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EN

POLICIES ON RECEPTION, RETURN, INTEGRATION, ARRANGEMENTS FOR, AND NUMBERS OF, UNACCOMPANIED MINORS IN THE SLOVAK REPUBLIC

Policies on Reception, Return, Integration, Arrangements for, and Numbers of, Unaccompanied Minors in the Slovak Republic

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National Study for the European Migration Network

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The opinions presented in this publication do not necessarily represent the opinions of the Slovak Government, the European Commission or the International Organization for Migration .

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List of Abbreviations

AC – Accommodation Centre
AoF – Act on Family
APD – Alien Police Department of the Police Corps
APDBBAP – Alien Police Department of the Bureau of Border and Alien Police of the Mol
BBAP – Bureau of Border and Alien Police
BCD – Border Control Department of the Police Corps
BoSLPCSG – Body of Socio-Legal Protection of Children and Social Guardianship
BPDBBAP – Border Police Department of the Bureau of Border and Alien Police of the Mol
CH – Children’s Home
COLSAF – Central Office of Labour, Social Affairs and Family
EC – European Commission
EEA – European Economic Area
EMN– European Migration Network
ERF – European Refugee Fund
EU – European Union
HRL – Human Rights League
IOM – International Organization for Migration
LO – Labour Office and/or Offices of Labour, Social Affairs and Family
MFA – Ministry of Foreign Affairs of the SR
MO – Migration Office of the Mol
Mol – Ministry of the Interior of the SR
MoJ – Ministry of Justice of the SR
MoLSAF– Ministry of Labour, Social Affairs and Family of the SR
NGO – Non-Governmental organisation
PC – Police Corps
RC – Reception Centre
SHC – Slovak Humanitarian Council
SLPCSG – Socio-Legal Protection of Children and Social Guardianship
SO – Statistical Office of the SR
SR – Slovak Republic
UAM(s) – Unaccompanied Minor(s)
UNHCR – Office of the United Nations High Commissioner for Refugees in the SR

LIST OF SYMBOLS (Tables)

Horizontal Line (-)	phenomenon did not appear
Dot (.)	data not available

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Executive Summary

The study *Policies on Reception, Return, Integration, Arrangements for, and Numbers of, Unaccompanied Minors in the Slovak Republic* covers development in the area of care for unaccompanied minors (further referred to as “UAMs”) in the SR from 2002 until June 2009. The study has been prepared with the cooperation of members of the National Contact Point of the European Migration Network in the SR and therefore contains the most up-to-date and accurate information available. This study is part of a series of studies undertaken within the European Migration Network, as directed by the Council Decision 2008/381/EC of 14 May 2008. The structure and content of chapters in this study is determined by specifications which are the same for all EU Member States.

This work consists of six chapters that describe the institutional and legislative framework for the care of unaccompanied minors in the SR, their motivation for entering the country, entry procedures and border control, reception arrangements and integration measures that are specific to this group of immigrants, as well as the return of unaccompanied minors to their countries of origin. The conclusion of this study, offers summaries concerning the best practices for the care of unaccompanied minors in the Slovak Republic and lessons learned in this area. The main part of the study is comprised of detailed statistics on a number of UAMs which correspond to the topics of particular chapters divided according to demographic categories: country of origin, age, and gender. Selected statistical data are part of the text. The remaining tables are thematically arranged in the Appendix.

The introduction sets out the aim of the study as well as the methodological procedure used in its preparation. The study is mainly a result of direct research though it also relies on a small number of secondary works and research con-

ducted by others. In order to orient the reader and facilitate the reading of the text itself, the first chapter contains a brief description of all organisations and institutions in the SR responsible for the care of UAMs as well as descriptions of the relevant legislative framework. The second chapter outlines the reasons which force or motivate UAMs to enter and reside in the SR, explains why the SR is mainly a transit country, and explores the phenomenon of the disappearance of UAMs, since the majority leave the SR after some time. The third chapter contains detailed information on entry procedures related to granting of visas, crossing borders, identification of UAMs and determining their ages, as well as data on a number of UAMs who have entered the SR illegally since 2006.

The fourth chapter, describing reception arrangements and integration measures for UAMs in the SR, is the most extensive chapter and consists of five subchapters. Subchapter 4.1 Reception Arrangements illustrates how protection of UAMs and designation of a guardian or tutor for UAMs are provided, describes procedures for placement in a specialized children’s or other home, explains the procedure for granting a tolerated stay permit and describes how comprehensive state care of UAMs is provided. Subchapter 4.2 deals with existing integration measures for UAMs in the SR as well as the shortcomings of integration policy. Subchapter 4.5 describes the UAM’s process of seeking asylum, from submitting an alien’s statement that he/she is applying for asylum or subsidiary protection, through the procedure of comparing dactyloscopic fingerprints, and tendering decisions on UAM’s applications for the asylum (further referred to as “asylum application”). Subchapter 4.4 describes family and family reunification while subchapter 4.5 presents information on other aspects of reception arrangements – detention, the financing of reception for UAMs and statistical data of particular reception arrangements.

The fifth chapter of this study considers in greater depth the topic of returns of UAMs, voluntary returns and transfers in terms of the Dublin Regulation, as well as reintegration within the country of return. The study concludes with a sixth chapter, *Concluding Remarks: Best Practice and Lessons Learned*, that offers a summary of the procedures and practices regarding the care of UAMs in the SR agreed upon by the representatives of institutions and organisations who were contacted during the course of this study and based on their experience.

Introduction

The following study, *Policies on Reception, Return, Integration Arrangements for, and Numbers of, Unaccompanied Minors in the Slovak Republic*, was conducted within the European Migration Network (EMN) and will be a part of a synthesis report on the same topic at the EU level which will summarize the results of national studies carried out by EU Member States. One of the key objectives of conducting national studies, as well as offering a synthesis report at the EU level, is to assist in establishing relevant policies to ensure secure reception arrangements for unaccompanied minors either in host countries (i.e. EU Member States) or in countries of return.

The aim of this national study is to provide a more comprehensive understanding of policies and practice regarding unaccompanied minors in the SR and to review the issues of secure reception, integration and return arrangements in order to assist in achieving long term and sustainable solutions for unaccompanied minors in Slovakia. The specific aim of this national study is to provide information on numbers of unaccompanied minors granted entry to the Slovak Republic, including assessments of success and knowledge gained from the experience of those working with UAMs. The study considers development in the area of treatment of unaccompanied minors from 2002 through June 2009. A review of the institutional and legislative background of the system determining migration and asylum policy of the SR towards unaccompanied minors can also serve as a foundation for further analysis of particular aspects of asylum and migration policy in Slovakia. This work is meant for national or European policymakers, research workers, representatives of non-governmental organisations, experts, academics, students, and the general public as well. These target groups can use the up-to-date information contained in this study to further their knowledge of the field and help determine future courses of action.

