

EMN FOCUSED STUDY 2017

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

Top-line factsheet – The Netherlands

The top-line factsheet will serve as an overview of the **National Contribution** introducing the Study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers.

Please provide a concise summary of the main findings of Sections 1-6 below, for example, focussing on:

- Latest figures on the number and socio-demographic characteristics of unaccompanied minors in your (Member) State, as well as evolution over time (2014-2016 and, where available, the first half of 2017);
- Top five main issues with regard to the care/ integration/ return of unaccompanied minors at present;
- Most important recent or planned changes to law, policy and practice regarding the care/ integration/ return of unaccompanied minors since 2014,¹ for example, as a result of the increase in the number of unaccompanied minors (and TCNs in general) seeking asylum in the EU between 2014 and 2016, the European Agenda on Migration,² etc.;
- Identified challenges and good practices, for example, as a result of the (Member) State coping with the large increase in applications from unaccompanied minors between 2014 and 2016, e.g. how were unaccompanied minors housed, educated, etc.
- Any suggestions for EU level action on unaccompanied minors that might be useful for your (Member) State.

Number and characteristics of unaccompanied minors in the Netherlands

PM: The statistical data will follow shortly in a separate document.

Unaccompanied minors in the Netherlands

All children in the Netherlands (irrespective of their status) have a right to education, reception/shelter, social facilities and medical care. All minor foreign nationals arriving in the Netherlands without a parent or adult family member with legal guardianship are placed under the guardianship of Nidos Foundation in a court order by a juvenile court judge.³ This also applies to the group of unaccompanied minors who do not apply for international protection in the Netherlands. The guardianship will continue until the unaccompanied minor reaches the age of 18 or until they return to their country of origin.

¹ As the previous EMN study on Unaccompanied minors was completed in 2014, the proposed reference period for the Study is 2014 onwards with some flexibility if (Member) States believe there to be a significant change to law/ policy/ practice outside this period.

² Communication from the Commission on a European Agenda on Migration, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm

³ Nidos, Kinderen gevlucht en alleen [Children, fled and alone], 2017, p. 28 [in Dutch]

The care for unaccompanied minors begins immediately on their arrival in the Netherlands (before their status is determined).⁴ On the day of their application for international protection, unaccompanied minors receive an intake interview by a Nidos youth protector at the application desk. This youth protector decides whether a child will join his/her family or be placed in a foster family or asylum reception. The youth protector also determines if the child may be particularly vulnerable, for instance when they are a victim of human trafficking and has a protected reception (BO) indication.

The organisation of healthcare, aid, and protection for minor third-country nationals - with or without residence status - has been divided among various institutions, including Nidos Foundation, the Central Agency for the Reception of Asylum Seekers (COA), the Dutch Council for Refugees (VWN), providers of youth care, municipalities, and other certified institutions. If an unaccompanied minor does not qualify for a residence permit, the Repatriation and Departure Service (DT&V) is responsible for effecting their departure from the Netherlands.⁵

As soon as an unaccompanied minor has a residence permit, Nidos Foundation, its contract partners, and the foster family start working on their integration in Dutch society and the transition to an independent life at 18 years of age. For those unaccompanied minors without a residence permit who must return to their country of origin, attention is paid to their preparations to return.⁶

When unaccompanied minors turn 18, they are officially no longer underage and fall under the group of adult beneficiaries of international protection or the group of adults that will be repatriated. However, Nidos, the municipalities and other care providers do make sure that unaccompanied minors receive support in their transition towards independence.

The most recent policy changes in relation to unaccompanied minors (after the procedure)

An important recent change is the new reception model for unaccompanied minors, that came into force on 1 January 2016. According to this new model, unaccompanied minors under 15 will be placed directly in a foster family by guardianship organisation Nidos. The children will in principle live in this family until they become of age. The Central Agency for the Reception of Asylum Seekers (COA) will provide accommodation with special supervision to minor asylum seekers of 15 years and over. Children aged 13-14 years will be provided with accommodation by COA if Nidos is unable to place them directly in a foster family. All youths accommodated by COA fall under the guardianship of Nidos. After completion of the General Asylum Procedure (AA), unaccompanied minors who have been granted a residence permit will be provided with reception by Nidos. Minors who have not yet obtained a residence permit after the General Asylum Procedure are placed in a small residential facility under COA's responsibility. Small residential facilities (kwv) have been provided for the reception of unaccompanied minors.

Other important developments include the improvement plans for protected reception. Protected reception offers accommodation, supervision, counselling and support to all minor (suspected) victims of human trafficking. In the past years much attention was devoted in parliament to the disappearance of unaccompanied minors from COA's Protected Reception facilities⁷ and to the reports by the Youth Care and Justice and Security Inspectorates on the quality of these Protected Reception facilities. After it had been observed by the Youth Care and Justice and Security Inspectorates that the quality of the protected reception facilities was not up to standard, measures for improvement were implemented. Early in 2017 the inspectorates reassessed the situation. In this reassessment, the inspectorates concluded that the quality of

⁴ Nidos, Kinderen gevlucht en alleen [Children, fled and alone], 2017, p. 34 [in Dutch]

⁵ <https://www.dienstterugkeerenvertrek.nl/VertrekkuitNederland/Bijzonderecategorieenvreemdelingen/amv.aspx> [in Dutch]

⁶ See chapter 5 of this template for more information on the return of unaccompanied minors without a residence permit.

⁷ *Parliamentary Papers II* 2016/17, 27062, no 106. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html> [in Dutch] & Tiende Rapportage van de Nationaal Rapporteur Mensenhandel [Tenth Report by the National Reporter on Trafficking in Human Beings], 9 November 2017, p. 56 [in Dutch]

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the protected reception facilities had improved, but that it was still not up to standard on a number of assessment criteria, and it was again noted that minors had disappeared from protected reception.⁸

Executive Summary [max. 5 pages]

The Executive Summary of the **Synthesis Report** will provide an overview of the Study, as well as form the basis of an EMN Inform, which will have EU and national policy-makers as its main target audience. The Executive Summary will be prepared by the EMN Service Provider (ICF).

Section 1: Overview of the international and EU legislative framework on unaccompanied minors [max. 5 pages]

This section of the **Synthesis Report** will briefly outline the EU legal framework guiding national legislation on unaccompanied minors. It will provide a mapping of the substantive and procedural provisions in the EU acquis that regulate the protection of unaccompanied minors. The section will also highlight how the EU acquis relates to the broader international legal framework on unaccompanied minors. This section will be developed by the EMN Service Provider, hence no input from the EMN NCPs is required here.

Section 2: Overview of the situation of unaccompanied minors in the (Member) State [max. 3 pages]

This section of the Synthesis Report will provide an up-to-date overview of the national situation with regard to unaccompanied minors in the (Member) States, including figures on the scale and nature of the phenomenon, e.g. number of residence permits issued to unaccompanied minors, number of unaccompanied minors reunited with family in (Member) States, etc. The section further sets out the context for the Study by providing information on the overall approaches of (Member) States to the care, integration and return of unaccompanied minors as deduced from the latest changes to law/ policy and/ or practice concerning this group of migrant children. The section will be drafted on the basis of data available from Eurostat or other relevant sources and complemented by national data provided by EMN NCPs (in Annex 1).

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

In this context, we understand the "current public debate" to mean the topics that were discussed in 2017 in the media or topics on which Parliamentary questions have been asked on several occasions. In the current public debate (2017) in the Netherlands, the following topics came up in relation to unaccompanied minors whose application had been granted or rejected:

- In April 2017, eight children's and human rights organisations urged the government to stop the **removal of children to Afghanistan**.⁹ They indicated that the country was unsafe, in particular for vulnerable

⁸ *Parliamentary Papers II, 2015 - 2016*, 27062, no 106. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html> [in Dutch]

⁹ 'Stop uitzetting jonge kinderen naar gevaarlijk Afghanistan' [Stop the deportation of young children to a dangerous Afghanistan] AD, 24 April 2017. <https://www.ad.nl/binnenland/stop-uitzetting-jonge-kinderen-naar-gevaarlijk-afghanistan~a629c7e1/> [in Dutch]

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groups such as children, and unaccompanied minors in particular. On various occasions, Parliamentary questions were also asked on this subject.¹⁰

- In late 2017 a number of Dutch celebrities asked citizens to sign a petition to grant a residence permit to minor asylum seekers who have been living in the Netherlands for a longer period of time¹¹. The children's pardon, implemented in 2013, is meant for children of asylum seekers and for unaccompanied minors who have not been granted a residence permit, but who have been living in the Netherlands for more than 5 years.¹² Under certain conditions they may still be granted a residence permit. This applies to all minors, including unaccompanied minors. There was a discussion in the media on an easing of the conditions of the **children's pardon**. Upon the establishment of the new government in October 2017, the parties VVD, CDA, D66 and ChristenUnie have indicated that they would like the arrangement of the children's pardon to stay as it is.¹³
- Protected Reception (BO) offers accommodation, supervision, counselling, and support to all unaccompanied minor (suspected) victims of human trafficking. In 2017, much attention has been paid in the House of Representatives to the **disappearance** of unaccompanied minors **from COA's¹⁴ Protected Reception facilities** and the reports by the Youth Care and Justice and Security Inspectorates on the quality of this Protected Reception. The aim of Protected Reception is to protect minors who run the risk of becoming a victim of human trafficking or smuggling of migrants and as such to prevent these minors from disappearing from the reception facility. In addition, protected reception aims to contribute to the improvement of investigations under criminal and aliens law that aim to persecute and sentence traffickers of human beings. From reports by the inspectorates it became evident that the quality was not up to standard and that many unaccompanied minors still disappeared. The recommendations by the inspectorates have by now been implemented. Please see question 3 for a more detailed description of policy changes.

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

National policy priority

Yes, unaccompanied minors whose application has been granted or rejected are "prioritised in the national policy" because specific policies have been developed for them. A policy was drawn up for unaccompanied minors under 18 in relation to guardianship, reception, supervision, education, and care. When they turn 18, they are officially no longer unaccompanied minors and fall under the group of adult beneficiaries of international protection or the group of adults that will be repatriated.

In the Netherlands, the organisation of care, aid, and protection for minor third-country nationals - with or without residence status - has been divided among various (often national) institutions, including Nidos, the Central Agency for the Reception of Asylum Seekers (COA), the Dutch Council for Refugees (VWN), providers of youth

¹⁰ See for example: *Parliamentary Papers II* 2016/17, 22 June 2017, no 1467, *Parliamentary Papers II* 2016/17, 22 June 2017, no. 2162, *Parliamentary Papers II* 2016/17, 1 August 2017, no 2367 [in Dutch]

¹¹ BN'ers straten petitie voor verruiming kinderpardon: "ze zijn al thuis" [Celebrities start petition for expansion of children's pardon: "they are home"] (14 December 2017). Joop BNN VARA. <https://joop.bnnvara.nl/nieuws/bners-petitie-verruiming-kinderpardon> [in Dutch]. Also see: www.zezijnalthuis.nl [in Dutch]

¹² See: IND website Regeling langdurig verblijvende kinderen (Kinderpardon) [Regulation for long-term resident children (children's pardon)], consulted on 28 December 2017: <https://ind.nl/over-ind/achtergrondthemas/Paginas/Kinderpardon.aspx> [in Dutch]

¹³ <https://nos.nl/artikel/2196376-kinderpardon-toch-niet-verruimd-door-nieuwe-kabinet.html> [in Dutch]

¹⁴ See: *Parliamentary Papers II* 2016/17, 27062, no. 106. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html> [in Dutch] & Tiende Rapportage van de Nationaal Rapporteur Mensenhandel [Tenth Report by the National Reporter on Trafficking in Human Beings], 9 November 2017, p. 56 [in Dutch]

care, municipalities, and other certified organisations (see sections 3 and 4).

In the new coalition agreement of October 2017, unaccompanied minors have been assigned a separate category: "Families with children and unaccompanied minors will continue to be given a child-friendly reception."¹⁵

Changes in prioritisation within the past years (since 2014)

Specific policy on unaccompanied minors dates from 1992 (back then being called 'unaccompanied minor asylum seekers'). In the last couple of years, specific policies on unaccompanied minors have been modified and the existing policies have been strengthened. For instance, a new reception model was implemented on 1 January 2016 (see question 3), in which the interests of the child have been prioritised. Children under 15 years are placed directly in a foster family. This was formerly under 13 years. This shows that unaccompanied minors have been given more priority over the past years.

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

Between 2014 and 2017 the following changes have been made to policy, legislation and regulations, and practice with regard to unaccompanied minors after the asylum procedure:

The Dutch Forced Marriage Act came into force in 2015

On 5 December 2015 the new Forced Marriage Act (*Wet Huwelijksdwang*) came into force. As of the moment this act came into force, it has no longer been possible for married minors to enter the Netherlands through the family reunification policy for beneficiaries of international protection. It is, however, still possible for minors who married abroad to enter the Netherlands independently. They do not qualify for a permit for family reunification with a beneficiary of international protection, but can apply for international protection independently. The work agreements on security, protection and accommodation have been revised and adapted. Nidos Foundation¹⁶ applies for the guardianship of all unaccompanied minors. Minors who married abroad and enter without their parents are also registered as unaccompanied minors, because their marriage is not recognised under Dutch law. If there is a partner, Nidos, in addition to interviewing the unaccompanied minor, will also interview the partner.¹⁷ Nidos does not petition for guardianship over married minors who enter with their parents. The minor will then be placed with their parents in a COA reception centre. During the interviews, the minor, their partner and any family members will be informed of the current legislation in the Netherlands, in which marriages to/between minors are not recognised and interviews about the reception will take place. Nidos and COA are very much on the alert in interviews for any signs of forced marriage and forms of abuse. In case of such signs, a solution is found in consultation with the minor and, where possible, their family. In such a situation, the Child Care and Protection Board (*Raad voor de Kinderbescherming*, RvdK), the National Expertise Centre on Honour-related violence (*Landelijk Expertise Centrum Eer Gerelateerd Geweld*, LEC EGG) and the Netherlands Bureau for Protection against Forced Marriage and Abandonment (*Landelijk*

¹⁵ Coalition agreement "Vertrouwen in de toekomst" [Faith in the future] (2017) VVD, CDA, D66 and Christenunie. P.54. <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst> [in Dutch]

¹⁶ Nidos Foundation is the legal guardian of unaccompanied minors in the Netherlands.

¹⁷ Additional information: If a girl below 16 years old has indicated that she wishes to live with the husband, Nidos Foundation aims to separate the couple and to explore together with the girl and any relevant family the options to bridge the period until 16 in a way that is acceptable to the families, in order to prevent any risk of breach of honour and honour killings. If the girl is over 16, the couple can be accommodated together, unless there are signs of force. This concerns a core decision in which a focussed risk assessment is conducted for signs of force. If needed, the LEC EGG is consulted for advice. When the girl (below 18) has indicated that she does not wish to live with the husband, a solution is sought together with her that minimises the risk of a breach of honour or honour killing. In this case, LEC EGG is always called in.

Knooppunt Huwelijksdwang en Achterlating) can be deployed. If necessary, the minor will be placed in COA's protected reception.¹⁸

New reception model for unaccompanied minors as of 2016

As of 1 January 2016, a new reception model for unaccompanied minors has come into force.¹⁹ This model prioritises small-scale reception, giving effect to the child's interest. Unaccompanied minors up to 14 years old will be provided with reception in foster families under the responsibility of Nidos. In the supervision of unaccompanied minors, their residency prospect is taken into consideration: integration if a permit has been granted or return if the application has been rejected.²⁰ In the new model, unaccompanied minors who have been granted a residence permit are placed with a foster family to work on their civic integration from this environment. If no foster families are available for an unaccompanied minor with residence permit, Nidos provides them with reception in small-scale residential facilities. This small scale is an important condition for guidance towards an autonomous position in Dutch society. Those unaccompanied minors who are allowed to stay in the Netherlands will no longer reside in the reception system alongside unaccompanied minors who are still in the procedure or whose application has been rejected. This is done in order to obtain more clarity and consistency with regard to the future prospects of unaccompanied minors: for them and for their environment. Thus, in reception, a distinction is made in terms of age and prospects.²¹

Minors who have not (or not yet) been granted a permit will be placed in small accommodation facilities under the responsibility of COA²². For the reception of this group of unaccompanied minors, small housing facilities (kwv) have been furnished with a maximum reception capacity of 16-20 persons. These small housing facilities are organised in regions with a total reception capacity of up to 100 persons within a radius of around 15 km. A small accommodation facility can be on the premises of a reception centre or outside it. If an unaccompanied minor who has not been granted a residence permit is 17.5 years old at the starting time of their application, they will move on to a small reception facility on the grounds of a reception centre (azc), so that they can easily move on to the reception centre when they have turned 18. In the small reception facilities, COA employees are available 24 hours a day. They supervise the minor residents and prepare them for their future. This can be either return or integration.

Improvement measures for Protected Reception in 2016 and 2017

Unaccompanied minors are a group vulnerable to the smuggling of migrants and human trafficking. That is why protected reception was implemented in 2008 for minors who in the experience of the Immigration and Naturalisation service run a great risk of disappearing. They are supervised intensively to increase their security.²³

In 2016, the Inspectorates of Youth Care and Justice and Security issued a report on the quality of the Protected Reception of unaccompanied minors.²⁴ One of the findings in this report is that the inspectorates observed that the quality of this Protected Reception was not up to standard. Among other things they observed that minors who require extra protection do not receive this sufficiently and that it cannot be prevented that minors, and one group in particular, disappear with an unknown destination. COA drew up plans for improvement, which were implemented in the course of 2016. Improvement plans for Protected Reception in 2016:

- To adequately monitor the safety of minors, COA has compiled a risk-assessment instrument. This

¹⁸ *Parliamentary Papers II*, 2015-2016, 19637, no 2146.

¹⁹ *Parliamentary Papers II* 2013/14, 27062, no 95 [in Dutch] and COA's website: <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch].

²⁰ Written input by Migration Policy Department (DMB) received on 11 January 2018 and COA's website: <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch]

²¹ Written input by Migration Policy Department (DMB) received on 11 January 2018 and COA's website: <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch]

²² COA's website, December 2017, <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch]

²³ COA's website, December 2017, <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch]

²⁴ Rapport over de kwaliteit van de beschermde opvang voor alleenstaande minderjarige vreemdelingen [Report on the quality of the Protected Reception of unaccompanied minors], March 2016, <https://www.rijksoverheid.nl/documenten/rapporten/2016/03/07/rapport-de-kwaliteit-van-de-beschermde-opvang-voor-alleenstaande-minderjarige-vreemdelingen> [in Dutch]

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instrument enables staff at the Protected Reception to assess the safety of a minor upon entry as well as periodically. The risk assessment instrument was implemented in July 2016.

- A security plan was drawn up for Protected Reception. On the basis of this plan, the professionals can determine the supervision for security risks of every resident of the Protected Reception, limit the security risks and establish whether the risks have decreased. The security plan has been used by Protected Reception staff since June 2016.
- Since 1 June 2016, a residents meeting has been held once every two weeks. One of the topics of these meetings is the (physical) living environment of the minors. This ensures that the minors have a say in and can influence their living environment and security.
- A complaints procedure has been set up. It will be translated into various languages before it is implemented. In addition, an external confidante has been appointed for Protected Reception Facilities, who will periodically visit the facility.

Improvement plans for Protected Reception in 2017:

The inspectorates have observed in their reassessment that the quality of Protected Reception has improved, but was still not up to standard on two of the assessment criteria.²⁵ For instance, the inspectorates observed that the information important for the supervision of minors during their residence in the Protected Reception facilities was not set out in a complete, structured, and unambiguous way, partly because the so-called working plan and security plan could not yet be stored in the digital residents file (IBIS). In addition, the inspectorates observed that COA did not yet have an established vision and policy for the application of freedom-restricting measures. Furthermore, the inspectorates voiced their concern in the report that during the reassessment it was again established that minors had disappeared from the Protected Reception facilities. COA informed the Minister of Migration in a letter of 3 August 2017 of improvement measures it had taken:²⁶

- To assure a high level of quality in the supervision of a minor, the IBIS system has become accessible again to staff in the Protected Reception facilities since May 2017. The format of the security plan is currently part of IBIS. As of 1 September 2017, the format of the working plan has also been part of IBIS.
- In addition, the vision and policy for freedom-restricting measures were completed and were implemented in August. Since September 2017, work is conducted according to this vision and policy.

It should be noted here that the Protected Reception facility is not a closed setting. The prevention of disappearance from this form of reception is therefore limited.

The pilot programme Protected Reception 18+ (transition from unaccompanied minor to 18 years): started in 2015 and ended in 2017

In addition to offering protection, Protected Reception was designed to make unaccompanied minors resilient (or more resilient). That is why unaccompanied minors in Protected Reception are offered a programme. Because it turned out that unaccompanied minors had not always completed the programme when they turned 18, it was decided in 2015 to start the pilot programme 18+. In the pilot period, unaccompanied minors were to complete the programme in Protected Reception, even when they turned 18 in the meantime. Furthermore, additional attention was paid in the pilot to moving on to the next reception location. This specifically concerned unaccompanied minors who were not in further need of protected reception, but for whom the transition to a regular reception centre was a step too far.

