibility to live a happy childhood. Different objective as well as subjective circumstances force them to leave their family and seek protection and security in Europe. A child coming to the territory of the Slovak Republic without being accompanied by an adult person who is responsible for the child under the law or by custom is an unaccompanied minor ("UAM").

The Convention on the Rights of the Child is an important international instrument for the protection of the rights of children.¹ Pursuant to the Convention on the Rights of the Child (hereinafter referred to as "Convention", the Slovak Republic must respect and ensure the rights set forth in this international treaty to each child within its jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, physical or mental disability, birth or other status. For the interpretation of the provisions of the Convention, the UN Committee for the Rights of the Child (hereinafter referred to as the "Committee") drafted General Comment No. 6 on the Convention entitled "Treatment of unaccompanied and separated children outside their country of origin" (hereinafter referred to as the "Comment"). According to the Comment, the rights laid down in the Convention apply not only to children found within the territory of the Slovak Republic, but also to those who come already under the state's jurisdiction while attempting to enter the country's territory. Accordingly, the rights under the Convention are guaranteed to all children, irrespective of their nationality and legal status, including asylum seekers, refugees and migrating children.

The obligations of the Slovak Republic arising from the Convention apply to all power branches (executive, legislative and judicial). These obligations include the identification of children as unaccompanied minors at the earliest stage possible and right at the border, as well as enforcement of the best interest of children throughout their stay in the territory of the Slovak Republic, search of family members, and if it is in the best interest of children, the reunification of unaccompanied children with their families within the shortest period

¹ Convention on the Rights of the Child, Notice of the Federal Minister of Foreign Affairs No. 104/1991 Coll.

of time.

The national legislation on the protection of the rights of UAMs is constituted, in particular, by the Act on Social and Legal Protection of Children and Social Guardianship² (hereinafter referred to as "Act on SLPC&SG"), the Family Act³, the Act on Asylum⁴, the Act on Residence on Aliens⁵, the Act on the Police Force⁶, the Act on Health Insurance⁷, the Code of Civil Procedure⁸ and other pieces of legislation. With the aim to provide the offices of labour, social affairs and family with methodological guidelines for the implementation of measures for social and legal protection of children and social guardianship for UAMs in the territory of the Slovak Republic, the Central Office of Labour, Social Affairs and Family (hereinafter referred to as "COLSAF") issued Internal Norm No. IN 080/2010 entitled "Implementation of measures for the social and legal protection of children and social guardianship for unaccompanied minors" changing and amending COLSAF Internal Norm No. 051/2007 (hereinafter referred to as "COLSAF Internal Norm"). The COLSAF Internal Norm specifies the recommended procedures to be applied by SLPC & SG authorities upon the implementation of the provisions of the Act on Social and Legal Protection of Children and Social Guardianship referring to unaccompanied minors. This norm stipulates, inter alia, that each UAM found in the territory of the Slovak Republic has the right to have his/her basic needs satisfied, as well as the right to participate in the adoption of any decision relating to him/her, the right of respect of his/her cultural identity, the right to information and interpreting, the right to access organisations assisting UAMs, the right to privacy, and the right to access healthcare.

The aim of this study⁹ is to describe the policies of the Slovak Republic in 2009–14 concerning the protection and care of one of the most vulnerable migrant groups – children found in the territory of the Slovak Republic without their parents or other legal representatives, as well as the practices of state authorities in procedures concerning UAMs, relevant statistics on UAMs, and the most significant changes since 2009 when the previous study of the European Migration Network ("EMN") was published under the title Unaccompanied Minors in the Slovak Republic – Policies on Their Reception, Return and Integration Arrangements.¹⁰

Regarding methodology, the study is based on the compilation and analysis of international documents binding for the Slovak Republic, relevant EU legislation, internal legislation of the Slovak Republic and other available documents and publications on the given topic, including EMN study of 2009 with the same focus (mentioned above), as well as the experience of the author of the study.

Section 1 of the study describes the UAMs' motivations and circumstances for entering the territory of the

² Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on changes and amendments to some acts.

³ Act No. 36/2005 Coll. on Family and on changes and amendments to some acts.

⁴ Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts.

⁵ No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts.

⁶ No. 171/1993 Coll. on the Police Force.

⁷ No. 580/2004 Coll. on Health Insurance and on changes and amendments to Act No. 95/2002 Coll. on Insurance and on changes and amendments to some acts.

⁸ No. 99/1963 Coll. Code of Civil Procedure.

⁹ This study was prepared under the EMN Work Programme 2014 as a focussed study on the basis of the common specifications for all EU Member States and Norway. On the basis of the national contributions from the Member States, the EC will prepare a synthesis

report informing about and analysing the thematic areas highlighted by the study specifications.

¹⁰ GRETHE GULIČOVÁ M.: Unaccompanied Minors in the Slovak Republic – Policies on Their Reception, Return and Integration Arrangements. IOM International Organization for Migration. 2009

Slovak Republic. The motivations for UAMs' departure from their countries of origin are similar to the ones described in the EMN study of 2009¹¹. The most frequent motivations for departure from countries of origin and arrival in Slovakia are, in particular, war conflicts, the lack of security, the sending abroad by family, human rights violation, human trafficking, bad economic situation, etc.

Section 2 deals with the entry of UAMs to the Slovak territory and subsequent procedures by state authorities once a UAM is found. UAMs must meet the same conditions of entry as other third-country nationals, i.e. they must have a valid travel document and a valid visa or residence permit. For reasons stipulated in the Schengen Borders Code¹² and for the purposes of compliance with the international commitments under, for example, the Convention on the Rights of the Child or the Convention Relating to the Legal Status of Refugees¹³, the SR may permit the entry of an UAM in the territory of the Slovak Republic also without meeting the above-mentioned legal conditions of entry. During 2009–13, according to the Ministry of Labour, Social Affairs and Family of the Slovak Republic a total of 775¹⁴ and according to the Bureau of the Border and Aliens of the Police Force Presidium 693¹⁵ UAMs were found in the territory of the Slovak Republic. In some cases, medical examination was ordered to determine the age of the person due to doubts by the members of the Police Force about the veracity of the data they provided. As detailed in this section, two legal provisions exist in Slovakia for determining the age of foreigners – one under the Act on Asylum which entered into force before 2009 and applies to applicants for asylum, and the other one under the Act on Residence of Aliens¹⁶ applying to UAMs who are not seeking asylum, in effect since 2012. The Act on Residence of Aliens stipulates the obligation of the third-country national who claims to be an unaccompanied minor to undergo medical examination to determine his/her age; this provision shall not apply if it is apparent that s/he is a minor. The presumption of majority of UAMs has been introduced until the medical examination is undertaken or in case such examination is refused as well as the obligation to instruct the third-country nationals about the way and the consequences of such act. This section also deals with the appointment of guardians/custodians for UAMs, the submission of applications for international protection, and the granting of residence permits to UAMs. Each UAM found in the territory of the SR must have a representative appointed by court – a legal representative or a guardian. In addition to other duties, this representative is also required to submit on behalf of the UAM e.g. a declaration on asylum/subsidiary protection or an application for tolerated stay.

As far as the success rate of UAMs in the asylum procedure is concerned, asylum for humanitarian reasons was granted to 4 UAMs by the Migration Office of the Ministry of Interior of the Slovak Republic (hereinafter referred to as the "Migration Office") out of 57 applications filed during the period 2009–13. Subsidiary protection was provided in 10 cases¹⁷. In 11 cases UAMs were granted authorization to stay in form of tolerated stay in the Slovak Republic¹⁸

The most extensive part of this publication is Section 3, dealing with admission and integration measures with regard to UAMs. In its introductory part, this section lists and describes the relevant pieces of legislation concerning UAMs, and provides an overview of state, non-governmental and international institutions

¹¹ Ibidem. pp. 22-23.

¹² Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

¹³ Convention Relating to the Status of Refugees, Notice of the Ministry of Foreign Affairs of the SR No. 319/1996 Coll.

¹⁴ Annual Statistical Report V (Ministry of Labour, Social Affairs and Family of the Slovak Republic) 12-01. According to the Act on SLCP&SG an UAM is considered every child who is not a national of the Slovak Republic and is found in the territory of the Slovak Republic unaccompanied by his/her parent or other adult natural person to the personal care of whom the child could be entrusted, i.e. it does not include only third country nationals).

¹⁵ The BBAP PFP keeps statistics on UAMs that were apprehended upon illegal state border crossing and illegal residence. (Note: not all UAMs found in the territory of the SR have illegal residence in the country or have illegally crossed the state border.)

¹⁶ Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts.

¹⁷ Statistical data provided by the Migration Office.

¹⁸ Statistical data provided by the Bureau of the Border and Alien Police of Police Force Presidium.

providing care and protection of UAMs in Slovakia. This section also deals with UAMs' access to accommodation, healthcare, education, legal assistance and employment. All UAMs found in the territory of the Slovak Republic have access to accommodation. In 2009, a specialised Foster Home for Unaccompanied Minors (hereinafter referred to as "FH UAMs") was established in Horné Orechové near Trenčín, which was closed as of January 1, 2014 and currently UAMs are placed solely to Foster Home (hereinafter referred to as "FH") Medzilaborce. UAMs who are granted international protection can be placed in selected foster homes in individual self-governing regions, if needed. Once they have lodged their application for asylum, UAMs are transferred from foster home to the reception centre of the Migration Office and later to the accommodation centre for vulnerable groups, in which UAMs are accommodated together with other adult asylum seekers. UAMs are provided free legal assistance by the facility to which they are placed. Under the Act on SLPC & SG¹⁹ the authority for social and legal protection of children and social guardianship (hereinafter referred to as the "SLPC & SG authority") ensures legal counselling to UAMs, if requested, or legal assistance to UAMs under a special regulation²⁰. Free legal counselling is currently also provided by NGOs. Free legal assistance must be requested upon the request of UAMs through their legal representatives or guardians. In general, access to medical care is ensured irrespective of the UAM's legal status, i.e. irrespective of whether the UAM has applied for asylum or not. UAMs placed in foster homes have access to medical care in broader legal terms, as they have public health insurance and are provided medical care under the same conditions as other children. Under the law, UAMs applying for asylum are provided urgent care, yet the Migration Office also ensures other types of medical care in cases worth special consideration on the basis of individual assessment of the situation. Access to education for UAMs is ensured by law under the same conditions as for Slovak citizens. In practice, however, the placement of UAMs in school facilities is more complicated for different reasons, such as lack of readiness of schools to admit UAMs, UAMs' insufficient knowledge of the Slovak language, absence of documents on attained education, etc. The minimum age for taking up employment is no less than 15 years of the age of a natural person²¹. The employment of third-country nationals is regulated by the Act on Employment Services²². UAMs with tolerated stay are not entitled to work in the territory of the Slovak Republic. UAMs who are asylum seekers are entitled to work only if their asylum application has not been finally decided within one year from the day of filing of their asylum application. Work of natural persons up to 15 years of age or work of natural persons over 15 years of age until completing their compulsory school attendance is prohibited.

Section 4 describes the phenomenon of disappearance and absconding of UAMs from facilities designed for the implementation of court decisions and asylum centres. Foster homes report that most UAMs disappear or escape. This phenomenon has not been paid much attention yet. The first studies that could provide a more detailed overview of this phenomenon are currently being prepared.

The penultimate Section 5 deals with the existing measures for UAMs after reaching the age of 18 years. The Act on Residence of Aliens stipulates certain exceptions applying to UAMs. One of them entered into effect in the beginning of 2012 and allows the granting of a permanent residence permit to an UAM after reaching the age of majority without the obligation to meet the conditions laid down in the law which are required for this type of residence, provided that the UAM was granted tolerated stay before reaching the age of 18 years, and studied in the territory of the Slovak Republic for at least three years during the tolerated stay period. This type of permanent residence has not been granted yet.

The final section is about returns of UAMs to their country of origin or to another country, and about the possibilities of their re-integration. The Slovak Republic may not administratively expel an UAM to his/her country of origin or to any third country. In case the UAM expresses his/her will to voluntarily return to his/her country of origin, s/he can use the Assisted Voluntary Return and Reintegration Programme of the

¹⁹ Art. 29(4).

²⁰ Art. 24 of Act No. 327/2005 Coll. on Providing Legal Assistance to Persons in Material Need and on changes and amendments to Act No. 586/2003 Coll. on Advocacy and on changes and amendments to Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended in the wording of Act No. 8/2005 Coll. (hereinafter referred to as the "Act on Provision of Legal Assistance to Persons in Material Need").

²¹ Art. 11 of Act No. 311/2001 Coll. Labour Code.

²² See Section 5 of Act No. 4/2005 Coll. on Employment Services and on changes and amendments to some acts.

International Organization for Migration, and can also be provided re-integration assistance.

The annex brings statistics on unaccompanied minors, covering the period 2009–13. The data was provided by relevant state authorities, and is broken down according to the study specifications. This part contains available statistics on asylum seekers, UAMs who have not applied for asylum, UAMs granted residence permits, number of UAMs who were placed in the care of state authorities, UAMs who reached the age of 18 years in the territory of the SR, as well as detained and returned UAMs.

Section 1: Motivations and circumstances of UAMs for entering the EU

This section of the Synthesis Report will aim to provide an up to date overview of the motivations and circumstances of unaccompanied minors who enter the EU. The section, along with Sections 2-6, will also aim to provide information, to the extent possible, on the conditions that may contribute to making certain Member States more attractive to unaccompanied minors than others.

In question 1, EMN NCPs are asked to indicate which motivations and circumstances apply in their Member State and to provide further information to describe each situation that applies. In question 3, EMN NCPs are also asked to report on any prevention programmes their (Member) State is implementing together with Third Countries in order to address the root causes of migration of unaccompanied minors.

Q1. Please state what the motivations and circumstances of UAMs for entering your (Member) State are and provide further information (please cite existing evaluation reports / studies / other sources or based on information received from UAMs and/ or competent authorities). Possible motivations and circumstances of UAMs for entering the EU may include:

- *Fleeing persecution or serious harm and seeking protection (asylum)*
- *Family reunification (e.g. to join family members already in the (Member) State, to apply for asylum followed by family reunification)*
- *Join migrant/ diaspora community*
- *Economic and aspirational reasons (including education)*
- *Transit to another Member State*
- *Victims of trafficking in human beings*
- *Facilitated illegal entry / smuggled*
- *Arrival at external borders*
- *Inadequate medical facilities in the country of origin / insufficient funds by parents for medical treatment*
- *Abandonment in a Member State (e.g. because parents have been returned / cannot or do not take care of their child in the (Member) State*
- *Runaways / drifters*
- *UAMs do not know why they have entered the (Member) State*
- *UAMs are not able to explain why they have entered the (Member) State (e.g. due to their early age)*
- *UAMs are reluctant to report their motivations and circumstances for entering the (Member) State (e.g. due to trauma)*
- *Other (please specify)*

The migration of UAMs, just as adults' migration, can be divided into two categories: forced migration and voluntary migration. Forced, involuntary migration of children to Slovakia usually relates to the violation of their rights, persecution, trafficking in human beings (children), war conflicts, recruitment to armed forces, abuse and other acts against children, as well as the family's bad economic situation and the need to contribute to the family budget. Voluntary migration of UAMs to Slovakia motivated by experiencing adventures is rather exceptional. The available statistics suggest that the UAMs who were found in the territory of the Slovak Republic during the past five years come mainly from unstable regions in terms of politics and safety (Afghanistan,

Somalia, and Pakistan) or from countries known for their bad economic situation (Moldova).

A frequent phenomenon is also migration of UAMs for the purpose of the family reunification with their family living in a third country – i.e. Slovak Republic is not their destination country and UAMs head to countries where their family and closest major relatives are²³. According to the survey carried out by the Human Rights League, the workers of Slovak state authorities who come into contact with UAMs also reported e.g. human rights violation, war conflict, bad economic situation or unfavourable living conditions.²⁴

In the Slovak Republic, the first ones to learn about the motivations and circumstances of UAM's departure from their countries of origin and their entry in the territory of the EU/Slovakia are members of the Police Force from the different police departments – either directly on the border or inland.²⁵ Due to separation from their family, the experienced trauma, violence, war and other reasons, some UAMs are not able and/or willing to speak about these facts right after their arrival in Slovakia, "because these experiences could leave in them a deeply rooted feeling of helplessness, thus undermining their ability to trust others".²⁶ Upon the admission to the foster home, UAM are provided time to adapt to the conditions of the new environment. The recommended adaptation phase is a minimum of two weeks. During the adaptation phase, the SLPD & SG authorities take, in cooperation with the facility, measures to protect the child's rights and the rights protected by law, and seek to find out (with the involvement of interpreters or professionals speaking the foreign language that the UAM understands) his/her opinion on all the facts concerning the child, including, for example, the reasons for his/her departure from his/her country of origin and entry to the Slovak territory.²⁷

Q2. Please provide information on any prevention actions / projects / initiatives that your (Member) State undertakes together with Third Countries with the aim to address the root causes of UAMs' migration, for example:

- *Integration of UAMs' migration in key areas of development cooperation, e.g. poverty reduction, education, health, employment, human rights, democratisation and post-conflict reconstruction;*
- *Targeted awareness-raising activities and training in countries of origin and transit (e.g. aimed at law enforcement officers, border guards, potential victims of trafficking and their communities, children, wider public, etc.);*
- *Development of child protection systems.*

If possible, please provide a short description of the impact of these specific actions / projects / initiatives.

The above information suggests that the Slovak authorities obtain information on the motivations/reasons for departure of UAMs from their countries of origin mainly from the statements of the UAMs found in the Slovak territory.

The Slovak Republic has not implemented yet any projects, activities or initiatives in cooperation with third countries aimed to find out the reasons for the migration of children or to prevent this phenomenon.