This national study on the situation in the SR was conducted in accordance with the require-

ments established by the European Commission in specifications which define aims, content, as well as the scope of particular chapters. Based on these specifications, for the purpose of this study and pursuant to Article 2(f) of the Council Directive 2001/55/EC of 20 July 2001 *on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof*¹, the study employs the term **“unaccompanied underage persons”**² to indicate *third-country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the Member States*. Unaccompanied minors who are citizens of EU Member States are not included under this definition.

The fact that the aforementioned directive is not applied in practice to cases involving UAMs is made clear by the fact that, since 1999, not a single UAM has been granted temporary shelter in the SR. Rather than being guided by *Council Directive 2001/55/EC*, the Slovak legislature is considerably more influenced by *Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers*, in which the translation of the English text into Slovak uses the proper term “unaccompanied minors” (instead of “unaccompanied underage persons” as indicated in the previously mentioned directive).

In connection with Council Directive 2003/9/EC and in compliance with the Slovak *Act on Stay of Aliens, Act on Asylum and Act on Socio-Legal Protection of Children and Social Guardianship*, this study employs the term **unaccompanied**

minors. Section 2 of the Act on Socio-Legal Protection of Children and Social Guardianship, defines an unaccompanied minor as a child who is not a SR citizen *who arrived in the territory of the SR unaccompanied by a parent or any other adult to whom the child could be commended*.

From a methodological standpoint, the current study is based on available expert literature, articles, research studies, internet sources, information found on the websites of relevant institutions, organisations and statistical information. Concerning existing sources, we have mainly drawn upon the following works:

- *Legal Status and Social Work with Unaccompanied Minors in Asylum Proceedings in the Territory of the SR* (Galdunová, Brnula a Kopinec 2005) — expert work
- *Country Report Slovakia carried out as part of the project The Risk Group of Unaccompanied Minors: Protection Measures in an Enlarged European Union* (Schlenzka, Berlin Institute for Comparative Social Research, 2007) — expert study
- *Age, Gender and Diversity Mainstreaming Participatory Assessment in the Slovak Republic*. (November 2008) — monitoring report carried out by the UNHCR office in the SR
- monitoring reports of the Slovak National Centre for Human Rights on the Observance of Children's Rights in the SR for the years 2005 and 2006, a part of which were passages analysing and assessing the observance of rights of UAMs in the SR
- *Unaccompanied Minors – Procedures and Solutions in the Slovak Republic* (Society of Goodwill 2003) – informational brochure

Since to date there are no extensive expert studies regarding the situation and care of UAMs in the SR, this work is based mainly on dedicated research carried out between March and June of 2009 for the purposes of this study. The necessary information was obtained using qualitative research methods. We employed both direct interviews and open questionnaires sent electronically to representatives of relevant

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0055:SK:NOT>.

² The official Slovak translation of the text uses the term unaccompanied underage persons, which is different from the term commonly used in the Slovak legislature – unaccompanied minors.

state, non-governmental and international organisations and institutions including the Ministry of Labour, Social Affairs and Family of the SR (Department of Strategy of Social Protection of Children and Family), the Central Office of Labour, Social Affairs and Family (Department of Socio-Legal Protection of Children, Social Guardianship and Consulting and Psychological Services), the Ministry of the Interior of the SR (mainly the Department of Documentary Production and Foreign Cooperation and other departments of the Migration Office of the Ministry of the Interior of the SR, the Bureau of Border and Alien Police of the Mol), the IOM International Organisation for Migration, the Office of the United Nations High Commissioner for Refugees, the Slovak Humanitarian Council, the Society of Goodwill and the Slovak National Centre for Human Rights.

Statistics in this study were provided by the following entities – BBAP, MoLSAF, LO, MO and IOM. BBAP could provide only statistics for UAMs who had entered illegally and resided within the territory of the SR since 2006 because no data on UAMs before that year had been registered. Since the statistical data on the ages of legally entering foreigners are not registered by BBAP, such data could not be processed for the UAMs category. The residence of UAMs (those who are subject to records/registration) is recorded, but statistics for the UAMs category are not processed. In its statistics for the years 2003 and 2004, MoLSAF used the term “isolated children” and recorded the incidence of children below the age of 18 who were found outside their countries of origin and separated from both parents or statutory representatives. The term “unaccompanied minors” has been employed by MoLSAF only since the year 2005. Statistics regarding UAMs who are seeking asylum (henceforth referred to as “asylum seekers”) were provided by the MO. IOM supported this study by providing data on voluntary returns of UAMs. The annex of this study contains all available statistics for the years 2004 - 2008 obtained from the aforementioned institutions, differentiated according to categories corresponding to

particular sections of this study and according to demographical categories – age, gender and country of origin. For missing data, the authors of the study have indicated either a zero value for a particular year or indicated that a number was not recorded by the relevant institution at the time.

During the period of research for this study, we were unable to obtain data on UAMs thought to be victims of human trafficking, kidnapping, or missing from state care facilities, since these categories of UAMs are not recorded by any institution.

One of the problems we encountered while conducting this study was the lack of expert literature concerning the topic of UAMs in the SR. Nevertheless, the information presented here is up-to-date, mainly because it is based on interviews and correspondence with relevant institutions and organisations during the period of our research. Despite the fact that the data here is current, this study cannot provide the complete and comprehensive analysis of the situation of UAMs in the SR that might have been possible given a longer period of time during which to conduct practical research. We have learned of an in-depth research project, initiated in March of 2009 and scheduled for completion at the end of the year, currently being carried out by a non-governmental organisation, the Human Rights League, which will include an analysis of legislation and proposals for implementing long term and systematic solutions concerning the situation of UAMs in the SR and will contribute to deepening our understanding of the situation of UAMs in the SR.