However, the number of unaccompanied minors in Protected Reception was too small and their average age of entry was too low to draw conclusions on that basis. This is why the former Minister of Migration decided to extend the pilot programme by half a year. However, in 2016 this situation remained almost unchanged. Residence in the Protected Reception facility was extended in 2016 for only one minor after they had reached the age of 18. The

²⁵ *Parliamentary Papers II* 2016/17, 27062, no 106. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html> [in Dutch]

²⁶ *Parliamentary Papers II* 2016/17, 27062, no <https://zoek.officielebekendmakingen.nl/kst-27062-106.html> [in Dutch]

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flow of vulnerable former unaccompanied minors to the specially equipped reception centre was also very limited.²⁷ Therefore, the Minister indicated in a letter to Parliament of July 2017 that the Protected Reception 18+ pilot programme would be ended. For any unaccompanied minors for whom there is the need to complete the programme after having reached the age of 18, this can be facilitated in a tailor-made approach.²⁸

Amended Civic Integration Act as per 2017

The Civic Integration act was amended with effect from 1 October 2017.²⁹ In addition to the introduction of a participation statement, this amendment laid down social counselling of asylum migrants by law. As a result, municipalities will be given the task to advise people with a right to asylum on the civic integration course they have to take as part of social counselling. Social counselling has always been aimed at migrants with a civic integration requirement. However, in the past few years local governments received funding for 16 and 17 year olds (who do not have a civic integration requirement). Hence, as a result of this amendment, unaccompanied minors of 16 and 17 year old who do not have a civic integration requirement are no longer entitled to social counselling.

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

Establishing adequate reception facilities in third countries

In the new coalition agreement of October 2017³⁰ the cabinet announced to look into the possibilities of establishing adequate reception facilities for unaccompanied minors in third countries. They are currently researching the possibilities to set up agreements with other European Member States on this issue, e.g. on reception facilities in Afghanistan³¹.

There are no further planned changes to law, policy, or practice regarding the care, integration or return of unaccompanied minors.

Q4. What **status**es does your (Member) State typically grant to unaccompanied minors and in what circumstances (e.g. asylum, humanitarian protection, temporary/ tolerated status, etc.)? *Please do not provide details here on the different status determination procedures (as this is not the focus of the Study), but rather on what status(es) they result in for unaccompanied minors.*

1. Asylum Residence Permit

In the Netherlands no policy-related distinction is made between persons with status under the Refugee Convention, or who are provided with subsidiary or humanitarian protection. They all receive the same status, being the Temporary Asylum Residence Permit. An unaccompanied minor who requires international protection is granted an Asylum Residence Permit.

2. Regular Residence Permit

- a. Regular residence permit on the basis of the no-fault policy for unaccompanied minors: "humanitarian temporary"

²⁷ *Parliamentary Papers II* 2016/17, 28638, no 159. <https://zoek.officielebekendmakingen.nl/kst-28638-159.html> [in Dutch]

²⁸ *Parliamentary Papers II* 2016/17, 28638, no 159. <https://zoek.officielebekendmakingen.nl/kst-28638-159.html> [in Dutch]

²⁹ Bulletin of Acts and Decrees 2017, 285. [in Dutch]

³⁰ Coalition agreement "Vertrouwen in de toekomst" [Faith in the future] (2017) VVD, CDA, D66 and Christenunie. P.54.

<https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst> [in Dutch]

³¹ Input of the Ministry of Justice

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If IND establishes that an unaccompanied minor does not need protection, they will have to return to their country of origin. This is only possible if a good reception for the unaccompanied minors is available there, for instance with their family or in a shelter. Sometimes, unaccompanied minors are unable to return to their country of origin through no fault of their own. Unaccompanied minors below 15 years may qualify for a temporary regular residence permit on grounds of the no-fault policy for unaccompanied minors. This is the case when in the country of origin or in another country where the unaccompanied minor can reasonably go no adequate reception is available within three years after the last application for residence or if the unaccompanied minor's departure cannot take place within three years through no fault of their own. In both cases the unaccompanied minor must have made active efforts to facilitate their return. In some cases it is clear right from the start that there will not be any adequate reception available within three years. In those cases a residence permit can be issued earlier ex officio.

The regular policy applies to unaccompanied minors of 15 years and older who are unable to return independently or with the assistance of the Repatriation and Departure Service (DT&V). In that case, legitimate stay is possible on the grounds of the policy for third-country nationals who are unable to leave the Netherlands through no fault of their own. The third-country national does need to comply with strict criteria. For instance, the third-country national must prove or make it plausible that they turned to the authorities of their country of origin. They also must have requested the Dutch authorities to mediate between them and the authorities of the country of origin for obtaining travel documents and there can be no doubt about their nationality and identity.

It is important to note that the no-fault policy permit for unaccompanied minors has never been granted.

- b. Regular residence permit on the basis of the policy for long-term resident children in the Netherlands: "humanitarian non-temporary"

The Regulation for long-term resident children (children's pardon), implemented in 2013, is meant for children of asylum seekers and for unaccompanied minors who have not got a residence permit, but who have been living in the Netherlands for more than 5 years.³² Under certain conditions (including cooperation in returning) they may still be granted a residence permit. This applies to all minors, including unaccompanied minors.

In practice it happens that children whose application has been rejected will still try to stay in the Netherlands and for that purpose appeal to the Minister of Migration to exercise his so-called 'discretionary power'. This power enables the Minister to grant a residence permit in isolated cases in relation to harrowing circumstances. When he does so, it is in derogation of the policy – after all, the application of the policy did not lead to a residence permit being granted. In practice, this type of decision is called an 'order by the Minister'³³.

- c. Regular residence permit on the basis of victimhood of human trafficking: "humanitarian temporary" and permanent after 3 years

If unaccompanied minors are victims of human trafficking, they qualify for a regular residence permit under the same conditions as those applicable to adults. This permit will be granted with the restriction "temporary humanitarian" and this temporary residence permit can be converted into a permit for extended stay after three years.

For unaccompanied minors the same options are open to acquire a residence permit as those for adult asylum seekers and accompanied minors, for example for medical treatment or harrowing circumstances.

The entitlement to residence (temporary asylum residence permit or regular temporary/permanent residence permit) does not influence the measures taken to improve the integration of unaccompanied minors. The measures listed in this study for unaccompanied minors with a residence permit apply to all unaccompanied

³² See: IND website Regeling langdurig verblijvende kinderen (Kinderpardon) [Regulation for long-term resident children (children's pardon)], 28 December 2017: <https://ind.nl/over-ind/achtergrondthemas/Paginas/Kinderpardon.aspx> [in Dutch]

³³ See: IND website Regeling langdurig verblijvende kinderen (Kinderpardon) [Regulation for long-term resident children (children's pardon)], 28 December 2017: <https://ind.nl/over-ind/achtergrondthemas/Paginas/Kinderpardon.aspx> [in Dutch]

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minors with a residence permit.

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

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

The largest group is made up of boys aged 15 to 18 years old³⁴.

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

The largest group of unaccompanied minors is made up of boys.³⁵

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

N/A

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

N/A

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

- The total number of accepted/ rejected applications for asylum by unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total number of residence permits issued to unaccompanied minors on grounds such as asylum, humanitarian protection, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- If available, data pertaining to specific integration outcomes for unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of

³⁴ Kinderen gevlucht en alleen [Children, fled and alone], NIDOS Foundation, 2017, p. 15 [in Dutch] and COA's monthly report of October 2017, p. 12 [in Dutch]

³⁵ Kinderen gevlucht en alleen [Children, fled and alone], NIDOS Foundation, 2017, p. 15 [in Dutch] and COA's monthly report of October 2017, p. 12 [in Dutch]

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origin of the minor (e.g. unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; unaccompanied minors who have completed successfully any (civic) integration courses; unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); cases of successful family reunification involving unaccompanied minors). *If such data are not available, please provide below any existing qualitative information in relation to outcomes for unaccompanied minors;*

- The total number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (through voluntary and forced returns), including data on AVR(R)-programmes targeting unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors disappearing from care/ guardianship and/ or following a return decision, if possible disaggregated by age/ sex/ country of origin of the minor.

Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.

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

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

Rejected unaccompanied minors are accommodated in small-scale reception facilities of COA. If an unaccompanied minor who hasn't got a residence permit is 17.5 years old at the starting time of their application, they will move on to a small residential facility on the grounds of a reception centre (azc), so that they can easily move on to the reception centre when they have turned 18.³⁶

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

An accompanied minor who turns 18 years old is no longer allowed to stay in a Nidos facility and for this reason they must have prospects of a fitting follow-up accommodation before they reach the age of 18. While the unaccompanied minor is provided with shelter, care and supervision by Nidos Foundation, the 18-year-old must be independent, also financially. However, Nidos, the municipalities and other care providers do make sure that unaccompanied minors receive support in their transition to this independence.

Unaccompanied minors with a residence permit are provided with small-scale accommodation in municipalities. The municipality is responsible for providing a new accommodation from the 18th birthday. The idea behind this is that unaccompanied minors should stay in the same environment or region as much as possible when they are being moved from one reception facility or municipality to the next. This enables them to keep their social contacts and any care, counselling and education they are receiving.

In cooperation with Association of Netherlands Municipalities (VNG), Nidos drafted an aid which provides guidelines

³⁶ COA's website, consulted on 28 December 2017. <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch].

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for collaboration agreements between municipalities, Nidos and its contract partners and organisations involved, such as housing corporations and healthcare providers.³⁷ This is in order to make the transition of the unaccompanied minor run as smoothly as possible on their 18th birthday. The starting point is to distribute information on who needs which type of care and to offer a framework within which municipalities can take action. The ambition is to achieve continuity for unaccompanied minors in the field of housing, education/work, finances, social network, counselling and care if needed. It should, however, be noted that the transition can only take place if there is follow-up counselling, which is not available in all municipalities. In some cases, the counselling by youth care organisations (contract partners of Nidos) will continue for some time because no follow-up counselling or housing is available.³⁸

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

When being placed in one of the accommodations/families of Nidos, Nidos assists them to register themselves in the Municipal Personal Records Database (BRP). This enables both organisations to know when the unaccompanied minor is 17.5 years old. Nidos notes when the unaccompanied minor is almost 17.5 years old and initiates the first action.

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

For unaccompanied minors who are subject to a return decision as well as unaccompanied minors who have been granted international protection, action is taken when they become 17.5 years (so six months before their 18th birthday).

If unaccompanied minors are 17.5 years old at the time of their application, they will move on to a small residential facility on the grounds of a reception centre (azc), so that they can easily move on to the reception centre when they have turned 18.³⁹

Unaccompanied minors who have been granted international protection will have a preparatory meeting with Nidos/the foster parents at the municipality at 17.5 years old. In this meeting, the actions are discussed that relate to housing, income, education and/or work, counselling, need for healthcare, support, and particulars, so that this will have been settled by the time they turn 18.⁴⁰ Next, Nidos takes the initiative to find new housing. This could be (monitoring of) the support to find a room, a check of the rental contract, and help with moving, if this is before the unaccompanied minor's 18th birthday. Afterwards, application for any income allowance, as well as other practical matters, will be looked into together with the unaccompanied minor.⁴¹ Before the 18th birthday a warm transfer takes place between Nidos, its contract partners/ foster parent or parents and implementing organisations of follow-up counselling. During the transfer the state of affairs is discussed, as well as any follow-up actions needed for the various counselling themes.⁴²

³⁷ Handreiking Nidos en VNG, Overdracht van amv's die 18 jaar worden [Guidelines by Nidos Foundation and VNG, Transfer of unaccompanied minors who turn 18], June 2017, p. 3 [in Dutch]

³⁸ Written input by policy assistant at the Dutch Council for Refugees (VWN), received on 16 January 2018

³⁹ COA's website, consulted on 28 December 2017. <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch].

⁴⁰ Handreiking Nidos en VNG, Overdracht van amv's die 18 jaar worden [Guidelines by Nidos Foundation and VNG, Transfer of unaccompanied minors who turn 18], June 2017, p. 8 [in Dutch]

⁴¹ Handreiking Nidos en VNG, Overdracht van amv's die 18 jaar worden [Guidelines by Nidos Foundation and VNG, Transfer of unaccompanied minors who turn 18], June 2017, p. 8 [in Dutch]

⁴² idem

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination***Section 3: Care arrangements for unaccompanied minors, including after-care for unaccompanied minors turning 18 years of age [max. 10 pages]**

This section of the Synthesis Report will provide a factual, comparative overview of the care arrangements in place for unaccompanied minors in the (Member) States – including any transitional/ after-care available for unaccompanied minors turning 18. Whilst the aim of this section is to report on care measures available specifically to unaccompanied minors following status determination, some care provisions are accessible for unaccompanied minors without a determination on their applications/ 'legal' status. Where the provisions differ from those for unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.

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

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

Priority

Unaccompanied minors are given continued special attention, despite an unusually large influx of refugees in 2015. The former Minister of Migration mentioned in his letter to the House of representatives in October 2016 that he considered this of essential importance for this vulnerable group⁴³. A new reception model was implemented on 1 January 2016 (see question 3), in which the interests of the child have been prioritised. Children under 15 years are placed directly in a foster family. This was formerly under 13 years.

Commencement of care

The care for unaccompanied minors begins before their status is determined. On the day of their application for asylum, unaccompanied minors receive an intake interview by a Nidos youth protector at the application desk. This youth protector decides whether a child will join their family or will be placed in a foster family or asylum reception. The youth protector also checks if the child may be particularly vulnerable, for instance when they have been a victim of human trafficking and have a protected reception (BO) indication. Protected reception is a form of special security reception by COA (the Central Agency for the Reception of Asylum Seekers). From day 1 of their registration, unaccompanied minors are placed in a reception facility of COA that is specifically furnished for the reception and supervision of unaccompanied minors.

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

All children in the Netherlands (irrespective of their status) have a right to education, reception/shelter, social facilities and medical care.

Guardianship

All minor third-country nationals arriving in the Netherlands without parents or an adult family member with legal authority are placed under the guardianship of Nidos in a court order by a juvenile court judge.⁴⁴ This also applies to the group of unaccompanied minors who do not apply for international protection in the Netherlands. The guardianship will continue until the unaccompanied minor reaches the age of 18 or until they return to their

⁴³ *Parliamentary papers II 2016/17, 27 062, nr. 104* [in Dutch]

⁴⁴ Nidos, Kinderen gevlucht en alleen [Children, fled and alone], 2017, p. 28 [in Dutch]

country of origin.

Reception

Nidos and COA are both responsible for the reception and supervision of unaccompanied minors.⁴⁵ As of the implementation of the new reception model on 1 January 2016, a distinction is made in terms of age and residence perspective.⁴⁶ The new reception model was developed in a collaboration between Nidos and COA.

Nidos places unaccompanied minors up to 14 years in foster families where they stay until they come of age. Unaccompanied minors of 15 years and over are placed in small-scale reception facilities where supervision by Nidos is available.⁴⁷

After registration, unaccompanied minors are placed in one of COA's first reception locations and they will stay there until the completion of their asylum procedure. After completion of the General Asylum Procedure (AA), unaccompanied minors who have been granted a residence permit will be placed in small accommodation facilities with a maximum capacity of 16-20 persons under COA's responsibility.

Unaccompanied minors from third countries who do not apply for international protection will be placed under the guardianship of Nidos as well and will be provided with reception for unaccompanied minors.⁴⁸

Unaccompanied minors who are 17.5 or older at their moment of application will, as a principle, stay in small accommodation facilities in the reception centre (azc), so that when they reach the age of 18 they can move into the reception centre.⁴⁹

Counselling

The nature of the counselling by COA employees, contract partners of Nidos and foster families has been adapted to age as well as residence prospects.

In the small accommodation facilities, COA employees are available 24 hours a day. Unaccompanied minors are counselled and prepared for their future. This can be either return or integration. Key to the counselling of the minors is the development of skills. Depending on the local options, minors can participate in all kinds of leisure activities.⁵⁰

Education

All children, including unaccompanied minors, whether or not they apply for international protection, fall under the Compulsory Education Act (*Leerplichtwet*) and have to go to school.⁵¹

Access to healthcare

All children, including unaccompanied minors, are entitled to and have access to medical care. This includes curative as well as public health care (such as awareness campaigns on health, vaccination programmes, and youth healthcare).⁵²

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

⁴⁵ COA, Factsheet Alleenstaande Minderjarige Vreemdelingen in Nederland [Factsheet on Unaccompanied Minors in the Netherlands], March 2016 [in Dutch]

⁴⁶ *Parliamentary Papers II*, 2013/14, 27062, no 95, <https://zoek.officielebekendmakingen.nl/kst-27062-95.html> [in Dutch]

⁴⁷ COA, Factsheet Alleenstaande Minderjarige Vreemdelingen in Nederland [Factsheet on Unaccompanied Minors in the Netherlands], March 2016 [in Dutch]

⁴⁸ Nidos, Kinderen gevlucht en alleen [Children, fled and alone], 2017, p. 34 [in Dutch]

⁴⁹ COA, Factsheet Alleenstaande Minderjarige Vreemdelingen in Nederland [Factsheet on Unaccompanied Minors in the Netherlands], March 2016 [in Dutch]

⁵⁰ COA, Factsheet Alleenstaande Minderjarige Vreemdelingen in Nederland [Factsheet on Unaccompanied Minors in the Netherlands], March 2016 [in Dutch]

⁵² Input from expert Ministry of Justice, provided on 1 februari 2018

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Yes, after the status has been determined, attention is given to the best interest of the child. Nidos must always centre on the best interest of the child in its work, whether it concerns an unaccompanied minor with or without a residence permit. An important point is that unaccompanied minors should stay in the same environment or region as much as possible when they are being moved from one reception facility to the next. This enables them to keep their social contacts and any care and education they are receiving.⁵³ The unaccompanied minor has a say in their living environment through youth committees or counselling during their daily activities. When a decision has to be taken on where an unaccompanied minor will stay, the unaccompanied minor has the chance to voice their wishes. An unaccompanied minor may, for instance, prefer a certain location because of their network, or for specific education. When placement is being discussed, the unaccompanied minor's mentors and guardian are also interviewed, and they take the wishes of the unaccompanied minor into consideration. Unaccompanied minors are involved in their placement and have a certain say in it.

Preparation 18+

To make sure the transition to an autonomous life runs smoothly and in order to prepare the unaccompanied minor well, Nidos, together with its contract partners, works on the integration of unaccompanied minors in Dutch society.

Legislation and working instructions

The above has been described in the policy of the new reception model for unaccompanied minors, so existing implementing instructions and protocols have been derived from this policy.

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

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
Nidos Foundation	<ul style="list-style-type: none"> In conjunction with COA, Nidos Foundation is responsible for the reception and guidance of unaccompanied minors.⁵⁴ The formal task of Nidos is to assure a healthy development of the child, promote the child's interests and to make sure that they can take care of themselves when they are 18 years old, because it is then that the legal guardianship expires.⁵⁵ 	<ul style="list-style-type: none"> Nidos determines which individual unaccompanied minors are placed where on the basis of the principles in the reception model and its own expertise.⁵⁶ Nidos is responsible for small-scale reception types (KSO)⁵⁷ and has contracted ten youth service organisations to found and manage them.⁵⁸ The placement of unaccompanied minors up to 14 years of age (with or without a permit) in foster families.

⁵³ VNG and Opnieuw Thuis, Factsheet Alleenstaande Minderjarige Vreemdeling [Factsheet Unaccompanied Minors], 2016, p. 2 [in Dutch]

⁵⁴ *Parliamentary Papers II*, 2013/14, 27062, no 95, <https://zoek.officiëlebeleidmakingen.nl/kst-27062-95.html> [in Dutch]

⁵⁵ Nidos Foundation, Kinderen gevlucht en alleen [Children, fled and alone], 2017, p. 27 [in Dutch]

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Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
		<ul style="list-style-type: none"> • The placement of unaccompanied minors aged 15 years and over who have been granted a residence permit in small-scale reception facilities. • In the supervision of unaccompanied minors, their residence prospect is taken into consideration: integration if a permit has been granted or return if the application has been rejected. Unaccompanied minors in COA's reception with a residence permit will be placed in families by Nidos. From this point on, they can work on their integration.⁵⁹
Central Agency for the Reception of Asylum Seekers (COA)	<ul style="list-style-type: none"> • In conjunction with Nidos, COA is responsible for the reception and guidance of unaccompanied minors.⁶⁰ 	<ul style="list-style-type: none"> • Unaccompanied minors without a residence permit aged 15-18 years • Unaccompanied minors of 15 years and over will be placed in a small accommodation facility under COA's responsibility if they have not received a final decision after the general asylum procedure as well as when they are younger than 15 and cannot be placed in a foster family. • Supervision COA is responsible for the access to youth services for unaccompanied minors at COA reception locations. COA employees play an observer's role on the locations.⁶¹ • COA is responsible delegating the

⁵⁶ VNG and Opnieuw Thuis, Factsheet Alleenstaande Minderjarige Vreemdeling [Factsheet Unaccompanied Minors], 2016, [in Dutch]

⁵⁷ Further elaborated in question 9.

⁵⁸ Nidos Foundation, Kinderen gevlucht en alleen [Children, fled and alone], 2017, p. 32 [in Dutch]

⁵⁹ VNG and Opnieuw Thuis, Factsheet Alleenstaande Minderjarige Vreemdeling [Factsheet Unaccompanied Minors], 2016, [in Dutch]

⁶⁰ COA, Factsheet Alleenstaande Minderjarige Vreemdelingen in Nederland [Factsheet on Unaccompanied Minors in the Netherlands], March 2016 [in Dutch]

⁶¹ Factsheet Jeugdhulp, Algemene informatie over de (toegang tot de) jeugdhulp voor asielzoekerskinderen en amv [Factsheet on youth services, General information on (access to) youth services for Asylum seekers' children and unaccompanied minors] (28 October 2016). Consulted on 28 December

2017: <https://rzasielzoekers.nl/dynamic/media/28/documents/Factsheet%20jeugdhulp.pdf> [in Dutch].

