



Ad-Hoc Query on detention and removal of minors.

Requested by BE EMN NCP on
Closed compilation produced on 19 January 2015

Responses from [Belgium](#), [Finland](#), [France](#), [Germany](#), [Hungary](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Netherlands](#), [Romania](#), [Slovak Republic](#), [Spain](#), [Sweden](#), [United Kingdom](#) plus [Norway](#) (17 in Total)

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1. Background Information

In Belgium, different measures were taken over the last years to avoid detention of minors in the context of migration politics. **Unaccompanied minors** are explicitly excluded from detention by law and are not being detained (except during age assessment procedures). Although families with minor children (**accompanied children**) can legally still be detained under specific circumstances (for a short period and in specifically adapted facilities), minors are in practice not being detained (unless exceptions – for more information see answer below).

Families with minor children are offered alternatives to detention. Specific open family units were created since 2005, which are state-owned private houses or apartments. Families can stay there for the time necessary for the identification and to prepare return. During their stay in the family units, the families are closely assisted by a coach of the Immigration Office. More recently, some families are staying in their own houses until return, and they are also accompanied by a coach.

In conformity with the legal possibility to detain families with minor children in facilities adapted to the needs of families, the new government agreement (October 2014) foresees to create in the near future specialized, adapted detention units in the area of one of the detention centres. This would be a measure of last resort to be

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able to effectively remove the detained minor (and their family).

We are very interested to know what is foreseen in theory and practice in other (Member) States on detention of minors and we would like to have some statistics as well, specifically on the number of detained minors and the numbers that can effectively be removed from the territory.

We realize this ad-hoc query is related to the two 2014 EMN studies. However, many of the national studies are not available yet and/or we cannot find the answer to our specific questions on statistics. Therefore we would be grateful to have a reply on the following two questions. We emphasize that we would like to have an understanding of what happens in practice in your (Member) State on this issue.

We would be very grateful to have a reply on our questions **before Monday 8 December 2014**.

Questions

1. Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?

Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?
Unaccompanied minors			
Accompanied minors			

2. Statistics on detention and forced removal of minors.

a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.

b) Can you provide some information on the average and maximum period minors are being detained?

	Detention of minors				Forced removal of minors from detention			
	2011	2012	2013	2014	2011	2012	2013	2014
Number of accompanied minors								

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Number of unaccompanied minors								
Total								