Institutional and Legislative Framework for the Care of UAMs in the SR

1.1 Responsible state institutions, non-governmental and international organisations

The main agents in this area are:

- State institutions:
 - The Ministry of the Interior of the SR, mainly the Migration Office and Bureau of Border and Alien Police,
 - The Ministry of Labour, Social Affairs and Family of the SR and the Office of Labour, Social Affairs and Family, as well Horné Orechové, the children's home for UAMs
 - in part, the Ministry of Foreign Affairs of the SR
 - in part, the Slovak National Centre for Human Rights
 - in part, the Centre for Legal Aid
 - in part, the Statistical Office of the SR
- Non-governmental organisations: the Slovak Humanitarian Council, the Society of Goodwill, and, since 2009, the Human Rights League.
- International organisations: UNHCR and IOM

1.1.1 State institutions

Ministry of the Interior of the SR

The Ministry of the Interior of the SR (henceforth referred to as “Mol”) carries out its agenda in the area of migration and asylum mainly through the Migration Office and the Bureau of Border and Alien Police.³

Migration Office of the Mol

The Migration Office of the Mol (henceforth referred to as “Migration Office” or “MO”) is an institution responsible for providing comprehensive care for foreigners requesting one of the forms of international protection (asylum, subsidiary protection, temporary shelter). The MO renders decisions on granting asylum or subsidiary protection to UAMs who are asylum

³ The Mol of the SR is a responsible certification body for the program Solidarity and Management of Migration Flows for the period of 2007 – 2013. The Department of Foreign Aid of the Ministry of the Interior of the SR is a responsible body from an organisational perspective.

seekers. In its asylum facilities, the MO supplies UAMs with basic care (accommodation, meals, sanitary and other necessities, pocket money, health care, etc.). The MO also ensures the integration of refugees and persons granted subsidiary protection within society.

Bureau of Border and Alien Police

The Bureau of Border and Alien police (further referred to as “BBAP”) is a division of the Ministry of the Interior which directly oversees organisational units working in the areas of state border security, fight against illegal migration and trafficking, border checks, risk analysis, cooperation with Frontex, analysis of travel documents, granting residence permits to foreigners, control of foreigners’ residence, removal of foreigners, visa practice and, to a lesser degree, asylum proceedings and the implementation of the Dublin Regulation.⁴ In practice, basic BBAP organisational units—i.e. Border Control Departments and Alien Police Departments—meet groups of UAMs most often. Border Control Departments of the Police Corps (further referred to as “BCD”) are basic units which carry out tasks in the area of protection and control of the Slovak Republic’s external borders. Alien Police Departments of the Police Corps (further referred to as “APD”) and Asylum Department Gbely and Asylum Department Humenné are basic units which work in the area of granting residence permits to foreigners and overseeing the fulfilment of requirements for entry and residence of foreigners within the territory of the Slovak Republic. Asylum Departments of the Police Corps were established within the BBAP to work exclusively in the area of asylum. In relation to UAMs, the aforementioned basic units of the BBAP undertake mainly the following duties: identifying UAMs, supplying UAMs with urgent health care if necessary, investigating the reasons UAMs give for crossing national borders, informing relevant bodies of the presence of UAMs within the territory of the SR,

transporting UAMs to specialized facilities, issuing residence permits for UAMs and cooperating in return procedures.⁵

Ministry of Labour, Social Affairs and Family of the SR

The Ministry of Labour, Social Affairs and Family of the SR (further referred to as “MoLSAF”) is, among other areas related to foreigners living in the SR, responsible for socio-legal protection of children and social guardianship of UAMs, as well as social security for all other categories of foreigners: recognized refugees, foreigners with subsidiary protection, émigrés or Slovaks with the status of Slovak expatriates. Within the Ministry, UAM issues are under responsibility of:

- The Department of Strategy of Social Protection of Children and Family (as a part of the Section of Social and Family Policy)
- The Department of Migration and Integration of Foreigners (as a part of the Section of International Relations).

Central Office of Labour, Social Affairs and Family and 46 Offices of Labour, Social Affairs and Family (bodies of socio-legal protection of children and social guardianship, further referred to as “BoSLPCSG”) are responsible in practice for the care of UAMs. MoLSAF runs the children’s home at Horné Orechové, Trenčín District, the only specialized institution for UAMs currently operating in Slovakia. Other children’s homes in which UAMs could be eventually placed as well operate under the Ministry’s competency.

Ministry of Foreign Affairs of the SR

In relation to minor foreigners entering Slovakia, the Ministry of Foreign Affairs of the SR is responsible, via its consular offices abroad, for issuing visas and receiving and processing residence permit applications in the SR. If necessary, the Ministry will also assist with voluntary returns of minors and the preparation of re-admission agreements.

⁴ As part of line management, Directorates of Border and Alien Police Bratislava and Prešov, Directorates of Alien Police Nitra and Banská Bystrica, Directorate of Border Police Sobrance, Police Detention Centre for Foreigners Sobrance, Police Detention Centre for Foreigners Sečovce operate within the competency of the Bureau.

⁵ Compiled from Unaccompanied Minors – Procedures and Solutions in the Slovak Republic. Informational brochure, Goodwill Society, 2003.

Centre for Legal Aid

The Centre for Legal Aid is a state budgetary organisation with its budget tied to Ministry of Justice of the SR. According to the terms of the latest amendment of the Act on Asylum (effective since 1 December 2008), the Centre provides unsuccessful asylum seekers, including unsuccessful UAMs who are asylum seekers, free legal aid for appellate procedures initiated following the rejection of an application for asylum. Since 1 December 2008, UAMs seeking asylum have been entitled to free legal aid provided that, during the asylum proceedings, the MO has passed a resolution not granting asylum; or a resolution to withdraw asylum status; or cancels or does not extend subsidiary protection; or discontinues the proceedings by reason of a *res iudicata*.⁶

Statistical Office of the SR

The Statistical Office of the SR (further referred to as “SO”) in cooperation with the appropriate ministries (MoI and MoLSAF) coordinates and provides harmonisation of content and extent of information compiled concerning foreigners accords with EU standards and the relevant documents adopted by the Government of the SR. The SO also processes, publishes, presents and offers fundamental data and indicators regarding migration statistics for national and international purposes.