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Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
		responsibility for unaccompanied minors to municipalities.
Municipality	<ul style="list-style-type: none"> • Partially at the request of municipalities, it has been agreed in the administrative agreement of November 2015/ elaboration agreement of April 2016 that unaccompanied minors will have small-scale accommodation in the municipalities • Part of this agreement is that unaccompanied minors are included in the formal task of municipalities and are housed there as soon as they turn 18. 	<ul style="list-style-type: none"> • The municipalities are administratively responsible for offering follow-up accommodation and, if needed, for providing the unaccompanied 18-year-old permit holder with an income, counselling and other support. ⁶² • Each municipality works with different (care) providers for guidance and support. Most of the municipalities collaborate with the Dutch Council for Refugees (VWN). • Registration of unaccompanied minors for municipal responsibility • As of 1 January 2015, municipalities are responsible for providing facilities to all children and youths below 18 who live in the municipality within the framework of the Youth Act (<i>Jeugdwet</i>). ⁶³ • As of 1 January 2015, municipalities are responsible for the implementation of child protection measures for the benefit of minor third-country nationals staying irregularly in the Netherlands, who have been entrusted by the juvenile court to the guardianship of other certified organisations than Nidos. ⁶⁴ • The expenses fall under the responsibility of the municipalities for 'Youth Mental Healthcare/Exceptional Medical Expenses Act in conformance with the Youth Act' of those unaccompanied minors who have a

⁶² VNG & Nidos Foundation, Handreiking overdracht amvs die 18 worden [Aid Transfer of unaccompanied minors who turn 18]. 2016 [in Dutch]

⁶³ VNG, Factsheet voor alle kinderen, jeugdwet en minderjarige vreemdeling [Facsheet for all children, Youth Act, and minor foreign nationals] (2015) p. 2 [in Dutch]

⁶⁴ Opnieuw Thuis website, factsheet on unaccompanied minors. Consulted on 21 December 2017: https://www.opnieuwthuis.nl/documents/Huisvesting/Factsheets/factsheet%20Alleenstaande%20Minderjarige%20Vreemdelingen_v1.0.pdf

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Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
		<p>residence status and who stay with Nidos. ⁶⁵</p> <ul style="list-style-type: none"> • Municipalities are responsible for providing all youth services (insofar as not covered by the Healthcare Scheme or Asylum Seekers (RZA) and the National Youth Care (NJZ)) for minors who fall under the responsibility of Nidos and do not stay in a COA location. ⁶⁶
<p>Certified Organisations (Nidos Foundation too is a certified organisation and it also implements child-protection measures for children from refugee families)</p>	<ul style="list-style-type: none"> • Certified organisations are organisations that are certified by the government to implement child-protection measures within the framework of youth probation. • Implementation of child protection measures 	<ul style="list-style-type: none"> • Annually, the court imposes several dozens of child protection measures.
<p>The Dutch Council for Refugees (VWN)</p>	<ul style="list-style-type: none"> • Promotes the interests of refugees and asylum seekers in the Netherlands and supports them from the moment of entry up to and including their integration in Dutch society. 	<ul style="list-style-type: none"> • Helps beneficiaries of international protection in their integration in the Netherlands and with other questions. • Helps beneficiaries of international protection to find their way to the municipality, manages affairs related to income, housing, health and school and education, and explains the applicable legislation and rules. • Supports beneficiaries of international protection in their civic integration. • Supports beneficiaries of international protection in the procedure for family reunification.

Accommodation arrangements

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

⁶⁵ VNG, Factsheet voor alle kinderen, jeugdwet en minderjarige vreemdeling [Facsteet for all children, Youth Act, and minor foreign nationals] (2015) [in Dutch]

⁶⁶ VNG, Factsheet voor alle kinderen, jeugdwet en minderjarige vreemdeling [Facsteet for all children, Youth Act, and minor foreign nationals] (2015) [in Dutch]

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- Accommodation specifically for minors? **Y/ N**

Yes, there is accommodation specifically for unaccompanied minors.

Process Reception Centre for unaccompanied minors (POA)

Unaccompanied minors who file an application at the application desk are initially accommodated in Process Reception Centres for unaccompanied minors (POAs). This is where they will stay until they complete the asylum procedure. An exception is the group that on the basis of their age has been placed in a foster family by Nidos.

Foster families

Unaccompanied minors younger than 15 years (with or without a residence permit), are placed in foster families by Nidos. The children will in principle live with this family until they become of age.⁶⁷ If children aged 13-14 cannot be placed directly in a foster family, they are also provided with accommodation by COA.

Small-scale reception types

After their first stay in the process reception centre, unaccompanied minors aged 15 years and older who have been granted a residence permit will move to one of the small-scale reception facilities all across the Netherlands. These types of accommodation vary from communes of four minors with a couple of hours of mobile counselling a day to housing units for around 12 minors with 24-hour supervision. Between these extremes, a range exists of varieties in number and intensity. Nidos is responsible for these types of accommodation and has contracted around ten youth service organisations to set them up and manage them. In principle, minors stay here until they turn 18. The municipality in which the housing units are located is responsible for healthcare and requests for assistance and housing after their 18th birthday.⁶⁸

Small-scale accommodation

Minors without a residence permit who are not staying with family or in a foster family go to one of COA's small-scale housing facilities with a maximum reception capacity of 16-20 persons. This concerns minors whose application for international protection is not being processed immediately but in an extended asylum procedure (VA) or who have received a negative decision on their application for international protection.⁶⁹ These small housing facilities are organised in regions with a total reception capacity of up to 100 persons within a radius of around 15 km. A small housing facility can be on or outside the grounds of a reception centre.⁷⁰

Protected Reception (BO)

Protected reception (BO) offers accommodation, supervision and counselling, and support to all minor (suspected) victims of human trafficking.⁷¹ Minors in the Protected Reception are supervised and counselled intensively to improve their safety.⁷² See question on reception of victims of human trafficking for more information on Protected Reception.

- General accommodation with special provisions for minors? **Y/ N**

No, there is no general accommodation with special provisions for unaccompanied minors after their status has been determined. There are, however, special housing facilities set up for unaccompanied minors, as mentioned above.

It is possible that COA's small-scale housing facilities (KWV) are located on the grounds of a reception centre, so

⁶⁷ See COA's website, consulted on 5 December 2017. <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch].

⁶⁸ Nidos Foundation, *Kinderen gevlucht en alleen* [Children, fled and alone], 2017, p. 32 [in Dutch]

⁶⁹ Nidos Foundation, *Kinderen gevlucht en alleen* [Children, fled and alone], 2017, p. 33 [in Dutch]

⁷⁰ See COA's website, consulted on 5 December 2017. <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch].

⁷¹ See Jade Zorggroep website, consulted on 7 December 2017, <http://jadezorggroep.nl/opvang-vreemdelingen-asielzoekers/beschermd-opvang> [in Dutch]

⁷² COA's website, consulted on 5 December 2017. <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch].

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on a general reception site.

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

No, there is no specialised accommodation for unaccompanied minors with specific needs. However, the specific needs of the child are taken into consideration when it is determined where the child will be accommodated. The specific accommodation of victims of human trafficking will be discussed in the next question.

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

Yes, for (suspected) victims of human trafficking/smuggling there is so-called Protected Reception.

Protected Reception (BO) accommodates unaccompanied minors who have stated that they have been victims of human trafficking or regarding whom IND or Nidos has indications or suspicions that they are victims of human trafficking. First and foremost, Protected Reception creates safety from potential traffickers of human beings. Children are only allowed to leave under supervision and have to hand in their phones. Time is taken to analyse the child's situation and on the basis of this the strategy – report to the police, return, or an application for international protection – is determined with the child, lawyer, youth protector and often a representative of the Expertise Centre for Human Trafficking and Smuggling of Migrants (EMM) and the Coordination Centre for Human Trafficking (*CoMensha*).⁷³

- Accommodation with a foster family? Y/ N

Yes, Foster families are being deployed. Unaccompanied minors younger than 15 years, with or without a residence permit, are accommodated in foster families by Nidos. The children will in principle live with this family until they become of age.⁷⁴

A foster family is a foster family like those available to the youth services, but for asylum reception: Reception and accommodation in the framework of a foster family (OWG)⁷⁵ Through Reception and accommodation in the framework of a foster family (OWG), Nidos provides accommodation to a large group of minor wards of whom Nidos is the legal guardian. While other forms of reception concern a (more) professional relationship between mentor and child, this is a natural family environment that enables the (vulnerable) child to start a sustainable personal relationship which can last after they have reached the age of 18.⁷⁶ Nidos possesses a large file of foster families. This file is called the reception pool and it is managed by OWG officers. The families in the reception pool have been recruited and screened by Nidos.

Many minors are accommodated in a so-called culture family. Nidos understands a culture family to be a family whose culture bears a considerable similarity to that from which the minor originates. Ideally, Nidos tries to find a foster family where (one of) the parents (is) are from the same country as the minor's country of origin.

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

No, not applicable

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

⁷³ Nidos Foundation, *Kinderen gevlucht en alleen* [Children, fled and alone], 2017, p. 32 [in Dutch]

⁷⁴ See COA's website, consulted on 28 December 2017. <https://www.coa.nl/nl/opvanglocaties/locaties-voor-jongeren> [in Dutch].

⁷⁵ Nidos Foundation, *Kinderen gevlucht en alleen* [Children, fled and alone], 2017, p. 32 [in Dutch]

⁷⁶ Nidos Foundation's annual report of 2016

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The reception and guidance provided by COA and Nidos are still arranged nationally and are paid by the Ministry of Justice and Security. This also applies to the accommodation of unaccompanied minors in foster families of whom Nidos is guardian.⁷⁷

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

Different types of staff are responsible for the care for unaccompanied minors. All staff have at least obtained a degree at a University of Applied Sciences (HBO) in a social and cultural-welfare-related profession. In addition to their work, they also receive various trainings focussed on working with unaccompanied minors.

Central Agency for the Reception of Asylum Seekers (COA) staff

Specialised COA staff for unaccompanied minors is responsible for the daily supervision and counselling of unaccompanied minors. They carry out these tasks in accordance with various other relevant organisations within the field of migration, security and healthcare. They provide advice to the unaccompanied minor's guardian. The development, perspective and future activities of the unaccompanied minor are being discussed together with COA staff, guardian and unaccompanied minor.

Specialised COA staff for unaccompanied minors are being trained using a personal learning plan in which training courses are included such as coaching of unaccompanied minors, recognizing signs of human trafficking, providing medical assistance, aggression management, management and administration of medication, and the use of computer systems. In their first year they also learn legal skills, conversational skills and intercultural communication, and receive instructions on living and working safely. In their second and third years they learn to interact with unaccompanied minors at a deeper level and they do a refresher training in emergency response and aggression management. They will refresh these latter trainings regularly.⁷⁸

Guardians⁷⁹

Nidos Foundation is the legal representative of the minors and as such protects their rights. The guardian guides and supports the minor until they reach the age of 18 years or until they return to their country of origin. During family placement, Nidos remains responsible for the minor. This means that the guardian takes care of all overarching or future-related matters such as the asylum procedure, the application for a healthcare insurance and the choice of school. The family takes care of matters related to everyday life. Matters are, of course, regularly settled in consultation. A minor will remain under the guardianship of Nidos until they turn 18. Because of this, a guardian will often visit the family and the minor to see if everything related to the minor is proceeding as it should, in interviews with the child alone or together with the other family members. In case of bottlenecks, the guardian will see what needs to be done in consultation with the parties involved. Guardians are not care providers themselves. The guardian's task is to detect, refer and coordinate, and they are responsible for the minor. The guardian is not only there to supervise the care for the child, but also to support the foster parents.

Nidos Foundation's OWG officers

These special guardians are called OWG (Reception and accommodation in the framework of a foster family) officers. OWG officers are contact persons for the foster family and see to it that everything runs smoothly.⁸⁰ An

⁷⁷ Factsheet unaccompanied minors VNG, <https://vng.nl/files/vng/20160531-factsheet-amv.pdf> [in Dutch]

⁷⁸ COA, Leer- en Ontwikkelpaden Uitvoering - beschikbaarheid [Learning and development paths Implementation - availability] 2017 [in Dutch].

⁷⁹ Nidos Foundation website, consulted on 21 December 2017 <https://www.nidos.nl/voor-opvangouders/nidos-en-de-begeleiding/> [in Dutch]

⁸⁰ Nidos Foundation website, consulted on 21 December 2017 <https://www.nidos.nl/voor-jongeren/begeleiding/opvangvormen/verschillende-woonvormen> [in Dutch]

OWG officer investigates which family best fits the minor concerned. In principle, the task of an OWG officer ends after the minor has been placed, but they remain informed through evaluations and visits.⁸¹

Trainers

Nidos Foundation is a recognised training institute, which means that internal trainings are accredited and the youth protectors can, as a result, be awarded points for their professional reregistration. Since 2014, the lawyers and behavioural scientists themselves have been providing professional trainings for beginning youth protectors. In 2016, professional training was divided into a basic component and an extension. This way, many new employees could quickly be trained for the basics of their job. The new employees were taught the introductory course and basic legal, methodological, and intercultural knowledge one block of the week. Other trainings are active intercultural listening and a 6-day course in developmental psychopathology, return training, disciplinary law training, report training, and radicalisation training.

The nature of the counselling by COA employees, contract partners of Nidos and foster families has been adapted to age as well as residence prospects. If the residence prospect means that the unaccompanied minor will have to return to their country of origin, guidance and support will be adjusted to this situation. If unaccompanied minors have been granted a residence permit, contract partners of Nidos and the foster family work on the integration of these minors in Dutch society and the transition to an autonomous life when they turn 18. When determining the type of accommodation and supervision for which an unaccompanied minor qualifies, the organisation assesses their ability to function autonomously.⁸²

- d. What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their accommodation arrangements up to that stage?
- Do these unaccompanied minors turning 18 years of age change accommodation, or do they stay in the same accommodation, for example, until they reach a certain age? If so, what is the age threshold?

Yes, when unaccompanied minors turn 18, the role of Nidos as their guardian terminates.

An unaccompanied minor beneficiary of international protection will then be accommodated in the municipality: the municipality is responsible for providing a new accommodation from the 18th birthday. The idea behind this is that unaccompanied minors should stay in the same environment or region as much as possible when they are being moved from one to reception facility the next or municipality. This will enable them to keep their social contacts and any care, counselling and education they are receiving.

Nidos transfers the counselling to a counselling organisation designated by the municipality. This organisation is also involved in the preparation from the age of 17.5 to make sure that the transition runs as smoothly as possible. In cooperation with the Association of Netherlands Municipalities (VNG), Nidos drafted guidelines for collaboration agreements between municipalities, Nidos and its contract partners and organisations involved, such as housing corporations and healthcare providers. It is important for the warm transfer of the minor to know at an early stage who will be the contact person at the counselling organisation. This mostly concerns practical

⁸¹ Nidos Foundation website, consulted on 21 December 2017 <https://www.nidos.nl/wp-content/uploads/2014/03/Tekst-brochure-OWG-groot.pdf> [in Dutch]

⁸² Factsheet on unaccompanied minors VNG, consulted on 21 December 2017 <https://vng.nl/files/vng/20160531-factsheet-amv.pdf> [in Dutch]

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counselling, such as administrative support, filing applications for various provisions and stimulating participation and integration. Sometimes, passive support (on demand) is enough; in other cases, active support is needed.⁸³

In practice it will not always be possible for a municipality to provide follow-up accommodation at the exact time of the 18th birthday. If this can be traced back to implementation issues which relate to reaching the age of 18, Nidos has one-month's leeway. Assuming that all preparations have been made, the final formal steps can be taken in this period. After all, the municipality already knows the unaccompanied minor as a result of the preparatory work conducted by Nidos and the municipality. Should the situation occur that a (former)unaccompanied minor has still not been placed in a new municipal accommodation a month after they reached the age of 18, Nidos and the municipality will decide in mutual consent on the term in which transfer will take place and on the remuneration for the expenses during this term. It is in everyone's interest to keep this term as short as possible.⁸⁵

An unaccompanied minor without a residence permit who is still entitled to reception will be moved from the small accommodation facility to a COA reception centre. If applicable this reception centre is in the region in which the unaccompanied minor has been living. The purpose of this is to achieve stability in the stay of the minor by retaining their network, care and education.

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

Yes, several measures are in place to support unaccompanied minors before this transition.

From the reception by COA, the minor's mentors and guardian prepare the minor for their prospective and possible stay in the reception centre if there is no question of return /return has not been effected. This is done by increasing the unaccompanied minor's knowledge and skills. When they nearly turn 18 (at 17.9 years), the unaccompanied minor is invited by their mentor to discuss their specific prospects, with a focus on the time of turning 18 and the steps that still need to be taken.

First there is a preparatory meeting between the minor, Nidos, the contract partner/foster parents and the follow-up counsellor from the municipality. It is the task of Nidos to make the necessary preparations for follow-up accommodation together with the minor. This could be (monitoring of) the support to find a room, a check of the tenancy agreement, and help with moving, if this occurs before the unaccompanied minor's 18th birthday. In order to find a room, options are explored, for instance through the minor's network, through registration for allocation of an accommodation or through student housing. Should it not be possible to find accommodation, the municipality will make an offer for follow-up accommodation. In this process, Nidos and the municipality inform each other regularly and at an early stage of the progress made. This could be (monitoring) of the support to find a room, a check of the tenancy agreement, and help during the removal, if this occurs before the unaccompanied minor's 18th birthday.⁸⁶

Unaccompanied minors are provided with light or more intensive counselling by the youth care organisation. For each minor it must be determined to which extent they are capable of living independently after their 18th birthday. If necessary a minor can file an application for counselling or care pursuant to the Social Support Act (*Wet maatschappelijke ondersteuning*), the Healthcare Insurance Act (*Zorgverzekeringswet*), the Youth Act (*Jeugdwet*) or the Long-term Care Act (*Wet langdurige zorg*).

⁸³VNG & Nidos Foundation, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], June 2017, p. 3, <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf> [in Dutch]

⁸⁴VNG & Nidos Foundation, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], June 2017, p. 3, <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf> [in Dutch]

⁸⁵VNG & Nidos Foundation, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], June 2017, p. 3, <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf> [in Dutch]

⁸⁶ Factsheet on unaccompanied minors VNG, consulted on 21 December 2017 <https://vng.nl/files/vng/20160531-factsheet-amv.pdf> [in Dutch]

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

Yes, several measures are in place to support unaccompanied minors during this transition. The minor extensively discusses the transition and its consequences with their guardian at Nidos.

Nidos supports the minor before their 18th birthday in the registration of a new address (in the Municipal Personal Records Database), in arranging a healthcare insurance, their application for care benefit and other practical matters. In case of any medical or psychological particulars, Nidos will see to it that the organisations that need this information are informed in a timely manner.⁸⁷ On the basis of an income calculator it can be calculated when local cooperation agreements are being made which level of rent is fitting for the minor's income position.

In addition to the monthly rent and any service charges, the young person will have to deal with unique expenses for furnishing the accommodation and costs, if any, of taking over furnishings. It is possible to apply for assistance for this once the tenancy agreement has been signed. Before the 18th birthday, furnishing costs can be compensated once by Nidos. After the 18th birthday, special assistance can be applied for at the municipality. Depending on the municipal policy, this will be a loan or a one-off allowance.⁸⁸ In the interim period, Nidos can pay an advance to the unaccompanied minor to provide for their basic necessities. This advance does need to be repaid by the municipality in question.

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

Yes, a supplementary (indexed) form of support can be applied for, for instance within the framework of the Social Support Act (Wmo), the Healthcare Insurance Act (Zvw), the Youth Act (Jw), or the Long-term Care Act (Wlz), for the group of minors who are about to turn 18 and for whom practical support is not sufficient to keep themselves on their feet. In some situations a housing component is linked to this support.⁸⁹

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

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

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

Standards of accommodation

Yes, there have been evaluations of the **Protected Reception** of unaccompanied minors. Moreover, the new reception model for unaccompanied minors that was initiated on 1 January 2016 will be evaluated in 2018.

- **Report on the quality of the Protected Reception of unaccompanied minors (March 2016) [in Dutch] and Report "De kwaliteit van de beschermde opvang voor alleenstaande minderjarige vreemdelingen -**

⁸⁷ For more information, please see <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf> VNG & Nidos Foundation, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], 2016 [in Dutch]

⁸⁸ Factsheet on unaccompanied minors VNG, consulted on 21 December 2017 <https://vng.nl/files/vng/20160531-factsheet-amv.pdf> [in Dutch]

⁸⁹ <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf> VNG & Nidos Foundation, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], 2016 p. 17 [in Dutch]

Hertoets" [The quality of Protected Reception of unaccompanied minors - reassessment] by the Inspectorate for Youth Care and the Inspectorate of Justice and Security [in Dutch]⁹⁰

In the re-evaluation of the standards of the Protected Reception by the Inspectorate for Youth Care and the Inspectorate of Justice and Security,⁹¹ the inspectorates observed that the quality of the Protected Reception had improved, but that two assessment criteria were still below standard. For instance, the inspectorates observed that the information important for the supervision of minors during their stay in the Protected Reception was not being recorded in a complete, in structured, and unambiguous way. In addition, the inspectorates observed that COA did not yet have an established vision and policy for the use of freedom-restricting measures. Furthermore, the inspectorates voiced their concern in the report that during the reassessment it was again established that minors, and one group in particular, had disappeared from the Protected Reception.⁹² See question 3 and question 37 for the full results of these assessments.

Effects

Yes, research has been conducted into the effects of different accommodation arrangements.