2. Responses

		Wider Dissemination?	/															
	Austria	Yes																
	Belgium	Yes	<p>1. Possibility to detain minors.</p> <table border="1"> <thead> <tr> <th>Possibility to detain minors</th> <th>Legally possible? Yes/No Under which circumstances?</th> <th>In practice? Yes/No Under which circumstances?</th> <th>Comments?</th> </tr> </thead> <tbody> <tr> <td>Unaccompanied minors</td> <td>No. Unless for a short period during age assessment (see comment).</td> <td>No. Unless for a short period during age assessment (see comment).</td> <td>UM are explicitly excluded from detention by law. There is only one exception: if there is doubt about the age of the person claiming to be a minor (doubt on the fact that the person is below the age of 18 years), he or she can be detained during an age assessment for a maximum of 3 working days, renewable once.</td> </tr> <tr> <td>Accompanied minors</td> <td>Yes, but only if the detention facilities are 'adapted to the needs of families with minor</td> <td>No. In practice, in recent years accompanied minors were not being detained. Two remarks (exceptions) must be made:</td> <td>Instead of being detained, families at the border and families who are irregularly staying on the territory are now sent to <i>Family Identification and Return Units</i> (below called 'family units') or are</td> </tr> </tbody> </table>				Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	Unaccompanied minors	No. Unless for a short period during age assessment (see comment).	No. Unless for a short period during age assessment (see comment).	UM are explicitly excluded from detention by law. There is only one exception: if there is doubt about the age of the person claiming to be a minor (doubt on the fact that the person is below the age of 18 years), he or she can be detained during an age assessment for a maximum of 3 working days, renewable once.	Accompanied minors	Yes, but only if the detention facilities are 'adapted to the needs of families with minor	No. In practice, in recent years accompanied minors were not being detained. Two remarks (exceptions) must be made:	Instead of being detained, families at the border and families who are irregularly staying on the territory are now sent to <i>Family Identification and Return Units</i> (below called 'family units') or are
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				<p>children' and 'for as short as possible duration'.</p>	<p>1) Families can now still be detained for a short period on arrival (maximum of 48 hours) or just before departure (the night before a removal).</p> <p>2) In conformity with the legal possibility to detain families with minor children in facilities adapted to the needs of families, the new government agreement (October 2014) foresees to create in the <u>near future</u> specialized, adapted detention units for families with minor children in the area of one of the detention centres. This would be a measure of last resort.</p>	<p>being coached from there own houses. More information in the <u>Belgian 2014 EMN study</u>.</p>																													
<p>2. Statistics on detention and forced removal of minors from detention.</p> <p>a) See table</p> <p>b) As said, unaccompanied minors can only be detained if there is doubt about the age of the person claiming to be a minor (doubt on the fact that the person is below the age of 18 years). In this case, he or she can be detained during an age assessment for a maximum of 3 working days, renewable once. The average duration of detention in this case is 3 working days. There are no forced removals of unaccompanied minors (hence, no detention prior to removal).</p> <p>Accompanied minors (families with minors) are now still being detained for a short period on arrival (maximum of 48 hours) or just before departure (the night before a removal). Longer detention is at the moment not done.</p>																																			
<table border="1"> <thead> <tr> <th data-bbox="416 1276 672 1316"></th> <th colspan="4" data-bbox="672 1276 1456 1316">Detention of minors</th> <th colspan="4" data-bbox="1456 1276 2087 1316">Forced removal of minors from detention</th> </tr> <tr> <th data-bbox="416 1316 672 1348"></th> <th data-bbox="672 1316 862 1348">2011</th> <th data-bbox="862 1316 974 1348">2012</th> <th data-bbox="974 1316 1108 1348">2013</th> <th data-bbox="1108 1316 1456 1348">2014</th> <th data-bbox="1456 1316 1635 1348">2011</th> <th data-bbox="1635 1316 1780 1348">2012</th> <th data-bbox="1780 1316 1937 1348">2013</th> <th data-bbox="1937 1316 2087 1348">2014</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 1348 672 1423">Number of accompanied</td> <td data-bbox="672 1348 862 1423">Statistics not available –</td> <td data-bbox="862 1348 974 1423">Not availab</td> <td data-bbox="974 1348 1108 1423">Not availabl</td> <td data-bbox="1108 1348 1456 1423">Not available 104 persons (families</td> <td data-bbox="1456 1348 1635 1423">Statistics not available</td> <td data-bbox="1635 1348 1780 1423">Not availabe–</td> <td data-bbox="1780 1348 1937 1423">Not available</td> <td data-bbox="1937 1348 2087 1423">1 family (until 31/1</td> </tr> </tbody> </table>										Detention of minors				Forced removal of minors from detention					2011	2012	2013	2014	2011	2012	2013	2014	Number of accompanied	Statistics not available –	Not availab	Not availabl	Not available 104 persons (families	Statistics not available	Not availabe–	Not available	1 family (until 31/1
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			minors	only counted separately since 2014	le	e	with children – unfortunately no dissemination between adults and children)	(only since 2014) – max 5 families	max 5 families	– max 5 families	
			Number of unaccompanied minors	17 (pending age assessment)	19	7	8	0	0	0	0
			Total	Not available	Not available	Not available	Not available	Not available	Not available	Not available	Not available
	Bulgaria	Yes									
	Cyprus	Yes									
	Czech Republic	Yes									
	Denmark	Yes									
	Estonia	Yes									
	Finland	Yes	Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?			Comments?			
			Unaccompanied minors	Yes. The <i>legal</i> conditions for detention are similar for all aliens, regardless of their status or age.	Yes. The detention of unaccompanied minors is an extreme measure applied only in exceptional circumstances. The cases have been only a few annually and they often involve criminal activity or risk thereof of the detainee.			There is a proposal for a legislative amendment currently being discussed at the Finnish Parliament. The proposal includes e.g. the following elements: - General conditions for all interim measures are listed in a separate provision - The last-resort nature of detention is clearly stated			