[Section 2: Entry and assessment procedures including border controls for asylum-seeking and non-asylum seeking UAMs](#)

This section of the Synthesis Report will aim to provide an up to date overview of the entry procedures including border controls that apply in the situation of unaccompanied minors who enter the EU, as well as the procedures that apply when an unaccompanied minor is apprehended or becomes known to the authorities. (Member) States are also requested to provide information on the procedures that apply when an unaccompanied minor claims to be a minor and once minority is either confirmed or disproved.

²³ Information provided by the Central Office of Labour, Social Affairs and Family.

²⁴ See FAJNOROVÁ, K., ŠTEVULOVÁ Z.: Právne postavenie a možnosti integrácie maloletých cudzincov bez sprievodu v SR. Analýza Právneho stavu a praxe. Gerthofer. 2009

²⁵ In particular upon the drafting of records on providing an explanation under the Act on the Police Force.

²⁶ Par. 47 of General Comment No. 6 on the Convention.

²⁷ Information provided by the Central Office of Labour, Social Affairs and Family.

Section 2.1 Documentation required by unaccompanied minors for legal entry to the (Member) State (non-asylum seeking UAMs, but also asylum-seeking UAMs in some instances)

In question 3 below, EMN NCPs are asked to indicate / reconfirm the entry procedures and border controls plus the procedures that apply in their (Member) State and to provide further information to describe each situation that applies:

Q3. What documents are required by third-country national UAMs at the border to fulfil the entry requirements to the (Member) State?

In general, each third-country national must show his/her valid travel document, a valid visa (if required) or a valid residence permit upon entering the territory of the Slovak Republic and to meet other requirements stipulated by the Schengen Borders Code.²⁸ UAMs crossing the external border are subject to the same control upon entry as adults, and are required to show the same documents.

Entry documents required by unaccompanied minors	Please provide more information about the types of documents required and the conditions that apply, with a particular focus on developments since 2009.	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Visa permitting entry and stay	The UAM is required to show the visa (if required)/residence permit.	The UAM is required to show the visa (if required)/residence permit.
Passport	The UAM is required to show his/her valid travel document.	The UAM is required to show his/her valid travel document.
Travel documents	The UAM is required to show his/her valid travel document.	The UAM is required to show his/her valid travel document.
Other (please state)	-	-

Section 2.2 Circumstances where an unaccompanied minor may be refused at the border (non-asylum seeking UAMs)

Q4. Can a non-asylum seeking unaccompanied minor be refused entry at the border if they do not fulfil the entry requirements set out above?

According to the Schengen Borders Code, the police department shall refuse entry to the territory of the Slovak Republic to a third-country national who does not meet the conditions. This shall be without prejudice to the implementation of special provisions concerning the right to asylum, international protection or to the issuance of visas for long-term residence.²⁹ However, with respect to UAMs, the Slovak Republic may apply softer provisions of the Code, according to which "third-country nationals who do not fulfil one or more of the conditions laid down in paragraph 1 may be authorised by a Member State to enter its territory on humanitarian grounds, on grounds of national interest or because of international commitments."³⁰ Articles 3 and 10(1) of the Convention on the Rights

²⁸ See Art. 5 (1) of Regulation No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

²⁹ Art 13 (1) of the Schengen Borders Code: "A third-country national who does not fulfil all the entry conditions laid down in Article 5(1) and does not belong to the categories of persons referred to in Article 5(4) shall be refused entry to the territories of the Member States. This shall be without prejudice to the application of special provisions concerning the right of asylum and to international protection or the issue of long-stay visas."

³⁰ See Art. 5(4)(c) of the Schengen Borders Code: "third-country nationals who do not fulfil one or more of the conditions laid down in paragraph 1 may be authorised by a Member State to enter its territory on humanitarian grounds, on grounds of national interest or because of international obligations."

of the Child³¹ and Art. 33(1) of the Convention Relating to the Legal Status of Refugees³² are examples of such international commitments of the Slovak Republic. In case entry is requested by a third-country national who claims to be an UAM, he/she is required to undergo a medical examination to determine his/her age; this shall not apply if it is quite obvious that s/he is a minor.³³

Categories of unaccompanied minors that may be refused entry at the border	Please provide more information about the circumstances under which unaccompanied minors may be refused entry at the border: a) in <u>national legislation</u> / policy and b) in <u>practice</u> , with a particular focus on developments since 2009.	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport	Under the provisions of the Schengen Borders Code, an UAM may be refused entry for not fulfilling the conditions of entry. In practice, however, exceptions may apply under Art. 5(4/c) of the Schengen Borders Code and for reasons stipulated in international documents, such as Article 3 and Article 10(1) of the Convention on the Rights of the Child.	The same legal provisions apply. In case entry is requested by a third-country national who claims to be an UAM, he/she is required to undergo a medical examination to determine his/her age; this shall not apply if it is quite obvious that s/he is a minor.
Asylum seeking unaccompanied minor arriving at a land / sea border or airport	Under the provisions of the Schengen Borders Code, an UAM may be refused entry for not fulfilling the conditions of entry. In practice, however, exceptions may apply under Art. 5(4/c) of the Schengen Borders Code and for reasons stipulated in international documents, such as Article 3 and Article 10(1) of the Convention on the Rights of the Child, and Article 33(1) of the Convention Relating to the Legal Status of Refugees.	The same legal provisions apply. In case entry is requested by a third-country national who claims to be an UAM, he/she is required to undergo a medical examination to determine his/her age; this shall not apply if it is quite obvious that s/he is a minor.
Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child protection service, etc.)	Under the provisions of the Schengen Borders Code, an UAM may be refused entry for not fulfilling the conditions of entry. In practice, however, exceptions may apply under Art. 5(4/c) of the Schengen Borders Code and for reasons stipulated in international documents, such as Article 3 and Article 10(1) of the Convention on the Rights of the Child, and Article 33(1) of the Convention Relating to the Legal Status of Refugees.	The same legal provisions apply. In case entry is requested by a third-country national who claims to be an UAM, he/she is required to undergo a medical examination to determine his/her age; this shall not apply if it is quite obvious that s/he is a minor.
Other (please	-	-

³¹ Article 3 of the Convention on the Rights of the Child: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". Article 10(1) of the Convention on the Rights of the Child: "In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family."

³² Article 33(1) of the Convention Relating to the Legal Status of Refugees: "No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

³³ See Art. 111, par. 6 of Act on Residence of Aliens.

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Section 2.3 Apprehensions of unaccompanied minors by national authorities (non-asylum seeking UAMs)

Q5. Please describe the national rules and procedures that apply where a non-asylum seeking unaccompanied minor is apprehended / identified at the border and within the territory of the (Member) State. Please note that reception and care arrangements are covered in Section 3.

As indicated above, most UAMs are found by the members of the Police Force near the borders, usually after their irregular entry in the territory of the Slovak Republic. According to the data provided by respective offices of labour, social affairs and family, a total of 775³⁴ and according to the data provided by the Bureau of the Border and Aliens of the Police Force Presidium 693³⁵, UAMs were found in the territory of the Slovak Republic during the reference period 2009–13. This difference is due to the fact that the BBAP PFP only keeps statistics on UAMs who were apprehended upon illegal state border crossing and illegal residence. In practice, not all UAMs found in the Slovak territory have illegal residence in the country or have illegally crossed the state border.³⁶

If the person is unable to show his/her valid identity document and a valid residence permit or a valid visa (if required), the members of the Police Force would call this person to appear in their company at the competent police department to make a report on providing explanation. In some cases, the fact that the alien claims to be an UAM is learnt by the members of the Police Force during the initial acts, or during the preparation of the report on providing explanation at the latest. The police department is obliged to immediately inform the SLPD & SG authority about the finding of the UAM. In case the competent office of labour, social affairs and family finds out that the UAM may not be entrusted to the personal care of another natural person or relative, it would submit, under the provisions of the Code of Civil Procedure³⁷, a proposal for issuing an interim measure, on the basis of which the UAM is placed in facilities designed for the implementation of court decisions (foster homes). The court is due to decide within 24 hours from the delivery of such proposal. After the admission of an UAM to the foster home, the minor is provided care during the adaptation phase which serves for getting adapted to the new environment. During the adaptation phase, the SLPD & SG authorities take, in cooperation with the facility, all measures to protect the child's rights and the rights protected by law, and seek to find out his/her opinion on all the facts concerning the child, e.g. the UAM's needs and interests, the reasons for departure from his/her country of origin and entry to the Slovak territory, his/her opinion on his/her relocation, family reunification, return to his/her country of origin, granting of asylum or subsidiary protection, etc.). During the adaptation phase or after its expiry, the guardian/custodian would, together with the foster home for UAMs, assess which of the options would pursue the child's best interest and propose further actions.

The measures in the UAM's interest are taken immediately (including in case the authority has not yet been appointed by court as guardian), and the UAM is provided mainly with care appropriate to his/her age, counselling, as well as health care and quarantine care.

If there are doubts about the age of the alien who claims to be an UAM, the member of the Police Force may order medical assessment of his/her age. Such medical examination is undertaken without the supervision of the employees of the office of labour, social affairs and family. Under the Act on Residence of Alien³⁸, an alien who undergoes medical examination is considered full-aged, unless the contrary is proved. If it is not possible to determine whether the alien is a full-aged person or a minor on the basis of the medical examination, the alien is deemed minor. If the alien refuses to undergo medical examination, s/he is deemed full-aged. The police department is obliged to instruct the third-country national about its right to order medical examination to determine his/her age, about the examination method, and about the consequences of the examination on

³⁴ Statistical data provided by the Central Office of Labour, Social Affairs and Family.

³⁵ Statistical data provided by the Bureau of the Border and Aliens of the Police Force Presidium.

³⁶ Information provided by the Bureau of the Border and Aliens of the Police Force Presidium.

³⁷ Art. 75 and Art. 75a of the Code of Civil Procedure.

³⁸ Art. 127, par. 1

the procedure under the law, and about the consequences of refusal of such examination.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A. The procedure is the same as the one described above.

Section 2.4 Training of Border Guards and / or Police Authorities

Q6a. Does the (Member) State provide specific training to Border Guards and / or Police Authorities to recognise the situation of unaccompanied minors who try to enter the territory illegally / are apprehended within the territory, or who may be the victims of trafficking in human beings / smuggling?

No – according to the BBAP PFP’s information, the BBAP PFP has not provided yet any training to its workers on the recognition/identification of unaccompanied minors trying to enter the territory illegally or found within the territory.

Yes - Slovak Republic provides training to members of the Police Force on identification of the victims of trafficking in human beings.

Q6b. If yes, please provide further information below, stating also if this has involved cooperation with EU agencies.

Since 2009, the Information Centre for Combating Trafficking in Human Beings and Crime Prevention in cooperation with IOM have been carrying out the training module „Identification of victims of trafficking in human beings“. The following staff members have been trained in the framework of the training module: Police Force investigators, members of the Police Force operative services, members of the Police Force working with communities, members of the communication and prevention departments of the Police Force, members of the National Unit for Combating Irregular Migration of the BBAP PFP, members of the Police Force from facilities at border control departments and detention facilities for aliens, and employees of the Migration Office. The training was also attended by selected workers of the offices of labour, social affairs and family, professionals and childcare workers in direct contact with victims of human trafficking working in selected foster homes, and, especially, all workers of the foster home for UAMs. Total of 1,335 persons were trained in the period 2011–14 (until 30 June 2014) in the framework of enhancing the qualification of employees of state and non-state organisations through training courses on trafficking in human beings, implemented and organised by the Ministry of Interior of the Slovak Republic (hereinafter referred to as “MoI SR”). Since 2012, in addition to this training module, SR has been using in the framework of its training activities in this field the FRONTEX manual “Combating Trafficking in Human Beings” (hereinafter referred to as the “Manual”), which is designed for the border police service and the content of which was prepared also by an expert from the Slovak Republic. The Manual focuses on the identification and detection of potential victims of human trafficking and human traffickers during border controls.³⁹ The organisations within the national referral mechanisms also dispose of a Methodological guideline on the actions to be undertaken by all entities involved with regard to the provision of assistance to victims of human trafficking with a special focus on the specificities of actions concerning foreign victims of trafficking in human beings, as well as minor victims of human trafficking.

Section 2.5 The organisation of the national asylum procedures for asylum-seeking unaccompanied minors

Q7. Please set out the national rules and procedures that apply where an unaccompanied minor apprehended / identified at the border and within the territory of the (Member) State lodges an application for asylum (e.g. which authority(ies) the minor is referred to, at what point an application is made, etc.).

³⁹ Refer to KUBOVIČOVÁ K.: Identification of Victims of Trafficking in Human Beings in the Process of International Protection and Forced Returns in the Slovak Republic. Focussed study of the National Contact Point of the European Migration Network in the Slovak Republic. 2013, p. 42.

UAMs have no legal capacity, which means that the declaration on asylum/subsidiary protection for UAMs who were apprehended at the border or within the territory of the SR and expressed their will to apply for asylum is made by the UAM's legal representative or guardian appointed by court.⁴⁰ If the statement is made by the UAM on his/her own, the asylum procedure would not commence.⁴¹ For this reason, UAMs enter the asylum procedure only after the court appoints a guardian to them. That means that in the case of UAMs asylum applications are not lodged directly at the border but after having placed the UAM in a facility for the implementation of court decisions (foster home). The UAM's asylum application is lodged by the legal representative or guardian appointed by court at the competent police department in the district within which the foster home is located.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Q8. Please describe the specific rules and procedures that apply in respect of the (asylum) applicant's status as an (unaccompanied) minor. Please indicate, for example:

- *Whether and when a legal guardian is appointed;*
- *Whether and when an asylum interview(s) is conducted.*

As noted above, the asylum procedure is only initiated if the asylum application has been lodged by the legal representative or the guardian on behalf of the UAM at the competent police department. The court is obliged to appoint a guardian to each UAM immediately after being placed in a foster home. The legal representative or the guardian would inform the police department about his/her intention to lodge the UAMs asylum application in advance in order to ensure an interpreter. On the specified date, the UAM and his/her guardian/custodian appear at the competent police department to draw the report on providing explanation and to make the alien's declaration on requesting asylum/subsidiary protection.

After the commencement of the asylum procedure, the UAM has 24 hours to arrive at the asylum centre of the Migration Office – the Reception Centre in Humenné in which all asylum seekers are accommodated in order to undergo medical check-ups. The UAM is transferred to the Reception Centre accompanied by an employee of the foster home and by a member of the Police Force, if necessary.

In some cases, legal representatives or guardians authorise lawyers from the Centre for Legal Aid or non-governmental organisations/advocates to represent UAMs in the asylum procedure. At present, free legal counselling to UAMs in the asylum procedure is provided, apart from SLPC & SG authorities⁴², by the The Centre for Legal Aid, the Municipality of Rovné in Eastern and Central Slovakia as well as by the the Slovak Humanitarian Council in Western Slovakia.

The staff members of the Migration Office instruct the UAMs in the Reception Centre in Humenné about their rights and obligations during the asylum procedure within 15 days from their arrival to the facility. In the Reception Centre, the UAM would also receive the "Asylum Seeker's Card", which is also issued to UAMs under 15 years of age.

The entry interview with the UAM is conducted by a staff member of the Reception Centre in Humenné who would subsequently send all reference documents to an appointed employee of the Procedural Department of the Migration Office in Bratislava. This employee is referred to as the "case worker" and is in charge of issuing

⁴⁰ Refer to Art. 3, par. 1 of Act on Asylum.

⁴¹ Refer to Art. 3, par. 1 of Act on Asylum.

⁴² Information provided by the Ministry of Labour, Social Affairs and Family of the SR.

a decision. For reasons of clarification of certain information, the case worker can conduct another interview with the UAM always in the presence of a guardian and interpreter. The Migration Office would provide for an interpreter to the UAM of the same sex as the UAM. The interview is conducted considering the age and the mental and volitive development of UAMs, and can be interrupted, if needed. Two workers of the Migration Office Procedural Department (a male and a female) are appointed to deal with cases of asylum requested by UAMs.⁴³ An asylum seeker who is an UAMs has a special status also upon the evaluation of his/her asylum application, as the UAM's asylum application cannot be refused as manifestly unfounded.

In the period 2009–13, asylum was requested by 57 UAMs in Slovakia, most of them being boys aged 16 to 17 years. The most frequent countries of origin were Afghanistan (22 applications) and Moldova (19 applications). There were 3 to 1 applications lodged by applicants from other countries such as Bangladesh, Pakistan and Somalia during the reference period. The number of UAMs' application has seen a declining tendency since 2009: the highest number of asylum applications was filed in 2009 (28 applications), and the lowest number in 2012 (4 applications) and in 2013 (5 applications).

Of this number, no UAM was granted asylum under the Convention Relating to the Legal Status of Refugees or Art. 8 of the Act on Asylum. Asylum on humanitarian grounds was granted in 4 cases. Most international protections were granted to UAMs in the form of subsidiary protection – 10 (for more details see the Annex, Tables 1.1 to 1.4).

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A. This procedure is identical for all UAMs applying for asylum in Slovakia irrespective of whether they had to undergo medical examination to determine their age or not.

Q9. Please describe the procedure for assessing the age of an asylum-seeking UAM who claims to be a minor. Please indicate, for example:

- *Whether and when the stated age (date of birth) and unaccompanied situation is registered;*
- *Whether, when, why and how a formal age assessment is undertaken;*
- *Whether and how the conclusions from an age assessment are registered (e.g. is the registered claimed age (date of birth) replaced by the assessed age or is this age added to the file, etc.).*

At present, two provisions are in place for the age determination of third-country nationals who claim to be minor. One of the procedures is conducted under the Act on Asylum and refers to applicants for international protection, and the other one under the Act on Residence of Aliens and refers to aliens not seeking asylum.⁴⁴

The provision on age determination according to the procedure specified in the Act on Asylum is applied in case the Migration Office has doubts about the age of the asylum seeker who claims to be a minor alien. Upon commencement of the asylum procedure, the Migration Office would instruct the UAM and his/her guardian/custodian about the possibility to carry out medical examination to determine his/her age, about the way of carrying out such examination, and about its consequences on the assessment of the asylum application and the consequences of refusal of such examination. The legal representative's or the guardian's consent is required to the medical examination of the UAM. If the legal representative or the guardian refuses to give consent to the Migration Office to undertake the medical examination, the UAM shall be considered a full-aged person for the purposes of the Act on Asylum. In case it is not possible to determine on the basis of the medical examination whether the UAM is a full-aged person, the Migration Office would consider him/her a minor. If the medical examination concludes that the alien is a full-aged person, the Migration Office would immediately inform the UAM's legal representative or guardian thereof, and the competent court would

⁴³ Information provided by the Migration Office.