- **Unaccompanied minors in the Netherlands and the care facility in which they flourish best** (2016) Kalverboer, M., Zijlstra, E., van Os, C., Zevulun, D., ten Brummelaar, M., & Beltman, D. (2016)⁹³

From research into the wellbeing of unaccompanied minors, their living environment, and place in Dutch society, it has become evident that unaccompanied minors flourish best in foster families. They are the most positive about their place in Dutch society. Minors in small-scale accommodation arrangements (small housing units and communes) often miss active relationships, care, support, and stability in their lives. Minors in the large-scale accommodation arrangement of reception centres are the ones who most often say that they feel lonely, sad, and excluded by Dutch society. They experience a lack of care and support by adults.⁹⁴

Guardianship arrangements

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

Guardianship

An accompanied minor who arrives in the Netherlands is placed under the guardianship of Nidos Foundation in a Juvenile Court Order pursuant to Section 1:245 and further of the Dutch Civil Code (BW).⁹⁵ To this effect, Nidos files a petition for guardianship at the District Court. When guardianship is granted, Nidos will be granted legal authority. This applies to all unaccompanied minors. Nidos will also become guardian of children without an

⁹⁰ Rapport over de kwaliteit van de beschermde opvang voor alleenstaande minderjarige vreemdelingen [Report on the quality of the Protected Reception of unaccompanied minors], March 2016, <https://www.rijksoverheid.nl/documenten/rapporten/2016/03/07/rapport-de-kwaliteit-van-de-beschermde-opvang-voor-alleenstaande-minderjarige-vreemdelingen> [in Dutch], and Parliamentary Papers II 2016/17, 27062, no 106. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html> [in Dutch]

⁹¹ [in Dutch] Parliamentary Papers II 2016/17, 27062, no 106. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html> [in Dutch]

⁹² Parliamentary Papers II, 2015 - 2016, 27062, no 106. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html> [in Dutch]

⁹³ Kalverboer, M., Zijlstra, E., van Os, C., Zevulun, D., ten Brummelaar, M., & Beltman, D. (2016). Unaccompanied minors in the Netherlands and the care facility in which they flourish best. *Child and Family Social Work*, p. 1365-2206.

⁹⁴ Nidos Foundation, Kinderen gevlucht en alleen [Children, fled and alone], 2017, p. 30 [in Dutch]

⁹⁵ Nidos Foundation, Kinderen gevlucht en alleen [Children, fled and alone], 2017, p. 27 [in Dutch]

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international protection status when they originate from a non-EU country, are without parents and are accommodated in asylum reception.⁹⁶

Guardian's role

The formal task of Nidos is to assure a healthy development of the child, promote the child's interests and to make sure that they can take care of themselves when they are 18 years old. At this age, the legal basis for the guardianship order expires. In practice this means that all unaccompanied minors are given a fixed youth protector – often called guardian – who makes sure that the asylum procedure proceeds with due care, that there is contact with the family and that the child lives in a safe place and goes to school. Where necessary, assistance is called in. Nidos is authorised to promote the interests of unaccompanied minors during their asylum procedure and is assisted in this procedure by a lawyer.⁹⁷

Nidos is appointed as guardian, but the actual guardianship duties are carried out by youth protectors employed by Nidos. These are professionals with an education at a University for Applied Sciences (HBO) in the fields of social work or social pedagogical assistance.

Which unaccompanied minors?

All unaccompanied minors are provided directly with a guardian through a Court procedure and a youth protector is appointed who exercises the guardianship and who promotes the child's interests in the asylum procedure.⁹⁸

Age

As described above, the guardianship order expires when the child turns 18.

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

No, the guardianship measure expires at the moment of the unaccompanied minor's 18th birthday.⁹⁹

Division of roles

When making local agreements for the transfer of the unaccompanied minor the following roles are distinguished: The unaccompanied minor: arrived in the Netherlands as an unaccompanied minor without parents or another person with legal authority over the minor.

- Nidos Foundation, the legal guardian of the unaccompanied minor. As soon as an unaccompanied minor turns 18 and thus has become of age, this role ends.
- Nidos Foundation, the entity with final responsibility for the accommodation, guidance and support of the unaccompanied minor up to 18 years old.
- COA, responsible for the reception and supervision of unaccompanied minors in the age category of 15-18 years.
- Youth care provider, who, commissioned by Nidos, provides accommodation and guidance of small-scale reception. This 'contract partner' guides and supports the minor in practical every-day matters such as registrations with organisations.

⁹⁶ Nidos Foundation, *Kinderen gevlucht en alleen* [Children, fled and alone], 2017, p. 34 [in Dutch]

⁹⁷ Nidos Foundation, *Kinderen gevlucht en alleen* [Children, fled and alone], 2017, p. 28 [in Dutch]

⁹⁸ Nidos Foundation, *Kinderen gevlucht en alleen* [Children, fled and alone], 2017, p. 27 [in Dutch]

⁹⁹ See Nidos Foundation website, Consulted on 22 January 2017: <https://www.nidos.nl/voor-jongeren/begeleiding/18-jaar-en-dan> [in Dutch]

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- Foster parent, if the unaccompanied minor lives with a foster family.
- The municipality, administratively responsible for offering follow-up accommodation and, if needed, provides the unaccompanied 18-year-old permit holder with an income, counselling and other support.

Prior to their 18th birthday

When the unaccompanied minor turns 18, the legal basis for guardianship expires. The child is prepared for this by discussing it and providing information. When the minor becomes 17.5 years, a preparatory meeting is scheduled to prepare for the transition from below 18 to over 18 between the unaccompanied minor, the Nidos youth protector, the mentor of the contract partner/foster parents and the party implementing follow-up counselling. If the minor has an important adult in their life, this adult is also involved.¹⁰⁰

During this meeting, it is analysed what needs to be done in the period up to the 18th birthday and agreements are made as to who will be doing what. Themes are housing, finances, education and/or work, family reunification if applicable, social network, counselling, any other particulars. It is up to Nidos to take the initiative for this preparatory meeting. Nidos will also see to it that these agreements are laid down in writing and that the progress of the agreements is monitored. When there are bottlenecks in the implementation of the agreements, this is discussed with the organisations involved.¹⁰¹

Around their 18th birthday

Together with the unaccompanied minor under international protection, Nidos is responsible for making the preparations necessary for follow-up accommodation, after which the municipality will take over. Nidos informs the municipality through a monthly overview of the unaccompanied minors who fall under the task of the municipality.¹⁰²

During the transfer there is frequent contact between the parties involved and additional assistance can be applied for with regard to care but also to finances. Depending on the unaccompanied minor's situation, this can be a student allowance, student finance, special assistance, or a combination of these.¹⁰³

Shortly before the unaccompanied minor's 18th birthday, the actual warm transfer will take place. meeting. During the warm transfer the state of affairs is discussed, as well as any follow-up actions needed for the various counselling themes. It is up to Nidos to take the initiative for this warm transfer. Nidos will see to it that the points for attention that came up in the transfer are laid down in writing and that this document is signed by the parties involved (including the young person). The parties involved will receive a copy.

To make sure that the transfer to the 18th birthday runs as smoothly as possible, it is essential that the party who will provide future guidance and support is involved, both during the preparatory meeting and the warm transfer on the 18th birthday. This is why the municipalities are advised to make agreements on this with the party who will provide follow-up counselling, in so far as this has not yet been done.

After the 18th birthday

From the moment that the unaccompanied minor turns 18, the municipality is responsible for their care and accommodation.

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

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

¹⁰⁰ VNG & Nidos Foundation, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], p. 19 [in Dutch]

¹⁰¹ VNG & Nidos Foundation, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], p. 19 [in Dutch]

¹⁰² VNG, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], p. 9 [in Dutch]

¹⁰³ VNG, Handreiking overdracht amvs die 18 worden [Guidelines for Transfer of unaccompanied minors who turn 18], p. 9 [in Dutch]

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

Evaluation at Nidos Foundation*Client participation*

The involvement of minors in the assistance they have been offered improves their independence and makes counselling more effective. Both Nidos Foundation and the environment in which minors stay devote attention to the involvement of minors. It has been laid down in the methodology of the guardianship that a minor is actively involved in drawing up their guidance and support plan.

Because Nidos has experienced that the usual method of participation does not gain traction among the target group, a different approach has been explored in the past years. The different types of client satisfaction measurement with which Nidos has experimented in the past years have been given a place in the Unaccompanied minors monitor (Ama-monitor) which is developed by Nidos.

UAM monitor (Ama-monitor)

The UAM monitor (*Ama-monitor*) enables Nidos to measure the extent to which the development targets are achieved that are aimed for in the guardianship methodology 'Jong en Onderweg' ('Young and On the Way') developed by Nidos. The UAM monitor consists of several parts which have been further developed, expanded and refined.

The University of Groningen conducts research for Nidos into the wellbeing and development level of unaccompanied minors in the Netherlands. This gives Nidos an image of how its wards develop towards autonomy and how they see their own functioning. This also gives Nidos an insight into the view its wards have on the environment in which they grow up and the support Nidos offers them as their legal guardian in becoming autonomous and in becoming adults.

In 2008 Nidos started to organise "World Cafes" to be able to engage minors into a conversation and to hear what minors need in their guidance and support by Nidos. The World Cafe has turned out to be a good method to bring Nidos and its target group closer to one another and to strengthen their relationship. Moreover, the World Café provides Nidos with an insight into the needs the target group has with regard to supervision by Nidos. Just like in the previous years, a number of World Cafes were organised on a regional level in 2016. For those youth protectors and regions that organised a World Cafe for the first time, the concept has been reintroduced. The reintroduction was a success: the combination of relaxation and talking about what you expect from the youth protector and Nidos turns out to work. Not only do these table conversations allow minors to engage in a pleasant activity, meet one another and strengthen their bond with Nidos. They also provide Nidos with information on what keeps the minors busy and how they see their future. The large turnout of minors at the World Cafe in their region makes it clear that World Cafes fulfil a need. In addition to World Cafes for minors, World Cafes are traditionally also organised for foster families. Foster parents too have a large need for contact with each other and with Nidos. At a World Cafe, they share and learn from one another's experiences and provide useful feedback that Nidos can use for the future.

In earlier World Cafes for former unaccompanied minors it became evident that the participants wanted to cooperate in forming a support group for minors who are now under the guardianship of Nidos and who could use some extra support, especially from those with similar experiences.

In 2016 this led to a small group of former unaccompanied minors exploring the formation of such a support group in more depth. The members of this group meet four times a year to discuss and prepare current and future activities. It is expected that a network meeting will be organised twice a year, in which former unaccompanied minors and unaccompanied minors can meet and exchange experiences. In addition, it is under consideration to make a Facebook page facilitated by Nidos on which information can be shared and former unaccompanied minors can provide support in the transition from unaccompanied minor to autonomy and adulthood.

In order to hear the minor's opinion on the support provided in the period in which they were under the guardianship of Nidos, Nidos asks minors to fill in a "Termination of Guardianship Assessment Form" when their

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guardianship ends. The form gives an insight into the opinion minors have on among other things the functioning of the guardian, the targets the minor was supposed to achieve, housing, network, education, spare time, and future. In addition, the form provides space to indicate what the minors were satisfied and dissatisfied with, and if dissatisfied, how they think things should have been done.¹⁰⁴

Evaluation by the Inspectorates for Youth Care and Justice and Security

The Inspectorates for Youth Care and Justice and Security supervise Nidos Foundation's tasks. For instance, in 2014 the Inspectorate for Justice and Security published a report that evaluated whether Nidos assured the security of children in its foster families in a sufficiently systematic and careful way.¹⁰⁵

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

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

When a temporary residence permit expires, this does not affect the aforementioned care. The unaccompanied minor retains the right to accommodation and care. In such a case Nidos and COA decide in mutual consultation in which accommodation arrangement the unaccompanied minor will be placed. In practice, this situation practically never occurs, considering the vulnerable situation of unaccompanied minors.

Challenges and good practices

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

- Expert Ministry of Justice and expert COA: It has turned out to be a challenge to find support, and therefore locations, in municipalities for small-scale accommodation arrangements of COA and Nidos.
- Expert COA: Realisation of housing in municipalities at the moment an unaccompanied minor turns 18
- Academic expert opinion: Conduct an assessment of the child's interest when children arrive in the Netherlands. Determine the most fitting type of reception and also determine whether there is a need for additional support for minors. (see Kalverboer et al. 2017)
- Academic expert opinion: In the Youth Act (*Jeugdwet*) the age for care has been extended to 23 years. This example could also be followed in the care for unaccompanied minors.
- Academic expert opinion: Focus attention on the quality of the living environment when drafting reception policies. Research¹⁰⁶ has shown that the higher the quality of the reception, the less emotional problems unaccompanied minors have and that on average children in families experience the highest quality living environment.
- The Dutch Council for Refugees (VWN): Challenge for supervision - Since the amended Civic Integration Act (*Wet inburgering*) came into force on 1 October 2017, no financing has been available to municipalities

¹⁰⁴ Nidos Foundation's annual report of 2016, p. 15

¹⁰⁵ Inspectorate of Justice and Security (13 September 2014).

<https://www.rijksoverheid.nl/documenten/rapporten/2014/09/13/rapport-opvang-en-woongezinnen-van-nidos> [in Dutch]

¹⁰⁶ Kalverboer et al 2016 en 2017

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for the social counselling of unaccompanied minors when they turn 18.

- The Dutch Council for Refugees (VWN): Bottleneck for former unaccompanied minor beneficiaries of international protection: financial problems, debts, lack of financial skills and low income.
- The Dutch Council for Refugees (VWN): according to a report of the board of education, called 'Refugees and education'¹⁰⁷, the quality of education for migrant children (including unaccompanied minors) is not sufficient. They state that children coming from the 'international transition class' are being placed on an educational level which is below their actual capabilities.

Q13. Please describe any examples of **good practice** in your (Member) State concerning the care of unaccompanied minors, including those turning 18. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

An expert at the Ministry of Justice and Security has listed the following good practices:

- The conversion from large-scale accommodation to small-scale accommodation arrangements for around twenty children without residence perspective per living unit.¹⁰⁸
- The reception of unaccompanied minors under 15 in foster families (in the past this was 13 years of age)
- A guardian is appointed for all unaccompanied minors.
- One application centre for unaccompanied minors
- Protected Reception (BO)
- Short stay in first accommodation (unaccompanied minors are placed more quickly in a place where they can stay for a longer period)

The Dutch Council for Refugees has listed the following good practices:

- Accommodation in a so-called culture family: Nidos understands a culture family to be a family whose culture bears a considerable similarity to that from which the minor originates. Ideally, Nidos tries to find a foster family where (one of) the parents (is) are from the same country as the minor's country of origin.
- In 2017 a national platform was set up by Pharos and the NGO 'friends of Samah', where stakeholders who are involved in the reception, care and integration of unaccompanied minors (COA, Nidos, youth- en healthcare institutions and NGO's), get together four times a year to exchange knowledge and tackle problems.¹⁰⁹
- In Utrecht the former UAM team of the Dutch Council for Refugees West and Central Netherlands currently guides and supports 430 former unaccompanied minors and their children. Those under international protection are guided and supported in their integration, those without a status in their orientation on the future and their possible return. The unaccompanied minors are registered at the Dutch Council for Refugees by Nidos when they turn 17.5 years old to facilitate a smooth transfer. The former UAM team was formed in 2003 by staff at the Dutch Council for Refugees who noticed increasing problems: particularly issues relating to legal status, the termination of provisions such as accommodation, insurance, allowance and having to survive in the illegal circuit, but also difficulties in integration and

¹⁰⁷ Onderwijsraad, 'Vluchtelingen en onderwijs' [Refugees and education] 23 February 2017 [in Dutch]

¹⁰⁸ Nidos Foundation, Kinderen gevlucht en alleen [Children, fled and alone], 2017 [in Dutch]

¹⁰⁹ See <http://vriendenvansamah.nl/amv-platform/> [website Friends of Samah, in Dutch]

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finding a place in Dutch society. Permanent staff are deployed, so that continuity can be achieved and in-depth assistance can be provided, during which clients can be counselled by one and the same person during their entire residence procedure and in the period afterwards.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination**Section 4: Integration of unaccompanied minors, including transitional arrangements for unaccompanied minors turning 18 years of age [max. 10 pages]**

This section of the Synthesis Report will provide a factual, comparative overview of the integration measures in place for unaccompanied minors in the (Member) States, such as access to education and employment – including any transitional arrangements in place for unaccompanied minors turning 18. The aim of this section is to report on integration measures available specifically to unaccompanied minors following status determination (and not to duplicate information covered in other EMN studies on general integration measures). Where the provisions differ from those unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.

Overview of integration provisions and organisational set-up in the (Member) State**Q14.**

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

The nature of the counselling of unaccompanied minors by staff of the Central Agency for the Reception of Asylum Seekers (COA), the contracted partners of Nidos and by foster families takes into account both the age of unaccompanied minors and their prospects to being allowed to stay in the Netherlands.

As soon as an unaccompanied minor has a residence permit, Nidos, the contract partners of Nidos and the foster parents start to work together on the integration of the minor into Dutch society and on the transition to an independent life from the age of 18.

For unaccompanied minors without a residence permit who must return to the country of origin, the counselling and support is geared to this and attention is paid to return.¹¹⁰

b. Please provide a summary overview of the provisions in place in your (Member) State for the **integration** of unaccompanied minors following their status determination, indicating in particular how the legal status of the unaccompanied minor defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

The residence permit (temporary asylum residence permit or temporary regular residence permit) has no influence on the measures taken to facilitate the integration of unaccompanied minors.¹¹¹ All measures referred to in this section relate to unaccompanied minors with a residence permit.

Youth protector

Unaccompanied minors have left their own familiar environment in order to develop further in a totally new social-societal and cultural environment, without parents, into an independent adult. The uprooting, stress about procedures and family left behind, uncertainties, culture shock and possible traumatising, little knowledge of the new environment, together with their status as foreign nationals, make unaccompanied minors vulnerable.

All unaccompanied minors in the Netherlands have Nidos as their guardian and are subsequently assigned a youth protector from Nidos, and have a right to education, medical care, reception and counselling. The youth protector counsels the child until his/her 18th year of age.

¹¹⁰ See Section 5 of this template for more information on the return of unaccompanied minor third-country nationals without a residence permit.

¹¹¹ See also question 4 for more explanation of the different residence permits.

Obligation to participate in a civic integration programme

Under the Civic Integration Act (Wib), foreign nationals who receive a residence permit for a permanent purpose (e.g. asylum) are obliged from the age of 16 to participate in a civic integration programme. Minors of the age of 16 or 17 are exempted from the obligatory civic integration programme, as they are obliged to go to school to obtain a basic qualification. Migrants from the age of 18 are obliged to pass the civic integration programme unless they already possess a designated diploma or are undertaking a study programme that leads to a diploma that exempts them from the obligation to participate in a civic integration programme.¹¹² The civic integration examination consists of a language test, as well as knowledge of Dutch society, including the Dutch labour market.

Almost all unaccompanied minors are not obliged to participate in a civic integration programme because they have learnt the Dutch language in an international preparatory class (ISK) and possess a starting qualification¹¹³ or are undergoing a study programme to obtain this.¹¹⁴ If an unaccompanied minor turns 18 and has stopped his/her study programme without having obtained a diploma, the obligation to participate in a civic integration programme starts again from the time he/she turns 18.¹¹⁵

The Civic Integration Act has been amended with effect from 1 October 2017.¹¹⁶ In addition to introduction of the participation statement, the amendment has laid down the counselling of asylum migrants in the Act. This has given municipalities the task as part of the social counselling of advising persons entitled to asylum on the civic integration course to be taken. Counselling is now limited to persons that are obliged to pass the civic integration programme. In contrast, during the last years municipalities received financial support to provide counselling for minors aged 16 or 17. Because of this amendment, unaccompanied minors who are aged 16 and 17 and are not obliged to participate in a civic integration programme, no longer have a right to social counselling.

Education

All school-age children (with or without a residence permit) must go to school. This means that children from 5 to 18 years of age are either subject to compulsory education (formally until the age of 16) or are obliged to obtain a basic qualification (16- and 17-year-olds).

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

Yes there is a difference in the guidance and support of unaccompanied minors and children who come to the Netherlands with their parents, and adults who come to the Netherlands.

For unaccompanied minors with a residence permit, civic integration is included in the guidance and support methodology. Staff members of the Central Agency for the Reception of Asylum Seekers, contracted partners of Nidos and of the foster families provide support to unaccompanied minors.

In the guidance and support, Nidos devotes attention to civic integration and the ability to live independently in Dutch society. Integration into a new society is not easy. It is very demanding to learn the language, obtain housing, go to school or to study and in some cases to find a job, especially considering that all of these activities

¹¹² Persons who acquire a residence permit in the Netherlands are obliged to integrate. This means they are expected to be able to understand, speak, read and write the Dutch language. In addition, they are expected to gain knowledge of Dutch society and Dutch customs and to find their way around the labour market. For this purpose they must take a civic integration examination. Under the current Civic Integration Act, persons obliged to participate in a civic integration programme must pass the civic integration examination with three years after acquiring the residence permit.

¹¹³ For more information see question 17a.

¹¹⁴ For more information see <https://www.kis.nl/sites/default/files/bestanden/Publicaties/handreiking-ondersteuning-eritrese-nieuwkomers-bij-integratie.pdf>. Consulted on 11 December 2017. [in Dutch]

¹¹⁵ Written input from the Dutch Council for Refugees (VluchtelingenWerk), received on 16 January 2018.

¹¹⁶ Bulletin of Acts and Decrees (Stb) 2017, 285. [in Dutch]

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take place at the same time.

For children who come to the Netherlands with their parents, the parents are responsible for civic integration. The parents themselves are also obliged to integrate. This means they are expected to be able to understand, speak, read and write the Dutch language. In addition, they are expected to gain knowledge of Dutch society and Dutch culture and find their way on the labour market. For this purpose the civic integration or state examination in Dutch as a Second Language must be sat. Children are of course obliged to go to school and integration largely takes place at school.

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

It is included in the Dutch Civil Code that all minors must be provided with legal guardian. For unaccompanied minors, the Nidos Foundation has been specifically designated to fulfil this role. Nidos is responsible for the good development of the children and must intervene if it does not go well. Safeguarding the interests of the child is therefore inherent in the guardianship duties.

All children in the Netherlands have a right to the care, assistance, counselling and protection they need, regardless of how they came to the Netherlands. This is more than a moral responsibility. It ensues from international treaties and conventions, particularly the International Convention on the Rights of the Child (ICRC).