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			<p><u>General conditions for the use of any interim measure</u> are listed in Section 118 of Aliens Act: An alien may be obliged to report at regular intervals to police or border control authorities if this is necessary for: 1) establishing that he or she meets the requirements for entry into the country; or 2) preparing or ensuring the enforcement of a decision on removing the alien from the country, or for otherwise supervising that the alien leaves the country.</p> <p><u>The specific conditions for detention</u> are included in Section 121 of Aliens Act: Instead of the interim measures referred to in sections 118–120, an alien may be ordered to be held in detention if: 1) taking account of the alien's personal and other circumstances, there are reasonable grounds to believe that the alien will prevent or considerably hinder the issue of a</p>		<ul style="list-style-type: none"> - Conditions for detention are clarified according to the provisions of the Reception Conditions Directive - The detention of UAMs under the age of 15 is prohibited. - The detention of UAMs 15 years of age or older is possible only after the decision to deport them has become enforceable. - Children can be detained together with their guardian only if it is necessary to maintain the familial bond between them. - The detention period of UAMs must not exceed 72 hours. For specific reasons this period can be extended up to another 72 hours.
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			<p>decision concerning him or her or the enforcement of a decision on removing him or her from the country by hiding or in some other way;</p> <p>2) holding an alien in detention is necessary for establishing his or her identity; or</p> <p>3) taking account of the alien's personal and other circumstances, there are reasonable grounds to believe that he or she will commit an offence in Finland.</p> <p>Holding an alien in detention on grounds that his or her identity is unclear requires that the alien gave unreliable information when the matter was processed or refused to give the required information, or that it otherwise appears that his or her identity cannot be considered established.</p> <p>Section 121 of Aliens Act defines the risk of absconding. It may be present e.g. if a person has failed to comply with an interim measure provided</p>		
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				for in Sections 118-120. Section 122 regulates the procedure for the detention of children: Before a person under 18 years of age is placed in detention, the representative of social welfare authorities shall be heard.																										
		Accompanied minors	See above.	Yes. Minors can be detained together with their guardian(s), but it is also possible to detain only one (adult) family member. The detention of families is used as a last resort.	See above.																									
<p>2. Statistics on detention and forced removal of minors.</p> <p>In 2012 average detention period for all children was 10,7 days and for UAMs 12 days. Same figures for year 2013 were 11,8 and 20 days respectively.</p>																														
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					13.10)						
		Number of accompanied minors	13	22	31	19	-	-	-	-	
		Number of unaccompanied minors	4	4	10	4	-	-	-	-	
		Total	17	26	41	23	-	-	-	-	
		<p>The statistics include only people held in the detention unit of Metsälä (which was the only detention unit in Finland until the end of October 2014). Accompanied minors can be exceptionally detained in police facilities with their adult family members, although this will be forbidden if the abovementioned legislative proposal is accepted by the Parliament. All statistics regarding minors need to be observed bearing in mind that sometimes the status of the person changes during the procedure.</p>									
	France	Yes	1. Possibility to detain minors.								
		Possibility to detain minors	Legally possible? Yes/No Under which circumstances?			In practice? Yes/No Under which circumstances?			Comments?		
		Unaccompanied minors	No.			No.			/		
		Accompanied minors	<p>Minors can be admitted to a detention facility as accompanied minors, in accordance with the principle of preserving family unity and the right of minors not to be separated from their parents, guaranteed by the International Convention on the Rights of the Child.</p> <p>Their placement in detention is carried out in suitable centres. Article R. 553-1 of the Code on Entry and Residence of</p>			<p>Since the publication of the circular, a significant reduction in the placement in detention of families has been observed.</p>			/		

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			<p>Foreigners and Right of Asylum (CESEDA) sets out a list of detention facilities that can receive families.</p> <p>The circular of 6 July 2012¹ stipulates that the placement in detention of families with minor children should only be envisaged as a last resort, when the family has previously failed to comply with an order to leave the French territory (<i>obligation de quitter le territoire français</i>) or has not respected the obligations associated with their assignment to residence (obligation to report to the police, in particular).</p>					
2. Statistics on detention and forced removal of minors.								
	Detention of minors				Forced removal of minors from detention²			
	2011	2012	2013	2014 (until 31st October)	2011	2012	2013	2014 (until 28th November)
Number of accompanied minors	487	137	92	67	57	52	56	67

¹ Circular n° NOR INTK1207283C of 6 July 2012 on the implementation of assignment to residence provided in article L. 561-2 of the CESEDA, as an alternative to the placement of families in administrative detention, on the basis of article L. 551-2 of the same code
http://circulaire.legifrance.gouv.fr/pdf/2012/09/cir_35851.pdf

² The data provided only concern forced removals organized by air by the border police and do not include forced removals through commercial flights. However, it should be noted that most of forced removals of families with minor children are organized by air by the border police.

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			Number of unaccompanied minors	/	/	/	/	/	/	/	/
			Total	487	137	92	67	57	52	56	67
			There is no information available on the average and maximum period minors are being detained. In 2013, the average length of time in detention of all categories of third-country nationals in detention in Metropolitan France was 11.9 days.								
	Germany	Yes	1. Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?								
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?			In practice? Yes/No Under which circumstances?		Comments?		
			Unaccompanied minors	Yes. Unaccompanied minors “may be taken into custody awaiting deportation only in exceptional cases and only for as long as is reasonable taking into account the well-being of the child” (§ 62 para. 1 sentence 3 of the Residence Act). Generally, according to § 42 para. 1 sentence 1 number 3 of the Social Code Book VIII, Youth Welfare Services are obliged to take unaccompanied minors into care.			Yes. A large number of Federal Länder have imposed further-reaching regulations relating to the detention of minors in decrees and administrative regulations in relation to detention pending deportation. In principle, Berlin, Hesse, Saxony, Schleswig-Holstein and Thuringia say that minors under the age of 16 should not be taken into detention pending deportation, although in some cases they are being detained, as, for instance, in Saxony. In North Rhine-Westphalia on the basis of a decree, – unless they have committed a criminal offence – minors may not be detained if				

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					they are attending school, have a training position or a job or are still living with their parents or if they have been taken into care by the Youth Welfare Services in accordance with § 42 para. 1 of the Social Code Book VIII and can be accommodated in a suitable youth welfare facility or if there is no suitable place available at a prison that ensures the well-being of the minor, or if they are under the age of 16. In Rhineland-Palatinate, it is regulated that “an application for detention pending deportation should never be filed for young persons under the age of 18”. There is a similar rule for Bavaria. In Baden-Württemberg, Bremen and Saxony-Anhalt by contrast, it is not permissible to detain minors under the age of 14.	
		Accompanied minors	Yes. The provisions set forth in the Return Directive have already been transposed in the German Residence Act, ensuring that “Minors and families with minors may be taken into custody awaiting deportation only in exceptional cases and only for as	Yes. The Addendum to the General Administrative Regulations of the Bavarian Ministry of Home Affairs relating to the Residence Act, says that for instance, subject to certain exemptions, only the father of the family may be detained, although this rule		