⁴⁴ The age assessment of UAMs seeking asylum is described in the reply to Q12.

further treat the alien as a full-aged person. The age determined by the expert is registered as the alien's age in the file referring to the lodged asylum application.

In Slovakia, the "bone age" of the alien is usually determined on the basis of a medical examination undertaken by a doctor – radiologist according to the X-ray photography of the wrist (or other parts of the body).

In 2009–13, most medical examinations to determine age of third-country nationals were conducted upon their irregular entry to the territory of the Slovak Republic from Ukraine (i.e. in accordance with the provision of the Act on Residence of Aliens described in the reply to Q12). According to the BBAP PFP data,⁴⁵ 12 medical examinations were undertaken in 2013 to determine the age of third-country nationals claiming to be UAMs. All of them were declared to have reached majority. In 2012, 70 medical examinations of third-country nationals were carried out, with two persons proven to be minor. There were also cases where medical examination was ordered after having placed the UAMs in foster homes.

Q10. Please provide the average (or where this is not available median) duration of an asylum procedure for a UAM.

The duration of the asylum procedure for UAMs is the same as for adult applicants for asylum, i.e. 90 days from the lodging of the application for asylum. In justified cases, the Migration Office may extend this period by another max. 90 days.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A

Section 2.6 Guardianship and age assessment for non-asylum seeking UAMs

Q11. Please describe the arrangements for guardianship of non-asylum seeking UAMs. Please specify, for example: who organises guardianship for UAMs, who can become a guardian to a UAM, what the role of a guardian to a UAM is, which UAMs are entitled to a guardian, until what age and whether this depends on the status of the UAM, e.g. does the UAM get another guardian when s/he is granted international protection, etc.

Each UAM found in the territory of the Slovak Republic must have a representative appointed by court. The procedure described below refers to all UAMs irrespective of their legal status. The representation of UAMs who are found in Slovakia without their parents or other legal representatives is ensured through substitute legal protection, namely guardianship and custody.

The main difference between guardianship and custody is the duration of such care and the content of guardianship and custody.⁴⁶ The guardian is appointed by court for the purposes of protection of a particular UAM's interest, and exercises the rights and obligations specified by court on behalf of the parents until a custodian is appointed. In general, the custodian exercises rights and obligations on behalf of the parents.

The appointment of the custodian or guardian is governed by the Family Act and the Code of Civil Procedure. In case both parents of the minor have died or have been deprived of exercising their parental rights and obligations, or the exercise of their parental rights and obligations has been suspended, or have no full legal

⁴⁵ Information provided by the Bureau of the Border and Aliens of the Police Force Presidium.

⁴⁶ CIRÁK, J. – PAVELKOVÁ, B. – ŠTEVČEK M.: Rodinné právo. 2. edition. Šamorín: Heuréka, 2008. 216 p. ISBN 978-80-89122-47-9, pp. 155

capacity, the court would appoint a custodian to the minor to ensure the minor's education, represent him/her and manage his/her property.⁴⁷ The court would appoint a guardian to the child also in case it is necessary for other reasons and where it is in the interest of the minor.⁴⁸ The appointment of the custodian or guardian is decided in the procedures on court care for minors.⁴⁹

If an UAM does not have any legal representative, the court is obliged to immediately appoint a guardian to an UAM right after his/her placement in the foster home. The function of the guardian to an UAM is in most cases (unless a family member of an UAM has been appointed as a guardian) exercised in Slovakia by the authority for social and legal protection of children and social guardianship (i.e. the office of labour, social affairs and family), within the district of which the foster home in which the UAM is to be placed is located. The proposal for appointing a guardian is filed by the competent office of labour, social affairs and family.⁵⁰ Of the six types of guardianship specified in the Slovak legislation, the one appointed to UAMs is "guardianship for other reasons and where it is in the interest of the minor"⁵¹. The court would determine the extent of the rights and obligations of the guardian to meet the purpose for which the guardian has been appointed and to sufficiently protect the interests of the minor.

Under Art. 60 of the Family Act, the proposal for appointment of a custodian to an UAM is filed to the competent court by the COLSAF. During the reference period 2009–13, the authorities for social and legal protection of children and social guardianship were appointed as custodian in exceptional cases, and until a custodian is appointed to the minor or until the appointed custodian takes over his/her function, their function is exercised by a guardian, the competences of which are usually defined relatively widely – representation of unaccompanied minors in all legal acts. In 2009, no custodian was appointed; in 2010 and 2011, a custodian was appointed in one case each, in 2012 in three cases, and in 2013 in two cases referring to UAMs⁵².

The function of the custodian is to ensure education, represent the UAM, and manage his/her property. The custodian is not responsible for the maintenance of the UAM (to be provided for by the foster home), and does not need to (yet s/he can) care for the UAM in person, and supervises the extent and the manner of care for the UAM. For decisions on substantial matters, the custodian must request court approval. The court constantly monitors the exercise of the function of custodian, and evaluates it at least twice a year in concurrence with the municipality and with the SLPC & SG authority.⁵³ Upon termination of custody, the custodian is due to submit to the court a final account of the UAM's property management within two months after the termination of custody. The SLPC & SG authority exercises also the following duties: lodges the application for asylum or for subsidiary protection on behalf of the UAM, and represents the child in the asylum procedure; lodges a legal remedy against the BBAP's decision in case it identifies illegal administrative expulsion; lodges a legal remedy against the decision of the Migration Office on non-granting asylum to the UAM; assists in family re-unification in case the family is in another country; undertakes other actions for the protection of the rights and interests of UAMs protected by law.

Q12. Please describe the procedure for assessing the age of a non-asylum seeking UAM who claims to be a minor. Please specify different situations (e.g. UAMs who apply for asylum, at the border, illegally staying UAMs, etc.). Please indicate, for example:

- *Whether and when the stated age (date of birth) and unaccompanied situation is registered;*
- *Whether, when, why and how a formal age assessment is undertaken;*
- *Whether and how the conclusions from an age assessment are registered (e.g. is the registered claimed age (date of birth) replaced by the assessed age or is this age added to the file, etc.).*

⁴⁷ See Art. 56(1) of the Family Act.

⁴⁸ See Art. 60 of the Family Act.

⁴⁹ Art. 176 et seq. of the Code of Civil Procedures.

⁵⁰ In the period 2009–13, the function of guardian to UAMs was exercised in most cases by the Office of Labour, Social Affairs and Family in Trenčín, and by the Office of Labour, Social Affairs and Family in Stropkov, detached office in Medzilaborce.

⁵¹ See Art. 60, par. 1 of the Family Act

⁵² The statistical data were provided to the Human Rights League upon request under the Act on Free Access to Information.

⁵³ Art. 180(3) of the Code of Civil Procedure.

As mentioned above in the reply to question Q9, there are two kinds of legal arrangements in place for age determination. UAMs not seeking asylum are subject to the provisions of the Act on Residence of Aliens concerning age determination.⁵⁴ According to these provisions, a third-country national claiming to be a minor is obliged to undergo medical examination to determine his/her age. This shall not apply in case where it is quite obvious that the third-country national is a minor. The age determination procedure under the Act on Residence of Aliens is identical to the one described in the reply to question Q9. The medical examination is undertaken and the results are obtained usually several hours after having found the third-country national who claims to be minor.

The difference between the arrangement under the Act on Asylum (see reply to question Q9) and the arrangement under the Act on Residence of Aliens lies in the fact that the Act on Residence of Aliens considers a third-country national who is due to undergo medical examination a full-aged person until obtaining the results of the medical examination to determine his/her age. In such cases, the third-country national may not enjoy the rights of the child, and is treated as an adult person until it is proven that s/he is a minor. If it is impossible to find out by medical examination whether the third-country national is a minor or a full-aged person, s/he is considered a minor in the procedure under the Act on Residence of Aliens. The police department is obliged to instruct the third-country national about its right to order medical examination for the purposes age determination, about the way of undertaking such examination, and about the consequences of the examination on the procedure under the respective act, as well as on the consequences of refusing such examination.⁵⁵ The result of the medical examination is a conclusion on the age of the third-country national, which is registered as the age of third-country national in the respective file under the procedure, in the respective Police Force's information systems, and, if relevant, in the UAM's file documentation kept by the competent OLSAF and FH for UAMs.

Section 2.7 Residence permits granted to unaccompanied minors (both asylum- and non-asylum seeking UAMs)

Q13a. Please provide details on the possible residence options available to unaccompanied minors not applying for asylum and to those whose claims for asylum have been rejected.

The residence of each third-country national in Slovakia must be legally founded. Under the Act on Residence of Aliens, UAMs have the right to tolerated stay if there is no reason to reject the application.⁵⁶ The application is lodged at the police department by the legal representative or a guardian with respect to each UAM irrespective of whether s/he was found near the border or inland. If the member of the Police Force has doubt about the alien's age, s/he may order medical examination which is usually carried out several hours after the finding of the alien. If the alien is proven to be a minor, the application for tolerated stay is lodged after the UAM has been accommodated in a foster home. If the UAM lodges an asylum application through his/her legal representative or guardian, his/her tolerated stay permit would be withdrawn. During the period of making a decision on his/her asylum application, the alien's stay in the territory of the SR is authorised. In case the Migration Office has doubts about the age of the alien who claims to be a minor, this shall not affect the legality of his/her stay under the Act on Asylum. In case the Migration Office does not grant international protection to the UAM, the legal representative or guardian is due to file a new application for a tolerated stay permit after termination of the asylum procedure.

The available statistics suggest that tolerated stay was granted to 11 out of 745 UAMs who were placed in foster homes in the period 2009–13 (see Tables 3.1 and 2.4 in the Annex).

If the UAM was granted tolerated stay before reaching the age of 18 years⁵⁷ and studied in the Slovak territory for at least three years, the Ministry of Interior of the SR may grant to such alien, after reaching the age of 18

⁵⁴ Art. 111(6) of the Act on Residence of Aliens.

⁵⁵ Art. 127(1) of the Act on Residence of Aliens

⁵⁶ Art. 58(2)(a) of the Act on Residence of Aliens: "The police department shall grant the tolerated stay permit to an alien who is a minor found in the territory of the Slovak Republic."

⁵⁷ Under Art. 58(2)(a) of the Act on Residence of Aliens.

years, the permanent residence permit for an indefinite period of time without the obligation to meet the conditions stipulated in the Act on Residence of Aliens regarding permanent residence permits.⁵⁸ Such arrangement has been applied under the Act on Residence of Aliens since 2012. Until now, this type of permanent residence has not been granted to any former UAM.

Q13b. Please provide details of the residence permit granted to unaccompanied minors whose claims for asylum are successful (e.g. refugee status, residence permit issued on other grounds than international protection, etc.).

If the Migration Office grants international protection to an UAM in the form of asylum, such UAM is entitled to being granted the residence permit under the Act on Asylum.⁵⁹ In case the UAM was granted subsidiary protection, s/he is entitled to being granted the temporary residence permit.

Q13c. Please provide details of the (temporary) residence permit granted to unaccompanied minors who do not fulfil the entry requirements of the (Member) State but are not refused entry at the border / or who are apprehended in the territory of the (Member) State (e.g. tolerated stay, etc.).

Categories of unaccompanied minors	Please describe the residence permits granted to unaccompanied minors	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport	On the basis of the application, the police department would grant tolerated stay to each third-country national who is an unaccompanied minor if there is no reason to reject the application.	If the member of the Police Force has doubts about the age of the alien, s/he can order medical examination which is usually carried out several hours after founding the alien. If such examination confirms minority of the alien, the application for tolerated stay would be filed after placing the UAM in a foster home.
Non-asylum seeking unaccompanied minor apprehended in the territory of the (Member) State	On the basis of the application, the police department would grant tolerated stay to each third-country national who is an unaccompanied minor if there is no reason to reject the application.	If the member of the Police Force has doubts about the age of the alien, s/he can order medical examination which is usually carried out several hours after founding the alien. If such examination confirms minority of the alien, the application for tolerated stay would be filed after placing the UAM in a foster home.
Asylum seeking unaccompanied minor arriving at a land / sea border or airport	The applicant is entitled to stay in the territory of the SR until a decision is taken on the asylum application. ⁶⁰	If the Migration Office has doubts about the age of the alien who claims to be a minor, this shall not affect the legality of his/her stay under the Act on Asylum.
Asylum seeking unaccompanied minor apprehended or identified in the	The applicant is entitled to stay in the territory of the SR until a decision is taken on the asylum application. ⁶¹	If the Migration Office has doubts about the age of the alien who claims to be a minor, this shall not affect the legality of his/her stay under the Act on Asylum.

⁵⁸ Art. 46(2)(e) of the Act on Residence of Aliens.

⁵⁹ Art. 24(1) of the Act on Asylum.

⁶⁰ Art. 22(1) of the Act on Asylum.

⁶¹ Ibidem.

territory of the (Member) State		
Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child protection service, etc.)	The applicant is entitled to stay in the territory of the SR until a decision is taken on the asylum application. ⁶²	If the Migration Office has doubts about the age of the alien who claims to be a minor, this shall not affect the legality of his/her stay under the Act on Asylum.
Other (please state)	-	-

Section 3: Reception arrangements, including integration measures for UAMs

This section of the Synthesis Report will provide a factual, comparative overview of the reception arrangements in place for asylum-seeking and non-asylum seeking unaccompanied minors that exist in the EU, including integration measures such as access to healthcare, education and employment.

Please note: If there are different reception arrangements / integration measures for confirmed UAMs and UAMs who claim to be minors but are not confirmed, please elaborate on this difference in your answers to the questions in this section and provide a summary of the different arrangements / measures in Section 3.9 (e.g. more comprehensive measures available to confirmed UAMs (than UAMs who claim to be minors but are not confirmed), etc.).

If there are doubts about the age of the alien and the results of the medical examination are being awaited under the Act on Residence of Aliens, the alien is considered full-aged, as a result of which the measures designed for minors are not applicable to such alien.

Section 3.1: Reception and care arrangements for unaccompanied minors

Q14. Please provide an overview of the national legal framework of your (Member) State with regard to the reception and care arrangements available to UAMs from first arrival until a durable solution is found.

Please distinguish between the provisions in place for:

- UAMs who are seeking asylum or have been granted international protection;
- UAMs who are not seeking asylum, including those who entered irregularly and/ or are in a trafficked situation;
- UAMs who are not yet confirmed as minors.

Several legal regulations contain arrangements on ensuring the rights of and care for UAMs in the Slovak Republic. The fundamental state law – the Constitution of the Slovak Republic⁶³ – defines the basic principles of care for children in general. The specific measures on social and legal protection and social guardianship for UAMs who are found in the territory of the Slovak Republic without their parents or other full-aged physical person to whom the child could be entrusted to personal care are stipulated in the Act on Social and Legal Protection of Children and on Social Guardianship.⁶⁴ The Family Act⁶⁵ regulates the institutes of custody and guardianship to UAMs appointed by

⁶² Ibidem.

⁶³ Act No. 460/1992 Coll. Constitution of the SR.

⁶⁴ Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on changes and amendments to some acts.

⁶⁵ Act No. 36/2005 Coll. on Family and on changes and amendments to some acts.

courts for the protection of their rights and interests as well as the provision of foster care. From the point of view of the procedures applying after finding a UAM in the Slovak territory, the Act on Residence of Aliens⁶⁶ is essential, as it stipulates the procedure of medical examination of the UAM's age, the different types of residence that UAMs must or may be granted, as well as the principles of the prohibition of administrative expulsion and detention of UAMs. The Code of Civil Procedure⁶⁷ and the Family Act regulate the placement of UAMs in facilities designed for the implementation of court decisions. The Act on Asylum⁶⁸ regulates the asylum procedure, the rights of UAMs in asylum procedures, the rights and obligations of UAMs who were granted asylum or subsidiary protection, and the procedure relating to the medical assessment of the asylum seeker's age. The Act on Citizenship of the Slovak Republic⁶⁹ lays down the conditions of acquiring nationality by UAMs and UAMs who were not granted asylum.

Q15. Which national authorities and organisations (including Non-Governmental Organisations where relevant) are responsible for the reception and care of UAMs from first arrival until a durable solution is found, indicating also the arrangements for funding (e.g. reception centres, healthcare, schooling, etc.)?

Please distinguish between national authorities and organisations deciding and administering the reception and care of:

- UAMs who are seeking asylum or have been granted international protection;
- UAMs who are not seeking asylum, including those who entered irregularly and/ or are in a trafficked situation.

The Ministry of Labour, Social Affairs and Family of the Slovak Republic (hereinafter referred to as "MoLSAF SR") is the key institution responsible for social aid and care for aliens (including UAMs irrespective of the fact whether they applied for asylum or not). The Department for the Strategy of Social Protection of Children and Family within the Ministry's structure is responsible for the social and legal protection of children and social guardianship for UAMs. The Ministry's Department for Foreigners' Migration and Integration exercises the function of the coordination unit on matters concerning integration foreigners.