Slovak National Centre for Human Rights (SNCHR)

The goal of the Centre, established in 1994 through the initiative of the UN, is to serve as a comprehensive agent in the field of human rights and fundamental freedoms, including the rights of children in the SR. The SNCHR monitors and assesses the observance of human rights and the observance of the principle of equal treatment as articulated in the Anti-Discrimination Act, collects and, upon request, provides information on racism, xenophobia and anti-Semitism in the Slovak Republic, con-

ducts research and surveys in order to provide data concerning human rights and fundamental freedoms, including the rights of children, gathers and disseminates information in the area of human rights and offers various educational activities. All of the Centre’s activities are conducted in relation to UAMs as well. Each year the Centre focuses on a different aspect of human rights and chooses this annual subject in accordance with the needs of society. As part of its two monitoring reports on the observance of children’s rights in the SR for the years 2005 and 2006, the SNCHR also focused intensively on the monitoring of the situation of UAMs in the SR. In 2008, the Centre carried out training for BBAP employees in the field of human rights with a focus on children’s rights and on UAMs in particular.⁷

1.1.2 Non-governmental organisations

Slovak Humanitarian Council (SHC)⁸

Since 1999, the SHC has served as a partner with the UNHCR in a project of social, legal and psychological consulting and assistance, material aid and providing leisure activities for asylum seekers in refugee camps in the SR. Between 2004 and 2007, the SHC continuously carried out several projects in the MO refugee camps of Western Slovakia focused on the social integration of UAMs and the protection of their rights in asylum proceedings. The SHC also cooperated with foreign institutions on international projects to aid UAMs. From 1 December 2007 until the end of 2008, the Council carried out a project, “A Better Quality of Life for Everyone,” under ERF II in Accommodation Centre Gabčíkovo and Accommodation Centre Rohovce. Together with an expert in this area, the SHC conducted

⁷ Information of the SNCHR and its website. http://www.snsip.sk/rs/snsip_rs.nsf/0/40AD65ABAB738AF7C1256FEF00435E74?OpenDocument.

⁸ SHC is a national voluntary centre, active in Slovakia since 1990, that coordinates 175 humanitarian organisations and charities, civil associations and foundations operating broadly in the area of social welfare throughout the entire Slovak Republic. Funding comes mainly from the European Refugee Fund, UNHCR and also from MoLSAF. Information provided by SHC and its website: <http://www.shr.sk/ktosme.htm> (downloaded in March 2009).

training sessions for MoLSAF employees. Currently the SHC has no project specifically meant to aid unaccompanied minors.

Society of Goodwill

The Society of Goodwill has been involved with UAM issues in Eastern Slovakia for several years. The organisation has overseen several projects in the areas of providing social care, legal consultation and protection, as well as leisure time activities for UAMs (most recently, in 2008, through the project “Asylum SK” under ERF II in Reception Centre Humenné and Accommodation Centre Opatovská Nová Ves). In 2003, the Society of Goodwill, with financial support from MoLSAF, published an informational brochure on UAMs that details procedures, sets out strategies agreed upon by various agencies, and describes the responsibilities of particular bodies and organisations for solving issues related to UAMs in the Slovak Republic. The brochure, some parts of which are no longer applicable, was the result of cooperation between all relevant state and independent institutions and organisations.

The Society of Goodwill plans to renovate and open another children’s home for UAMs in Eastern Slovakia near the town of Košice in the municipality Čelovce. At the present time, the Society is unable to complete the renovation as the organisation lacks the funds necessary to renovate the sanitary facilities essential for obtaining permission to operate.

Human Rights League (HRL)

In 2009, the Human Rights League will likely provide most of the care for UAMs in the SR by a non-governmental agency, since neither SHC nor any other non-governmental organisation is undertaking any project in this field at the current time. The HRL has obtained support for the three projects described below, the realisation of which began in March 2009:

1) *Legal advisory centre for residence and citizenship of unaccompanied minors.* The core of the project is to make information concerning the status of UAMs available directly to the UAMs

themselves, provide legal consultation, cooperate closely with the guardians and tutors of minors and find the best long term solutions for the welfare of each child on an individual basis. The centre will assess the individual situation of a foreign minor and consider his/her options for integration. After the assessment is complete the centre will provide the minor and his/her guardian/tutor with relevant legal information and offer assistance as required.⁹

2) *Research about the current situation in the area of integration of unaccompanied minor migrants.* The study will analyse the current situation concerning the integration of unaccompanied minor migrants in the SR, identify the key problems facing effective integration of these minors, and compare their status in the SR with the status of UAMs and possibilities of their integration in other EU Member States. The study will contain proposals for solutions to eliminate the problems identified by the study, including possible legislative amendments. The aim of the study is: to take a comprehensive look at the status of UAMs in terms of relevant Slovak legislation and its compliance with international treaties; to determine how the rights of UAMs under this legislation are observed in practice; and to observe the approach of the responsible agencies toward compliance and toward unaccompanied minors generally.

3) *Legal advisory centre for foreigners.* The following activities concerning UAMs will be carried out as part of this project: on-site visits and legal consultation in the Horné Orechové facility for minor foreigners, providing direct legal consultation/information/explanation in the facility by a lawyer/counsel of HRL regarding the asylum procedures or other forms of international protection or other forms of help in order to solve the legal situation of a particular UAM, providing help with the reunification of a minor with

⁹ Legal consultation shall be provided once every two weeks (or when ever necessary) directly in the Horné Orechové facility. If necessary, the lawyer will also visit other facilities where unaccompanied minors are placed. An interpreter shall be present. Provided that UAMs or employees of the Horné Orechové facility express any interest, the organisation will offer social and cultural activities and discussions to make children familiar with the culture, history, customs and traditions of Slovakia. The organisation will also offer activities to improve the social and communication skills of minors.

his/her statutory representatives by contacting the relevant Slovak, or foreign, state, non-governmental or international organisations, preparing a comprehensive leaflet for UAMs on the facility and possibilities of assistance, conducting informational meetings for UAMs etc.¹⁰

1.1.3 International organisations

Office of the International Organization for Migration in the SR (IOM)

In relation to UAMs, the IOM in Slovakia operates in the area of the return of minors to their countries of origin, a procedure described in detail in the fifth chapter. In addition to these current activities, in 2004 and 2005 the IOM contributed to the care of UAMs with its project *Building Capacities: Unaccompanied Minors in Slovakia*. Through this project, the IOM provided technical assistance and support to relevant state institutions and NGOs in the SR, which deal with UAM issues. The goal of the project was to increase the expertise of these agencies and improve cooperation between them through sponsoring a study trip and offering a workshop facilitated by international experts in the area of UAM care.

Office of the United Nations High Commissioner for Refugees in the SR (UNHCR)

To address issues related to UAMs in the SR, the UNHCR, together with the MO and SHC, undertook a multi-year collective project of procedural guardianship beginning in 2002 with the aim of providing UAMs subject to asylum proceedings with the maximum possible protection.¹¹ This project has already been completed and the UNHCR is currently focusing on monitoring, counselling, lobbying and advising as it no longer finances such projects due to changes in its organisation’s mandate. The UNHCR now concentrates only on UAMs who are asylum seekers as foreigners with a different status lie beyond its area of authority. The UNHCR focuses mainly on training activities, a part of which was a training carried out in March of 2009 for

¹⁰ Information provided by HRL, 29 April 2009.