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				<p>long as is reasonable taking into account the well-being of the child” (§ 62 para. 1 sentence 3 of the Residence Act). Furthermore, the General Administrative Regulation specifies that, as a rule, an application for “detention pending deportation can only be filed for one parent” in families with underage children (62.0.5 General Administrative Regulations relating to the Residence Act). Decrees issued in the individual Federal Länder supplement this requirement.</p>	<p>can be waived under certain circumstances (Administrative Regulations of the Bavarian State Ministry of Home Affairs, Construction and Transport relating to the Foreigners Act 1.62a). In addition, the Residence Act, the General Administrative Regulations relating to the Residence Act and decrees issued by the Federal Länder impose conditions for the accommodation of families with children. In Rhineland-Palatinate, the information on application of the law provided by the Ministry of 15 August 2013 says that “the well-being of the child must be safeguarded” before the parents can be detained pending deportation. In Berlin, families with children “are detained for one night at most” which serves the purpose of not having to place them in the care of emergency child welfare services or youth welfare services.</p>	
<p>2. Statistics on detention and forced removal of minors. a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.</p>						

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			<p>b) Can you provide some information on the average and maximum period minors are being detained?</p> <p>There is no statistical evaluation of unaccompanied / accompanied minors in detention.</p>	
	Greece	Yes		
	Hungary	Yes	<p>Possibility to detain minors</p>	<p>Legally possible? Yes/No Under which circumstances?</p>
			<p>Unaccompanied minors</p>	<p>No. Under both the Third Country Nationals' Act and the Act on Asylum, the detention of unaccompanied minors is explicitly prohibited.</p>
			<p>Accompanied minors</p>	<p>Yes. As a last resort, before all else taking into account the primary needs of the minor, a family with a minor may be detained for the purposes of (a) asylum detention and/or (b) executing the expulsion/deportation of the subjects.</p> <p>Under the Act on Asylum (a) the refugee authority may take into asylum detention a person seeking recognition whose right of residence is only based on the submission of an application for recognition if</p> <p><i>a) the identity or nationality of the person seeking recognition is not clarified, in order to establish it;</i></p> <p><i>b) the person seeking recognition has hid from the authority or has obstructed the course of the asylum procedure in another manner;</i></p> <p><i>c) there are well-founded grounds for presuming that the person seeking recognition is delaying or frustrating the asylum procedure or presents a risk of absconding, in order to establish the data required for conducting the asylum procedure;</i></p> <p><i>d) the detention of the person seeking recognition is necessary in order to protect national security, public safety or – in the event of serious or repeated violations of the rules of the compulsory designated place of stay – public order;</i></p> <p><i>e) the application has been submitted in an airport procedure; or</i></p> <p><i>f) the person seeking recognition has not fulfilled his/her obligation to appear on summons, and is thereby obstructing the Dublin procedure.</i></p> <p>However, a family with a minor may only be detained for altogether a maximum of 30 days.</p> <p>Under the Third Country Nationals' Act (b) "families with minors shall only be detained as a measure of last resort and for not more than thirty days where the best interests of the child shall be a primary consideration, if the immigration authority is of the opinion that the objective of detention cannot be ensured" by either taking away the travel documents or designating a place of</p>