Another important state institution is the Central Office of Labour, Social Affairs and Family (hereinafter referred to as CoLSAF) which controls and methodologically manages the execution of state administration in the field of social and legal protection of children and social guardianship, and establishes, controls and methodologically manages foster homes and the foster home for UAMs. Respective offices of labour, social affairs and family manage the implementation of measures for the social and legal protection and social guardianship for UAMs (again, irrespective of whether they have applied for asylum or not), especially execution of court decisions about the placement of UAMs in facilities for the implementation of court decisions, they act as the guardian/custodian and take other actions in the UAM's interest. The MoI SR is the second key ministry, within which two offices play a fundamental role. The first one is the Bureau of the Border and Aliens Police of the Police Force Presidium⁷⁰ which is usually the first state authority coming into contact with the UAMs in Slovakia. The actions of this authority are important also with regard to the determination of the alien's age. Under the Act on Residence of Aliens, the respective police department is entitled to order medical examination to determine the alien's age. The second office within the MoI SR is the Migration Office which decides on the granting of asylum or subsidiary protection to third-country nationals staying in the territory of the Slovak Republic. The Migration Office also exercises its competencies in matters relating to asylum seekers, persons granted asylum, persons under subsidiary protection, and displaced persons who are UAMs. It is the founder of the Reception Centre in Humenné which is designed for accommodating asylum seekers (including UAMs) and in which entry medical check-ups are undertaken, and of the Accommodation Centre in Opatovská Nová Ves which is designed for vulnerable groups of asylum seekers and provides care for UAMs seeking asylum.

If needed, care for minor victims of human trafficking can be provided by the Foster Home in Topoľčany with a specialised group within its organisational structure for work with tortured and abused children or victims of

⁶⁶ Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts.

⁶⁷ Act No. 99/1963 Coll. Code of Civil Procedures.

⁶⁸ Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts.

⁶⁹ Act No. 40/1993 Coll. on the Citizenship of the Slovak Republic.

⁷⁰ The BBAP PFP ensures fulfilment of tasks in the area of border controls, combating irregular migration and smuggling; analyses risks; cooperates with Frontex; analyses travel documents, grants residence permits for aliens, conducts residence permit controls, expulsion of aliens; and ensures the fulfilment of tasks regarding visa regime, to a certain extent during asylum procedure and carries out transfer according to the Dublin III Regulation.

human trafficking.

The care for UAMs who are not seeking asylum is ensured by foster homes during their stay in Slovakia. Foster homes are facilities which implement court decisions and provide shelter to UAMs after they are found in the territory of the SR. Apart from social work, treatment, psychological care, social and legal counselling and other professional activities, healthcare, psychotherapy, education and professional training, the foster home for UAMs also provides basic care related to accommodation, food, services and personal needs, such as clothes, footwear, sanitary products and other personal items. Selected foster homes can also provide care for UAMs under international protection. Foster homes are financed from the state budget.

Other important institutions providing care for UAMs are non-governmental organisations. The Human Rights League provides legal counselling to UAMs who are placed in foster homes. The Slovak Catholic Charity offers psychological and pedagogical services to UAMs placed in foster homes in Western Slovakia both for UAMs with granted asylum and UAMs with subsidiary protection. The Municipality of Rovné provides legal counselling to UAMs during the asylum procedure in Eastern Slovakia. The Slovak Humanitarian Council provides legal counselling to UAMs during the asylum procedure in Western and Central Slovakia. Civic Association Marginal provides assistance for UAMs with granted asylum and subsidiary protection in Western and Central Slovakia.

The United Nations High Commissioner for Refugees monitors the entry of foreigners (also UAMs) to the territory of the Slovak Republic and to the asylum procedure, and the reception conditions in asylum facilities and foster homes for UAMs. IOM provides assistance in the reunification of UAMs with their family members, and also has the possibility to ensure assisted voluntary returns of UAMs to their countries of origin or to other countries, as well as reintegration assistance. Besides the state budget from which foster homes and facilities for asylum seekers are financed, the care for UAMs is co-financed from the EU funds⁷¹ administered by the MoI SR. These funds have so far been used to finance the legal, psychological and social assistance provided for UAMs by NGOs, assistance in asylum procedures, as well as other eligible assistance.⁷²

Q16a. What is considered a durable solution for the child in your (Member) State (could also be derived from practices in place, guidelines used by reception / care facilities, etc.)?

The Slovak state authorities are obliged to act in the best interest of UAMs. First of all, the possibility of reunification of the UAM with his/her family is assessed – either in the country of origin or in another country. In case such possibility cannot be taken into consideration, it is necessary to duly consider the legal possibilities for finding a solution for the UAM's situation in Slovakia.

The granting of tolerated stay, as described in the reply to question Q13, is a temporary solution, since this type of residence expires upon reaching the age of 18 years. One of the possible durable solutions provided by the Act on Residence of Aliens is the granting of the permanent residence permit for an indefinite period of time to a former UAM who was granted tolerated stay for at least three years before reaching the age of 18 years and studied at a secondary school in Slovakia during that period. The obtaining of this type of residence permit is possible since the entry into effect of the new Act on Residence of Aliens⁷³ on 01 January 2012. To date, however, this type of residence permit has not been granted to any former UAM, mainly due to the fact that most UAMs disappear before they reach majority, or fail to meet the condition of three years of tolerated stay in Slovakia before reaching majority.

Another possible solution arises from the Act on Citizenship, under which the citizenship of the Slovak Republic may be granted to a minor whose legal representative is a national of the Slovak Republic or a legal entity, and who has continuously stayed in territory of the SR for at least two years immediately preceding the lodging of the application for Slovak nationality.⁷⁴ That means that the granting of Slovak citizenship does not require the UAM to have a permanent residence, as is commonly required from other aliens, but they only need to have the tolerated

⁷¹ General Programme Solidarity and Migration Flows Management: European Refugee Fund, European Return Fund, European Fund for the Integration of Third-Country Nationals, and External Borders Fund.

⁷² For example, textbooks, school facility fees, fees for sparetime activities, entry to fitness rooms, sparetime activities, training courses.

⁷³ Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts.

⁷⁴ See Art. 7(2)(d) of the Act on Citizenship.

stay permit, whereas the continuous character of such residence is an important condition in this regard.

The granting of international protection by the Migration Office in the form of asylum can be considered a durable solution. Asylum can be granted for reasons of justified fears from prosecution on the grounds of race, nationality or religion, supporting certain political opinions or membership in certain social groups, or persecution in the country of origin for the exercise of political rights and freedoms, or on humanitarian grounds. Asylum is granted for an indefinite period of time, and establishes legal entitlement to being granted permanent residence. The Act on Citizenship provides for the possibility of granting Slovak nationality to a person granted asylum after four years from being granted asylum.⁷⁵ If the UAM reached majority during the next four years after being granted asylum, s/he must meet the conditions applying to persons granted asylum, as stipulated in the Act on Asylum. In case the UAM is still a minor during two years after being granted asylum, s/he may apply for citizenship two years after being granted asylum, as provided in the previous paragraph.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A.

Q16b. How quickly do the competent authorities take decisions on durable solutions for UAMs based on the best interests of the child? Please specify the starting point for the time taken by (Member) States to identify durable solutions (e.g. date of apprehension / application, etc.).

The facility for the implementation of court decisions in cooperation with the SLPC & SG authority prepare individual plans for the development of the child's personality, including plan of educational work with the child and plan of social work with the child and his/her family. The plan also includes a proposal for measures pursuing the child's best interest and leading to the stabilisation of the child. The social work plans are prepared immediately after admission. After assessing the current situation of the child, the appointed worker of the SLPD & SG authority is responsible for the extent, content, nature and timeliness of social intervention and for the choice of measures under the Act on SLPD & SG to be implemented by the authorities upon dealing with the case. The plan aims to define the actions to satisfy the child's needs in the future.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A.

Section 3.2: Accommodation and other material reception provisions

Q17. Please describe in the tables below the reception and care arrangements granted to UAMs in your (Member) State (in accordance with Directive 2003/9/EC⁷⁶) from first arrival until a durable solution is found. Where relevant, please distinguish between UAMs who are seeking asylum or have been granted international protection and UAMs who are not seeking asylum, including those who entered irregularly and/ or are in a trafficked situation.

⁷⁵ See Art. 7(2)(e) of the Act on Citizenship.

⁷⁶ Please note that Ireland does not participate in this Directive.

	<p>Please state (Y/N) whether the accommodation types and other material reception provisions listed are available to UAMs (in cash or in kind) in each of the categories below, and provide a brief description of the facilities available in each case:</p>		
<p>Accommodation type and access to other care and material reception provisions</p>	<p>UAMs seeking asylum or have been granted international protection</p>	<p>UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking</p>	<p>Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.</p>
<p>Accommodation with adults</p>	<p>Yes. UAMs seeking asylum are placed in the same reception or accommodation centre as adult asylum seekers. Under the Act on Asylum, the Migration Office is obliged to create in these facilities "appropriate conditions for the accommodation and care of UAMs", and to take into account, upon placement, the age of minors and to accommodate them separately.⁷⁷</p> <p>There is one reception centre in Slovakia (Reception Centre in Humenné) and one specialised centre for vulnerable groups for also placing UAMs – the Accommodation Centre in Opatovská Nová Ves.</p> <p>No. UAMs that have been granted asylum/subsidiary protection are not accommodated in facilities together with adults, but in foster homes. In 2010, the MoLSAF SR and the COLSAF designated one foster home for UAMs in each self-governing region, namely: FH Tornaľa, FH</p>	<p>No. UAMs not seeking asylum, including those who entered the Slovak territory irregularly, are not accommodated in facilities in which adult persons are accommodated, but are always placed in foster homes.</p>	<p>In case of UAMs whose age is doubtful, UAMs undergo medical examination within several hours after their founding in the territory of the SR, i.e. before being placed in a foster home. That means that the only place, where they can be together with adults, is the competent police department which found the UAM.</p>

⁷⁷ Refer to Art. 39, par. 1 and 2 of the Act on Asylum.

	Košice, FH Martin, FH Bratislava, FH Holíč, FH Kollárovo, and FH Horné Orechové. At present, UAMs are only accommodated in the FH for UAMs in Medzilaborce.		
Accommodation with a foster family	No. UAMs asylum seekers are not accommodated with foster families; they are placed exclusively in the facilities of the Migration Office (reception centre/accommodation centre). Yes. UAMs who have been granted asylum or subsidiary protection may be accommodated with foster families.	Yes. UAMs can also be accommodated with foster families.	When the UAM's age is doubtful, the UAM must undergo medical examination after being found in the territory of the SR, i.e. before being accommodated with a foster family.
Accommodation / reception facilities specifically for minors	No. There is no reception/accommodation centre specifically for UAMs. Yes. After being granted asylum, UAMs are accommodated in foster homes.	Yes. In 2009–13, boys were accommodated in the specialised FH UAMs in Horné Orechové, and girls in the FH in Medzilaborce. At present (2014), UAMs are accommodated in the foster home in Medzilaborce.	No
Accommodation / reception facilities with special provisions for minors	Yes. Under the Act on Asylum, the Migration Office is obliged to create in these facilities "appropriate conditions for the accommodation and care of UAMs", and to take into account, upon placement, the age of minors and to accommodate them separately. ⁷⁸	Yes. FH in Medzilaborce	No
Specialised accommodation facilities available for UAM victims of trafficking	If needed, an UAM who is a victim of trafficking in human beings and, at the same time, asylum seeker can be placed in the foster home in Topoľčany ⁷⁹ or in the asylum facility of the MO SR ⁸⁰ on the basis of a court decision or guardian's decision.	Depending on the nature of the case; for example, in a foster home with an independent specialised group. UAMs who are reasonably believed to have become victims of human trafficking can be provided care in the Foster Home	No

⁷⁸ Refer to Art. 39, par. 1 and 2 of the Act on Asylum.

⁷⁹ The FH in Topoľčany has a specialised group within its organisational structure for work with tortured and abused children and victims of human trafficking.

⁸⁰ SR has not reported any such case yet.

		Topolčany.	
Specialised accommodation facilities available to UAMS to meet specific identified needs	No	Depending on the nature of the case; for example, in a foster home with an independent specialised group.	No
Other types of accommodation (please state, e.g. in adult accommodation facilities if over 16 years of age)	No	No	No
Food (please indicate how this is arranged in practice, e.g. meal vouchers to buy or prepare own meals, prepared meals, etc.)	<p>Yes. Food in the Reception Centre in Humenné and in the Accommodation Centre in Opatovská Nová Ves is provided for free. Asylum seekers under 18 years of age are also provided with morning and afternoon snacks.</p> <p>Yes. Food for UAMs who have been granted asylum is provided for free in foster homes.</p>	Yes. Food for UAMs is provided for free in foster homes.	During the age assessment period, the alien is provided food at the police department.
Clothing (please indicate how this is arranged in practice, e.g. provision of a budget to buy clothes, provision of second-hand clothes, etc.)	<p>Yes. UAMs seeking asylum are provided clothing for free directly in the Reception Centre in Humenné or in the Accommodation Centre in Opatovská Nová Ves. The clothing is financed from the funds of the Migration Office or in the framework of NGOs' projects.</p> <p>Clothing for UAMs with granted asylum is provided from the resources of foster homes.</p>	Yes. Clothing for UAMs is provided from foster homes' resources.	No
Allowance / pocket money (please provide details on what possibilities there are to earn pocket money in reception facilities, what amount and how this is paid, etc.)	Yes. UAMs placed in asylum facilities are entitled to pocket money under the Act on Asylum in the amount corresponding to ½ of the pocket money of an adult person (27 cents per day). For active help in performing works related to the maintenance of the facility, the pocket money of the respective person can	Yes. A child that has been placed in facilities for implementation of court decisions (foster homes) is provided with pocket money and items in kind. The amount of the pocket money depends on the child's age and constitutes 8 to 30% of the subsistence minimum amount, i.e. EUR 7.30 for UAMs aged 6–10 years,	No

	<p>increase upon the proposal of the head of the facility.⁸¹</p> <p>Yes. UAMs that have been granted asylum and have been placed in a foster home are entitled to pocket money.</p>	<p>EUR 10.90 for UAMs aged 10–15 years, and EUR 27.20 for UAMs over 15 years of age. The contribution on the occasion of important events in the child's life is 25% of the subsistence minimum amount, i.e. EUR 22.70 EUR.</p>	
<p>Other types of material reception provisions (please state)</p>	<p>Yes. UAMs placed in reception/accommodation centres are provided with basic sanitary products and other items necessary for living.⁸² It can be, for example, special medical tools. These items are provided depending on the UAM's age and specific needs (age up to 1 year, 1-3 years, 3-18 years).</p>	<p>Yes. The FH for UAMs also provides basic care related to accommodation, food, services and personal items, such as clothes, footwear, sanitary products and other personal items. The foster home also creates conditions for spare time, sports and cultural activities, work and deposit of valuables.</p>	<p>No</p>

⁸¹ Art. 22, par. 6 of the Act on Asylum.

⁸² Art. 22, par. 4 of the Act on Asylum.

Q18. Please explain if UAMs have the freedom to make their own choices with regard to the provisions available to them (e.g. do UAMs have the possibility to prepare their own meals, buy their own clothes, etc.) with the ultimate goal of preparing them for the transition to adulthood (please see also section 5).

In asylum facilities, UAMs have the possibility to prepare their own meals from food they purchased from their own money. The Migration Office staff members working in these facilities are not responsible for the execution of duties related to UAMs' preparation for the transition to adulthood. In the Migration Office facilities (especially in the accommodation centre), social workers can, for example, explain how to use their money, or they can also learn to cook, but only to a limited extent, as the accommodation centre is not specialised on UAMs only.

In the foster home for UAMs, UAMs can prepare in cooperation with social worker meals and food in their own kitchen which forms part of a separate group, whereas the menu respects their cultural and religious eating habits. The foster home also deals with preparation of UAMs for transition to adulthood which are planned and recorded in the plan of preparation of a young adult for becoming independent. In cooperation with non-governmental organisations, the foster home for UAMs secure Slovak language teaching. They are informed about Slovakia and about the possibilities of residing in our country. After reaching the age of 17 years, the foster home follows the plan of preparing the UAM for becoming independent.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A.

Q19. Which organisations (governmental and non-governmental) are responsible for the provision of accommodation / other material reception conditions of UAMs (if different from above)?

In 2009–13, care for male UAMs not seeking asylum was ensured in the specialised Foster Home in Horné Orechové, and for female UAMs in the Foster Home in Medzilaborce. In 2013 UAMs were placed in the Lastovička FH in Trenčín which merged with the FH UAMs Horné Orechové as of 01 January 2013. At the same time since 2013 the protection and care for UAMs has been ensured also in the FH in Medzilaborce. As for UAMs that have been granted asylum, the COLSAF disposes of selected foster homes⁸³ in which UAMs granted asylum or UAMs under subsidiary protection can be accommodated, if needed. Unless being granted international protection or permanent residence permit, under the Act on Social and Legal Protection of Children and Social Guardianship, an UAM may stay in the foster home only until reaching majority.⁸⁴ The respective foster homes are state facilities.

A total of 745 UAMs were accommodated in foster homes. The biggest decline in this number was observed in 2013, when 68 UAMs were accommodated in foster homes. The UAMs came mainly from Somalia (231 UAMs), Afghanistan (121 UAMs) and Moldova (121 UAMs). Most of them were males aged 16 to 17 years (for more details see Tables 3.1 to 3.3 in the Annex).

The Migration Office is responsible for providing UAMs seeking asylum with accommodation and other material care in reception and accommodation centres.

Q20. Please provide more information on the staff (e.g. care/ social workers, etc.) responsible for the reception and care of UAMs, for example:

- *What are the main tasks of the staff;*
- *Is there a specific training for the staff (if yes, please describe);*
- *In general, what is the staff to UAMs ration (the number of UAM per staff member).*

⁸³ FH Tornaľa, FH Košice, FH Martin, FH Bratislava, FH Holíč, FH Kollárovo, FH Horné Orechové. At present, UAMs are only placed in the FH for UAMs in Medzilaborce.

⁸⁴ Art. 59(2)(d) of Act on SLPC & SG: "If an UAMs has been placed in a foster home, the exercise of the court decision shall terminate upon reaching majority."