¹¹ UNHCR <http://www.unhcr.sk/Documents/8-priloha-odlucenedeti-s.doc> (downloaded in March 2009).

employees of MO, mainly decision makers conducting interviews with UAMs.

1.2 Legislative framework for the care of unaccompanied minors in the SR

The Slovak Republic has ratified several international conventions that are important in the context of the care of UAMs, including the following:

- *Convention on the Rights of the Child* (ratified in 1989, in force in the SR since 1991)
- *Convention Relating to the Status of Refugees (also known as the Geneva Convention, ratified in 1951, in force in the SR since 1991), and Protocol Relating to the Status of Refugees* (also known as the New York Protocol, ratified in 1967, and in force in the SR since 1991)¹²
- *The Universal Declaration of Human Rights* (ratified in 1948, in force in the SR since 1992)
- *The European Convention on Human Rights* (ratified in 1991, in force in the SR since 1992)
- *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (ratified in 1984)

Besides the aforementioned conventions, legislation concerning the rights of the child in general is represented in the *Constitution of the Slovak Republic – Act no. 460/1992 Coll. as amended and Act no. 36/2005 Coll. on Family and on the amendment of certain acts, as amended* (further referred to as “Act on Family”). The legal system of the Slovak Republic guarantees the protection of the rights and interests of all children below the age of 18 equally without bias concerning gender, nationality, skin colour or citizenship. This means that it provides foreign minors with the same level of socio-legal protection as children with Slovak citizenship and enforces the constitutional principle of equal status for all

¹² On 1 January 1993 the independent Slovak Republic came into existence. After the split of the Czech and Slovak Federative Republic, the Slovak Republic assumed all international obligations as a part of succession. The contractual commitment of the SR is confirmed by the Announcement of MFA no.319/1996 Coll.

children who need such protection.¹³

Besides the aforementioned legal acts, legislation concerning the treatment of UAMs in the territory of the SR consists mainly of the following acts regulating the procedures of relevant bodies when in contact with UAMs:

1. *Act no. 48/2002 Coll. on Stay of Aliens and on the amendment of certain acts, as amended* (further referred to as “Act on Stay of Aliens”)

Regarding UAMs, the Act on Stay of Aliens stipulates that a minor is required to undergo a medical examination if one is necessary to determine his/her age. The act covers the granting of tolerated stay permit to UAMs, prohibiting the detention of UAMs and the responsibilities of relevant Police Departments to hand over a UAM promptly to the Office of Labour, Social Affairs and Family in the district where the UAM was found

2. *Act no. 305/2005 Coll. on Socio-Legal Protection of Children¹⁴ and Social Guardianship and on the amendment of certain acts, as amended* (further referred to as “Act on Socio-Legal Protection of Children and Social Guardianship”, or “Act on SLPCSG”)

This act, mainly in section 29, is concerned with the issue of care of all UAMs found within the territory of the SR regardless of country of origin or intention to seek asylum. The act focuses on measures of the socio-legal protection of children and social guardianship such as a measure to guarantee the protection of life, access to health care, and the provision of services to ensure the positive physical and social development of the child (e.g. the procedure for designating a child’s representative — guardian or tutor — family reunification, carrying out SLPCSG

¹³ Information of the MoLSAF.

¹⁴ Socio-legal protection of children is defined by measures to secure the protection of a child necessary for his/her well-being and which respect his/her best interests pursuant to an international convention, his/her education and his/her comprehensive development in his/her natural family environment or a substitute environment for a child who can’t be brought up by his/her own family.

measures in facilities providing care for UAMs while respecting their culture and religion).

For UAMs who decide to apply for asylum in the SR, the following act is essential:

3. *Act no. 305/2005 Coll. on Socio-Legal Protection of Children and Social Guardianship and on the amendment of certain acts, as amended* (further referred to as “Act on Socio-Legal Protection of Children and Social Guardianship”, or “Act on SLPCSG”)

The Act on Asylum stipulates that an UAM shall be represented by a court-nominated guardian in all acts regarding the asylum proceedings. The act defines the procedure for submitting an asylum application (the alien’s statement that he/she is applying for asylum or subsidiary protection) and conducting an interview. It stipulates that the application not be rejected as manifestly unfounded. An UAM shall be duly prepared for asylum proceedings by a guardian in a language understood by the applicant. In addition, it precisely defines the procedure for determining the age of an UAM (section 23 subsect. 7) if there are any doubts concerning the UAM’s age. Furthermore, the act stipulates that specific needs of an UAM shall be taken into account when accommodated. The key institutions responsible for these areas of supporting an UAM are the Mol and MO.

In addition to the aforementioned acts, the following national and European legal acts are of particular importance:

- *Act no. 71/1967 Coll. on Administrative Procedure as amended*
- *Act no. 171/1993 Coll. on Police Corps as amended*
- *Council Decision no. 2004/573/EC of 29 April 2004 on organisation of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders*
- *Regulation of the European Parliament and of the Council no. 562/2006 of 15 March 2006 es-*

tablising a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

Amendments regarding the transposition of European legislation

The transposition of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (the so-called Reception Directive) into the Act on Asylum that came into effect on 1 February 2005 introduced the possibility that the Mol determines the age of an UAM if there are any doubts about his/her age. The amendment of the Act on Asylum and the amendment of Act no. 5/2004 Coll. on Employment Services and on amendment of certain acts, as amended enables asylum seekers to enter the labour market provided that the Mol does not tender a valid decision on an asylum application within one year of the beginning of the procedure except in cases where the application is rejected as manifestly unfounded or unacceptable. The terms of access to the labour market are stipulated in the Act on Asylum.¹⁵

On 1 January 2007 Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (the so-called Qualification Directive) was transposed into Slovak Act on Asylum. The amendment to the Act on Asylum introduced the instrument of subsidiary protection which can be granted by the MO to foreigners not granted asylum but there is a threat they could suffer serious harm in their countries of origin – such as being subject to the death penalty or being treated inhumanely or in a humiliating manner. Upon meeting the terms established by this law, subsidiary protection for the purpose of family reunification shall be granted to a spouse of a foreigner with granted subsidiary

¹⁵ The Government Office of the SR. Explanatory Statement. Available online at: [http://www.rokovania.sk/appl/material.nsf/0/A81561DD985664A7C1256F0F003EA9BE/\\$FILE/dovodova.rtf](http://www.rokovania.sk/appl/material.nsf/0/A81561DD985664A7C1256F0F003EA9BE/$FILE/dovodova.rtf) (downloaded in March 2009).