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			residence.								
	Ireland	Yes	<p>The response to question 2 from the Principal Social Worker for the Team for Separated Children Seeking Asylum, TUSLA Child and Family Agency.</p> <p>1. Ireland does not detain minors for immigration or asylum purposes. 2. a) 0 b) 0 b) N/A.</p>								
	Italy	Yes	<p>1. Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?</p> <table border="1"> <thead> <tr> <th>Possibility to detain minors</th> <th>Legally possible? Yes/No Under which circumstances?</th> <th>In practice? Yes/No Under which circumstances?</th> <th>Comments?</th> </tr> </thead> <tbody> <tr> <td>Unaccompanied minors</td> <td> <p>No. According to Art. 26,par. 6 of the Legislative Decree No. 25/2008, the administrative detention of UAMs is strictly forbidden. Although, in the event that a UAM is accused of a criminal offense (a proceeding is opened), they are assigned to the Centre for Juvenile Justice (CGM). If a guardian was not already appointed, it is done at this time, and this responsibility is given to the mayor. The child is quickly identified, whereas CGM remains in charge of any relevant responsibilities and educational support.</p> </td> <td> <p>No. According to Legislative Decree No. 25/2008, a UAM should be entrusted to reception centres/facilities. In practice, UAMs are initially hosted in Initial Reception Centres (CPSA), in which they are supposed to remain for no more than 48. They are then placed in reception centres for children or in foster care in families.</p> </td> <td></td> </tr> </tbody> </table>	Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	Unaccompanied minors	<p>No. According to Art. 26,par. 6 of the Legislative Decree No. 25/2008, the administrative detention of UAMs is strictly forbidden. Although, in the event that a UAM is accused of a criminal offense (a proceeding is opened), they are assigned to the Centre for Juvenile Justice (CGM). If a guardian was not already appointed, it is done at this time, and this responsibility is given to the mayor. The child is quickly identified, whereas CGM remains in charge of any relevant responsibilities and educational support.</p>	<p>No. According to Legislative Decree No. 25/2008, a UAM should be entrusted to reception centres/facilities. In practice, UAMs are initially hosted in Initial Reception Centres (CPSA), in which they are supposed to remain for no more than 48. They are then placed in reception centres for children or in foster care in families.</p>	
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			<p>Accompanied minors</p>	<p>No. According to Art. 31 of the Consolidated Act on Immigration, AMs are registered on their parents' residence permits, since they share the same legal status. According to Legislative Decree No. 286 of 1998, if one parent is irregular, the minor is entitled to a residence permit on the grounds of minor age, since the prohibition of removal and detention also applies to AMs. If the parent is removed, the child is entitled to follow him/her to the country of origin.</p>	<p>If an adult parent is detained in a Centre for Identification and Deportation (CIE), the minor is entrusted to a family member, inter alia, through their return to the country of origin after family tracing. If voluntary return is not possible for reasons of safety and interest of the minor, the minor is entrusted to the Social Services. The Social Services will place the child in a reception centre within the national territory while awaiting placement with a foster family or repatriation, depending on age.</p>				
<p>2. Statistics on detention and forced removal of minors. a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments. b) Can you provide some information on the average and maximum period minors are being detained?</p>									
		<p align="center">Detention of minors</p>				<p align="center">Forced removal of minors from detention</p>			
		<p>2011</p>	<p>2012</p>	<p>2013</p>	<p>2014</p>	<p>2011</p>	<p>2012</p>	<p>2013</p>	<p>2014</p>
<p>Number of accompanied minors</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	
<p>Number of unaccompanied minors</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	
<p>Total</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	

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	Latvia	Yes	<p>1. Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?</p> <p>Immigration law defines that a minor foreigner, who has reached the age of 14 years can be detained, if there are grounds to believe that he or she will avoid the removal procedure or will impede the preparation thereof or there is a risk of absconding of the foreigner, and it is substantiated by any of the circumstances defined in the Immigration law.</p> <p>A detained minor foreigner who is at the age of 14 to 18 years and is not accompanied by parents or his or her legal representative, up to the end of the time period of detention is accommodated in the State Border Guard Detained Foreigners' Accommodation Centre in Daugavpils or in the relevant State Police structural unit, where the appropriate food and medical care can be provided.</p> <p>Detention is applied as last resort measure.</p> <p>In case if there is an unaccompanied minor foreigner who is under the age of 14 on the territory of the Republic of Latvia, he /she is placed in child care center or with the guardian appointed.</p> <p>In practice accompanied minors are not detained and are accommodated together with their detained parents.</p> <p>⇒ Additional information received: <i>Adult family members are detained in accordance with provisions of Immigration law. With regard to each adult family member a detention protocol is made.</i> <i>Immigration law defines that the minor, who is under the age of 14 years shall not be detained.</i> <i>Taking into account that there are no other relatives staying in Latvia, with whom the minor could stay and placement of the minor in child care center is not in the best interests of the child, the minor is accommodated together with his/her parents. The Immigration law defines such possibility to place not detained children with their parents in detention center. The conditions in the detention center also allows that (children are provided with appropriate food, health care, leisure time, education, etc.).</i> <i>At the same time in accordance with family unity principle and because of the best interests of the minor - to be with his/her family, the minor is placed in detention center together with his/her parents (there is a separate section for families in the detention center in Latvia). The alternative to placement of minors with their parents in detention centre can be placement in child care center</i></p> <p>2. Statistics on detention and forced removal of minors.</p> <p>a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.</p> <p>b) Can you provide some information on the average and maximum period minors are being detained?</p> <p>There was only one case of minor detained in Latvia in 2014, who after the detention was removed. The length of the detention of this minor was 48 days. The minor was removed with his relatives.</p>

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			<p>Taking into account that since 2011 there has been only one case of minor's detention with further removal, it is not possible to provide an average period of detention. The maximum period of detention of minors is the same as for adults. In accordance with Immigration law the total time period of detention may not exceed six months. The Immigration law provisions defines that a judge may take a decision on extension of the time period of detention for the time period not exceeding additional 12 months, if the foreigner refuses to co-operate or delays the receipt of the necessary documents from third countries.</p> <p>⇒ Additional information received: <i>In reply to the second question I would like to inform that there was only 1 case of detained unaccompanied minor in 2014. He is not removed yet because of family tracing. During the time period from 2011 till 2013 there were no cases of detention of UAM.</i></p>							
	Lithuania	Yes	1. Possibility to detain minors							
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?			In practice? Yes/No Under which circumstances?		Comments?	
			Unaccompanied minors	No. UAMs are not detained. In case of UAMs the court applies alternative to detention – accommodation at the Refugees' receptions center (a social institution).			No.		Persons who claim to be UAMs and whose age has not been assessed cannot be detained as well. Lithuania faces a problems that these persons when accommodated at the social institution abscond from it.	
			Accompanied minors	Yes. Accompanied minors can be detained but only in exceptional cases and taking into account best interests of a child.			Yes. They are accommodated at the Foreigners registration center with other irregular migrants.			
			1. Statistics on detention and forced removal of minors from detention							
		Detention of minors				Forced removal of minors from detention				
		2011	2012	2013	2014	2011	2012	2013	2014	
Number	of	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