There are permanent social workers in the Migration Office facilities in which UAMs are accommodated: reception centre Humenné – 2 social workers from the MO + 2 social workers from non-governmental organisations. Accommodation centre Opatovská Nová Ves – 1 social worker from the MO + 3 social workers from NGOs. The role of social workers in these facilities is, *inter alia*, to provide special care for UAMs (spare time activities, psychological counselling). In cooperation with guardians, these workers are involved in providing care for UAMs during their stay in the asylum facility, including satisfying their special needs. The numbers of social workers are more-or-less constant, and the average number of UAMs per social worker depends on the concrete numbers of UAMs in the facility at the given time. The social workers from the MO attend different training activities organised mainly by the UNHCR and non-governmental organisations. Exchange visits organised by the ENARO network⁸⁵ play an important role in this regard, providing an opportunity for social workers to exchange their experiences with their colleagues from other countries directly at the place of performance of their work.⁸⁶

Within the foster home's organisational structure, a social worker is assigned for work with UAMs. This staff member is responsible for keeping the UAM's file, cooperation with the guardian, non-governmental organisations, courts and for keeping contact with the UAM's biological family. Psychological counselling and consultations are ensured by means of a foster home psychologist and a psychologist from the Slovak Catholic Charity. The services of the latter one are temporary and limited by the duration of the BAKHITA project. Educational activities are ensured by three educators and two auxiliary educators in each autonomous group. While ensuring these activities the FH follows the educational plans. There is one staff member per two UAMs.

The Human Rights League organised in 2009, 2010 and 2012 projects entitled "Developing the multi-cultural skills and legal knowledge of the staff members and future staff members of selected fields of the state administration", in the framework of which training was provided both to employee of offices of labour, social affairs and families, and to the staff members of the Foster Home for UAMs in Horné Orechové. The projects aimed to develop, deepen and strengthen, in particular, their legal knowledge on the legislation concerning aliens and asylum, and each training was attended by former UAMs as guests who explained their attitudes and opinions on the basis of their own experience with being placed in a foster home.

Q21. What is the overall assessment of the standard of accommodation / material reception conditions provided to UAMs in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information.

Do you foresee an evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)⁸⁷?

The standard of accommodation and material reception conditions provided to UAMs in Slovakia has not been assessed or analysed recently. We only have information on partial assessments of accommodation and care for UAMs from 2009 and 2010, as published in publicly available UNHCR evaluation reports. The report of 2009⁸⁸, for example, positively evaluated the solution of the situation where it was necessary to find appropriate accommodation and ensure care in the process of integration of UAMs who were granted international protection.

The UNHCR evaluation report 2010 pointed out some of the difficulties accompanying the placement of UAMs. According to the statements of the multi-functional team members, the UAMs' situation was often complicated by transfers from one reception facility to another one.⁸⁹ The reports can be accessed through the respective links, but it should be borne in mind as mentioned above that the information provided in the reports reflects the

⁸⁵ ENARO is an inter-institutional network of 22 European organisations established for the purpose of admitting asylum seekers.

⁸⁶ Information provided by the Migration Office.

⁸⁷ Please note that Ireland does not participate in this Directive.

⁸⁸ Available at: <http://www.unhcr-centraleurope.org/sk/co-robime/zaclenovanie-ziadatelov-o-azyli-a-utecencov-s-ohladam-na-ich-vek-pohlavie-a-ine-odlisnosti.html> (consulted on 25/09/2014).

⁸⁹ UN High Commissioner for Refugees. Regional Representative Office for Central Europe. Evaluation Report 2010. Being a Refugee. The Experience of Refugees and Asylum Seekers in Central Europe, p. 57.

situation only in 2009 and 2010.

We should also mention the publication by the Human Rights League of 2009⁹⁰ which analysed the legal status and practice in the implementation of measures for UAMs, including establishment of the special facility - foster home for UAMs. A draft amendment is currently subject to an intra-ministerial consultation comment procedure. Under this amendment, UAMs that applied for asylum would not be relocated to asylum facilities, but would stay in the foster home in which they were placed before applying for asylum, thus preventing burdening them with changing environments or different regimes in these facilities.⁹¹

Section 3.3: Access to legal advice

Q22: Please describe access by UAMs to legal advice in your (Member) State.

Legal advice	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Legal advice and other forms of legal support	The Act on Asylum ⁹² specifies the representation of UAMs in the asylum procedure. Under this act, the UAM may be represented by a lawyer or by a natural person with full legal capacity (e.g. by a lawyer from a non-governmental organisation) or by the Centre for Legal Aid. ⁹³ At present, legal assistance in the asylum procedure is provided to UAMs in Eastern and Central Slovakia through the Municipality of Rovné, and in Western Slovakia through the Slovak Humanitarian Council. Their lawyers are available from the start of the asylum procedure up to possible court proceedings. The legal	Under the Act on SLPC & SG ⁹⁵ , the SLPC & SG authority ensures to UAMs legal counselling at his/her request or legal assistance under a special regulation ⁹⁶ . Free legal assistance to UAMs is currently provided by the Human Rights League through project financed from the Fund for the Integration of Third-Country Nationals. UAMs that became victims of trafficking in human beings can enter the Programme of Support and Protection of Victims of Trafficking in Human Beings. This programme is secured by the MoI SR through contracted organisations. The	N.A.

⁹⁰ FAJNOROVÁ, K., ŠTEVULOVÁ Z.: Právne postavenie a možnosti integrácie maloletých cudzincov bez sprievodu v SR. Analýza Právneho stavu a praxe. Gerthofer. 2009, p. 79

⁹¹ Information provided by the Migration Office.

⁹² Art. 17a(1).

⁹³ The Legal Aid Centre is a state budgetary organisation. Through this organisation, the state provides free legal assistance to aliens (including UAMs) in the asylum procedure.

	<p>assistance is funded from the European Union funds⁹⁴ and from the budget of the Slovak Republic. Legal assistance must be requested by a legal representative or by a guardian.</p> <p>Legal assistance to UAMs who have been granted international protection is provided by the non-governmental organisations Slovak Catholic Charity and Marginal Civic Association.</p>	<p>complex care provided to victims of human trafficking includes legal counselling ensured by the organisation which takes care for the victim.</p>	
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Q23: Which organisations (governmental and non-governmental) are responsible for the provision of legal support to UAMs (if different from above)?

As described above, free legal support to UAMs is, if needed, provided by non-governmental organisations within the asylum procedure: the Municipality of Rovné and the Slovak Humanitarian Council. Both organisations are financed from the European Refugee Fund and from the state budget. Besides NGOs, the services of the Legal Aid Centre, which provides legal counselling, can also be used. In this case, however, legal representation is only possible from the issue of a (negative) decision by the Migration Office (on non-granting asylum or subsidiary protection). The Marginal civic association and the Slovak Catholic Charity provide free legal support to UAMs granted asylum and subsidiary protection.

The Human Rights League provides legal support to UAMs accommodated in foster homes.

In case the UAM is a victim of human trafficking and decides to enter the Programme of Support and Protection of Victims of Trafficking in Human Beings, organised by the Ministry of Interior of the Slovak Republic, s/he is provided free legal support under this programme. The legal assistance is provided by a contracted organisation which also takes complex care for the victim of human trafficking.

Q24: What is the overall assessment of the provision of legal support to UAMs in your (Member) State (e.g. cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information.

No separate report or study has been compiled yet in Slovakia assessing the provision of legal support to UAMs. In 2011, the Human Rights League proposed in its publication several recommendations for guardians/custodians relating to access by UAMs to legal assistance.⁹⁷

Section 3.4: Healthcare

Q25: Please describe access by UAMs to healthcare in your (Member) State.

	<p>Please state (Y/N) whether the healthcare types listed are available to UAMs in each of the categories below, and provide a brief description of the healthcare</p>
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⁹⁵ Art. 29(4).

⁹⁶ Art. 24 of the Act on Provision of Legal Assistance to Persons in Material Need.

⁹⁴ European Refugee Fund.

⁹⁷ MITTELMANNOVÁ M., FAJNOROVÁ K., MARINOVÁ K., CHUDŽÍKOVÁ A.: Opatrovníctvo a poručníctvo maloletých bez sprievodu v podmienkach SR. Právny stav a návrhy vhodných riešení. Human Rights League. 2011, p. 75

	available in each case:		
Healthcare	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Emergency treatment	Yes. Emergency treatment is provided to everyone within the territory of the SR.	Yes. Emergency treatment is provided to everyone within the territory of the SR. The same applies to UAMs - victims of trafficking in human beings.	Yes. Emergency treatment is provided to everyone within the territory of the SR.
Basic medical care	Yes. Asylum seekers do not have mandatory public health insurance, yet the Migration Office provides basic medical care directly in its asylum facilities or through contracted healthcare facilities. Yes. UAMs that have been granted asylum have mandatory public health insurance. ⁹⁸	Yes. Mandatory public health insurance also pertains to a minor alien who stays in the territory of the Slovak Republic without a legal representative or natural person responsible for his/her upbringing, and is provided with medical care in the facility in which s/he is placed on the basis of the court decision ⁹⁹ , i.e. in a foster home. This suggests that the foster home ensures the medical examination of UAMs within the extent specified by the doctor, including diagnostics and laboratory examination, vaccination and preventative measures ordered by the health protection authority. The same applies to UAMs - victims of trafficking in human	If the medical examination to determine age is undertaken under the Act on Asylum, the same rules apply as those referring to UAMs seeking asylum. If the medical examination to determine age is undertaken under the Act on Residence of Aliens, only emergency treatment is provided until the age is determined (usually during several hours). The provision of further medical care depends on the subsequent legal status of the alien.

⁹⁸ Art. 3(3)(c) of Act No. 580/2004 Coll. on Health Insurance and on changes and amendments to Act No. 95/2002 Coll. on Insurance and on changes and amendments to some acts.

⁹⁹ Art. 3(3)(e) of Act No. 580/2004 Coll. on Health Insurance and on changes and amendments to Act No. 95/2002 Coll. on Insurance and on changes and amendments to some acts.

		beings.	
Essential / specialised healthcare if required	Yes. If needed, the Migration Office also pays for other essential/specialised healthcare.	Yes. The foster home ensures the medical examination of UAMs within the extent specified by the doctor, including diagnostics and laboratory examination, vaccination and preventative measures ordered by the health protection authority. The same applies to UAMs - victims of trafficking in human beings.	
Psychological support / counselling	Yes. The Migration Office, or also an NGO, provides psychological counselling.	Yes, counselling and special care, including psychological diagnostics and – if needed – psychotherapy, form an integral part of care provided to UAMs in the foster home. The same applies to UAMs - victims of trafficking in human beings.	
Other (please state)	-	-	
Do UAMs have equal access to healthcare as child citizens in the (Member) State?	Under the act, UAMs as asylum seekers do not have mandatory public health insurance, yet the Migration Office ensures healthcare for UAMs with the same standard as for minor Slovak citizens.	Yes. Since UAMs in this category have public health insurance, they have identical access to standard healthcare as minor Slovak citizens. The foster home ensures the medical examination of UAMs within the extent specified by the doctor, including diagnostics and laboratory examination, vaccination and preventative measures ordered by the health protection authority.	
Are UAMs assessed to ensure their healthcare needs are met (e.g. through a health assessment)?	Yes. All applicants, including UAMs, must undergo a medical check-up to be ensured by the Migration Office without undue delay after the UAM's arrival at the reception centre.	Yes. The foster home ensures the medical examination of UAMs within the extent specified by the doctor, including diagnostics and laboratory examination, vaccination and preventative measures ordered by the health protection authority.	

<p>Do UAM have access to health insurance? If yes, under what conditions?</p>	<p>No. Asylum seekers do not have mandatory public health insurance. If needed, the Migration Office pays the costs of emergency treatment of UAMs. Further medical care is provided to UAMs in cases worth special consideration on the basis of individual assessment.</p>	<p>Yes. Mandatory public health insurance pertains to a natural person who does not have permanent residence in the territory of the SR, if it is a minor alien who stays in the territory of the SR without a legal representative or natural person responsible for his/her upbringing and is provided with care in a facility in which s/he is accommodated on the basis of a court decision.¹⁰⁰ The insurance is paid by the state. UAMs are provided with standard healthcare in the same manner as Slovak citizens.</p>	
<p>How is reception organised for UAMs with psychiatric problems or addictions?</p>	<p>If needed, the Migration Offices ensures psychiatric treatment or the placement of the asylum seeker at a psychiatric clinic.</p>	<p>UAMs are provided with all kinds of healthcare, including help in the case of mental diseases, under the same conditions as children with Slovak citizenship.</p>	

Q26: Which organisations (governmental and non-governmental) are responsible for the healthcare of UAMs (if different from above)?

UAMs entering the asylum procedure must undergo a medical check-up and quarantine in the Reception Centre in Humenné where existence of an infectious disease is examined. The medical examination is undertaken by the doctor working in the facility, or in the hospital in Humenné. During the asylum seeker's stay in the reception centre, s/he is provided urgent medical care covered by the Migration Office. After the UAM's transfer to the Accommodation Centre in Opatovská Nová Ves, healthcare is ensured by a nurse and a contracted doctor to the extent necessary, and is covered by the Migration Office.

Medical care is usually provided to asylum-seekers in the reception centre and accommodation centre on the basis of a medical opinion and recommendation, and in special cases also on the basis of the opinion of a medical expert from the health insurance company. The state covers the costs of dental treatment in the event of painful, inflammatory and other urgent acute conditions. The asylum facility covers the fee for emergency ambulance. NGOs provide for complementary healthcare to asylum seekers.

As for UAMs accommodated in foster homes (both with granted asylum or subsidiary protection), healthcare is provided in the closest healthcare facility or by the contracted healthcare provider within the self-governing region in which the facility for the implementation of court decision is located.

Q27: What is the overall assessment of the standard of healthcare provided to UAMs in your (Member) State (e.g. as cited in existing evaluation reports / studies / other sources or based on publically available information

¹⁰⁰ Ibidem.

received from competent authorities, please give references)? Please provide references to these sources of information.

Do you foresee an evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)?

No report, study or any other document have so far been published exclusively on the assessment of the healthcare provided to UAMs. In general, UAMs accommodated in the FH for UAMs have public health insurance, and are provided with healthcare in the same manner as any child who is a Slovak citizen.

This topic is partly analysed in one of the chapters of the Human Rights League's publication¹⁰¹ from 2009. The chapter on healthcare affirms (as also suggested by the above information) that healthcare to UAMs is provided by different authorities depending on the legal status of the UAM. It is therefore necessary to distinguish between the provision of healthcare to UAMs before their placement in a foster home, upon their placement in the foster home, and during the period of being asylum seekers. The presence of several entities participating in the procedures involving minors and the resulting different legal regimes that may apply to UAMs cause that the provisions on healthcare provided to UAMs differ depending on the facility in which they are currently accommodated. UAMs in foster homes have public health insurance, and are provided with healthcare in the same manner as any child who is a Slovak citizen. The unification of this system would enable equal provision of healthcare to all UAMs in the same ways (irrespective of their place of accommodation) as to children with Slovak citizenship, and would eliminate the duplicity of some steps that the UAMs are required to undergo.¹⁰²

Section 3.5: Education

Q28: Please describe access by UAMs to education in your (Member) State.

	Please provide information on the issues raised below on access to education by UAMs:		
Education	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Is access to education (appropriate to the age and needs of the UAM) provided for in legislation in your (Member) State?	Under Art. 42 of the Constitution of the SR, every child has the right to education. UAMs seeking asylum or those who have been granted asylum are provided with education, accommodation and food at schools under the	Under Art. 42 of the Constitution of the SR, every child has the right to education. UAMs are provided with education, accommodation and food at schools under the same conditions as Slovak	N.A.

¹⁰¹ FAJNOROVÁ, K., ŠTEVULOVÁ Z.: Právne postavenie a možnosti integrácie maloletých cudzincov bez sprievodu v SR. Analýza Právneho stavu a praxe. Gerthofer. 2009, pp. 70 and 72.

¹⁰² Quarantine check-up.

	same conditions as Slovak nationals. ¹⁰³	nationals. ¹⁰⁴	
How quickly can a UAM access education in the (Member) State?	UAMs seeking asylum or UAMs who have been granted asylum are assigned to the respective year of elementary/secondary school after having identified their level of education and the knowledge of the state language, within three months from the commencement of the asylum procedure the latest.	UAMs are assigned to the respective year of elementary/secondary school after having identified their level of education and the knowledge of the state language, within three months from the placement of the UAM in the foster home the latest.	N.A.
How does the (Member) State ensure that the education provided to UAMs are adapted to their age, level of education in the country of origin and the degree of the language barrier (e.g. individual assessments etc.)?	Basic and extended state language courses are organised for aliens' children with the aim to remove the language barrier. ¹⁰⁵ UAMs seeking asylum or UAMs who have been granted asylum are assigned to the respective year by the school director after having identified their level of education and the knowledge of the state language, within three months from the commencement of the asylum procedure the latest. In the case of a lack of knowledge of the state language, the child can be included in the relevant year according to his/her age for a maximum of one school-year. ¹⁰⁶	Basic and extended state language courses are organised for aliens' children with the aim to remove the language barrier. ¹⁰⁷ UAMs are assigned to the respective year by the school director after having identified their level of education and the knowledge of the state language, within three months from the placement of the UAM in the foster home the latest. In the case of a lack of knowledge of the state language, the child can be included in the relevant year according to his/her age for a maximum of one school-year. ¹⁰⁸	N.A.
What support measures are available to help the UAM with the transition to education in the (Member) State (e.g. language training, mentoring, vocational training, other support	Basic and extended state language courses are organised for aliens' children with the aim to remove the language barrier. ¹⁰⁹ If the UAM seeking asylum is subject to compulsory school	Basic and extended state language courses are organised for aliens' children with the aim to remove the language barrier. ¹¹¹	N.A.