protection and his children below the age of 18 and provided that the child who was granted subsidiary protection is younger than 18, to his parents as well. Subsidiary protection shall be granted for the period of one year and can be extended after that time.¹⁶

Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (the so-called Procedural Directive) was transposed into the Act on Asylum by Act no. 643/2007 Coll. In relation to UAMs, the amendment introduced changes in procedure of conducting interviews with UAMs. Pursuant to the amended section 6 subsection 6 of the Act on Asylum, “an interview with a minor not accompanied by his/her statutory representative in the territory of the SR (an unaccompanied minor) shall be conducted only in the presence of his/her guardian; before the interview, the guardian shall have an opportunity to inform the unaccompanied minor of the meaning and possible consequences of the interview and to prepare him/her for the interview”. Furthermore, section 19a of the Act on Asylum was supplemented by subparagraph 8 which requires that an authorized employee of the MO who has adequate knowledge in the area of asylum and possesses adequate knowledge of UAMs and their specific needs examine an asylum application.¹⁷

¹⁶ Mol SR. Since 2008, Slovakia has applied the Procedural Directive of the EU in the asylum law. Available online at: <http://www.minv.sk/?tlacove-spravy-6&sprava=od-roku-2008-slovensko-uplatnuje-v-azylovom-prave-proceduralnu-smernicu-eu> (downloaded in March 2009).

¹⁷ SNCHR Report on the Present Situation of Observing the Rights of the Child in the Slovak Republic. 2008. P. 11.



Motivation of Unaccompanied Minors for Entering the SR

Unaccompanied minors arrive in the SR mostly from economically weak and politically unstable regions – in the long term mainly from Asia (India, China, Afghanistan, Bangladesh), Russia and former Soviet states (Moldova, Armenia, Georgia) and a few African states (Somalia, Nigeria, Sierra Leone). More recently, UAMs have come mainly from Moldova where the economic situation is very bleak and from Georgia which suffers both from war and a weak economy. On very rare occasions, UAMs come from EU countries.¹⁸

The number of UAMs entering the territory of the SR for various reasons and UAMs who seek asylum in the SR is currently very low. Aside from persons with subsidiary protection, four unaccompanied minors were placed in MO asylum facilities in March of 2009.¹⁹ According to statistics, most UAMs who enter the SR are males above the age of 16 (see the statistics differentiated according to demographic data in the Annex). Even during the period of 2002–2003 which saw the most significant increase in the number of asylum seekers in the SR, females comprised less than 2% of the total number of UAMs, a trend that continues.²⁰

The validity of statements of age made by minor foreigners continues to pose a problem. According to information gathered by the MO, by persons who fail to prove their identity by offering personal documentation are often doubts about the credibility and correctness of age they claim. According to an MO statement, such persons claimed to be younger than 18 because they expected to gain certain advantages in the asylum procedure or certain benefits concerning their placement in asylum facilities. For example, the police cannot remove a child below the age of 18 from such a facility and to comply fully with the non-refoulement principle, UAMs

¹⁸ Information provided by the MO.

¹⁹ Two UAM asylum seekers were located in the Rohovce Accommodation Centre – both boys, a 15 year old from Afghanistan and a 17 year old from Bangladesh—and two others in the Opatovská Nová Ves Accommodation Centre—a 16 year old girl from Serbia and a 17 year old boy from Montenegro—still awaiting decision on their applications for asylum

²⁰ Data provided by the MO and the MoLSAF.

cannot be returned to their country of origin. Furthermore, an asylum application made by an UAM can't be rejected as manifestly unfounded. According to MO: *"The relatively large number of unaccompanied minors in 2002 and 2003 suggested by statistics was later proven to be artificially high once medical examinations of age have been conducted (like the ones in a Trenčín Radiological Clinic in 2007). They demonstrated that out of a high number of persons classified as UAMs no one tested was actually a minor."*

According to information gathered by experts working with UAMs in the SR, their reasons for leaving their countries of origin and their motivations for entering the SR are no different than the ones offered by those entering other EU countries. Among the main *push factors* – factors that compel them to emigrate – are weak economies and unfavourable living conditions, wars and military conflicts, human rights abuses or fear of political persecution. UAMs can be also victims of sexual abuse or they can leave their homelands because of the absence of love and support from relatives. Among *pull factors* – factors that motivate emigration – is the ambition to escape life in social poverty and material deficiency thus an effort to improve their economic situations. In some cases, UAMs see migration as an adventure or travel to meet family members who are already residing in the country of their destination. According to the Slovak Humanitarian Council and other experts, minors are usually sent abroad by a relative. They leave home in order to follow a promise or just a vision of a well paid work. In some instances, a minor stated that another member of his/her family or a friend was expecting them in the country of destination. As of this time, no unaccompanied minors have been identified as victims of human trafficking in the SR.

The Slovak Republic is, according to all the experts we've approached (please see the Introduction), still defined as a *transit country for UAMs*. Unaccompanied minors intend to pass through Slovakia on their way to other economically strong and socially appealing EU countries,

most frequently Italy, Germany, France, Austria or Spain. Most UAMs don't stay in the SR. Even when they apply for asylum, they frequently leave the asylum facilities of the MO without permission before a final decision on their application is made. According to the Border Police Department of the Bureau of Border and Alien Police, most UAMs seek asylum in the SR simply as an expedient once apprehended for crossing the national border between Slovakia and Ukraine illegally so as not to be detained and subsequently removed from the country.

As the large majority of UAMs leave their countries of origin upon the instructions of a relative to travel to a particular country, they do not consider the possibilities available to them if they were to remain in the SR. The claim that the SR is not a primary country of destination for UAMs or an attractive option which could provide the possibility of enough economic security is supported by the fact that the majority of minors placed into the specialized children's home for UAMs in Horné Orechové leave this facility in a relatively short time. According to IOM empirical knowledge, UAMs have "no interest in staying in a country which 'dictates' their daily routine," expects them to attend school and to meet other requirements, so they continue toward their original destination to realize the dream of "earning money". As many UAMs feel that their childhoods were compromised by trying economic circumstances, their main goal is to make money in the West. In such cases, counselling by social workers generally has little effect on altering these goals and expectations. It's often the case that the parents of UAMs are the ones who enable their children to travel to Western Europe with the aid of smugglers.²¹

²¹ Information from the IOM Office in the SR: An incident involving IOM from 2008 can serve as an example: 2 children, ages 8 and 10, requested to be returned to Moldova. During a telephone call made in the presence of social workers, their parents expressly refused to support them and recommended their children not return home. The boys were devastated by this response and burst into tears. Despite the best efforts of social workers and the IOM, shortly after this conversation with their parents, the boys escaped from the children's facility in Horné Orechové. The police found them on a highway heading toward Bratislava, and brought them back to the facility. They escaped again about a week later and haven't been found.