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			accompanied minors								
			Number of unaccompanied minors	4*	0	0	0	1	0	0	0
			Total	4	0	0	0	1	0	0	0
			*Detained awaiting return.								
	Luxembourg	Yes	1. Possibility to detain minors.								
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?					
			Unaccompanied minors	Yes. Article 120 (1) of the amended law of 29 August 2008 on free movement of persons and immigration foresees that an unaccompanied minor can be placed in detention in an appropriate place adapted to the needs of his/her age and the best interest of the child has to be respected.	No. In practice UAMs are not placed in the detention centre by Luxembourgish authorities.	The Administrative Court in judgment n° 30869 of 25 July 2012, questioned the reliability of the age assessment test. Thus, since that judgment, an applicant for international protection claiming to be a minor will continue to be treated as such, even though the age test assessed him as being major, and the ad hoc administrator will continue to represent his/her interests during all the procedure.					

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			Accompanied minors	Yes. A family accompanied by a minor cannot be detained for more than 72 hours according to Article 6 (3) of the Law of 28 May 2009 concerning the Establishment and Organisation of the Detention Centre.	Yes. In practice, families with children are usually detained no longer than 24 hours in order to guarantee the return process.				
2. Statistics on detention and forced removal of minors from detention.									
		Detention of minors			Forced removal of minors from detention				
		2011	2012	2013	2014	2011	2012	2013	2014
Number of accompanied minors		11	55	28	52	6	49	20	52
Number of unaccompanied minors		0	0	0	0	0	0	0	0
Total		11	55	28	52	6	49	20	52
	Malta	Yes							
	Netherlands	Yes	Possibility to	Legally possible?	In practice?	Comments?			

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detain minors	Yes/No Under which circumstances?	Yes/No Under which circumstances?	
Unaccompanied minors in detention - forced return	Yes, but only as a last resort to realize forced return and under strict conditions and for as short as possible, in line with the European return directive 2008/115/EG. Since October 2014 UAM's are placed in de closed family facility.	Yes, as a last resort to realize forced return, for as short as possible and under strict conditions (see 'comments')	<p>Detention of UAM's is only applied if strictly necessary and under strict conditions Since 2011, an UAM can only be placed in detention if:</p> <ul style="list-style-type: none"> • he/she is suspected of committing crime or has been convicted of a crime; • the departure of the UAM can be realized within 14 days; • the UAM has previously left the reception centre for an unknown destination or he/she has not kept to a previously imposed duty to report or measure limiting his/her liberty; • entry was refused to the UAM at the external border and the age of minority has not yet been established. <p>The introduction of the above mentioned criteria in 2011 has resulted in a decrease of unaccompanied minors in detention and a shorter duration of their stay. Before, unaccompanied minors were detained in a juvenile offenders institution, separate from the young offenders and with a specific daily program. From 1 October 2014, unaccompanied minors are detained in a specialized closed facility. This facility specifically addresses the needs of children and does not give the impression of a regular detention facility. The UAMs reside in a separate pavilion, where there is a supervisor. Doors are not locked. They can move freely within the boundaries of the location, which is fenced to ensure that they do not leave the facility. So the risk</p>

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				<p>of absconding is reduced. A small store, a playground and internet facilities are available at the location. Furthermore there is an activity program and educational activities are provided.</p> <p>In most cases however, also if there is a prospect of imminent return, UAMs are not detained but placed in alternative forms of housing such as foster care, child residential groups, small units, a youth campus within a regular facility and protected shelter as the risk on disappearance (trafficking) is large. These types of housing are depending on the age and vulnerability of the UAM. In all these reception modalities unaccompanied minors are prepared for their future, which can consist of return to the country of origin or leave to remain and integration in The Netherlands.</p>
			<p>Unaccompanied minors - border detention</p>	<p>No, Uma's are not placed in border detention. When they arrive at an external border they are brought to alternative, open forms of shelter where they can stay during the asylum procedure.</p>
			<p>Accompanied minors - forced return</p>	<p>Yes, as a last resort to realize return. In principle for a maximum of two weeks. Since October 2014 detention of families is executed in a closed family facility</p> <p>Families with minor children can be detained in the closed family facility, under strict conditions and as a last resort to realize forced return</p> <ul style="list-style-type: none"> • the focus is on voluntary return, with a large number of instruments and projects designed to support families in voluntary return. • Detention is only applied when the family is not