¹⁰³ Art. 146(2) of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on changes and amendments to some acts.

¹⁰⁴ Ibidem.

¹⁰⁵ Art. 146(3) of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on changes and amendments to some acts.

¹⁰⁶ Art. 146(4) of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on changes and amendments to some acts.

¹⁰⁷ Art. 146(3) of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on changes and amendments to some acts.

¹⁰⁸ Ibidem.

¹⁰⁹ Art. 146(3) of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on changes and amendments to some acts.

mechanisms – please state?)	attendance, s/he is obliged to attend a Slovak language course. ¹¹⁰		
Do UAMs have the same right to education as other children in the (Member) State?	Yes. UAMs seeking asylum or those who have been granted asylum are provided with education, accommodation and food at schools under the same conditions as Slovak nationals. ¹¹²	Yes. UAMs are provided with education, accommodation and food at schools under the same conditions as Slovak nationals. ¹¹³	N.A.
Do UAMs receive education in specialised educational establishments? If yes, does the (Member) State have plans to integrate these UAMs in the general education system?	No, education is not provided in specialised educational establishments for UAMs.	No, education is not provided in specialised educational establishments for UAMs.	N.A.
How does the education provided to UAMs support their social integration in the (Member) State?	Through education, UAMs seeking asylum or UAMs who have been granted asylum are automatically integrated in the group of classmates, and do not stay excluded from society.	Through education, UAMs are automatically integrated in the group of classmates, and do not stay excluded from society.	N.A.
How does the (Member) State prepare UAMs for accessing their labour market (e.g. provision of training, vocational guidance, etc.)?	Under Art. 35 of the Constitution of the SR, “everyone has the right to a free choice of profession and to training for it.” This right also applies to UAMs seeking asylum.	Under Art. 35 of the Constitution of the SR, “everyone has the right to a free choice of profession and to training for it.” This right also applies to UAMs.	N.A.

Q29: Which organisations (governmental and non-governmental) are responsible for the education of UAMs (if different from above)?

The education of UAMs is ensured by schools included in the network of schools and school facilities. The school system is made of the following types of schools: kindergarten, elementary school, secondary grammar school, secondary vocational school, conservatory, schools for children and pupils with special educational needs, elementary school of art, and language school.

Q30: What is the overall assessment of the standard of educational support provided to UAMs in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publically available information received from competent authorities, please give references)? Please provide references to these sources of information.

¹¹¹ Art. 146(3) of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on changes and amendments to some acts.

¹¹⁰ Art. 23(3)(f) of the Act on Asylum.

¹¹² Art. 146(2) of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on changes and amendments to some acts.

¹¹³ Ibidem.

Do you foresee an evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)?

No.

Again, no separate study or report has been published in the field of education providing an overall assessment of education support provided to UAMs. This topic is partly analysed in the above-mentioned publication by the Human Rights League which concludes the following with respect to education: "Our own experience shows that the process of including UAMs in elementary or secondary school is complicated. This happens in spite of the fact that not all schools are ready and willing to admit minor aliens. The biggest obstacles discouraging schools from this step is undoubtedly no knowledge or the lack of knowledge of Slovak language and the complications related to the assignment of the UAM to the respective year of the elementary or secondary school. The problems with the assignment of UAMs to the respective year is mainly caused by the fact that: children do not dispose of documents on their education or certificates; children do not speak Slovak at a level necessary to be able to take exams on the different subjects; the curricula in their countries of origin may substantially differ from the curricula in Slovakia; and/or school attendance in their countries of origin is not compulsory or available and children are illiterate, do not speak Slovak at a level so as to be able to master the content of the year to which they could be assigned on the basis of their age; secondary schools usually require the submission of a certificate of completion of elementary school and the passing of entrance exams in Slovak language which the UAMs do not speak yet."¹¹⁴

The Milan Šimečka Foundation and the Centre for Research of Ethnicity and Culture issued two publications on the education of aliens' children, namely *Vzdelávanie detí cudzincov na Slovensku – potreby a riešenia (Educating the Children of Foreigners in Slovakia – Needs and Solutions)*¹¹⁵ and *Vzdelávanie detí cudzincov na Slovensku – príklady dobrej praxe (Educating the Children of Foreigners in Slovakia – Examples of Good Practice)*¹¹⁶. Both publications describe the experiences of UAMs. The first one focuses on a statistical and legislative analysis of education of foreigners' children, the practical application of laws, the problems identified in practice, and also contains recommendations to public policy-makers. The second publication provides suggestions and guidelines for the integration of foreigners' children in the educational process and teams and for improving the work with foreigners' children.

Section 3.6: Access to support to employment

Q31: Please describe access by UAMs to employment in your (Member) State.

Please state (Y/N) whether the measures to support access to employment listed are available to UAMs in each of the categories below:			
Access to support to employment	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

¹¹⁴ FAJNOROVÁ, K., ŠTEVULOVÁ Z.: Právne postavenie a možnosti integrácie maloletých cudzincov bez sprievodu v SR. Analýza Právneho stavu a praxe. Gerthofer. 2009, pp. 74 and 75

¹¹⁵ <http://multikulti.sk/dok/subkultury/Vzdelavanie-deti-cudzincov.pdf> (consulted on 20/10/2014).

¹¹⁶ <http://www.multikulti.sk/dok/volby/Vzdelavanie-deti-cudzincov-Prklady-dobrej-praxe.pdf> (consulted on 20/10/2014).

<p>What is the minimum age a UAM can take up employment in the (Member) State?</p>	<p>Yes. In general, the minimum age for taking up employment is not less than 15 years. This applies, provided that the conditions under the Act on Asylum have been met by UAMs seeking asylum.</p> <p>Aliens under international protection can be employed after reaching the age of 15 years¹¹⁷.</p>	<p>No. The Act on Employment Services does not allow the UAM who has been granted tolerated stay as an UAM to be employed by employer under Art. 23a of the given act.</p>	<p>N.A.</p>
<p>Is access to employment for UAMs conditional upon obtaining legal (residence) status, a work permit, etc.?</p>	<p>No</p>	<p>N.A.</p>	<p>N.A.</p>
<p>Under what circumstances does a UAM receive a permit to work in the (Member) State once the minimum age is reached?</p>	<p>Under Art. 11(2) of the Labour Code: "The capacity of a natural person to have rights and obligations in labour relations as an employee and the capacity to acquire such rights and take on such obligations by his/her own legal actions arises, unless otherwise stipulated hereinafter, on the day the natural person reaches 15 years of age; however, an employer may not agree the date of taking up the employment by a natural person prior to the day of completion of compulsory fulltime schooling." If the UAM is asylum seeker, s/he can take up employment if no final decision was made with respect to his/her asylum application within one year from the lodging of the asylum application.</p>	<p>N.A.</p>	<p>N.A.</p>
<p>Is labour market access limited to a maximum number of days per year?</p>	<p>UAMs under 18 years of age may conclude three types of contracts:</p> <p>1. Contract for temporary jobs for students (max. 20 hours per week);</p>	<p>N.A.</p>	<p>N.A.</p>

¹¹⁷ Art. 23a(1)(i) and (j) of Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts.

	2. Contract on work activities (max. 10 hours per week); or 3. Work performance contract (max. 350 hours per employer in a calendar year)		
Can UAMs take up paid employment / household tasks for pocket money from the accommodation facilities where they are residing?	No gainful activities can be taken up by UAMs (and other applicants for international protection) in asylum facilities. They can, however, participate in the maintenance and improvement of the facility, and the head of the facility can propose increasing their pocket money for engagement in such activities.	Until reaching majority, UAMs do not take up employment, and do not have any income, except for pocket money. Their involvement in common activities (food preparation, cleaning, taking care for their environment) in the foster home does not have a gainful nature and does not influence the amount of pocket money. Since foster homes have transformed to a family type of homes where the group organisation resembles family, children are engaged in the activities of this group as if they were family.	N.A.
What other forms of support are available to UAMs once working age is reached if they are unable to find employment?		UAMs under 18 years prepare for their future profession and do not take up employment.	N.A.

Q32. Which organisations (governmental and non-governmental) are responsible for providing employment access support to UAMs (if different from above)?

In 2009–13, employment access support to UAMs was provided by non-governmental organisations providing social counselling to UAMs.

The provision of social counselling in asylum facilities includes, *inter alia*, the mediation of information about real life, making clients' expectations and opportunities in Slovakia more realistic.

Q33. What is the overall assessment of the standard of employment access support provided to UAMs in your (Member) State (as cited in existing evaluation reports / studies / other sources or based on publicly available information received from competent authorities)? Please provide references to these sources of information.

Do you foresee an evolution of the national legislation and / or the practice in light of the recast Reception Conditions Directive (2013/33/EU)?

No report has so far been published in the Slovak Republic on UAMs' access to employment.

Section 3.7: Other integration measures

Q34. Does your (Member) State have any other integration measures in place supporting UAMs? If yes, please provide further information below.

At the beginning of 2014, Slovak Republic approved the Integration Policy of the SR the integration measures of which aim to raise Slovak citizens' awareness about the legal status of aliens with long-term and legal residence in the Slovak territory in line with the Common Basic Principles for Immigrant Integration Policy in the EU.¹¹⁸ One of the chapters of this document deals with unaccompanied minors and their integration. The proposal for specific actions, as specified in the Integration Policy, is based on international treaties and EU strategic documents in order to ensure that the integration measures take into account the language barrier, cultural differences and specific needs of unaccompanied minors, and last but not least, always the principle of the child's best interest. The Integration Policy defined the following actions related to unaccompanied minors¹¹⁹:

1. To prepare a methodological guideline on the application of the principle of the child's best interest in all procedures, measures and decisions adopted with respect to unaccompanied minors;
2. To identify the causes of absconding/disappearances of unaccompanied minors and to adopt preventative measures;
3. To simplify the process and to ensure access to the placement of persons granted asylum and persons under subsidiary protection in social care homes;
4. To prepare and include in the offer of continuous education programmes for teachers a programme of Slovak language and foreign language teaching.¹²⁰

These integration measures will be elaborated by relevant entities in the form of action plans.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A.

Section 3.8: Withdrawal of reception and integration support

Q35. Under what circumstance can any of the above reception and integration support provisions be withdrawn from UAMs?

The SR does not withdraw UAMs access to the above reception and integration support provisions (accommodation, material assistance, healthcare, access to education, legal support and employment). According to the MO, no action can be taken with regard to UAMs seeking international protection that could result in withdrawal of any integration support provisions; this means that such persons are granted all reception and integration support provisions. In the event of a failure to ensure such provisions (accommodation, material assistance, healthcare), the UAM may claim corrective action through his/her guardian. The guardian's duty is to act in the child's best interest, as a result of which it is his/her obligation to settle this problem together with the social worker of the asylum facility.

	Circumstances for withdrawal of reception / integration support		
Type of support (please list)	UAMs seeking asylum or have been granted international protection	UAMs not seeking asylum, including those who entered irregularly and / or child victims of trafficking	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the

¹¹⁸ The Integration Policy of the SR was prepared in the framework of the national project implemented by the MoLSAF SR under the title Preparation of a new integration policy and its mainstreaming, supported from the EIF funds. The Integration Policy of the SR was approved by Government Resolution No. 45 of 29 January 2014. Available at <http://www.employment.gov.sk/sk/ministerstvo/integracia-cudzincov/> (consulted on 25/09/2014).

¹¹⁹ Ibidem.

¹²⁰ This action forms part of the Integration Policy chapters concerning education.

			child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
	N.A.	N.A.	N.A.

Q36. Are there any complaint mechanisms available to UAMs in case of withdrawal of reception and integration support? If yes, please specify below.

N.A.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Section 3.9 Identified challenges and good practices

Q37. Please indicate any **challenges** associated with the reception, care and integration of UAMs in your (Member) State (based on existing studies/ evaluations or information received from competent authorities) and how these can be overcome.

The challenge for the future is to keep the set standards of support and, possibly, to improve access to reception and integration measures by UAMs. According to the COLSAF and the MoLSAF SR, another challenge for the future is to improve the cooperation between the different entities involved in the provision of support to UAMs and to make it more effective¹²¹, and, since 2015, to unify the provision of care for UAMs within a single type of facility – foster home – irrespective of the child's status¹²². Last but not least, it will be necessary to take measures to prevent the disappearance of children and to ensure their subsequent protection.¹²³

Section 4: UAMs that go missing / abscond from reception / care facilities

Q38. Have evaluations or studies on the number/ rate / country of origin of UAMs who go missing or abscond from guardianship/ reception/ care facilities been undertaken in your (Member) State? Please provide details and references below.

The issue of UAMs who go missing has not yet been analysed in detail in Slovakia. However, two researches are currently being conducted in this area. One of the researches undertaken by the Institute for Labour and Family Research is in the project preparation phase. The other one entitled "Disappearing Children" has been conducted by the Human Rights League civic association since September 1, 2013. The project is supported by the Open Society Foundation. The aim of this project is to improve the legal protection of separated children placed in foster homes, reduce the number of separated children in foster homes, and to increase the number of separated children whose life situation would be solved by one of the available legal forms (residence, family reunification, application for international protection, voluntary return). The project outcome will be a position paper to be

¹²¹ Information provided by the Central Office of Labour, Social Affairs and Family.

¹²² Information provided by the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

¹²³ Information provided by the Central Office of Labour, Social Affairs and Family and the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

addressed to actors dealing with unaccompanied minors.

Q39. What are the possible reasons for the disappearance of UAMs, including absconding from guardianship/ reception / care facilities (as cited in existing evaluations/ studies/ other sources or based on publicly available information received from competent authorities)?

As noted above, Slovakia does not dispose for the moment of any studies or assessments concerning disappearance of UAMs. The MoLSAF SR is specifically dealing with this issue, and has therefore included the task related to the absconding of children from foster homes in the National Action Plan for children in cooperation with the Institute for Research of Labour and Family. Until the output from these projects (projects of the Institute for Research of Labour and Family and of The Human Rights League) are available, it is not possible to analyse the possible reasons of absconding of UAMs from facilities for the implementation of court decisions (foster homes).

Q40. What is the socio-demographic profile of UAMs that go missing / abscond from reception / care facilities (e.g. asylum seekers or non-asylum seekers, nationality, appointed with a guardian or not, etc.)?

The socio-demographic profile of UAMs that went missing from facilities for the implementation of court decisions (foster homes) or from the asylum facilities of the Migration Office is not available.

Q41. When are UAMs most likely to disappear from guardianship/ reception/ care facilities (e.g. within first few days of arrival, during weekends, before / after age assessment procedures, etc.)? Please provide evidence cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities.

During the period 2009–13, offices of labour, social affairs and family recorded 522 UAMs in total who were not subject to asylum procedures and absconded from the foster home. According to the information provided by the Foster Home for UAMs in Horné Orechové and the Foster Home Lastovička in Trenčín, UAMs escaped after 6-10 days in average; the longest stay of a child was three months and the shortest one 5 days. As for the Foster Home for UAMs in Mezdilaborce, UAMs stayed there during 24 days in average; the longest stay of a child was 76 days, and the shortest one took three days.¹²⁴

During the reference period 2009–13, the total number of asylum seeking UAMs that absconded reached 14 (see Table 1.6 in the Annex).

Q42. Please provide any other evidence that may be available of the impact of guardianship/ reception/ care facilities on the proportion of missing or absconding UAMs.

This issue has not been analysed yet in any available studies and reports. It can be stated, however, that UAMs are, in general, constitute a very vulnerable group of aliens, especially for their young age, immaturity, as well as cultural differences, due to which it is necessary to early and properly know the situation of the minor, taking into account his/her age, and the possible threats arising from their further migration. Early implementation of measures under the social and legal protection of children and social guardianship, such as appointment of a guardian, can have an impact on the UAM's decision to stay or not in the foster home and within the Slovak territory.

Q43. What measures has your (Member) State developed to a) prevent or to b) react to disappearances of UAMs (e.g. existence and use of support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, NGO networks such as Missing Children Europe and their member organisations, taking fingerprints and photographs of UAMs as an aid for tracing, etc.)? Is there any evidence to suggest how effective these measures have been in practice (e.g. cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities)?

¹²⁴ Information provided by the Central Office of Labour, Social Affairs and Family.

No measures have been taken by the Slovak Republic to prevent the disappearance of UAMs or respond to their disappearance, such as the use of support services, national helpline for disappeared children, missing persons alerts in the Schengen Information System, NGO networks seeking missing children, etc. Fingerprints (from 10 years of age), photos and personal data on UAMs who are illegally staying in the SR or have illegally crossed the state border or applied for asylum are recorded in the Migration and International Protection information system which is a common system of the Migration Office of the MoI SR and of the Bureau of the Border and Aliens Office of the Police Force Presidium. This information system also records the absconding of UAMs from facilities for minors (in which they are accommodated).¹²⁵

Q44. What are the procedures and practices of your (Member) State to a) report and b) deal with disappearances of UAMs (e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.)?

After the UAM disappears from a foster home, the foster home staff members report the disappearance of the UAM to the respective local department of the Police Force, SLPC&SG authority and a court which decided about the placement of an UAM into to the FH¹²⁶. These departments carry out local search. If the search is not successful it is reported to the respective district directorate of the Police Force. The procedure for the search for persons is specified in the Order of the Minister of Interior of the Slovak Republic No. 53/2007 on the Procedure of Search for Persons and Items. The Criminal Police Service of the Police Force Presidium is responsible for the organisation, performance, coordination and search. The system into which the searched persons are recorded is called PATROS. According to the Criminal Police Service of the Police Force, UAMs are mostly not recorded in this system or in any other systems.¹²⁷

Q45. How is the registration of disappearances of UAMs organised in your (Member) State (e.g. by child, by incident, etc.)?

The records on disappeared UAMs are kept by the respective foster homes and respective office of labour, social affairs and family which was appointed as a guardian.