It is laid down in Article 3 of the ICRC that in decisions by governments concerning children, the best interests of the child shall be a primary consideration. This convention does not allow a distinction to be made between children lawfully and children not lawfully residing in the Netherlands.

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

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
Nidos	Legal guardian of unaccompanied minors.	Nidos bears final responsibility for the reception, guidance and support of unaccompanied minors until they turn 18.
Central Agency for the Reception of Asylum Seekers (COA)	The reception organisation for asylum seekers and other categories of third-country nationals in the Netherlands.	Responsible for the day-to-day reception and guidance and support of unaccompanied minors without status.
Youth Care Provider ¹¹⁷	The Youth Care Provider is the provider of housing and counselling in small-scale reception, according	This 'contract partner' guides and supports youths in practical, day-to-

¹¹⁷ Commercial organisations that are hired for this purpose by Nidos.

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	to a remit given by the Nidos.	day affairs
Foster Parents	The foster parents are the providers of housing, guidance and support if the unaccompanied minor lives in a foster family.	The foster parents guide and support the child in practical, day-to-day affairs.
Municipalities	Municipalities bear administrative responsibility for providing follow-up housing and, if necessary, income support, guidance and other support to unaccompanied 18-year-old permit holders.	Provision of follow-up housing, income support, guidance and other support to unaccompanied 18-year-old permit holders. In most cases, the social guidance and support is done via third parties, for example the Dutch Council for Refugees or other organisations. ¹¹⁸ There are however also municipalities that provide support themselves.

Access to healthcare

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

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

Yes.

All foreign nationals who possess a residence permit have access to healthcare in the same way as Dutch nationals. The type of residence permit has no influence on this.

An unaccompanied minor who is put in possession of a residence permit is expected to obtain a Dutch healthcare insurance within 4 months. His/her healthcare insurance then starts from the date on which the residence permit took effect, thus possibly with retroactive effect.

The guardian (Nidos) is responsible for registration with a health insurance provider .¹¹⁹

¹¹⁸ The Dutch Council for Refugees (VWN) is mentioned here as the implementer of the Social Support Act (Wmo). Former unaccompanied minor third-country nationals have no formal right to social support. The Dutch Council for Refugees has indicated that this group of unaccompanied minor third-country nationals are not often refused when they contact the Dutch Council for Refugees in a municipality and are searching for social support. At some locations, the Dutch Council for Refugees has made agreements with the municipalities on this. Source: Written input of the Dutch Council for Refugees, received on 16 January 2018.

¹¹⁹ For more information see <https://www.qgdghorkennisnet.nl/?file=35850&m=1505908865&action=file.download>. Consulted on 21 December 2017.

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

Yes. Unaccompanied minors with a residence permit have access to regular healthcare in the Netherlands, such as a general practitioner (*essential medical care*), specialists (*specialised medical care*) and mental health (*counselling*). The general practitioner is initially involved to refer the minor to a specialist or mental healthcare.

Everyone who lives and works in the Netherlands is legally required to have basic health insurance. This basic insurance covers standard care, for example by a general practitioner, hospital, pharmacy or mental health. In addition, everyone can take out (voluntary) supplementary insurance for costs the basic package does not reimburse.

The main characteristics of the basic package are:

- The basic package is compulsory for everyone who lives and works in the Netherlands. Also for children.
- The basic package is the same for everyone.¹²⁰
- The basic package is determined by the government. The contents can change annually.
- A health insurance must accept everyone for the basic package.
- The costs for the basic package are the same for everyone. Everyone with the same package therefore pays the same, irrespective of age or health.

Healthcare insurers have a duty of care. They must see to it that everyone receives the care he/she needs on time and within a reasonable distance.

Accessibility of (mental) healthcare

The accessibility of (mental) healthcare is a problem in the Netherlands. In practice, it is evident that people do not always receive the care and counselling on time which they need and to which they are entitled. It regularly occurs that patients have to wait before they can receive specialised assistance.¹²¹

At many locations mental healthcare is not equipped or is specialised in assistance for refugees.

With effect from 1 May 2017 general practitioners can apply for ad hoc interpreter services by telephone for discussions with beneficiaries of international protection. Beneficiaries of international protection have a right to a telephone interpreter six months from the time of registration with the general practitioner when they go to the general practitioner for consultation or treatment.¹²² However, the interpreter budget is only for general practitioners and not for other care providers. This can constitute an obstacle for unaccompanied minors aged 18 and older who do not yet speak enough Dutch.¹²³

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

Yes.

¹²⁰ For more information on the basic package see <https://www.rijksoverheid.nl/onderwerpen/zorgverzekering/vraag-en-antwoord/wat-zit-er-in-het-basispakket-van-de-zorgverzekering>. [in Dutch] Consulted on 11 December 2017

¹²¹ For more information see <https://www.mijngezondheidsqids.nl/toegankelijkheid-ggz-zorg-groot-probleem/>. [in Dutch] Consulted on 19 January 2018.

¹²² For more information see <https://www.rijksoverheid.nl/actueel/nieuws/2017/05/01/telefonische-tolkdienst-voor-statushouders-bij-huisarts-van-start>. [in Dutch] Consulted on 8 January 2018.

¹²³ Written input from a policy assistant of the Dutch Council for Refugees, received on 16 January 2018.

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After registration, unaccompanied minors have a medical intake examination on arrival in the Netherlands on the basis of which necessary healthcare can be initiated.

All unaccompanied minors in the Netherlands are assigned a youth protector from Nidos as legal guardian, and they are entitled to education, medical care, reception and counselling. The youth protector counsels the minor until he/she turns 18.

The youth protector's task is to act as a legal representative of the minor in the absence of the parents. The day-to-day care and guidance and support are outsourced to third parties, whereby the youth protector monitors the well-being of the minor and, if necessary, intervenes if his/her development is threatened. The so-called 'responsibility for upbringing' and day-to-day guidance and support rests with mentors from the Central Agency for the Reception of Asylum Seekers, mentors from the small-scale facilities of Nidos or with foster families. The youth protector and mentor work together methodologically to enable an adequate response to any worrisome development of the unaccompanied minor. They prepare a treatment plan and see to it that the unaccompanied minor receives the guidance and support he/she needs. Each unaccompanied minor has a designated youth protector.

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

N/A

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

All unaccompanied minors in the Netherlands are assigned a youth protector from Nidos as guardian, and they are entitled to education, medical care, reception and counselling. The youth protector counsels the minor until his/her 18th year of age.

For unaccompanied minors residing in the reception centres of the Central Agency for the Reception of Asylum Seekers, if they retain their right to reception, medical care continues as provided up to that time.

Access to regular healthcare in the Netherlands does not change for unaccompanied minors who turn 18 years old.¹²⁴ In case of medical or psychological developments, Nidos ensures that the authorities who must be aware of this are informed in good time before the minor reaches the age of majority. Adults, however, determine on their own if they want to make use of care possibilities.¹²⁵

Nidos and the Association of Netherlands Municipalities (VNG) have developed a protocol together to guarantee the good transition of unaccompanied minors who turn 18 years old, to share the necessary information about who needs counselling and to offer municipalities a perspective on how to provide counselling to those who need it.¹²⁶

¹²⁴ What does change, however, is that the unaccompanied minor third-country national no longer comes under youth care from his/her 18th birthday. The transfer from Youth Care to the Social Support Act may result in a gap in mental healthcare or other assistance. Moreover, minors coming of age must obtain a health insurance. Depending on the insurance they chose, it is possible that the care that is offered can change. Source: Written input of the Dutch Council for Refugees, received on 16 January 2018.

¹²⁵ For more information see https://www.opnieuwthuis.nl/documents/Huisvesting/Factsheets/factsheet%20Alleenstaande%20Minderjarige%20Vreemdelinge_n_v1.0.pdf. [in Dutch] Consulted on 11 December 2017.

¹²⁶ This protocol can be found here [in Dutch]: <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf>. Consulted on 11 December 2017.

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When the unaccompanied minor turns 18, the dedicated services/facilities for unaccompanied minors' stop. The person is considered able to live independently. Preconditions such as housing, income, a social network, care and counselling must, however, then already have been arranged. This is of essential importance for the continued integration of these young people into society. If the infrastructure from the age of 18 is not good, there are risks of absence from school, debts, loneliness and nuisance. The timely provision of housing, providing for a source of income, and determining the necessary counselling are therefore essential.

It is the task of Nidos – together with the unaccompanied minor turning 18 – to make the necessary preparations for follow-up housing. This can consist of (ensuring) support in the search for a room, checking the tenancy agreement and assistance with moving, if this is done before the 18th birthday of the unaccompanied minor. During the search for a room, for example it is examined whether there are possibilities in the young person's network, by way of registration for the allocation of a house or by way of student housing. Should arranging follow-up housing not succeed in particular cases, the municipality then makes an offer for follow-up housing.¹²⁷ In order not to surprise each other, Nidos and the municipality have early and periodic contact about the progress.

The municipality takes over the social guidance and support of the unaccompanied minor at the time the latter is 18 years old in most cases. The guidance and support provided varies per individual case. In most cases the counselling is done for example via the Dutch Council for Refugees. And if more counselling is needed, a trajectory can be started via the municipality, for example under the Social Support Act (Wmo).¹²⁸ The available counselling varies per municipality.¹²⁹

Account is taken of unaccompanied minors who turn 18 years of age and arrived at the reception centre after their 17th year of age. They have had relatively short counselling from Nidos and may need additional attention and counselling.

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

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

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

Quality of healthcare, including social counselling

Yes. Between 2014 and 2015, the number of refugees in the Netherlands, and especially that of unaccompanied minors increased substantially. Reception staff and youth protectors (and not only they) had many questions

¹²⁷ It appears that assistance by Nidos with follow-up housing usually succeeds for unaccompanied minor third-country nationals who arrived in the Netherlands at a young age and have therefore been counselled for a long time by Nidos and its contract partners. Searching for appropriate housing can be started in good time. For more information see <https://vng.nl/onderwerpenindex/asiel/asielbeleid-en-integratie/vraag-en-antwoord#t1504n64429>. [in Dutch] Consulted on 11 December 2017.

¹²⁸ For more information see: <https://vng.nl/onderwerpenindex/asiel/asielbeleid-en-integratie/vraag-en-antwoord#t1504n64432>. [in Dutch] Consulted on 11 December 2017.

¹²⁹ Municipalities are obliged by law to provide social counselling to migrants that have to pass the civic integration programme. Unaccompanied minors of 18 years are not obliged to pass the civic integration programme and are therefore also not entitled to social counselling.

Gemeenten zijn via de Wet inburgering verplicht om maatschappelijke begeleiding te bieden aan inburgeringsplichtigen. Alleenstaande minderjarigen van 18 jaar zijn niet inburgeringsplichtig en hebben daardoor geen recht op maatschappelijke begeleiding.

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about how to counsel especially the minors coming from Eritrea. The Nidos Foundation thereupon took the initiative to start a project focusing on the following questions:

- Which factors undermine and which facilitate the resilience of these unaccompanied minors from Eritrea?
- What are specific recommendations for their counselling?

In collaboration with the Arq Foundation, a project proposal was written that received financial support from the AMIF programme. The results of the first part of the study were published in April 2017 (Nidos Foundation/Arq Foundation (2017) *Alleenstaande minderjarigen uit Eritrea in Nederland. Kansen en bedreigingen aan het begin van een nieuw leven* [Unaccompanied minors from Eritrea in the Netherlands. Opportunities and threats and the start of a new life]).¹³⁰

The recommendations focus on how to strengthen the socio-economic position and resilience of this group and on how to improve the relation between Eritrean unaccompanied minors and the authorities that support them.

The effect of healthcare on the integration of unaccompanied minors

Research has been done on the well-being and health of Eritrean refugees: *Van ver gekomen. Een verkenning naar het welzijn en de gezondheid van Eritrese vluchtelingen, Pharos, June 2016*

The main conclusions regarding unaccompanied minors were:

There are some specific problems in relation to Eritrean unaccompanied minor refugees:¹³¹

- There are signals that some minors present themselves as older than they actually are. This supposedly gives the minors the advantage that they are more quickly independent and receive more income by which the family in Eritrea can be supported.
- The counselling is impeded by the general mistrust by Eritrean unaccompanied minors towards adults, even where fellow countrymen are concerned who had already come to the Netherlands earlier as refugees.
- A number of minors do not cooperate in placement in the foster families selected for them. Eritrean minors have more trust in their Eritrean travelling companions with whom they arrived in the Netherlands and do not want to be separated from them.

Access to education

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

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

Yes. Under Section 3 of the Compulsory Education Act (LPW) 1969 in conjunction with Section 10 of the Aliens Act (Vw) 2000, all children in the Netherlands have a right to education until their eighteenth year of age, irrespective of whether they are staying in the Netherlands lawfully or not. The type of residence permit of an unaccompanied minor has no influence on this.

Children who apply for asylum in the Netherlands are required to go to school from 5 to 18 years of age. In principle they must go to school as quickly as possible on arrival in the Netherlands. Ideally, children who are newly in the Netherlands first go to a class in which the emphasis is on acquiring the language and move on afterwards to regular education. This is called initial reception education. In primary education this is also

¹³⁰ The complete report can be found here [in Dutch]: https://www.centrum45.nl/sites/default/files/domain-6/documents/2017-06_onderzoeksrapport_alleenstaande_minderjarigen_uit_eritrea_in_nederland-6-14972822931505512156.pdf. Consulted on 11 December 2017.

¹³¹ *Van ver gekomen. Een verkenning naar het welzijn en de gezondheid van Eritrese vluchtelingen* [Coming from far. An exploration of the wellbeing and health of Eritrean refugees], Pharos, June 2016, p.26 [in Dutch]

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called newcomers' education and in secondary education international preparatory classes.

In February 2017 the Education Council published the report 'Vluchtelingen en onderwijs' (Refugees and education). In this report it is stated that the quality of education provided to refugee children, including unaccompanied minors, is still not sufficient and that they often attend a lower level of education they have the potential for.¹³²

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

Yes. An intake method has been developed for newcomers who want to enter secondary education. The purpose of this method is to use an extended intake to gather as much information as possible about the available knowledge, potential, and sensitivity to instruction of the pupil visiting the international preparatory class at the time. The international preparatory class obtains a good picture of the minor by way of observation and tests so that the right learning pathway can be found for him/her.

The extended intake runs through to the previously developed specialisations by which newcomers are prepared to move on to secondary education.¹³³

For unaccompanied minors with no prospects of residence (unaccompanied minors who have exhausted all legal means) this education is aimed at learning an occupation that will later enable them to stand on their own feet in their country of origin.¹³⁴

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

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

Yes. Unaccompanied minors generally prove to be more difficult to motivate to go to school. In 2016 additional funds were used to inform teachers about this target group.¹³⁵ Nidos is also in close contact with the teachers.

In the past few years several measures have been taken to facilitate the entry of asylum seekers' children (not specifically aimed at unaccompanied minors) in regular education, including making available and updating teaching methods for state examination Dutch as a Second Language (NT2). Since 2014 the capacity of NT2 training programmes has almost tripled.¹³⁶

Furthermore – in view of the fact that asylum seekers' children can have problems with traumas - work has been done to promote the expertise of teachers regarding traumas. For example an online course for teachers in

¹³² Education Council (Onderwijsraad) (2017), *Vluchtelingen en onderwijs [Refugees and education]* [in Dutch], <https://www.onderwijsraad.nl/publicaties/2017/vluchtelingen-en-onderwijs.-naar-een-efficiëntere-organisatie-betere-toegankelijkheid-en-hogere-kwaliteit/item7508> [consulted on 18 January 2018]

¹³³ *Parliamentary Papers (Kamerstukken) II*, 2016/17, 34334 no. 24 [in Dutch].

¹³⁴ For more information see <https://www.vluchtelingenwerk.nl/wat-wij-doen/standpunten/standpunt-minderjarige-vreemdelingen>. [in Dutch] Consulted on 13 December 2017.

¹³⁵ *Parliamentary Papers II*, 2015/16, 34334 no. 22 [in Dutch].

¹³⁶ *Parliamentary Papers II*, 2016/17, 34334, no. 24 [in Dutch].

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primary and secondary education has been developed.

The foundation LOWAN provides support to primary and secondary school who deal with unaccompanied minors and children from refugee families.¹³⁷

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

Ideally, children who have recently come to the Netherlands first go to a class in which the emphasis is on language acquisition and move on afterwards to regular education. This is called initial reception education.¹³⁸ In primary education this is also called newcomers' education and in secondary education international preparatory classes (ISK).

There is no minimum duration of stay in an ISK, but a pupil may undergo education for no more than two years in an ISK. The ISK does not have a fixed curriculum, but often consists of 80% language education, whereby specific attention is paid in the second year to moving on to regular education. A pupil who turns 18 years of age during those two years may also continue to undergo education in an ISK.

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

N/A

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

Yes. Unaccompanied minors can continue to undergo education in the Netherlands even at the time they turn 18.¹³⁹ Former unaccompanied minors with a residence permit, just as regular students, must meet the requirements for entry into a study programme. They, just as regular students, are entitled to student finance and pay the statutory tuition fee.¹⁴⁰

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

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

¹³⁷ For more information see www.lowan.nl.

¹³⁸ In larger cities newcomers are often received in separate classes. In smaller cities and in rural areas this is being given increasingly more shape in multi-schools and regionally organised initial reception schools from which pupils (usually) move on to regular schools.

¹³⁹ For more information see https://www.opnieuwthuis.nl/documents/Huisvesting/Factsheets/factsheet%20Alleenstaande%20Minderjarige%20Vreemdelinge%20n_v1.0.pdf. [in Dutch] Consulted on 11 December 2017.

¹⁴⁰ For more information see http://www.lowan.nl/wp-content/uploads/2016/01/Informatiedocument_asielzoekers_en_nieuwkomers_PO_en_VO_doc.pdf. [in Dutch] Consulted on 13 December 2017.

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

In February 2017 the Education Council published the report 'Vluchtelingen en onderwijs' (Refugees and education). The report contains an analysis of the education for refugee children (including unaccompanied minors). In the report, the following bottlenecks are identified: "The limited accessibility of education for refugees occurs in all phases of the learning career. For instance toddlers participate in preschool facilities in far from all municipalities. School-age children and young people cannot go soon enough to an appropriate school. Educational institutions are reluctant to place them, among other things because of lack of room, lack of support among parents of pupils, inadequate experience with and knowledge about the target group, uncertainty about financing and frustration about the many (and forced) removals of the children. Refugees of secondary school age move on after a period in an international preparatory class to a lower level of school than they could potentially deal with. Their level of language proficiency is the guiding principle. The same holds for refugee children in senior secondary vocational education."¹⁴¹

Access to (support to) employment

Q18. a. When providing **access to employment**¹⁴² to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

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

No. The type of residence permit (temporary asylum residence permit or temporary regular residence permit) has no influence on the rights that unaccompanied minors have. Unaccompanied minors with a residence permit have the same rights as Dutch young people in relation to the labour market.¹⁴³

At the time an unaccompanied minor is in possession of a residence permit, he/she may work in the Netherlands (paid and as a volunteer) and, for example do a work placement or undertake a traineeship programme. No distinction is made between unaccompanied minors and Dutch nationals.

No. Unaccompanied minors with a residence permit do not need a work permit in order to work in the Netherlands.

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

No. No restrictions apply other than those applied to nationals of the Netherlands.

¹⁴¹ Education Council (Onderwijsraad) (2017), *Vluchtelingen en onderwijs [Refugees and education]* [in Dutch], <https://www.onderwijsraad.nl/publicaties/2017/vluchtelingen-en-onderwijs.-naar-een-efficiëntere-organisatie-betere-toegankelijkheid-en-hogere-kwaliteit/item7508> [consulted on 18 January 2018]

¹⁴² Please note that this need not apply to unaccompanied minors who are still in fulltime education.

¹⁴³ In principle, unaccompanied minor third-country nationals who are in possession of a temporary regular residence permit also have the same rights in relation to the labour market as Dutch nationals.

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

No.

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

Assistance of unaccompanied minors in gaining access to employment

The statutory responsibility for assisting beneficiaries of international protection in gaining access to employment is borne by the municipalities. Gaining of access to employment for unaccompanied minors is given legal shape in the Participation Act (Pw). This Act places the responsibility for assisting the unemployed in gaining access to employment with the municipalities, and contains provisions for financial assistance. The Participation Act applies to all Dutch citizens and foreigners with lawful residence in the Netherlands¹⁴⁴ who do not have the means to provide for the necessary costs of existence. This Act sets out the rights and obligations that holders of residence permits have, just as other persons on social assistance benefit, with respect to the labour market and social facilities.

The Participation Act makes it possible to provide former unaccompanied minors from 18 to 20 years of age with an addition to the social assistance benefit by way of special assistance. Section 12 of the Participation Act provides that the statutory assistance criterion for young people from 18 to 20 years of age is lower than the criterion for young people 21 years of age and older (...). Special assistance can be provided in two situations: 1). The parents are unable to contribute to their living expenses. 2). You cannot reasonably require the young person to convert his or her maintenance right to cash.¹⁴⁵

Some municipalities choose to make an addition from special assistance for young permit holders from 18 to 20 years of age who receive a benefit under the Participation Act by way of a monthly 'young person's allowance'. Other municipalities make a case-by-case evaluation concerning providing extra allowances.

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

An unaccompanied minor is subject to compulsory education. Where an unaccompanied minor without status still has a right to reception, the education process can also be completed after the age of majority has been reached.

Nidos transfers the counselling to a counselling organisation designated by the municipality. This organisation is also involved in the preparation from the age of 17.5, so that the transition can take place as smoothly as possible. In connection with the warm transition of the young person, it is important to know in good time who the contact of the counselling organisation will be.

This usually concerns practical counselling, such as support with bank accounts, application for various facilities and stimulating participation and integration. Sometimes passive support is sufficient (on call), and in other cases active support is desired.