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			<p align="center">Accompanied minors - border Detention</p>	<p>a closed family facility.</p> <p>Yes, but only if the criteria for the border screening are not met and for a maximum period of in principle two weeks.</p>		<p>willing to leave voluntarily, there is a real risk of withdrawal and as the departure in principle can be achieved within 14 days.</p> <ul style="list-style-type: none"> • The closed family facility, that opened October 1 2014, specifically addresses the needs of children and their families and does not provide the impression of a regular detention facility. Children and their parents reside in separate pavilions, which are not locked. They can move freely within the location, that is fenced to ensure that they do not leave the facility and so the risk of absconding is reduced. Families can prepare their own meals. On the location a shop, a playground and internet facilities are available. Furthermore there is an activity program and educational activities are provided. <p>Since 1 September 2014 a border screening for families with minor children is into force. This implies that families with minor children who arrive at the external borders, who don't comply with the formal grounds for entry into the Netherlands and who ask for asylum, are screened. The screening looks specifically at reasons for refusing entry, which include a doubtful familial relationship, or the suspicion of child smuggling and human trafficking and signs of breach of public order.</p> <p>If the outcome of this screening is that there are no demonstrable reasons to refuse entry, then the family will be placed in a regular open reception centre. If there are suspicions of child trafficking or human smuggling, then entry will be refused to the adult and he/she will be placed in border detention, after which further investigations will be carried</p>	
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					<p>out. The child can then be placed under temporary guardianship. If further investigations are necessary for other reasons, then entry to the Netherlands will be refused to the whole family and they will be placed in the closed family facility.</p> <p>This facility, which opened on October 1st 2014, specifically addresses the needs of children and their families and does not give the impression of a regular detention facility. Children and their parents will reside in pavilions and can move freely. The pavilions can be locked by the families and families can prepare their own meals. On the location a shop, a playground and internet facilities are available. The location is fenced to ensure that families do not leave the facility and so the risk of absconding is reduced. The fence is hidden by plantation as much as possible (a “green fence”).</p> <p>Taking into account the current experiences, it is expected that only in the case of a few families further investigations will be required and that after screening the great majority of families can be placed in a regular open reception centre.</p>
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2. Statistics on detention and forced removal of minors from detention.

	Detention of minors				Forced removal of minors from detention			
	2011	2012	2013	2014	2011	2012	2013	2014
Number of accompanied minors	320	350	170	Not yet available	250	250	120	Not yet ava
Number of unaccompanied	90	50	30	Not yet available	40	40	20	Not yet ava

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			minors																																																															
			Total																																																															
	Poland	Yes																																																																
	Portugal	Yes																																																																
	Romania	Yes	<p>1. Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?</p> <table border="1"> <thead> <tr> <th>Possibility to detain minors</th> <th>Legally possible? Yes/No Under which circumstances?</th> <th>In practice? Yes/No Under which circumstances?</th> <th>Comments?</th> </tr> </thead> <tbody> <tr> <td>Unaccompanied minors</td> <td>No. See below</td> <td></td> <td></td> </tr> <tr> <td>Accompanied minors</td> <td>No. See below</td> <td></td> <td></td> </tr> </tbody> </table> <p>The unaccompanied minors that are apprehended illegally staying in Romania cannot be object of the administrative measure of public custody, this principle being applied also in the cases of accompanied minors. The later may accompany the adults against whom the measure of public custody was taken. In this period they benefit from other right provided for by the law for those cases.</p> <p>2. Statistics on detention and forced removal of minors.</p> <p>a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.</p> <p>b) Can you provide some information on the average and maximum period minors are being detained?</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Detention of minors</th> <th colspan="4">Forced removal of minors from detention</th> </tr> <tr> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>Number of accompanied minors</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> </tr> <tr> <td>Number of unaccompanied minors</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> </tr> <tr> <td>Total</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> </tr> </tbody> </table> <p>2. a. Not applicable 2. b. Not applicable 2. c. Not applicable</p>								Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	Unaccompanied minors	No. See below			Accompanied minors	No. See below				Detention of minors				Forced removal of minors from detention				2011	2012	2013	2014	2011	2012	2013	2014	Number of accompanied minors	n/a	Number of unaccompanied minors	n/a	Total	n/a																					
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	Slovak Republic	Yes	1. Possibility to detain minors. Is it possible to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?				
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?	
			Unaccompanied minors	No. Unaccompanied minors cannot be detained under any circumstances.	No. Unaccompanied minors cannot be detained under any circumstances.	N.A.	
			Accompanied minors	Yes, accompanied minors can be detained according to the law only in cases when reasonably necessary and for as short time as possible.	Yes, accompanied minors can be detained according to the law only in cases when reasonably necessary and for as short time as possible.	If parents with children are detained they are placed in a police detention facility for aliens for vulnerable groups. The family is placed together and is provided with separate accommodation.	
2. Statistics on detention and forced removal of minors. a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments. b) Can you provide some information on the average and maximum period minors are being detained? Vulnerable persons including accompanied minors can be detained only when reasonably necessary (for example if a third-country national represents a security risk for the Slovak Republic) and for the time reasonably needed up to a maximum of six months. The period of detention of vulnerable persons cannot be extended.							