*Q46. Please indicate any **challenges** associated with UAMs who go missing or abscond from guardianship/ reception/ care facilities in your (Member) State (based on existing studies/ evaluations or publically available information received from competent authorities) and how these can be overcome.*

The challenges and recommendations arising from studies, researches or reports on the disappearance of minors (project of the Human Rights League titled "Disappearing Children") will be presented on October 29, 2014. The research project of the Institute for Research on Labour and Family is currently in the process of project preparation. No other challenges or good practices are known.

*Q47. Please provide any examples of proven (e.g. through evaluation reports / studies) **good practices** regarding UAMs who go missing or abscond from guardianship/ reception/ care facilities in your (Member) State. Please specify the source (as cited in existing evaluations/ studies/ other sources or based on publically available information received from competent authorities).*

No study or evaluation report has so far been published in Slovakia identifying good practices regarding UAMs who go missing.

¹²⁵ Information provided by the Bureau of the Border and Aliens of the Police Force Presidium.

¹²⁶ Information provided by the COLSAF.

¹²⁷ Information from the Human Rights League obtained under the project „Disappearing children“ funded by the Open Society Foundation.

Section 5: Arrangements in the (Member) States for UAMs when turning 18 years of age

This section examines the arrangements for former UAMs, both those seeking asylum and those not seeking asylum, once they reach the age of 18 years.

Q48. Please describe the situation in your Member State for former UAMs once they reach the age of 18 years:

	Please describe the situation in your Member State for former UAMs once they reach the age of 18 years	
Arrangements for former UAMs	UAMs seeking asylum or who have been granted international protection	UAMs not seeking asylum including those who entered irregularly and / or child victims of trafficking
What residence permit provisions are in place for the UAM turning 18 years of age in your (Member) State? What are the consequences for the rights and obligations of the former UAM in accordance with these residence provisions?	<p>An UAM who has entered the asylum procedure, once s/he reached the age of 18 years, may stay in the Slovak territory under Art. 22, par. 1 of the Act on Asylum pursuant to which "the applicant has the right to stay in the territory of the Slovak Republic until a decision on his/her asylum application is issued".</p> <p>Once a UAM who has been granted asylum reaches the age of 18 years, this shall not have any impact on his/her legal status. By being granted asylum, the UAM is entitled to permanent residence, which would not change by reaching the age of 18 years.</p>	<p>The police department shall cancel tolerated stay to an UAM who has reached the age of 18 years and is not seeking asylum, if the reason for which it was granted has expired.¹²⁸</p> <p>If the UAM is a secondary school pupil, language school attendant, student of a higher education institution, or attends language or vocational training in order to study at a higher education institution organised by a higher education institution in the Slovak Republic, the UAM may apply for the temporary residence permit for the purpose of study prior to reaching the age of 18 years at the police department through his/her guardian or legal representative.</p> <p>Until a decision is taken, the UAM has the right to stay in the Slovak territory.¹²⁹</p>
Are there any exceptions to the residence provisions that are in place for UAMs who are turning 18 years of age? If not, what are the implications of these provisions for the reception arrangements and integration measures that have supported the UAM up to that stage?	<p>An UAM who has entered the asylum procedure, once s/he reached the age of 18 years, may stay in the Slovak territory under Art. 22, par. 1 of the Act on Asylum pursuant to which "the applicant has the right to stay in the territory of the Slovak Republic until a decision on his/her asylum application is issued".</p> <p>Once a UAM who has been granted asylum reaches the age of 18 years, this shall not have any impact on his/her legal status. By being granted asylum, the UAM</p>	<p>The legal provision contains one exception referring to a former UAM who is not seeking asylum. Under the Act on Residence of Aliens¹³⁰, the police department may grant residence for an indefinite period of time, without the need to meet any other legal conditions¹³¹ to a full-aged person who was granted tolerated stay under Art. 58, par. 2, letter a) for a minimum of three years while s/he studied at school within the territory of the Slovak Republic.¹³²</p>

¹²⁸ See Art. 51(1)(a) of the Act on Residence of Aliens.

¹²⁹ Art. 31(8) the Act on Residence of Aliens.

¹³⁰ Art. 46(2)(e) of the Act on Residence of Aliens.

¹³¹ For example, the alien is not required to prove the financial coverage of his/her residence and accommodation.

¹³² See Art. 46(2)(e) of the Act on Residence of Aliens.

	is entitled to permanent residence, which would not change by reaching the age of 18 years.	
What measures are in place to support the UAM in advance of the transition (e.g. integration support, return support)?	<p>The Slovak Republic does not have any specific measures in place to prepare UAMs seeking asylum for the transition to adulthood, except, for example, assistance through integration projects implemented by NGOs which include the provision of social (provision of information on real life after leaving the foster home and making the client's expectations and opportunities in Slovakia realistic) and psychological counselling.</p> <p>During stay in asylum facilities, emphasis is placed on education – Slovak language teaching, educational activities also outside the asylum facilities (e.g. in the spare time centre), or attendance of different training courses. Support is provided to the enhancement of skills and talent by means of artetherapy within the possibilities that the facility dispose of. Emphasis is also placed on the mastering of elementary skills – washing, ironing, cooking, etc.</p> <p>Social workers also monitor the UAMs' basic needs – clothing, sanitary products, etc.</p> <p>Plans for becoming independent are prepared for UAMs who were granted international protection and are placed in foster homes.</p>	<p>The preparation for the transition to adulthood is made in the form of a Plan of Preparation for Becoming Independent as part of the Individual Plan of Development of the Child's Personality. Such plans are prepared for all children placed in foster homes, including UAMs. This plan, corresponding to the needs, interests and possibilities of the child, is prepared by the foster home in cooperation with the UAM one year before reaching majority at the latest.</p>
What measures are in place to support the former UAM after the transition (e.g. formal follow up or after-care service, open door policy at residential homes, personal adviser, pathway plan, etc.)?	<p>The Slovak Republic does not have any specific measures in place to support former UAMs seeking asylum for the transition to adulthood. The information provided above can apply to certain cases.</p>	<p>The preparation for the transition to adulthood is made in the form of a Plan of Preparation for Becoming Independent as part of the Individual Plan of Development of the Child's Personality. Such plans are prepared for all children placed in foster homes, including UAMs. This plan, corresponding to the needs, interests and possibilities of the child, is prepared by the foster home in cooperation with the UAM one year before reaching majority at the latest.</p>
What are the implications of the change in residence status for	<p>A former UAM seeking asylum may continue studying after reaching the age</p>	<p>As noted above, a UAM may lodge through his/her guardian or legal</p>

the access to education and/ or training of the former UAM?	of 18 years.	representative an application for temporary residence for the purpose of study. However UAMs are required to meet the legal requirement for proving the financial coverage of their residence which must be at least in the amount of the subsistence minimum per each month of residence, i.e. EUR 198.09.
What are the implications of the change in residence status for the access to employment of the former UAM?	A former UAM seeking asylum may take up employment during the asylum procedure if his/her decision was not decided within one year from the lodging of the application.	An UAM who has reached the age of 18 years does not have the legal possibility to lodge an application for temporary residence for the purpose of employment in the territory of the Slovak Republic. If s/he is willing to work in the territory of the SR, s/he would have to leave the Slovak territory and file the application at the diplomatic mission of the Slovak Republic in his/her country of origin/usual residence.

Q49. Please describe the monitoring mechanisms in place to ensure the effective transition of unaccompanied minors from the age of minority to 18 years of age, including the types of measure undertaken and the duration of the monitoring period, where the situation in the Member State has changed since 2009, or where the (Member) State did not take part in the 2009 Study.

Slovakia does not have any mechanisms in place to ensure the effective transition of UAMs to adulthood. During the reference period 2009–13, majority was reached by 18 UAMs, all of them being males (see Table 6.1.3 in the Annex).

Q50. Please indicate any **challenges** associated with the transition to 18 years of age experienced by unaccompanied minors in your (Member) State (based on existing studies / evaluations or information received from competent authorities) and how these can be overcome.

One of the issues has so far been the need to switch to an asylum facility after reaching the age of 18 years, which will be eliminated by unifying the provision of care for UAMs.¹³³ Another important challenge is to improve the conditions of UAMs' integration in society by ensuring appropriate accommodation, increasing their chances on the labour market, and financial security.¹³⁴

Q51. Please provide any examples of proven (e.g. through evaluation reports / studies) **good practices** regarding the transition to 18 years of age of UAMs in your (Member) State. Please specify the source (e.g. cited in existing evaluations/ studies / other sources or based on publically available information received from competent authorities).

The SR does not have any examples of good practices identified regarding the transition of former UAMs to adulthood.

¹³³ Information provided by the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

¹³⁴ Information provided by the Central Office of Labour, Social Affairs and Family.

Section 6: Return practices, including reintegration of UAMs

This section of the Synthesis Report will provide an overview of (Member) States' Return policies with regard to unaccompanied minors. (Member) States are also requested to provide information on the procedures that apply when an unaccompanied minor claims to be a minor and once minority is either confirmed or disproved.

Q52. Can an unaccompanied minor be returned (through voluntary or forced return) to the country of origin if s/he does not fulfil the entry requirements set out in Section 2?

Categories of unaccompanied minors that may be returned to the country of origin	Please provide more information about the circumstances under which unaccompanied minors may be returned <u>voluntarily</u> to the country of origin a) in <u>national legislation</u> / policy and b) in <u>practice</u> , with a particular focus on developments since 2009.	Please provide more information about the circumstances under which unaccompanied minors may be the subject of a <u>forced return</u> to the country of origin / Dublin country / transit country a) in <u>national legislation</u> / policy and b) in <u>practice</u> , with a particular focus on developments since 2009.	Please state if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.
Non-asylum seeking unaccompanied minor arriving at a land / sea border or airport	UAMs can be voluntarily returned to their country of origin or to the country of their usual residence through the IOM Assisted Voluntary Return and Reintegration Programme (hereinafter referred as the "AVRR"). Since 2009, no changes occurred regarding voluntary returns of UAMs to their country of origin/usual residence.	UAMs may not be administratively returned to their country of origin or to any other country.	N.A.
Non-asylum seeking unaccompanied minor apprehended in the territory of the (Member) State	UAMs can be voluntarily returned to their country of origin or to the country of their usual residence through the IOM AVRR Programme. Since 2009, no changes occurred regarding voluntary returns of UAMs to their country of origin/usual residence.	UAMs may not be administratively returned to their country of origin or to any other country.	N.A.
Asylum seeking unaccompanied minor arriving at a land / sea border or airport	UAMs can be voluntarily returned to their country of origin or to the country of their usual residence through the IOM AVRR Programme. Since 2009, no changes occurred regarding voluntary returns of UAMs to their country of origin/usual residence.	UAMs may not be administratively returned to their country of origin or to any other country.	N.A.
Asylum seeking unaccompanied minor apprehended in the territory of	UAMs can be voluntarily returned to their country of origin or to the country of their usual residence through the IOM AVRR Programme. Since 2009, no changes occurred	UAMs may not be administratively returned to their country of origin or to any other country.	N.A.

the (Member) State	regarding voluntary returns of UAMs to their country of origin/usual residence.		
Asylum seeking unaccompanied minor arriving at an internal authority (e.g. police, child protection service, etc.)	UAMs can be voluntarily returned to their country of origin or to the country of their usual residence through the IOM AVRR Programme. Since 2009, no changes occurred regarding voluntary returns of UAMs to their country of origin/usual residence.	UAMs may not be administratively returned to their country of origin or to any other country.	N.A.
Other (please state)	-	-	-

Q53a. Can unaccompanied minors be detained whilst awaiting return?

No, according to the Slovak legislation, UAMs cannot be detained. During the reference period, certain cases occurred where the detained persons claimed to be minor, but the medical examination proved that they were 18 years old and older.

Q53b. If yes, please provide more information about the circumstances under which unaccompanied minors may be detained whilst awaiting return, and the legal basis for such detention.

See answer to Q53a.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Q54. Are there any alternatives to detention in place in the (Member) State for unaccompanied minors awaiting return? If yes, please provide more information in this regard.

N/A.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

Q55a. Does the (Member) State provide reintegration support to unaccompanied minors returning to their country of origin under return procedures? Please consider both voluntary and forced return in your answer.

Yes.

Q55b. If yes, please describe the reintegration measures in place to support unaccompanied minors before, during and after their return under return procedures.

The return of UAMs to their country of origin is governed by special internal guidelines and rules of the IOM, and is organised in compliance with international documents on the protection of the rights of the child which apply the principle of the best interest and safety of minors. It is therefore always important to check the conditions of the minor's family in the country of origin.

During the minor's stay in SR, the IOM mission contacts the minor through his/her guardian and interpreter with the aim to obtain information on the minor's situation. Both involved missions, i.e. the IOM mission in Slovakia and the IOM mission in the country of origin, must have a written consent from the child's parents and from the child to the request for voluntary return. Also, a written report must be drawn stating that the conditions in the child's family have been examined.

The execution of the return is subject to the minor's personal consent and his/her declaration about his/her willingness to return home. It is also necessary to have the minor's travel document which assumes successful identification of the child, including age determination. The travel document is usually issued by the diplomatic mission of the minor's country of origin.

The transfer of the minor is carried out with the IOM assistance, and upon the hand over of the minor a protocol is signed between the two IOM missions at the airport. This protocol is subsequently delivered to the relevant institutions which ensured the minor's stay in Slovakia.

In principle, unaccompanied minors are included in the vulnerable migrant category within the AVRR programme, and are also entitled to reintegration assistance. The assessment of vulnerability of the AVRR clients in the context of their voluntary return and reintegration is performed by the IOM Bratislava. Such assessment is carried out during return and reintegration counselling, and is undertaken by the operative or reintegration staff. If needed, vulnerable migrants, including UAMs, are referred to specialists who would assess in detail the migrants' specific needs. Their reintegration is then individually adapted to these needs. Vulnerable migrants are entitled to an increased reintegration grant. The provision of the reintegration grant and its amount is decided by the selection committee of the IOM Bratislava. The committee takes into account the information provided to migrants, information from the IOM mission in the sending country and in the country of origin, as well as information from specialists.

During the reference period 2009–13, the IOM Bratislava did not execute any assisted voluntary return of UAMs, and did not provide any reintegration assistance the recipient of which would be an unaccompanied minor (see Table 5.3 in the Annex).

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A.

Q55c. Please describe the monitoring mechanisms in place to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

In general, recipients of reintegration assistance under the AVRR programme are monitored after three months following the last payment made under the reintegration programme implementation.

NB: Please also highlight if the process is different for those cases when the minor's age is doubtful (for instance, when the child has no documents) and the age assessment procedure has not been undertaken yet to determine the age of the minor.

N/A.

[Section 7: Overview of the International and EU Legislative Framework](#)

This section of the Synthesis Report will briefly outline the EU legal framework guiding national legislation in relation to unaccompanied minors. It will provide a mapping of the substantive and procedural provisions in the EU acquis that regulate the protection of UAMs. The section will also highlight how the EU acquis relates to the broader international legal framework on UAMs.

This section will be developed by the EMN Service Provider and no input from the EMN NCPs is required.

[Section 8: Conclusions](#)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level. Member States should include any overall conclusions in the Topline Factsheet at the beginning of the Common Template rather than duplicate information in this Section.

List of Abbreviations

AVRR - Assisted Voluntary Return and Reintegration Programme
FH – foster home/foster homes
FH UAMs – foster home for unaccompanied minors
EU – European Union
EMN – European Migration Network
IOM – International Organization for Migration
UAM/UAMs – unaccompanied minor/ unaccompanied minors
MoLSAF SR – Ministry of Labour, Social Affairs and Family of the Slovak Republic
MO MoI SR/Migration Office – Migration Office of the Ministry of Interior of the SR
MoI SR – Ministry of Interior of the Slovak Republic
NGO(s) - Non-governmental organization(s)
SLPC & SG – social and legal protection of children and social guardianship
SR – Slovak Republic
BBAP PFP – Bureau of Border and Aliens Police of the Police Force Presidium
COLSAF – Central Office of Labour, Social Affairs and Family
Coll. – Collection of Laws

Terms and Definitions

The main terms used in this focussed study correspond to the study specifications. The definitions are primarily based on the Slovak legislation.¹³⁵ The terms not defined in the Slovak legislation are based either on the EMN glossary¹³⁶ or on the study specifications,¹³⁷ or are defined by the author of the study.

*Third-country national*¹³⁸ – means everybody who is neither the citizen of the Slovak Republic nor the citizen of any of the European Union Member States¹³⁹, or other contracting state of the EEA or the Swiss Federation; a third-country national is also understood as a person without any citizenship.

*Alien*¹⁴⁰ means everybody who is not the state citizen of the SR.

*Country of origin*¹⁴¹ – the country or the countries whose nationality the alien has, or the country of the last domicile in the case of stateless persons.

*Reception centre*¹⁴² means facility of the MoI SR which serves for the performance of health checks and for temporary stay of applicants before their placement in an accommodation centre; applicants for asylum are

¹³⁵ The specific regulation is indicated in the footnote.

¹³⁶ Source: EMN Asylum and Migration Glossary 2.0 [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf] (consulted on 25/09/2014).

¹³⁷ Source: Common Template for the EMN Focussed Study 2014 on "Policies, practices and data on unaccompanied minors in 2014". Version of 04 June 2014.

¹³⁸ Act No. 404/2011 Col. on Residence of Aliens and on Changes and Amendments to Some Acts (hereinafter referred to as the "Act on Residence of Aliens").

¹³⁹ Pursuant to the Act on Residence of Aliens, a MS means EU MS except for the SR, or other contractual state of the EEA Agreement, and the Swiss Confederation.

¹⁴⁰ Act No. 404/2011 Col. on Residence of Aliens and on Changes and Amendments to Some Acts (hereinafter referred to as the "Act on Residence of Aliens").

¹⁴¹ Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended (hereinafter referred to as the "Act on Asylum").