The phenomenon of the disappearance of UAMs during the asylum procedure as well as of those who do not seek asylum creates a complex situation which impacts attempts to offer comprehensive care to UAMs in the SR. As of this writing, no institution has directly addressed this problem. There have been no procedures approved and no possibilities explored in order to protect UAMs against dangers that arise when they flee and attempt to reach another country. Professionals working with UAMs report that minors are often in contact with smugglers during their stay in the SR. It's possible that some of these escapees become victims of human trafficking.²²

²² In terms of section 58 of the Act on SLPCSG, if a child leaves a children's home without permission, the CH is required to report this fact in a timely manner to the nearest Police Department, the parents of the child, the court that ruled to place them in detentional care, made the preliminary ruling or imposed educational measures, and the BSLPCSG. The Police Department is then required to search for the minor. Information provided by the MoLSAF.

03

Entry Procedures including Border Control

The following government offices play a key role in granting permission to enter the SR, crossing its borders and identifying unaccompanied minors::

- The Bureau of Border and Alien Police and Border Control Departments – identification of UAMs, investigation of the circumstances of arrival, providing emergency health care, informing relevant agencies, transportation to a specialized children's facility for UAMs or another children's home as ordered by the court
- Embassies of the SR abroad and consular offices of the SR – granting of visas, receiving and processing of residence permit applications
- Offices of Labour, Social Affairs and Family – bodies of socio-legal protection of children and social guardianship – initiation of socio-legal protection and social guardianship of UAMs.

From a legislative aspect, the following acts are of particular importance:

- Act on Stay of Aliens
- Act on Asylum.

See Chapter 1 for details.

Entry procedures – visas and border

Minor foreigners visit the SR legally for the purpose of study, exchange visits, visiting family, tourism etc.

According to current legislation, a foreigner can apply for a visa after reaching the age of 18. For the purposes listed above only a statutory representative may apply for a visa application or a residence permit on behalf of a minor. Upon representative's approval the minor obtains a visa. The visa is usually granted upon application or invitation verified by a Police Department and granted by an Embassy of the SR abroad.

First contact with unaccompanied minors is commonly made by representatives of Border

Control Departments (further referred to as “BCD”) in border territories and at international airports. Cases of illegal entry occur most often at the border with Ukraine.

Entry of UAMs from EU countries

Unaccompanied minors from EU countries in principle enter the territory of the SR legally as tourists or for various personal reasons. Statistics on these unaccompanied minors entering the SR are not kept. If officers of the BCD discover that a person is a minor from the EU, they determine whether a search for the minor is underway. UAMs from EU countries are often registered only by municipal police or riot police in particular, information which does not appear in national statistics. After an UAM from the EU is identified by the police, the case and all subsequent action becomes the responsibility of the local Office of Labour, Social Affairs and Family.

Entry of UAMs from third countries

UAMs from third countries enter the territory of the SR both legally and illegally. If a third country UAM possesses a travel document with a valid visa, has adequate financial means, and there is sufficient reason for his/her entry, there are no grounds for denying legal entry. Entry is deemed illegal if a foreigner does not enter the territory of the SR at an official border crossing point or enters without valid travel documents or visa.

Identification of a minor foreigner

If there is a legal reason for bringing the minor foreigner before a police, the Police Corps initially attempts to identify the person in accordance with the Act on Police Corps.²³ When investigating the reason or an intention to cross state borders, the relevant department of the Border and Alien Police determines whether the

minor has crossed the border under coercion (kidnapping) or whether the child has entered the country in order to visit his/her parents in the SR or another state. After finding an UAM, the Police Department is required to provide an interpreter if necessary. The Police Department with territorial authority (BCD or APD) may not initiate administrative procedures to remove a child below the age of 18, except when such a removal is in the best interest of the child as stipulated in sect. 57 subsect. 10 par. b of the Act on Stay of Aliens.

The identification of an unaccompanied minor can be definitive or approximate. If the UAM possesses a travel document, then identification can be considered definitive. Definitive identification can also be assumed when an UAM informs the Police Corps of his/her full identity so that a foreign embassy can confirm the identity of the minor and subsequently furnish an official travel document. If the unaccompanied minor does not possess a travel document, the fact that he/she is a minor is noted as part of his/her statement concerning his age and personal identification data. If a foreigner declares him/herself to be an UAM, he/she is obliged to undergo a medical examination in order to determine his/her age. If the foreigner refuses to undergo this examination, he/she will be considered to be an adult for procedural purposes according to the Act on Stay of Aliens. The aforementioned rule shall not be applied when it is obvious that the foreigner is a minor.²⁴

In accordance with section 80a of the Act on Stay of Aliens, the Police Department shall notify the appropriate agency that it found the UAM and hand him/her over immediately to the Office of Labour, Social Affairs and Family (further referred to as “LO”) – to body of socio-legal protection of children and social guardianship within the territorial district where the UAM was found.²⁵ Personnel of the LO shall subsequently ask a court to nominate a guardian for the minor. This procedure applies even during week-

²⁴ Information provided by the BBAP.

²⁵ Information provided by the MoLSAF and the BPD of the BBAP.

ends and on national holidays as the courts provide 24-hour service seven days a week. A judge issues the preliminary ruling, designating a guardian and specifying a location where the minor will be placed. In most instances, UAMs are transported to and placed in the specialized children's home in Horné Orechové near the town of Trenčín therefore the local Office of Labour, Social Affairs and Family in Trenčín is designated as guardian.