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			Detention of minors				Forced removal of minors from detention				
			2011	2012	2013	2014	2011	2012	2013	2014	
			Number of accompanied minors	13	4	8	6	: (2 – assisted voluntary returns)	0	0	0
			Number of unaccompanied minors	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
: No information available. Data is not monitored given the fact that no legal act imposes such duty. N/A not applicable. UAMs cannot be detained.											
	Slovenia	Yes									
	Spain	Yes	1. Possibility to detain minors. Is it possibility to detain unaccompanied minors? Is it possible to detain accompanied minors? By law? In practice? If yes, under which circumstances?								
			Possibility to detain minors	Legally possible? Yes/No Under which circumstances?				In practice? Yes/No Under which circumstances?		Comments?	
			Unaccompanied minors	No				No			
			Accompanied minors	Minors can accompany their parents when these must be detained in a detention facility, if the General Prosecutor's Office informs favourably and there are units in the detention facilities that guarantee the unity and family privacy.				In practice, this possibility is rarely used.			

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			<p>2. Statistics on detention and forced removal of minors. a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments. b) Can you provide some information on the average and maximum period minors are being detained?</p> <table border="1" data-bbox="421 459 2089 790"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Detention of minors</th> <th colspan="4">Forced removal of minors from detention</th> </tr> <tr> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>Number of accompanied minors</td> <td>Not available</td> </tr> <tr> <td>Number of unaccompanied minors</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Detention of minors				Forced removal of minors from detention				2011	2012	2013	2014	2011	2012	2013	2014	Number of accompanied minors	Not available	Number of unaccompanied minors	0	0	0	0	0	0	0	0	Total															
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			to be placed under supervision. A child may also be detained if 1. the purpose is to enforce a refusal-of-entry order in other cases than those mentioned above or an expulsion order and 2. on a previous attempt to enforce the order it has not proved sufficient to place the child under supervision.		
	Accompanied minors		The same rules as above for unaccompanied minors apply	Minors in a family are usually not detained. Sometimes one parent can be detained and the other parent stays with the children.	

2. Statistics on detention and forced removal of minors.

a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.

b) Can you provide some information on the average and maximum period minors are being detained?

	Detention of minors				Forced removal of minors from detention Not available			
	2011	2012	2013	2014	2011	2012	2013	2014
Number of accompanied minors	37	26	37	24				
Number of unaccompanied minors	8	16	10	2				
Total	45	42	47					

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			As for number of forced removals of minors from detention, those statistics are not available. What is available is the number of UAMs turned over the police for a forced removal, 81 for 2011, 144 for 2012, 80 for 2013 and 76 and for 2014 (until Dec 7). If these minors were actually removed by the police cannot be verified.																
			The average time spent in detention measured in days were:																
				2011	2012	2013	2014												
			All minors	8,1	12,3	1,1	Not available												
			UAMs	1,0	3,9	1,0	Not available												
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					<p>moved to Tinsley House Immigration Removal Centre which has better facilities. Port holding rooms are only designed to hold detainees for up to 24 hours and being provided by the port operator vary in standard. Many of the larger airport locations now however have family rooms within the facilities and this may allow for family groups to be placed separately from other adults and may also, in limited circumstances, provide other facilities such as toys, furniture, nappies etc. for children.</p>				
<p>2. Statistics on detention and forced removal of minors.</p> <p>a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.</p> <p>b) Can you provide some information on the average and maximum period minors are being detained?</p> <p>a) The UK does not provide statistics that separate accompanied and unaccompanied minors in detention. The table below provides data for all children in detention.</p>									
<p>Table1:Detention and removal of minors from detention</p>									
		Detention of minors				Forced removal of minors from detention			
		2011	2012	2013 (P)	Jan-Sep (P) 2014	2011	2012	2013 (P)	Jan-Sep (P)
Number of accompanied minors	*	*	*	*	*	*	*	*	
Number of unaccompanied	*	*	*	*	*	*	*	*	

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Possibility to detain minors	Legally possible? Yes/No Under which circumstances?	In practice? Yes/No Under which circumstances?	Comments?
Unaccompanied minors	<i>Yes, to prevent absconding</i>	<i>Yes, to prevent absconding</i>	<i>Detention episodes will be on the day of or the day preceding removal. Episodes longer than 24 hours are very seldom.</i>
Accompanied minors	<i>Yes, with other family members. To prevent absconding</i>	<i>Yes, with other family members. To prevent absconding</i>	<i>Detention episodes will be on the day of or the day preceding removal. Episodes longer than 24 hours are very seldom.</i>

2. **Statistics on detention and forced removal of minors.** *None of these statistics are available.*
a) How many minors were held in detention? b) How many minors in detention were removed? See table below. Please fill in the information that is available or provide some comments.
b) Can you provide some information on the average and maximum period minors are being detained? *See comment above.*