¹⁴² Art. 1 to Annex 1 (internal order of the reception centre) to the Instruction of the Director of the Migration Office of the Ministry of Interior of the Slovak Republic on issuing the internal order of the reception centre and internal order of the accommodation centre of the Migration Office of the Ministry of Interior of the Slovak Republic.

provided with free of charge housing, boarding, basic health care and pocket money; after the end of the quarantine, the applicant for asylum is accommodated in an accommodation centre until the asylum procedure is terminated (see below).

*Accommodation centre*¹⁴³ is a facility of the MoI SR which secures complex care for applicants for asylum until complete termination of the asylum procedure.

*Unaccompanied minor*¹⁴⁴ – is not a national of the Slovak Republic and is found in the territory of the Slovak Republic unaccompanied by his/her parent or other adult natural person to the personal care of whom the child could be entrusted.

*International protection*¹⁴⁵ means the granting of asylum or subsidiary protection.

*Subsidiary protection*¹⁴⁶ means protection against serious harm in the country of origin.¹⁴⁷

*Person granted asylum*¹⁴⁸ means an alien who has been granted asylum by the MO MoI SR.

*Applicant/applicant for asylum/asylum seeker*¹⁴⁹ means an alien who declares at the competent police department¹⁵⁰ that he/she requests asylum or the granting of subsidiary protection in the territory of the Slovak Republic.

*Application for asylum*¹⁵¹ means any statement by an alien from which his/her intention to apply for asylum is obvious (or for the granting of subsidiary protection), made at the competent police department. Such statement means the start of the asylum procedure.

*Vulnerable persons*¹⁵² is especially a minor, a disabled person, a victim of trafficking in human beings, a person older than 65 years, a pregnant woman, a single parent with an underage child and a person subjected to torture, rape or other serious forms of psychical, physical or sexual violence; in justified cases even a person younger than 65 years may be considered to be an “older person”.

*Forced return*¹⁵³ – the compulsory return of an individual to the country of origin, transit or third country (i.e. country of return) on the basis of an administrative or judicial decision.

*Assisted voluntary return*¹⁵⁴ – the return of a third-country national into his/her country of origin, last place of residence or any third country into which the third-country national decided to return and which accepts him/her; and which is provided by the International Organization for Migration or other non-governmental organisation on the basis of an agreement with the Government of the Slovak Republic. In the context of this study, voluntary returns mean assisted voluntary returns.

*Offences concerning trafficking in human beings*¹⁵⁵ – the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or

¹⁴³ Art. 1 of Annex 2 (Internal Order of the Accommodation Centre) to the Instructin of the Director of the Migration Office of the Ministry of Interior of the Slovak Republic on issuing the internal order of the reception centre and the internal order of the accommodation centre of the Migration Office of the Ministry of Interior of the Slovak Republic.

¹⁴⁴ Source: Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship and on changes and amendments to some acts.

¹⁴⁵ Ibidem.

¹⁴⁶ Ibidem.

¹⁴⁷ According to the Act on Asylum, serious harm means imposition of a death penalty or its execution, torture or inhuman or degrading treatment or punishment, or serious and individual threat to life or inviolability of person by reason of arbitrary violence in situations of international or internal armed conflict.

¹⁴⁸ Ibidem.

¹⁴⁹ Ibidem.

¹⁵⁰ According to the Act on Asylum, the competent police department can be, for example, the police department at the border crossing point, or PD at a reception facility, a PD in the transit area of an international airport, or a PD in a facility for aliens.

¹⁵¹ Act on Asylum.

¹⁵² Source: Art. 17 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (Reception Conditions Directive), and EMN Asylum and Migration Glossary. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:SK:HTML>
http://www.emn.sk/phocadownload/glossary/emn_glossary_v-jan2012.pdf (consulted on 22/07/2013).

¹⁵³ EMN Asylum and Migration Glossary 2.0

¹⁵⁴ Art. 2 par. 1, letter a) of the Act on Residence of Aliens.

¹⁵⁵ Art. 2 par. 1 Directive 2011/36/EU Of The European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. This criminal offence is defined in the national legislation in Art. 179 par. 1 and 2 of the Act No. 300/2005 Coll. Criminal Code as amended.

use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

*Administrative expulsion*¹⁵⁶ – Administrative expulsion is a decision of the police department that an alien does not have or has lost his/her entitlement to reside in the Slovak Republic territory and is obliged to leave the territory of the Slovak Republic with the option of determining the time by when s/he has to depart back to his/her country of origin, country of transit, or any third country, which the third-country national voluntarily decides to return to and which would accept him/her or to the territory of a member state in which s/he has been granted the right of residence or international protection.

*Tolerated stay*¹⁵⁷ – is a special type of residence in the territory of the SR granted by the police department to third-country nationals in situations envisaged by legislation (Art. 58 of the Act on Residence of Aliens), including unaccompanied minors.

*Detention*¹⁵⁸ – restriction on freedom of movement through confinement that is ordered by an administrative or judicial authority(ies) in order that another procedure may be implemented.

*Absconding*¹⁵⁹ – action by which the person seeks to avoid legal proceedings by not appearing in court at a specified time. In the context of this study, absconding also means unreported departure from the facility in which the minor is accommodated.

*Age assessment*¹⁶⁰ – refers to any formal or systematic procedures used to assess the chronological age (or the claim to be a minor if age assessment does not result in the determination of a specific age) of an individual claiming to be a minor, when the relevant authorities find that there is reason to doubt the correctness of that claim or of the stated date of birth (or age) given. These procedures may involve both medical and socio-psychological examinations or evaluations. In the context of this study, we use the term age determination, as used in the Act on Residence of Aliens.

*Durable solutions*¹⁶¹ – refers to the voluntary repatriation, local integration, or resettlement to a third country in situations where it is impossible for a person to go back home or remain in the host country. In the context of unaccompanied minors, a durable solution assessment is undertaken to determine not only if a child should return to their country of origin, but also whether it is in the best interest of the child to apply for international protection, trafficking protection or to make an application to stay in the country of arrival on immigration or human rights and children's rights grounds. This process must include a determination of the child's best interest in line with international and EU legislation (UN CRC, UNCRC Comment No. 6 and Directives within the context of the European asylum *acquis*). (Source: Adapted on the basis of the UNHCR definition and the Durable Solutions for Separated Children in Europe project).

*Residence permit*¹⁶² – any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation 265/2010 (Long Stay Visa Regulation).

*Foster home*¹⁶³ – an environment created and organised for the implementation of court decisions ordering institutional care, interim measures and imposing educational measures. The foster home temporarily replaces the child's natural family environment or substitute family environment.

¹⁵⁶ Art. 77, par. 1 of Act on Residence of Aliens.

¹⁵⁷ Term defined for the purposes of this study.

¹⁵⁸ Source: EMN Asylum and Migration Glossary 2.0 [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf] (consulted on 17/04/2014).

¹⁵⁹ Term defined in the study specifications.

¹⁶⁰ Term defined in the study specifications.

¹⁶¹ Term defined in the study specifications.

¹⁶² Zdroj: EMN Asylum and Migration Glossary 2.0 [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf] (consulted 05/09/2014).).

¹⁶³ Zdroj: [http://www.upsvar.sk/socialne-veci-a-rodina/socialno-pravna-ochrana-deti/nahradna-starostlivost/ustavna-starostlivost.html?page_id=1211] (consulted 05/09/2014).

Annex 1 ¹⁶⁴

Table 1: Statistics on asylum applications from unaccompanied minors in the (Member) State (2009-2013)

Please provide the cumulative figures per calendar year (i.e. the number of unaccompanied minors recorded against each criteria during each calendar year). To ensure comparability of data, please provide statistics on UAMs considered by the national authorities to be UAMs. Where available / appropriate, please provide statistics on UAMs who claim to be minors but whose age is doubtful and the age assessment procedure has not yet been undertaken to determine the age of the minor.

1. Statistics on numbers of asylum applications submitted by third-country nationals unaccompanied minors	2009	2010	2011	2012	2013	Source / further information
1.1 Total Number of Asylum Applications submitted by unaccompanied minors in the Slovak Republic in each reference period	28	7	13	4	5	MO MoI SR /www.minv.sk (data for 2009)

1.2 Total number of Asylum Applications submitted by unaccompanied minors in the (Member) State in each reference period, disaggregated by their country of nationality, where available:	2009	2010	2011	2012	2013	National authorities/ Eurostat
Afghanistan	5	2	8	3	4	MO MoI SR
Bangladesh	1	1				MO MoI SR
Montenegro	1					MO MoI SR
Georgia	1					MO MoI SR
India	1					MO MoI SR
Iraq		1				MO MoI SR
Iran	1					MO MoI SR

¹⁶⁴ Data provided by MoLSAF SR and COLSAF in this Annex are based on administrative sources of data entitled "Annual statistical survey on execution of SLPC&SG measures" and "Annual statistical survey on providing care and education to children placed in FH and children placed in FH for UAMs (V (MPSVR SR) 05-01)". Specific statistical data on UAMs (e.g. age, sex, country of origin, absconding etc.) are gathered by relevant SLPC&SG authority and by a FH in its files.

Moldova	15	1	3			MO MoI SR
Pakistan	1	1				MO MoI SR
Sierra Leone				1		MO MoI SR
Somalia			2		1	MO MoI SR
Serbia	1					MO MoI SR
Sri Lanka	1					MO MoI SR
Stateless persons		1				MO MoI SR
Total (must equal the total in 1.1)	28	7	13	4	5	MO MoI SR

1.3 Total number of <u>Asylum Applications</u> submitted by unaccompanied minors in the (Member) State in each reference period, disaggregated by their sex and age, where available:	2009		2010		2011		2012		2013		Source/ further information
	M	F	M	F	M	F	M	F	M	F	
Less than 14 years old	:	:							1		MO MoI SR
From 14 to 15 years old	:	:						1	1	1	MO MoI SR
From 16 to 17 years old	:	:	6	1	11	2	2	1	1	1	MO MoI SR
Unknown											
Total (should equal 1.1)			6	1	11	2	2	2	3	2	MO MoI SR

Notes:

: The data is not available.

1.4 Total <u>Asylum Decisions</u>	2009	2010	2011	2012	2013	Source/ further
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for unaccompanied minors, disaggregated by sex											information
	M	F	M	F	M	F	M	F	M	F	National authorities
1.4.1 Total number of <u>asylum decisions</u> for unaccompanied minors in the reference year (disaggregated by sex)	:	:	6	1	11	2	2	2	3	2	MO MoI SR
1.4.2 Total number of <u>positive asylum decisions</u> for unaccompanied minors in the reference year (disaggregated by sex)	:	:	2	1	5	2	1		2	1	MO MoI SR
1.4.2.1 Of the total positive asylum decisions provided above please provide the <u>status granted to the unaccompanied minor</u> :	:	:	2	1	5	2	1		2	1	MO MoI SR
a) Refugee status	:	:									
b) Subsidiary protection	:	:	2		5	2	1				MO MoI SR
c) Humanitarian reasons	:	:		1					2	1	MO MoI SR
d) Other	:	:									
Total (must equal 1.4.2.1)			2	1	5	2	1		2	1	MO MoI SR

Notes:

: The data is not available.

1.5 Total number of <u>residence permits granted to unaccompanied minors receiving positive asylum decisions</u>	2009		2010		2011		2012		2013		Source/ further information
	M	F	M	F	M	F	M	F	M	F	National authorities

Type of residence permit granted (in case of the Slovak Republic – permanent residence permit)	-	-	-	-	-	-	-	-	-	-	BBAP PFP*
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Notes:

- the data is not monitored.

*The BBAP PFP does not monitor separately data on UAMs with regard to residence permits granted on the basis of granted asylum. Only available are statistics on all residence permits granted on the basis of granted asylum.

1.6 Asylum seeking unaccompanied minors that abscond and/ or are reported as missing from the asylum system (including those then accounted for)	2009		2010		2011		2012		2013		Source/ further information
	M	F	M	F	M	F	M	F	M	F	National authorities
1.6.1 Total number of <u>Asylum seeking unaccompanied minors that abscond and/ or are reported as missing from the asylum system (e.g. before first interview/ decision, etc.)</u> , disaggregated by sex			3		6		1	2	1	1	MO MoI SR
1.6.2 Total number of <u>Asylum seeking unaccompanied minors that are found back (after being reported as missing)</u> ; if and when possible, please provide the country in which they are found (to capture the cross-border dimension of the phenomenon)	-	-	-	-	-	-	-	-	-	-	MO MoI SR*

Notes:

- This data has not been monitored.

*The MO MoI SR does not monitor this data.

Table 2: Statistics on unaccompanied minors NOT applying for asylum in the (Member) State (2009-2013)

Less than 14 years old	4	2	13	3	3	3	5	1	1	0	COLSAF *
From 14 to 15 years old	15	1	52	11	50	3	17	1	4	1	COLSAF *
From 16 to 17 years old	67	2	122	10	32	6	100	0	33	3	COLSAF *
Unknown											COLSAF *
Total (should equal 2.1)	76	5	187	24	85	12	122	2	38	4	COLSAF *

Note:

* Since the data on the age is not subject to Annual statistical survey on execution of SLPC&SG measures, it was obtained from the information provided by the FH Horné Orechové and FH Medzilaborce, as summarised by the COLSAF.

2.4 Total number of residence permits granted to unaccompanied minors not in the asylum system, disaggregated by sex	2009		2010		2011		2012		2013		Source / further information
	M	F	M	F	M	F	M	F	M	F	
Type of residence permit granted (in case of the Slovak Republic – tolerated stay)	3	2	0	0	0	0	1	1	2	2	BBAP PFP

2.5 Non-asylum seeking unaccompanied minors that abscond and/ or are reported as missing for at least x weeks from the care of public authorities (including those then accounted for)	2009		2010		2011		2012		2013		Source / further information
	M	F	M	F	M	F	M	F	M	F	
2.5.1 Total number of <u>non-asylum seeking unaccompanied minors that abscond and/ or are reported as missing</u> from the care of public authorities, disaggregated by sex and, if and when possible, the type of UAMs	69	0	178	21	93	0	116	4	37	4	COLSAF *

that 'goes missing', e.g. runaways, child victims of trafficking, etc.											
2.5.2 Total number of <u>non-asylum seeking unaccompanied minors that are found back (after being reported as missing)</u> ; if and when possible, please provide the country in which they are found (to capture the cross-border dimension of the phenomenon)	0	0	0	0	1/SK	0	0	0	1/BG	0	COLSAF*

Notes:

* Since the data is not subject to statistical surveys, it was obtained from the information provided by the FH Horné Orechové and FH Medzilaborce, as summarised by the COLSAF.

Table 3: Statistics on asylum and / or non-asylum seeking unaccompanied minors in the care of public authorities in the (Member) State (2009-2013)

Please provide the cumulative figures per calendar year (i.e. the number of unaccompanied minors recorded against each criteria during each calendar year). To ensure comparability of data, please provide statistics on UAMs considered by the national authorities to be UAMs. Where available / appropriate, please provide statistics on UAMs who claim to be minors but whose age is doubtful and the age assessment procedure has not yet been undertaken to determine the age of the minor.

Statistics on numbers of third-country national unaccompanied minors in the care of the public authorities	2009	2010	2011	2012	2013	Source / further information
3.1 Total Number of unaccompanied minors in the care of the public authorities in each reference period*	107	256	169	145	68	MoLSAF SR – V 12

Notes:

* The number of UAMs accommodated in FH.

3.2 Total Number of unaccompanied minors in the care of the public authorities in each reference period, disaggregated by their country of nationality, where available:	2009	2010	2011	2012	2013	Source / further information
Afghanistan	7	54	18	24	18	COLSAF **

Moldova	39	56	11	11	4	COLSAF **
Pakistan	9	3	1	2		COLSAF **
Somalia		96	63	57	15	COLSAF **
Other*	52	47	76	51	31	COLSAF **
Total (must equal the total in 3.1)	107	256	169	145	68	COLSAF **

* The data per country is not available

**Since the data on the country of origin is not subject to Annual statistical survey on execution of SLPC&SG measures, it was obtained from the information provided by the FH Horné Orechové and FH Medzilaborce, as summarised by the COLSAF.

3.3 Total Number of unaccompanied minors in the care of the public authorities in each reference period, disaggregated by their sex and age:	2009		2010		2011		2012		2013		Source / further information
	M	F	M	F	M	F	M	F	M	F	National data
Less than 14 years old	9	2	30	3	6	3	5	1	3	0	COLSAF *
From 14 to 15 years old	31	1	59	16	53	3	23	4	21	2	COLSAF *
From 16 to 17 years old	62	2	133	15	98	6	105	7	39	3	COLSAF *
Unknown											COLSAF *
Total	102	5	222	34	157	12	133	12	63	5	COLSAF *

Note:

* Since the data on the age is not subject to Annual statistical survey on execution of SLPC&SG measures, it was obtained from the information provided by the FH Horné Orechové and FH Medzilaborce, as summarised by the COLSAF.

Table 4: Statistics on unaccompanied minors in detention pending return in the (Member) State (2009-2013)

Please provide the cumulative figures per calendar year (i.e. the number of unaccompanied minors recorded against each criteria during each calendar year). To ensure comparability of data, please provide statistics on UAMs considered by the national authorities to be UAMs. Where available / appropriate, please provide statistics on UAMs who claim to be minors but whose age is doubtful and the age assessment procedure has not yet been undertaken to determine the age of the minor.

6.1.3 Total Number of unaccompanied minors who become adults in the host country during the reference year, if and when possible disaggregated by those who are at school / possess a work permit / have reunited with their family	7	0	5	0	3	0	1	0	2	0	COLSAF**
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Notes:

* Temporary residence was granted for the purpose of study – pupil

** Since the data is not subject to statistical surveys, it was obtained from the information provided by the FH Horné Orechové and FH Medzilaborce, as summarised by the COLSAF.