¹⁴⁴ As referred to in Section 8, subsections a. to e. inclusive and l., of the Aliens Act (Vw) 2000, except for the cases referred to in Article 24 (2) of Directive 2004/38/EC.

¹⁴⁵ For more information see <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf>. [in Dutch] Consulted on 11 December 2017.

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For some young people turning 18, practical counselling alone is not sufficient to maintain themselves independently. For these young people an additional form of support can be applied for from, for example under the Social Support Act (Wmo), the Healthcare Insurance Act (Zvw), the Youth Act or the Long-Term Care Act (Wlz).

It is up to municipalities to determine how the practical counselling takes place. This depends on the local social infrastructure. Such practical counselling is given diverse shape within municipalities. Some municipalities link this practical counselling to an existing facility, for example in the field of integration (such as social counselling), guidance and support under the Social Support Act, extended youth assistance or participation. Other municipalities develop a specific range for former unaccompanied minors.

Some examples from practice:¹⁴⁶

- ★ Follow-up counselling for 3 hours a week – for the duration of at least a half year – via the Social Support Act, by the contract partner that already knows the young person from Nidos reception.
- ★ Sheltered housing supervision for 4.5 hours a week or ambulant counselling for 2 hours a week via extended youth care, by the contract partner that already knows the young person from Nidos reception.
- ★ Counselling by the party providing social counselling.

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

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

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

No research has been done into the quality of programmes that support unaccompanied minors in finding work.

No research has been done into access of unaccompanied minors to the labour market.

Family reunification of unaccompanied minors

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

The conditions for family reunification between unaccompanied minors and their families have not changed since the EMN Study on Family Reunification.

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

¹⁴⁶ For more information see <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf>. [in Dutch] Consulted on 11 December 2017.

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

Yes. An unaccompanied minor can only apply for asylum family reunification under favourable conditions (no income requirement etc.) for his/her family members if he/she is below the age of 18 at the time of the application for family reunification. After the unaccompanied minor turns 18, he/she can only apply for regular family reunification, meaning that stricter requirements apply (e.g. income requirement). Moreover, he/she can also still apply for a residence permit for his/her family members based on article 8 of the European Conventions of Human Rights (ECHR).

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

No working method has been set out for unaccompanied minors who are approaching the age of 18 in relation to family reunification. The counselling depends on the individual case. In order to allow the transition of unaccompanied minors on reaching the 18th birthday to run as smoothly as possible, collaboration agreements have been made between Nidos, municipalities and other parties such as healthcare providers and housing associations. Guidelines have been prepared for this.¹⁴⁷

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

No other relevant information

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

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

'It is a house but it isn't my home' Unaccompanied minors in the Netherlands and the care facility in which they flourish best¹⁴⁸

This research shows that unaccompanied minors, regardless of how they live in the Netherlands, miss their parents and their family routines. Unaccompanied minors want to be accepted and part of Dutch society. The research shows that especially children that stay in foster families become part of a new 'social system' and feel less often left out. Unaccompanied minors that don't live in a foster family often feel socially isolated.

Pharos: Factsheet on unaccompanied minors¹⁴⁹

In many cases at least one of the two parents of the unaccompanied minors is still alive. When unaccompanied minors have contact with their family, they usually experience a high degree of support, despite the physical

¹⁴⁷ *Handreiking Nidos en VNG, Overdracht van amv's die 18 jaar worden*, [Guidelines by Nidos and VNG, Transfer of unaccompanied minors who turn 18] June 2017, p.3 [in Dutch]

¹⁴⁸ Kalverboer (2016) *'It is a house but it isn't my home' Unaccompanied minors in the Netherlands and the care facility in which they flourish best*. <https://engi.eu/wp-content/uploads/2016/11/It-is-a-house-but-it-isnt-my-home.pdf>

¹⁴⁹ For more information see http://www.pharos.nl/documents/doc/factsheet_alleenstaande_minderjarige_vreemdelingen.pdf. [in Dutch] Consulted on 22 January 2018.

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absence.

Refugee children have often missed out on several years of education because of war circumstances, stay in refugee camps and transit countries. There are many signals from schools that unaccompanied minors are absent from school more often than the newcomers with parents. The absence of support and motivation by parents presumably plays a role. The concerns that unaccompanied minors have about the family and their application for family reunification can also play a role.

Social welfare supporting unaccompanied minors

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

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

Yes. Unaccompanied minors receive a living allowance. All provisions are in accordance with the Regulations on Provisions for Asylum Seekers (Rva). In most cases unaccompanied minors receive a weekly allowance and a basic package of bed linens and pots and pans, unless cooking on one's own is not allowed at the reception location. In that case meals are provided. In some accommodations, children can earn extra pocket money by working independently (mostly doing small jobs in the centre).

Children who are placed in families receive an allowance from the foster parents. The foster parents receive a monthly allowance. The allowance the foster parents receive contains a component for clothing, food and other necessities.¹⁵⁰

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

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

Yes. The provision of a living allowance to the minor runs until 18 years of age. After this, the young person can provide for his/her own income by way of work, student finance, the Fees and Educational Expenses (Allowance) Act (WTOS),¹⁵¹ assistance or a combination of these. It is important that the young person – possibly with support – applies for the necessary income scheme in time.¹⁵²

Even if the income scheme is applied for in good time, it can occur that the payment date and/or right to this is after the 18th birthday. The pupils' allowance and student finance do not start until the next quarter after application. There can be a processing time of 8-12 weeks also for the granting and payment of an assistance benefit under the Participation Act. Application for a rent and healthcare allowance is possible only after the 18th

¹⁵⁰ For more information see https://www.rijksoverheid.nl/onderwerpen/pleegzorg/vraag-en-antwoord/krijg-ik-een-vergoeding-voor-pleegzorg?utm_campaign=sea-t-familie_zorg_en_gezondheid-a-pleegzorg_vergoeding_pleegzorg&pk_kwd=vergoeding%20pleegzorg&gclid=CjwKCAiAvMPRBRBIEiwABuO6qeEd0RV86yA9ut57GB0-aIGya0o6vVSp2fMdg3ispNEZRbCRaqByChoCsnUQAvD_BwE. [in Dutch] Consulted on 13 December 2017.

¹⁵¹ The allowance for fees and education is a one-off amount of money with which, for example books, a bus subscription, train subscription and tuition fees, if any, can be paid.

¹⁵² It is however not true that (former) unaccompanied minor third-country nationals have a choice of which scheme they apply for. This is not (always) the case. Example: persons who have reached the age of majority who are under the age of 27 and have the possibility to undertake a study programme for which they can claim student finance are excluded from the right to assistance (see Section 13 subsection 2 under c. Participation Act (Pw)). It is not relevant whether this person is already undertaking such a programme or not; the deciding factor is whether he/she *can take* such a programme. Moreover, a person who has reached the age of majority has no right to assistance if another scheme is available (see Section 15 subsection 1 Participation Act).

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birthday has been reached.

Some municipalities make it possible to handle a benefit application even before the young person's 18th birthday and grant it on the 18th birthday. For bridging purposes the municipality can create a solution by way of an assistance benefit and/or special assistance. For example if the right to a different income scheme (such as student finance) only arises later, general assistance and special assistance can be provided to bridge this gap. Or if the granting of an income scheme is not forthcoming, an advance can be provided, for example for the first month's rent, security deposit if any (is often a condition for being able to sign the tenancy agreement), furnishing expenses and living expenses.

The Fees and Educational Expenses (Allowance) Act (WTOS) and/or the low (statutory) assistance criterion for young people up to 21 years of age, combined with relatively high housing expenses and living expenses see to it that these young people have a high risk of getting into financial trouble. The Participation Act makes it possible to provide an addition in these situations by way of special assistance.¹⁵³

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

Yes. To allow the transition of the unaccompanied minor to run as smoothly as possible on reaching the 18th birthday, Nidos, in cooperation with the Association of Netherlands Municipalities, has developed guidelines for collaboration agreements between the municipalities, Nidos and the contract partner(s) and organisation involved, such as housing associations and healthcare providers.¹⁵⁴

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

N/A

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

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

How these provisions from the Participation Act are dealt with varies per municipality.¹⁵⁵

Further monitoring of unaccompanied minors' transition to adulthood

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

No longitudinal study has been done on how unaccompanied minors experience the period in which they turn 18 years old.

¹⁵³ See also question 18 a for more information.

¹⁵⁴ For more information see <https://vng.nl/files/vng/20170615-handreiking-overdracht-amvs-die-18-worden-vng-nidos.pdf>. [in Dutch] Consulted on 11 December 2017.

¹⁵⁵ Written input from a policy assistant of the Dutch Council for Refugees received on 16 January 2018.

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Pharos, the Dutch Centre of Expertise on Health Disparities, deals briefly with this in a fact sheet:

Pharos: Factsheet on unaccompanied minors¹⁵⁶

The period until adulthood is very short for most unaccompanied minors. It therefore appears that a large group of them miss the skills on their 18th birthday to actually be self-sufficient in the complex Dutch society. The age on paper is not always the actual age, either. Unaccompanied minors can actually be older or younger than they state. There are many signals of financial problems and problematic substance use. Many organisations, including municipalities, point to the need to continue providing former unaccompanied minors with extra support. Although additional arrangements are being made to provide for this, its financing is still problematic.

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

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

Unaccompanied minors are put in possession of a temporary residence permit. After five years this can be converted into a permanent residence permit. This has no consequences for the integration process of the unaccompanied minors.

Challenges and good practices

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

According to Nidos, it remains a challenge to see to it that a minor has a good social network on reaching the age of 18 (not only consisting of professionals). This is to ensure that the former unaccompanied minors do not end up in social isolation.

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

Good practices concerning the integration of unaccompanied minors (under 18 years of age):**Project: Approach to frequent unauthorised absence from the international preparatory class (ISK) in Tilburg**

- Aim:
 - ✓ Reduction of frequent unauthorised absence of pupils of the International Preparatory Class (>50 hours)
 - ✓ Maximum 10% unauthorised absence from International Preparatory Class

¹⁵⁶ For more information see http://www.pharos.nl/documents/doc/factsheet_alleenstaande_minderjarige_vreemdelingen.pdf. [in Dutch] Consulted on 22 January 2018.

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- ✓ Coordination with stakeholders (protocols)
- Reason:
 - ✓ Frequent unauthorised absence
 - ✓ Negative influence on class and residential group
 - ✓ Nuisance in the city
- Results:
 - ✓ Causal analysis of absence
 - ✓ Customised solutions
 - ✓ Coordination with cooperating organisations.

Good practices concerning the transition of unaccompanied minors to 18 years of age:***Guidelines for the transition of unaccompanied minors who turn 18 years old***

Nidos and the Association of Netherlands Municipalities (VNG) have drawn up guidelines together to ensure a good transition of unaccompanied foreign nationals on reaching the age of 18.

When an unaccompanied minor turns 18, the municipality is responsible for housing and counselling, if any. In the period before their 18th birthday, Nidos performs guardianship duties for the minors. The unaccompanied minors are counselled by Nidos and live in small-scale reception locations or foster families.

The guidelines focus on the themes housing, income scheme, counselling and support and a warm transition of the young residence permit holder from 18- to 18+.

The guidelines were written by Nidos and VNG with input from municipalities, Youth Care/ contract partners, a social counselling implementer, *Platform Opnieuw Thuis* (Home Again Platform) and the Support Team for Asylum Seekers and Permit Holders (OTAV).¹⁵⁷

Werkagenda 16-27

A collaboration process of municipalities, MOVISIE, Divosa, NJi and VNG concerning vulnerable young people from 16 to 27 years of age. This approach supports youth officers, WMO, participation, housing and education and professionals who work with vulnerable young people between 16 and 27 years of age and parents and young people via client organisations.¹⁵⁸

Because municipalities in the Netherlands play an important role in the transition of unaccompanied minors to 18 years of age, a number of good examples of municipalities follow here:

Zorg Advies Team (care advisory team) for unaccompanied minors – best practice example Municipality of Roermond¹⁵⁹

¹⁵⁷ For more information see <https://vng.nl/onderwerpenindex/asiel/asielbeleid-en-integratie/nieuws/handreiking-overdracht-amvs-die-18-worden>. [in Dutch] Consulted on 21 December 2017.

¹⁵⁸ For more information see <http://www.16-27.nl/>. [in Dutch] Consulted on 21 December 2017.

¹⁵⁹ For more information see <https://praktijkvoorbeelden.vng.nl/databank/asiel-en-integratie/gezondheid-en-zorg/zorg-advies-team-voor-amv-ers.aspx?kws=amv>. [in Dutch] Consulted on 12 December 2017.

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In order to allow the transition from under 18 to over 18 to run smoothly, young people are discussed in the Zorg Advies Team for unaccompanied minors (ZAT). Characteristics of the working method:

- The objective of the Zorg Advies Team (ZAT) is to guarantee an unaccompanied minor a good and timely transition and transfer when the unaccompanied minor turns 18 years of age, whereby aspects of life such as housing, well-being and healthcare come up for discussion and are used. The young people are then monitored in the ZAT 18 plus.
- General Social Work (AMW) and the Dutch Council for Refugees assume the guidance at the time the minor turns 18 years of age.
- The ZAT is held once every four weeks.
- At the ZAT 18- Nidos is the chair. At the ZAT 18+ the social affairs team leader is the chair.
- Participants: Nidos, Rubicon Youth Care, Dutch Council for Refugees, General Social Work, Municipal Health Care (GGD) paediatrician, Police, Attendance Officer and a customer manager for income from Social Affairs, housing association and the healthcare coordinator of the school providing the international preparatory class.
- All unaccompanied minors are discussed in the ZAT 18 minus and 18 plus. Minors who have no apparent problems, are placed on a so-called follow-up list but still remain in the picture. Minors who still have "problems" remain on the action list.
- In addition, per minor, 'round table consultations' are held every eight weeks. Participants in the RTC are: Social Work (chairperson), school healthcare coordinator, Social Affairs Income and Work, Housing South and the Dutch Council for Refugees.

Kansrijk wonen Noord-Veluwe¹⁶⁰

In the Noord-Veluwe region, the foundation Kansrijk Wonen [Living with opportunities] has seven houses. Four young people live in each house 'together on their own'. Two Somali girls of 17 and 19 years of age also live in one of the houses. By allowing young people to live 'together on their own', the Kansrijk Wonen Foundation helps young people to stand on their own feet. By having Dutch young people and young beneficiaries of international protection live together in a house, the foundation facilitates the integration of the beneficiaries of international protection.

The formula of Kansrijk Wonen is simple: three young people live together with a head resident in one house. They pay rent to the foundation. Each young person has his/her own bedroom. The rest of the house is shared.

In addition, each young person is assigned a coach (or two), a volunteer who helps him or her to become more independent. Coordinator Mr Jongetjes: "It is a preventive project. We prevent residential care and in that way save costs. If additional help is needed nevertheless, you can of course receive it externally."

Step-by step plan for unaccompanied minors from 18- to 18+ - best practice example in the Municipality of Amsterdam¹⁶¹

When an unaccompanied minor turns 18, the Municipality is responsible for housing and counselling, if any. In the period before the 18th birthday, Nidos performs the guardianship duties for the minors. An unaccompanied minor is counselled by Nidos and lives in a small-scale reception facility or in a foster family. The Municipality of Amsterdam has developed a step-by-step plan for unaccompanied minors who turn 18 years of age.

¹⁶⁰ More information can be found here <https://www.gemeentenvandetoekomst.nl/themas/sociaal-domein/praktijkvoorbeeld/pilot-jonge-statushouders-en-nederlandse-jongeren-samen-onder-een-dak/>. [in Dutch] Consulted on 12 December 2017.

¹⁶¹ For more information see <https://praktijkvoorbeelden.vng.nl/databank/asiel-en-integratie/gezondheid-en-zorg/stappenplan-alleenstaande-minderjarige-vluchteling-van-18-naar-18plus.aspx?kws=amv>. [in Dutch] Consulted on 12 December 2017.

Section 5: Return of unaccompanied minors [max. 10 pages]

This section of the **Synthesis Report** will report on the return arrangements for unaccompanied minors as stipulated in Directive 2008/115/EC (i.e. Art. 10, Art. 17) without duplicating information covered in the forthcoming EMN study on 'The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards.'

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

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

Yes, if an asylum application is rejected after a careful procedure and review by the court, the minor must leave the Netherlands.

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

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

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

Yes. Unaccompanied minors can return voluntarily to their country of origin. The government prefers independent departure.

If an unaccompanied minor is not eligible for a residence permit, the Immigration and Naturalisation Service transfers his/her file to the Repatriation and Departure Service for the purpose of organising departure from the Netherlands.¹⁶²

A condition for departure from the Netherlands is that adequate reception facilities are available for the unaccompanied minors in the country of destination. What adequate reception facilities means is described in the answer to question 29c.¹⁶³

If it is evident that the unaccompanied minor can depart from the Netherlands, a specialised staff member of the Repatriation and Departure Service (the 'supervisor') starts the departure procedure and a departure plan is made (see the answer to the last question for more information).¹⁶⁴ The departure forms part of a personal approach to induce a migrant to depart - independently - from the Netherlands, or, if this does not succeed, to force the migrant to depart. The departure plan is the basis for developing a strategy for how to implement the departure process. The strategy will vary from person to person and can be adjusted as needed. The departure plan can be used in consultation with other organisations concerned to share information about the state of affairs of the departure process, to record and monitor agreements with the foreign national, to take the actions that still have to be taken and to set out the strategy to carry out a successful return.

¹⁶² Repatriation and Departure Service (DT&V) (undated), *Alleenstaande minderjarige vreemdelingen*, <https://www.dienstterugkeerenvertrek.nl/VertrekitNederland/Bijzonderecategorieenvreemdelingen/amv.aspx> [in Dutch] [consulted on 18 January 2018]

¹⁶³ Repatriation and Departure Service (DT&V) (undated), *Alleenstaande minderjarige vreemdelingen*, <https://www.dienstterugkeerenvertrek.nl/VertrekitNederland/Bijzonderecategorieenvreemdelingen/amv.aspx> [in Dutch] [consulted on 18 January 2018]

¹⁶⁴ Repatriation and Departure Service (DT&V) (undated), *Alleenstaande minderjarige vreemdelingen*, <https://www.dienstterugkeerenvertrek.nl/VertrekitNederland/Bijzonderecategorieenvreemdelingen/amv.aspx> [in Dutch] [consulted on 18 January 2018]

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In the event of both independent and forced departure, the supervisor informs the migrant during the departure process of the possibilities to obtain return and/or reintegration support from the International Organisation for Migration or other NGOs. The supervisor discusses with the migrant factors that might hamper return, if any, and in what way they can be removed, such as for example help in finding, among other things, housing, work and school. What is needed can be examined on an individual basis.

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

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

Yes, unaccompanied minors can, with the aid of assisted voluntary return return to their country of origin. In almost all cases, unaccompanied minors who return make use of return and/or integration support (for more information on the general departure process see the answer to the preceding question).

Depending on the country of origin and the personal wishes of the unaccompanied minor, customised return is possible. Assistance can consist of reception, counselling, study or work and shelter in the country of destination.¹⁶⁵ The Dutch government, just as the International Organisation for Migration and various NGOs, provides assistance to unaccompanied minors with the return process.¹⁶⁶ This is done within so-called return projects.

There are many different return projects. They usually focus on certain nationalities or target groups, for example rejected asylum seekers, undocumented migrants or vulnerable groups.¹⁶⁷ There are no specific return projects for unaccompanied minors. There are however projects for vulnerable groups, including unaccompanied minors, such as 'Bridge to Better Equipped Restart'.¹⁶⁸ In addition, within general projects extra attention is often paid or support provided to unaccompanied minors. Unaccompanied minors who for example want to return with the International Organisation for Migration receive support in the amount of 2,800 euros; while adults receive support in the amount of 1,800 euros.¹⁶⁹

In the past there were indeed specific projects for unaccompanied minors. For example, the Netherlands financed an orphanage in the Democratic Republic of Congo so that unaccompanied minors could receive adequate reception facilities on return. In practice, the orphanage was never used. The Repatriation and Departure Service states that the reason for that was that upon the return it appeared that there often was family of the minor present in the country, so that the orphanage was not needed. For this reason, it was ultimately decided to terminate the financing.

Challenges

A challenge on voluntary return is family tracing. It is often difficult to trace family members in the country of origin. Another challenge is that the facilities for minors (e.g. medical facilities and education) are often inadequate in the countries of origin, so return is not possible. In some cases it can also be difficult to obtain a *laissez passer*

¹⁶⁵ Repatriation and Departure Service (DT&V) (undated), *Alleenstaande minderjarige vreemdelingen [unaccompanied minors]*, <https://www.dienstterugkeerenvertrek.nl/VertrekuutNederland/Bijzonderecategorieenvreemdelingen/amv.aspx> [in Dutch] [consulted on 18 January 2018]

¹⁶⁶ National Government (Rijksoverheid) (undated), *Ondersteuning bij Terugkeer [Return assistance]*, <https://www.infoterugkeer.nl/> [in Dutch] [consulted on 18 January 2018]

¹⁶⁷ National Government (undated), *Overzicht projecten [Project overview]*, <https://www.infoterugkeer.nl/terugkeerprojecten/overzicht-projecten/> [in Dutch] [consulted on 18 January 2018]

¹⁶⁸ National Government (undated), *Bridge to Better Equipped Restart*, <https://www.infoterugkeer.nl/terugkeerprojecten/overzicht-projecten/Projectdetails/bridge-to-better-equipped-restart.aspx> [in Dutch] [consulted on 18 January 2018]

¹⁶⁹ National Government (undated), *IOM: Herintegratieondersteuning AVRR-NL (Assisted Voluntary Return and Reintegration)*, <https://www.infoterugkeer.nl/terugkeerprojecten/overzicht-projecten/Projectdetails/herintegratieondersteuning.aspx> [in Dutch] [consulted on 18 January 2018]

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document.

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

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

Yes, unaccompanied minors can be returned to their country of origin through a forced return.

Procedure

If the unaccompanied minor does not cooperate in the return process from the Netherlands - if all other possibilities have been exhausted - forced return can be used. This is only possible in the case that adequate reception facilities are available in the country of destination (see question 29c).¹⁷⁰ Forced return of unaccompanied minors, however, does not occur often in practice. In the first 6 months of 2017 only 8 unaccompanied minors departed through a forced return. In the same period 20 unaccompanied minors departed independently.¹⁷¹

As in all forced return procedures, several checks are carried out, also for unaccompanied minors, before the person is removed from the Netherlands, such as for example a medical check-up if there are indications to do so, a check of travel documents, luggage and other possessions, a check in the computer systems whether the person may still be removed.¹⁷² Unlike other migrants who are removed, unaccompanied minors are usually accompanied by a staff member of the Repatriation and Departure Service during the flight.¹⁷³

Challenges

The challenges in forced return are similar to the challenges in supported voluntary return (see the answer to the preceding question).

b. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** once a negative decision has been reached. Is this set out in legislation or any other internal administrative regulations? *Please cross-reference/ summarise here any aspects of the BID procedure for unaccompanied minors subject to a return decision already covered under the EMN study on return (see above) and provide any additional information).*

The best interests of the child are already reviewed before the IND takes a decision. After the IND has rejected a migrant's application for a residence permit, the Repatriation and Departure Service organises the return and ensures that it actually takes place. To guarantee a uniform working method, the Repatriation and Departure Service uses so-called 'process protocols'. The process protocols describe the steps and actions to be taken during the return process. A process protocol exists for the procedure concerning unaccompanied minors, in which the return process for this group is described. All process protocols contain instructions for the staff members of the Repatriation and Departure Service.

¹⁷⁰ Repatriation and Departure Service (DT&V) (undated), *Alleenstaande minderjarige vreemdelingen [unaccompanied minors]*, <https://www.dienstterugkeerenvertrek.nl/VertrekitNederland/Bijzonderecategorieenvreemdelingen/amv.aspx> [in Dutch] [consulted on 18 January 2018]

¹⁷¹ Source: Repatriation and Departure Service (DT&V)

¹⁷² Repatriation and Departure Service (DT&V) (undated), *Gedwongen terugkeer [Forced return]*, <https://www.dienstterugkeerenvertrek.nl/Werkindeuitvoering/Gedwongenterugkeer/index.aspx> [in Dutch] [consulted on 18 January 2018]

¹⁷³ Repatriation and Departure Service (DT&V) (undated), *Gedwongen terugkeer [forced return]*, <https://www.dienstterugkeerenvertrek.nl/Werkindeuitvoering/Gedwongenterugkeer/index.aspx> [in Dutch] [consulted on 18 January 2018]

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Besides this, all matters of unaccompanied minors are dealt with by a special team (about 12 staff members) within the Repatriation and Departure Service. When these staff members are recruited, relevant study programmes and/or work experience relating to unaccompanied minors are examined.

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

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
Repatriation and Departure Service (DT&V)	<ul style="list-style-type: none"> • Government institution • Implements return policy 	<ul style="list-style-type: none"> • Informs and assists unaccompanied minors in the return process • Prepares a departure plan for each unaccompanied minor • Provides where possible for replacement travel documents, also called laissez passer • Organises adequate reception facilities in the country of origin • Practical organisation of departure (e.g. booking flights)
Nidos	<ul style="list-style-type: none"> • Foundation • Provides guardianship for unaccompanied minors 	<ul style="list-style-type: none"> • Acts as guardian for unaccompanied minors, also during the return procedure • Can be present during discussions with the Repatriation and Departure Service
Netherlands International Organisation for Migration (IOM)	<ul style="list-style-type: none"> • International organisation • Supports migrants with voluntary return, family reunification, resettlement, integration and labour market participation 	<ul style="list-style-type: none"> • Executes projects in the field of voluntary return and reintegration (subsidised by the Dutch government) • Projects encompass, e.g.: <ul style="list-style-type: none"> ○ information and counselling ○ providing for travel documents and the journey ○ stimulating reintegration in the country of origin (for example by undertaking a study programme)

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Various NGOs (e.g. Bridge to Better Foundation, Solid Road Foundation, Dutch Council for Refugees ¹⁷⁴)	<ul style="list-style-type: none"> • Mostly foundations • Supports migrants and advocates their interests 	<ul style="list-style-type: none"> • Informing, advising and supporting migrants during the return procedure • Providing voluntary return and reintegration projects (subsidised by the Dutch government)
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Enforcement of return decisions and key arrangements pre/ during/ post departure

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

The timeframe for departure is strongly dependent on the individual case. Carefulness is always the first consideration in the return process. The cooperation of the unaccompanied minor and the guardian is essential, because adequate reception facilities and obtaining a laissez passer are necessary to allow an unaccompanied minor to return. The Repatriation and Departure Service also depends on the cooperation of the authorities in the country of origin.

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

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

As all migrants who must return, unaccompanied minors are counselled individually by the Repatriation and Departure Service. Each migrant is assigned a staff member of the Repatriation and Departure Service, a so-called 'supervisor'.¹⁷⁵ The supervisor conducts several meetings with the migrant to see in what way return is possible.¹⁷⁶ Voluntary return is the preferred option. The supervisor refers migrants who want to return voluntarily to the International Organisation for Migration, which holds consulting hours in most reception and detention locations, but also to other NGOs that provide return projects.¹⁷⁷

In addition, the Dutch government facilitates voluntary return also by subsidising return projects of for example the International Organisation for Migration or other NGOs.

¹⁷⁴ The Dutch Council for Refugees (VluchtelingenWerk Nederland) represents the interests of refugees and asylum seekers in the Netherlands from the time of arrival up to and including integration in Dutch society. The Dutch Council for Refugees gives official information during the asylum procedure, provides legal assistance during the asylum procedure, supports the asylum seeker emotionally, runs consulting hours where the asylum seekers can come with (general) questions. Once the asylum application is granted, the Dutch Council for Refugees assists the beneficiary of international protection further on his/her way in society. If refugees are allowed to stay in the Netherlands, they can live independently in a municipality. Through social counselling, staff members of the Dutch Council for Refugees help them to find their way in their new environment. They show them the way to the municipality, arrange matters concerning income, housing and health, as well as school or a study programme, and explain the relevant laws and rules to them. They support civil integration and assist with the procedure for family reunification. Should they prove ineligible for protection in the Netherlands following a careful asylum procedure, the Dutch Council for Refugees then gives information on all options and possible scenarios and they can also provide assistance with the return process.

¹⁷⁵ Repatriation and Departure Service (undated), *Werkwijze [Working method]*, <https://www.dienstterugkeerenvertrek.nl/Werkindeuitvoering/Werkwijze/index.aspx> [in Dutch] [consulted on 18 January 2018]

¹⁷⁶ Repatriation and Departure Service (undated), *Processchema [Process scheme]*, https://www.dienstterugkeerenvertrek.nl/binaries/web-94800-processchema_tcm49-129034.pdf [in Dutch] [consulted on 18 January 2018]

¹⁷⁷ European Migration Network (2016), *Vrijwillige terugkeer: Informatievoorziening aan illegaal in Nederland verblijvende vreemdelingen [Voluntary Return: Dissemination of information to third-country nationals irregularly staying in the Netherlands]*, [in Dutch] http://www.emn-netherlands.nl/2epr_EMN_VWTK0ce2.pdf?type=pdf&objectid=emn:3699&versionid=&subjectname=

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

Dutch legislation contains several possibilities to stimulate that migrants actually return. The following measures are applied to unaccompanied minors:

- Obligation to report regularly to the authorities
- Guarantee statement by third parties
- Submission of a security deposit
- Submission of a airplane ticket
- Submission of a travel or identity document

In addition, in exceptional cases unaccompanied minors can be placed in detention. There must be "serious interests" of the authorities to be able to place an unaccompanied minor in detention.¹⁷⁸ Serious interests exist only in the following situations:¹⁷⁹

- The unaccompanied minor is suspected of or convicted of a crime, or;
- The departure of the unaccompanied minor can be effected within 14 days at the latest, or;
- The unaccompanied minor departed earlier from the reception centre with an unknown destination or has not complied with the obligation to report regularly to the authorities or an freedom restriction order imposed on him or her.

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

Unaccompanied minors who must return are placed in small residential facilities of the Central Agency for the Reception of Asylum Seekers. More intensive counselling is possible there than in a larger reception location. The staff members there provide unaccompanied minors with day-to-day counselling 24 hours a day on the basis of a specially developed methodology aimed at strengthening the competencies of unaccompanied minors.

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

See answers to questions 25 and 28.

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

Time

The Dutch authorities start family tracing only after the Immigration and Naturalisation Service has decided on the asylum application of the unaccompanied minor. For unaccompanied minors who have been rejected in the 8-day general asylum procedure, this is done after rejection by the Immigration and Naturalisation Service and for

¹⁷⁸ Aliens Act Implementation Guidelines (Vc) 2000, A5, 2.4 [in Dutch]

¹⁷⁹ Aliens Act Implementation Guidelines (Vc) 2000, A5, 2.4 [in Dutch]

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unaccompanied minors whose applications are handled in the extended asylum procedure, this is done after the court judgment on an appeal, if any.¹⁸⁰

Measures and organisations involved

The Repatriation and Departure service examines what the possibilities are for family tracing in each individual case. The cooperation of the unaccompanied minor and his/her guardian is important in this regard. Moreover, the availability of information is important as well. There are different investigation possibilities in countries of origin for family tracing, such as the Ministry of Foreign Affairs and the Dutch embassies, and via staff members of the Immigration and Naturalisation Service and the Dutch Border Police who are employed in a country of origin. The unaccompanied minor can also submit a request for family tracing him/herself, for example to the Red Cross and the International Organisation for Migration.¹⁸¹

c. How does your (Member) State interpret the term '**adequate' reception facilities** in the country of origin, as one of the requirements for removing an unaccompanied minor from EU territory according to the Return Directive?¹⁸² Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

The interpretation of the term "adequate reception facilities" is laid down in the Aliens Act Implementation Guidelines (Vc) B8 6.1 Ad 5:

"By adequate reception facilities in the country of origin, the Immigration and Naturalisation Service means: every reception facility (regardless of the form) of which the circumstances are comparable to the circumstances under which reception is offered to peers in a position equivalent to that of the third-country national."

"The Immigration and Naturalisation Service assumes the existence of adequate reception facilities in any case in the event of one of the following circumstances:

- a) a family member up to the fourth degree is present in the country in question;
- b) the husband/wife to whom the third-country national is married traditionally is present in the country in question;
- c) it emerges from facts and circumstances that a family member other than as referred to in a) and b) or a person who has reached the age of majority, not being a family member, can provide adequate reception facilities;
- d) reception is available in a (private) reception institution and the Immigration and Naturalisation Service considers this reception acceptable according to local circumstances;
- e) it follows from the country-related asylum policy that the authorities provide for reception facilities;
- f) based on general information it appears that the general reception facilities are available and adequate."

Further specification of d), e) and f): "A reception facility is considered adequate if the reception facility provides the minor in any case according to local criteria with:

- shelter until the minor has reached the age of 18, unless the reception serves to bridge a limited period after which the minor can be received by his/her own family or by others where there are adequate reception facilities;

¹⁸⁰ *Parliamentary Papers (Kamerstukken) II 2012/13*, Appendix number 2912, <https://zoek.officielebekendmakingen.nl/ah-tk-20122013-2912.html> [in Dutch]

¹⁸¹ *Parliamentary Papers II 2012/13*, Appendix number 2912, <https://zoek.officielebekendmakingen.nl/ah-tk-20122013-2912.html> [in Dutch]

¹⁸² Art. 10(2) of Directive 2008/115/EC stipulates that before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that s/he will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

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- availability of food, clothing and hygiene;
- access to educational facilities; and
- availability of medical care.”

d. Please indicate any **special/ transitional arrangements** for the return of unaccompanied minors approaching 18 years of age. *Please do not cover here any aspects of the return of former unaccompanied minors, i.e. adults, as this is subject of a separate EMN study on return (see above).*

When unaccompanied minors turn 17.5, they move on to a small residential facility on the grounds of an asylum seekers' centre (AZC) so that they can easily be transferred to the AZC when they are 18 years of age.

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

The Dutch government does not monitor what happens to unaccompanied minors after they have returned to their country of origin.¹⁸³ There are, however, the International Organisation of Migration and several NGOs that maintain contact with migrants after their return in the context of reintegration programmes. These programmes are often subsidised by the Dutch government or from European funds (e.g. AMIF). If possible, Nidos (the organisation that provides guardianship for unaccompanied minors in the Netherlands) also maintains contact with the unaccompanied minor. Nidos applies for termination of the guardianship only after three months after the minor has left the Netherlands.

The Dutch Refugee Council is working on a project 'Met opgeheven hoofd' [head held high] with several partners in third countries. The project is aimed at voluntary return and is financed with AMIF funds. Until now, there are no unaccompanied minors who made use of the services that are provided within this project.¹⁸⁴

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

The Repatriation and Departure Service has a large number of Memorandums of Understanding (MoUs) with countries of origin to facilitate return. Under these agreements unaccompanied minors can also be sent back. For more information per country see: <https://www.dienstterugkeerenvertrek.nl/Landeninformatie/index.aspx> [in Dutch]

Q30. a. Does your Member State provide any **reintegration assistance** to unaccompanied minors returning to their countries of origin (*please cross-reference/ summarise here to any aspects of the reintegration support for unaccompanied minors already covered under the EMN study on return (see above) and provide any additional information*):

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

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

If support within voluntary return is provided, this is considered assisted voluntary return. See our answer to the

¹⁸³ *Parliamentary Papers (Kamerstukken) II 2013/14, 27 062, no. 91 [in Dutch]*

¹⁸⁴ Source: Dutch Council for Refugees

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following question.

- through **assisted voluntary return**? Y/ N

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

The Dutch government, just as the International Organisation for Migration and various NGOs, provide assistance to unaccompanied minors in the return process.¹⁸⁵ This is done in so-called return projects. Assistance can consist of reception, counselling, study or work and shelter in the country of destination.¹⁸⁶

There are many different return projects. They usually focus on certain nationalities or target groups, for example rejected asylum seekers, documented migrants or vulnerable groups.¹⁸⁷ There are no specific return projects for unaccompanied minors. Projects do however exist for vulnerable groups, including unaccompanied minors, such as 'Bridge to Better Equipped Restart'.¹⁸⁸

Examples of support that unaccompanied minor can receive in assisted voluntary return are:

- Before return: workshops and training courses (e.g. computer lessons, web design, English lessons, workshops for starting up small companies, woodworking, welding techniques)
- After return: Counselling after arrival, training, temporary reception facility, reimbursement of medical expenses, bringing them in contact with relevant partners (e.g. local initiatives, schools, government institutions)

In the past there were indeed specific projects for unaccompanied minors. For example, the Netherlands financed an orphanage in the Democratic Republic of Congo so that unaccompanied minors could receive adequate reception facilities on return. In practice, the orphanage was never used. The Repatriation and Departure Service states that the reason for that was that upon the return it appeared that there often was family of the minor present in the country, so that the orphanage was not needed. For this reason, it was ultimately decided to terminate the financing.

Comment to the Service Provider: We do not know what kind of reintegration support could be provided during the return process.

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

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

The Netherlands has a number of return and reintegration projects that specifically focus on migrants who are forced to return. Examples of these are the 'European Reintegration Network (ERIN) Post Arrival Assistance' projects for a number of countries of origin (e.g. Guinea, Afghanistan, Pakistan). These projects do not specifically focus on unaccompanied minors, but increased attention is indeed paid to this group within the projects.

The support provided in the context of the reintegration projects is comparable to the support provided in the

¹⁸⁵ National Government (undated), *Ondersteuning bij Terugkeer [Return assistance]*, <https://www.infoterugkeer.nl/> [in Dutch] [consulted on 18 January 2018]

¹⁸⁶ Repatriation and Departure Service (undated), *Alleenstaande minderjarige vreemdelingen [Unaccompanied minors]*, <https://www.dienstterugkeerenvertrek.nl/VertrekitNederland/Bijzonderecategorieenvreemdelingen/amv.aspx> [in Dutch] [consulted on 18 January 2018]

¹⁸⁷ Repatriation and Departure Service (undated), *Overzicht projecten [project overview]*, <https://www.infoterugkeer.nl/terugkeerprojecten/overzicht-projecten/> [in Dutch] [consulted on 18 January 2018]

¹⁸⁸ National Government (undated), *Bridge to Better Equipped Restart*, <https://www.infoterugkeer.nl/terugkeerprojecten/overzicht-projecten/Projectdetails/bridge-to-better-equipped-restart.aspx> [in Dutch] [consulted on 18 January 2018]

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context of voluntary return projects (see the answer to the question above); the support in case of forced return is, however, often provided in-kind.

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

See the answer to question 29e: The Dutch government does not monitor what happens to unaccompanied minors after they have returned to their country of origin.¹⁸⁹ There are, however, the International Organisation of Migration and several NGOs that maintain contact with migrants after their return in the context of reintegration programmes. These programmes are often subsidised by the Dutch government or from European funds (e.g. AMIF).

Within the project 'Met opgeheven hoofd' [head held high] the Dutch Refugee Council and network of the European Reintegration Support Organisations (ERSO) cooperate regarding return. The local partners of the ERSO network in countries of origin monitor (e.g. through *vistis*) unaccompanied minors up until 12 month after their return.¹⁹⁰

Alternatives to return

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

Alternatives if return is not possible

If an unaccompanied minor cannot be removed, this does not automatically lead to a right of residence. For unaccompanied minors as well, return is initially the migrant's own responsibility. The Dutch government applies the basic rule that, in principle, every rejected asylum seeker can return to his or her country of origin and that they are responsible themselves for effecting such return. The mere fact that the Dutch authorities cannot remove a rejected unaccompanied minor therefore does not lead to the conclusion that return is not possible, thus not to a right of residence either.¹⁹¹

Only if the return of the unaccompanied minor cannot be effected within the maximum period of three years after the last residency application through no fault of his or her own, can he or she be eligible under certain conditions for a temporary regular residence permit. The following two options exist for this (depending on the age):

- 1) Unaccompanied minors under the age of 15 on arrival can be eligible for a temporary regular residence permit on the basis of the no-fault policy for unaccompanied minors.¹⁹² This is the case if there are no adequate reception facilities in the country of origin (or in a different country to which the minor can reasonably go) within three years of the last residency application or if departure cannot take place within three years through no fault of the minor. In both cases, the minor must have made active efforts to effect his/her departure. In some cases it is already clear immediately that no adequate reception facilities will be

¹⁸⁹ *Parliamentary Papers (Kamerstukken) II 2013/14, 27 062, no. 91* [in Dutch]

¹⁹⁰ Source: Dutch Council for Refugees

¹⁹¹ European Migration Network (2017), *Terugkeer van afgewezen asielzoekers: beleid en praktijk in Nederland* [Returning rejected asylum seekers: policy and practices in the Netherlands], <http://www.emnnetherlands.nl/Nederlands%20leesrapport%20Terugkeer%20van%20afgewezen%20asielzoekers%2021%208%20176eed.pdf?type=pdf&objectid=emn:4656&versionid=&subobjectname> [in Dutch]

¹⁹² Aliens Act Implementation Guidelines (Vc) section B8, 6 [in Dutch]

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available within three years. In those cases the permit can already be issued earlier ex officio.

- 2) The regular policy applies to unaccompanied minors aged 15 years or older who do not succeed in returning independently and with help from the Repatriation and Departure Service. In that case lawful residence is possible on the basis of the policy for third-country nationals who cannot leave the Netherlands through no fault of their own. The third-country national must however meet strict conditions. For instance, the third-country national must, make it plausible that he/she has contacted the authorities of the country of origin. He/she must also have asked the Dutch authorities to mediate between him/her and the authorities of the country of origin to obtain travel documents and there must be no doubt about his/her nationality and identity.¹⁹³

It is important to note that the specific no-fault permit for unaccompanied minors has never been issued as yet.

Informing unaccompanied minors of alternatives

During the departure meetings the Repatriation and Departure Service has with the unaccompanied minor, the Repatriation and Departure Service always states which possibilities the migrant has.

Dealing with unaccompanied minors who cannot be immediately returned

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

In practice it often occurs that unaccompanied minors do not want to return or cannot be removed.

Deferral of enforcement of a return decision

Enforcement of a return decision can be deferred if the health of the migrant does not allow for travelling.¹⁹⁴

Housing after rejection

Even if the application of an unaccompanied minor is rejected, they retain their right to housing. In principle, since 2016 unaccompanied minors have been placed in special small-scale facilities. Unaccompanied children up to and including 14 years of age, with and without a permit, are placed in foster families.¹⁹⁵

Possibilities for a residence permit

If an unaccompanied minor cannot be removed, this does not automatically lead to a right of residence. There is however a no-fault policy for unaccompanied minors (under 15 years of age) that makes it possible to receive a residence permit. This is however on condition that the unaccompanied minor has worked on his/her return. See the answer to question 31 for more information.

b. What is the impact of a deferred return decision on the **well-being** of unaccompanied minors (as cited in existing evaluations/ studies/ other sources or information received from competent authorities, please provide

¹⁹³ Section 3.48, subsection 2, first lines and under a, Aliens Decree (Vb) in conjunction with Chapter B8/4 of the Aliens Act Implementation Guidelines (Vc) [in Dutch]

¹⁹⁴ Article 63, Aliens Act

¹⁹⁵ Association of Netherlands Municipalities (VNG), Opnieuw Thuis (2016), *Alleenstaande Minderjarige Vreemdelingen (AMV'ers) [Unaccompanied Minors (UAMs)]*, <https://www.coa.nl/sites/www.coa.nl/files/paginas/media/bestanden/20160531-factsheet-amv.pdf> [in Dutch] [consulted on 18 January 2018]

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references)? Does your (Member) State provide any state-guaranteed healthcare, including counselling, guardianship, etc. to the unaccompanied minor during this state of limbo?

Effects on well-being

UNICEF and Defence for Children mention several bottlenecks in their '*Jaarbericht Kinderrechten 2016*' (Annual Report on Children's Rights 2016) concerning the situation of unaccompanied minors who cannot return. It is stated in the report that "not having a residence permit dominates their whole life. Many children have psychological problems. The children in the campuses often have no prospects for the future. This is partly the reason why many children disappear."¹⁹⁶

Facilities

Unaccompanied minors without a residence permit who cannot return have access to the same facilities as unaccompanied minors with a residence permit. These include:

- Healthcare;
- Education; and
- Individual counselling by a guardian.

So-called 'protected reception facilities' exist for unaccompanied minors who have (presumably) or could possibly become victims of human trafficking. The minors are housed in special reception facilities where they are counselled and supported by specialised staff.

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

In the departure interviews with the unaccompanied minor, the Repatriation and Departure Service asks how things are going with the unaccompanied minor. Notes on the interview, including relevant incidents, are stored in the IT system of the Repatriation and Departure Service. However, the information is not structurally recorded or analysed, so no statistical data are available about incidents, visits by psychologists, school absenteeism and other particulars.

Challenges and good practices

Q33. Please indicate the main **challenges** associated with the implementation of the return of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18, and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and the measures (that could be) taken to overcome these challenges. For example, do boys face different challenges than girls (and vice versa) when it comes to return and if so, how does your (Member) State deal with such challenges?

The Repatriation and Departure Service, which implements return policy, states that a major challenge is the conclusion of **return and readmission agreements with countries of origin**. For the Netherlands alone it is often difficult to reach an agreement, whereas the chance of success is much greater in an EU context.

Another challenge mentioned by the Repatriation and Departure Service, in both voluntary and forced return, is **family tracing**. It is often difficult to trace family members in the country of origin.

¹⁹⁶ Defence for Children, UNICEF (2017), *Jaarbericht Kinderrechten 2016*, <https://www.defenceforchildren.nl/images/68/4572.pdf> [in Dutch] [consulted on 18 January 2018]

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Another challenge for the Repatriation and Departure Service is that the **facilities** for minors (e.g. medical facilities and education) in the countries of origin are often inadequate, so that return is not possible.

The Repatriation and Departure Service also mentions obtaining a **laissez passer document** as a challenge in some cases that can impede return.

A challenge for the Repatriation and Departure Service in some cases is cooperation of the unaccompanied minor and the guardian themselves. This is necessary for obtaining a laissez passer document and adequate reception facilities.

Q34. Please describe any examples of **good practice** in your (Member) State concerning the return of unaccompanied minors. *Please note that, in order to comply with children's rights and EU policy positions,¹⁹⁷ good practices in return of unaccompanied minors should only include voluntary return following a robust, individual BID procedure with all procedural safeguards, as well as holistic support, preparation and reintegration assistance.*

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

Experts from the Dutch government mention **the Closed Family Detention Centre in Zeist**, which was opened in June 2016, as a good practice. This facility is intended for families with minor children and unaccompanied minors who are placed in detention. A special building provides room for 10 unaccompanied minors, each with his/her own room and bathroom and a common living room. In the design and development of the new facility, account was taken of the specific needs of children. The starting point is as few restrictions as possible: unaccompanied minors are free to divide their time in the home themselves and to do their own cooking. They can also move freely through the location. There are also common sports facilities, a prayer room and a healthcare section.¹⁹⁸ Nidos (the organisation that provides guardianship for unaccompanied minors in the Netherlands) and several NGOs, however, mention the Closed Family Detention Centre in Zeist as not a good practice.

¹⁹⁷ For example, the Commission Recommendation on making returns more effective when implementing the Directive 2008/115/EC, C (2017) 1600 final, see above.

¹⁹⁸ EMN (2017), Policy Brief (Beleidsverzicht) 2016, [in Dutch]
http://www.emnnetherlands.nl/EMN_producten/Beleidsverzicht/Beleidsverzichten/Beleidsverzicht_2016

Section 6: Disappearances of unaccompanied minors from guardianship/ care facilities and/ or following a return decision [max. 5 pages]

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

Yes, it does happen that unaccompanied minors disappear from the reception centre. This holds for all types of reception of unaccompanied minors: process reception, small residential facilities and protected reception. According to the National Rapporteur on Trafficking in Human Beings,¹⁹⁹ the number of unaccompanied minors who left a regular reception centre for foreign nationals with an unknown destination (MOB) has increased in the last three years, from 100 children disappearing in 2014 to 260 children in 2016.²⁰⁰

Many organisations also express their concerns about disappearances of unaccompanied minors, including UNICEF and the National Rapporteur on Trafficking in Human Beings. In the most recent report by the National Rapporteur on Trafficking in Human Beings²⁰¹ it was stated: "In the Annual Report on Children's Rights 2017, UNICEF and DFC expressed their concerns about this development and called upon the Dutch Government to investigate these disappearances, something that has not sufficiently been done to date. Previously, UNICEF, DFC-ECPAT and CKM had already called upon the Minister of Security and Justice to arrive at a Nationwide Approach to better protection of foreign minor victims of human trafficking, in which their concerns were expressed about the number of disappearances of unaccompanied minors. Fifty organisations and persons signed this call. The National Rapporteur shares the concerns about the number of disappearances of unaccompanied minors and considers it important to investigate them".

Process reception and small residential facilities: Most unaccompanied minors disappear from these two types of reception facilities. The largest number of the disappearances are connected with a negative decision on their asylum application or approaching the age of 18 (these are mostly unaccompanied minors who have exhausted their rights of appeal who have no right to reception after they turn 18 and are afraid of being removed to their country of origin). The disappearance can therefore be related to the point in time (they have almost turned 18 years of age) and to the outcome of the decision (after receiving a negative decision). In the past few years, it has been mentioned several times that being on transit to other European countries (family or friends) is another reason for disappearance.²⁰²

Disappearances from Protected Reception: In addition, much attention was paid to the disappearance of unaccompanied minors in relation to human trafficking. The "Protected Reception Facility" was set up for that reason: its main purpose was to prevent disappearances of the minors and to protect them against the smuggling of and trafficking in human beings. Nevertheless, the disappearance of unaccompanied minors still occurs frequently.²⁰³

The Youth Care Inspectorate and the Justice and Security Inspectorate²⁰⁴ noted during monitoring in 2015 that 24 minors of the 211 minors who were placed in protected reception in 2015 disappeared from the protected reception facility and left with an unknown destination. During monitoring in 2016 the Inspectorates noted again that minors had disappeared from the protected reception facility. Of around 70 minors who were placed in a

¹⁹⁹ Nationaal Rapporteur Mensenhandel, 10th report by the National Rapporteur, 2017 [in Dutch]

²⁰⁰ The influx also increased in that period.

²⁰¹ Nationaal Rapporteur Mensenhandel, 10th report by the National Rapporteur, 2017, p. 56 [in Dutch]

²⁰² EMN study on UAMs (2014). Template

²⁰³ Nationaal Rapporteur Mensenhandel, 10th report by the National Rapporteur, 2017 [in Dutch]

²⁰⁴ Youth Care Inspectorate and Security and Justice Inspectorate (2017). *'De kwaliteit van de beschermde opvang voor alleenstaande minderjarige vreemdelingen - Hertoets'*, [The quality of protected reception of unaccompanied minors] 6 September 2017, p. 16 [in Dutch]

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protected reception facility in 2016, 27 minors disappeared, leaving with an unknown destination. Of this group, 22 minors have the same nationality.

Types of groups:

Four groups of minors stand out in the figures according to a 2016 annual report of Nidos.²⁰⁵ The first group consists of Afghan minors. This concerns Afghan minors who have stayed in the Netherlands for about 8 months and have received a negative decision from the IND. It seems as if these minors do apply for asylum, then await the procedure and after the negative decision leave with destination unknown.

The second group encompasses Vietnamese minors. This concerns both boys and girls who have been in the Netherlands for a short time, have been placed in protected reception and then go missing-destination unknown. Most of them have not yet made an asylum application. The third group of minors are from North-West African countries. This concerns boys from Algeria, Morocco and Tunisia who have been in the Netherlands for 2 months and then go missing-destination unknown. The vast majority of these minors did indeed apply for asylum but left with an unknown destination before the IND issued a decision. The fourth group Albanian minors. These are boys who stayed in the Netherlands for about 3 months. Just as the preceding group of boys from North-West Africa, the boys did indeed apply for asylum, but went missing-destination unknown before the IND issued a decision.

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

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

Reasons for disappearance /departed independently without supervision:

See question 35: Unaccompanied minors mention as reasons for the fact that they want to leave the regular reception facility that they are almost 18 years old (these are mostly unaccompanied minors who have exhausted their appeal and have no more right to reception after they turn 18 and are afraid of being removed to their country of origin) and that they are on transit to other European countries (to family or friends). Disappearances can also occur more often among unaccompanied minors who have received a negative decision.

The disappearances of unaccompanied minors from the secure reception facilities are also connected with human trafficking.²⁰⁶

Consequences of disappearance:

According to the Aliens Act Implementation Guidelines (Vc),²⁰⁷ several matters are viewed as being of compelling interest, including: "The unaccompanied minor had previously left the reception facility with an unknown destination or has not complied with an obligation to report or a freedom-restricting measure imposed on him/her." In exceptional cases, an unaccompanied minor can be placed in detention and in a Closed Family Centre (GGV). One of the conditions for this is that there is a prospect of removal within a period of two weeks.

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

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

²⁰⁵ Nidos Annual Report 2016, p. 12 [in Dutch]

²⁰⁶ See also: *Parliamentary Papers (Kamerstukken) II* 2015/16, 27062, 99. In: Nationaal Rapporteur Mensenhandel, 10th report of the National Rapporteur, 2017, p. 56. [in Dutch]

²⁰⁷ Aliens Act Implementation Guidelines (Vc) 2000, A5, 2.4 [in Dutch]

Measures to prevent disappearance from the regular reception facilities for unaccompanied minors:

- At various locations, the Central Agency for the Reception of Asylum Seekers keeps track of which **signals** unaccompanied minors give regarding their wish to leave the reception facility. Mentors of the Central Agency for the Reception of Asylum Seekers discuss these signals with other youth protectors. Conversations are being held with these minors, in which the risks of disappearance are explained to them.
- In 2016 a new reception model for unaccompanied minors has been set up, based on concerns of, among others, the Youth Care Inspectorate, about the large-scale reception of unaccompanied minors in campuses. This new model centres on **small scale and continuity** in reception. All unaccompanied minors who are under 15 years of age (formerly: 13 years of age) are accommodated by foster families under the responsibility of Nidos. In the new model, the Central Agency for the Reception of Asylum Seekers accommodates unaccompanied minors aged 15 years and older, and unaccompanied minors under 15 who cannot be placed in a foster family, in small-scale residential facilities located close to one another.²⁰⁸ These consist together of 16 to 20 beds at most. If needed, 24-hour counselling is available in the facilities.²⁰⁹
- In 2008 **Protected Reception** was established as a measure to prevent disappearances linked to trafficking in human beings.

Measures to prevent disappearances from Protected Reception facilities:

- In **2016** the Youth Care and Security and Justice Inspectorates published a report on the quality of the protected reception of unaccompanied minors.²¹⁰ One of the findings from this report is that the Inspectorates drew the conclusion that the quality of such protected reception is inadequate. They noted, among other things, that the minors who need extra protection do not get enough of it and it cannot be prevented that minors, especially a specific group, leave with an unknown destination. The Central Agency for the Reception of Asylum Seekers drafted **improvement plans** that were implemented in the course of **2016. Measures:**
 - To maintain a good view of the safety of the minors, the Central Agency for the Reception of Asylum Seekers prepared a **risk assessment instrument**. Staff of the protected reception facility can use this instrument to assess the safety of a minor on arrival as well as on a periodic basis. The risk assessment instrument was put to use in July 2016.
 - A **safety plan** has been prepared for protected reception facilities. On this basis, the professionals can determine the counselling for each resident in the protected reception facility in case of safety risks, limit the safety risks and determine whether the risks have been reduced. The safety plan has been used by staff of the protected reception facilities since June 2016.
 - As of 1 June 2016, a **residents' meeting** has been held once every two weeks. During this meeting, discussions are held on matters including the (physical) living environment of the minors. In this way, the participation in and influence of the minors on their environment and safety are guaranteed.
 - A **complaints procedure** has been set up. This will be translated into several languages before being put to use. In addition, an **external confidante** has been engaged in the protected reception facility who periodically visits the location.

²⁰⁸ EMN Beleidsverzicht (EMN Policy Brief) 2015, p.57 [in Dutch]

²⁰⁹ *Parliamentary Papers (Kamerstukken) II* 2013/14, 27062, 94 [in Dutch]. <https://zoek.officielebekendmakingen.nl/kst-27062-94.html>

²¹⁰ *Rapport over de kwaliteit van de beschermde opvang voor alleenstaande minderjarige vreemdelingen* [in Dutch] March 2016, <https://www.rijksoverheid.nl/documenten/rapporten/2016/03/07/rapport-de-kwaliteit-van-de-beschermde-opvang-voor-alleenstaande-minderjarige-vreemdelingen>

- **Improvement Plans for Protected Reception in 2017:**

In the reassessment, the Inspectorates observed that protected reception has improved, but was still inadequate on two assessment criteria.²¹¹ The Inspectorates observed for instance that the information that is important for the counselling of a minor during his/her stay in a protected reception facility was not completely, clearly and unambiguously determined, partly because the so-called working plan and safety plan could not yet be stored in the digital resident's file (IBIS). The Inspectorates observed as well that the Central Agency for the Reception of Asylum Seekers did not yet have an established view and policy on the application of freedom-restricting measures. In addition, the Inspectorates express their concerns in the report that during the reassessment it was established once again that minors, especially a specific group, have disappeared from the protected reception facility. The Central Agency for the Reception of Asylum Seekers informed the State Secretary in a letter of 3 August 2017 of the improvement measures it has taken.²¹²

- In order to guarantee a good quality of the counselling of a minor, since May 2017 the IBIS system has again been **accessible to the staff** in the protected reception facility. The format of the safety plan already forms part of IBIS. As of 1 September 2017, the format of the working plan has also formed part of IBIS.
- In addition, the view and policy on **freedom-restricting measures** is ready and was implemented in August. In September 2017 work will be done according to the view and the policy.

Preventive and responsive measures:

- **National referral mechanism:** The National Referral Mechanism²¹³ is for the purpose of improving the range of assistance and support – and the access thereto – for all victims of human trafficking. This is done by mapping out the provision of assistance, schemes and rights for victims of human trafficking, and identifying any bottlenecks in them. The identification and protection of victims also takes a central place. Moreover, the referral mechanism is important for the tracing and prosecution of perpetrators. Good protection can after all contribute to the willingness of victims to report and with that to the successful prosecution of perpetrators. The National Referral Mechanism focuses on all forms of exploitation: sexual exploitation, labour exploitation, exploitation through forced begging or stealing, and exploitation by forced confinement.
- **Protocol for 'missing' unaccompanied minors.** In order to (partially) prevent unaccompanied minors from disappearing and in order to implement the approach to cases of missing minors that occur successfully, the multi-organisation "**Protocol for missing unaccompanied minors**" was drafted.²¹⁴ The prevention of going missing and leaving with an unknown destination (gone missing-destination unknown) starts with giving information immediately and recording relevant facts about the unaccompanied minor on arrival of the unaccompanied minor. The actual missing of an unaccompanied minor must be reported as quickly as possible (within 12 hours of discovery). The guardianship institution Nidos, as legal representative of the unaccompanied minor is the first body designated to make a missing person report. Because of the daily contact, however, the chance is greater that in small-scale reception the contractor will be the first to notice the missing. The contractor reports the missing person to the police and Nidos. Nidos will then make a missing person report to the police.

²¹¹ *Parliamentary Papers (Kamerstukken) II 2016/17, 27062, no. 106* [in Dutch]. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html>

²¹² *Parliamentary Papers (Kamerstukken) II 2016/17, 27062, no. 106* [in Dutch]. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html>

²¹³ *Wegwijzer mensenhandel (Guide to Human Trafficking)* [in Dutch]: <https://www.wegwijzermensenhandel.nl/footer/Algemeneinformatie.aspx>

²¹⁴ *Programma van Eisen kleinschalige opvang amv* [Schedule of requirements for small-scale reception of unaccompanied minor third-country nationals] 6 October 2015, Nidos [in Dutch]. The protocol is being updated at present (January 2018).

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- All reception facilities must have agreements with the police, who must then be able to respond immediately to the missing person report.
- To prevent minors from going missing or to respond adequately/alertly to the occurrence of a minor gone missing, agreements should be made in a coordinated approach by interested parties in the surroundings of the reception facility (besides the police, also with schools, municipalities, care institutions etcetera).
- Reports of (presumed) disappearances should be recorded
- **Contact persons for human trafficking.** For each location of the Central Agency for the Reception of Asylum Seekers, two contact persons have been designated. The EMN provided a two-day training course for them to enable even better recognition of signals of human trafficking. The other staff members will be given short awareness training. In addition, a national meeting will take place every 3 months with the contract persons of the Central Agency for the Reception of Asylum Seekers locations in cooperation with the EMM and CoMensha.²¹⁵
- **Amber alert.** This is the national warning system in urgent cases of missing and abducted children and it is also used in cases of missing unaccompanied minors²¹⁶.

Other preventive measures:

Among the unaccompanied minors who have left protected reception without supervision since 2016, this has predominantly concerned one nationality: Vietnamese. For minors of this nationality, as an additional measure, an agreement has been made with Nidos that Nidos will apply to the court for authorisation for protected reception by youth care if they are expected to leave reception prematurely. This is not the case in a standard manner, but is based on custom work. Such authorisation was applied for in the case of some minors and obtained for a limited period.²¹⁷

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

See the first part of this question: These measures are also aimed at responding to and reporting disappearances of unaccompanied minors

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

Actions to reduce risks:

If an unaccompanied minor is expected to disappear because of a return decision, the Central Agency for the Reception of Asylum Seekers enters into a discussion with this unaccompanied minor and his/her attention is drawn to the consequences of disappearance. See question 37 for preventive measures.

Follow-up measures:

²¹⁵ EMN Unaccompanied Minor Foreign Nationals Study (2014) template

²¹⁶ See Amber Alert website. Consulted on 14 December 2017, <https://www.amberalert.nl/> [in Dutch]

²¹⁷ *Parliamentary Papers (Kamerstukken) II 2016/17*, 27062, no. 106 [in Dutch]. <https://zoek.officielebekendmakingen.nl/kst-27062-106.html>

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See question 37 a and b for measures in response to a disappearance

Q39. Please indicate the main **challenges** associated with the disappearance of unaccompanied minors in your (Member) State for the competent authorities, as well as the minors themselves and the measures (that could be) taken to overcome these challenges. For example, do you have evidence of instances of disappearances of unaccompanied minors linked to any negative consequences for the minors (e.g. exploitation, radicalisation, etc.)? *Please base this information on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc. and provide references.*

The authorities have difficulty in preventing disappearances of unaccompanied minors that are connected with human trafficking/exploitation. For minors who constitute a vulnerable group for human trafficking and human smuggling and regarding whom it has been established that there is a great risk of disappearance, protected reception facilities have been set up. Nevertheless, it is evident from reports of Inspectorates (see question 35) that, despite toughened measures, minors disappear from these protected reception facilities. The improvement plans of 2017 will have to demonstrate whether they will be effective.

A major challenge for authorities is also to maintain a picture of the unaccompanied minors when an unaccompanied minor has received a return decision and/or has almost turned 18, and there is a great risk of disappearance. It is seen as a challenge to keep these unaccompanied minors on the right track and to pick up signals. Measures to tackle these bottlenecks are described in question 37, such as providing smaller housing units for unaccompanied minors, in which there is a better view of the unaccompanied minors and discussions are entered into. Another measure is to collaborate between the various fields of expertise to be able to pick up early warning signals in a timely manner.

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

- In order to implement the approach to missing persons successfully, the "Protocol for missing unaccompanied minors" has been drafted for all cooperating organisations.²¹⁸
- Based on the reassessment (see question 37) of the Youth Care and Security and Justice Inspectorates, it is evident that the quality of Secure Protection has been improved on several points on the basis of the measures taken in 2016 (see question 37):
 - risk assessment instrument
 - Safety plan for the protected reception facility
 - residents' meeting
 - complaints procedure and external confidante
- Measures to prevent disappearances from regular reception facilities are: intensive counselling, continuing to hold discussions with unaccompanied minors and telling them about the possible risks of disappearance.²¹⁹

²¹⁸ *Programma van Eisen kleinschalige opvang amv* (Schedule of requirements for small-scale reception of unaccompanied minor third-country nationals) 6 October 2015, Nidos (in Dutch)

(Member) States' Approaches to Unaccompanied Minors Following Status Determination**Section 7: Conclusions [max. 7 pages]**

*This last section of the **Synthesis Report** will outline the main findings of the Study and present conclusions relevant for policy-makers at EU and national level. (Member) States should include any overall conclusions from their National Contribution in the top-line factsheet above rather than duplicate information in this section.*

Annex 1 National statistics (in Excel)

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

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

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Please provide your answer by completing the Excel document provided below. NB that statistics provided in another format (e.g. Word) would not be processed centrally.

Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.



EMN-UAMs-
Annex-

To the extent possible, the statistics provided here will be presented under the main sections of the Synthesis Report (rather than as an annex as they are requested in this Common Template).

²¹⁹ Central Agency for the Reception of Asylum Seekers (COA). The Dutch refugees council argues however that these might be mentioned as good practice, but the results are yet unknown.