Age and its determination

The SR has a procedure in place for determining the age of a foreigner when his/her age is in dispute, a situation that occurs most often when there are doubts concerning the foreigner's claim that he/she is indeed a minor (below the age of 18). In cases in which it is difficult to determine the foreigner's actual age, the foreigner who declares himself to be an unaccompanied minor, under the terms of section 49 subsect. 5 of the Act on Stay of Aliens, is obliged to undergo a medical examination in order to determine his/her age; this procedure is not applied when it is clear that the person is a minor. If the foreigner refuses to undergo the medical examination, he is deemed to be an adult for the purpose of the procedure according to the Act on Stay of Aliens.²⁶

The process to determine the age of asylum seekers is described in the Act on Asylum, section 23 subsect.7 which stipulates:

An asylum seeker is obliged to undergo a medical examination when (MO) is doubtful about his/her age; in the case of a foreigner according to section 16 subsect. 2, consent must be granted by a statutory representative or guardian. If the medical investigation proves that the foreigner is an adult, (MO) shall treat him as an adult and shall inform the statutory representative or the guardian and a competent court of the result of the medical examination. If the foreigner refuses to undergo the medical examination or his/her statutory representative or guardian fails to grant consent for the examination, the foreigner is deemed to be an

²⁶ Information of the BPD BBAP.

adult for the purposes of procedure under this Act. If it is not possible to find out whether the foreigner is an adult or a minor, the person will, for the procedural purposes stipulated by this Act, be deemed a minor and the Ministry (of the Interior) shall inform the statutory representative or guardian of this fact. The (MO) must inform the asylum seeker, pursuant to section 4 subsect. 2, of the possibility of undergoing a medical examination in order to determine his/her age, the manner in which the examination will be conducted, the consequences that the findings of the medical examination may have for the asylum applicant and the consequences of refusing the medical examination.

Unlike the Act on Asylum, the Act on Stay of Aliens doesn't include a stipulation regarding whether or not a person is deemed to be an adult or a minor if it is not possible to determine the age of the foreigner on the basis of a medical examination. While such a person is deemed to be an adult according to the Act on Asylum, the Act on Stay of Aliens does not include this provision.²⁷

Medical examination to determine age is carried out by X-ray examination of arms and elbow joints at the Radiological Clinic in Trenčín. The medical report then certifies whether the images of the skeleton correspond in terms of development and growth with a person above the age of 18. Determining age by examination does not occur in the case of every minor, but takes place only when the Ministry finds it reasonable to do so.²⁸

Certain problems concerning false statements of age by apprehended foreigners emerged as evident from the monitoring conducted by particular units of the BBAP in 2008. It is possible that foreigners may abuse the asylum procedure by

²⁷ Act on Stay of Aliens, section 49 subsect.5: “A foreigner who declares himself to be an unaccompanied minor is obliged to undertake a medical examination in order to determine his age; this requirement shall not be applied when it is obvious that the person is an unaccompanied minor. If the foreigner refuses to undergo a medical examination, he is deemed to be an adult for the purpose of the procedure in this act.”

²⁸ A person is older than 18 when the epiphyseal clefts in the depicted skeleton are locked, apophysis completely linked and there are additional features that suggest that the person is older than 18 – information provided by the MoLSAF.

intentionally misleading authorities about their age in order to gain UAM status. According to BCD representatives, false statements concerning age occur mainly because it is easier to escape from the facilities designated for children. Determining the age of a foreigner does not fall under the jurisdiction of Border Police personnel.²⁹ Nevertheless, during initial processing of foreign migrants problems may arise since dates of birth of minors from Muslim countries are sometimes wrongly interpreted because of differences in the calendars and such mistakes are very hard to correct later.³⁰

All organisations we've approached find the age verification requirement reasonable, given the number of adult foreigners who take advantage of the system by claiming themselves to be minors. It has proved inappropriate to place persons older than 40—and, in some cases, older than 50—among 12 – 18 year old UAMs in an MO facility. In some cases these foreigners who are clearly not minors exert an undesirable and troubling influence on the behaviour, environment, and routine of the minors residing in the facility. Even though the provisions for determining the age of a foreign migrant are in force, they have been employed only occasionally since such foreigners have routinely left asylum facilities upon being informed of the procedure. In such cases it is not possible to initiate and/or complete the process of verifying the age of the foreigner.

Financial costs related to the care of UAMs during entry procedures

According the BBAP, it is not possible to calculate per person costs related to the care of UAMs during entry procedures. It is only possible to calculate costs incurred by facilities depending on the capacity of a particular facility where foreigners are placed following their illegal entry into the SR. Overhead expenses of such facilities are fixed according to their capacities, regardless of the number of foreigners placed within them.

²⁹ Information provided by the BPD BBAP.

³⁰ Information provided by the BBAP and the UNHCR.

Statistics on identified cases of UAMs

Statistical data on identified cases of UAMs have been maintained by the Alien Police Department of the BBAP since 2006 through monthly reports on the activities of the Alien Police Department of the Police Corps. As stated in the introduction, statistical data on the ages of legally entering foreigners are not recorded by the BBAP, therefore such data could not be processed for the category of UAMs. Although an UAM's stay is recorded, statistical reports concerning the category of UAMs are not processed. Available data contain only the number and nationality of UAMs who cross the borders of the SR illegally and illegally reside in the territory of the SR.

In 2006, 42 UAMs were identified, the most common country of origin being India. In 2007, the number was 164, most of whom came from Moldova. In 2008, 151 UAMs were identified, the majority of whom, again, came from Moldova (a detailed representation of this data can be seen in the Annex, Tables A1, A2 and A3).³¹ According to the BBAP, no cases of entry denied to UAMs were recorded.

³¹ Statistics provided by the BBAP. Precise statistics on the division of foreign migrants according to countries of origin, age, and gender is included in the Annex.



Reception Arrangements and Integration Measures

The following institutions play a key role in reception arrangements and integration measures:

- Directorates of the BBAP and their subordinate units – granting of residence permits to UAMs
- Offices of Labour, Social Affairs and Family – bodies of socio-legal protection of children and social guardianship of UAMs (guardianship, family reunification, return, representation in asylum procedures, etc.)
- Specialized children's home for UAMs (or other children's home designated by the court) – placement of UAMs, daily care, information, consultation, and integration
- Embassies of the SR and consular offices of the SR – assistance in return of UAMs or family reunification
- Migration Office of the Mol - decisions on granting asylum or subsidiary protection to UAMs who are asylum seekers, supplying foreigners with primary care (accommodation, meals, sanitary necessities, etc.), integration of refugees and persons granted subsidiary protection
- Non-governmental organisations – mainly advisory and leisure time activities (depending on the presence of particular projects)

In respect to legislation, the following acts are of particular importance:

- Act on Socio-Legal Protection of Children and Social Guardianship
- Act on Stay of Aliens
- Act on Asylum

See Chapter 1 for details.

4.1 Reception arrangements

Reception procedure of UAMs in the SR comprises several steps or measures:

1. protection of UAMs, designation of guardian or tutor
2. placement of UAMs

3. granting of tolerated stay permit
4. providing comprehensive care by the state, counselling, psychological care (in cases where the UAMs formerly have been exposed to ill-treatment, trafficking or have been child soldiers), providing information and legal counselling

Protection of UAMs and designation of a guardian or tutor³²

Since minors do not have the legal capacity the court shall designate a guardian or tutor provided that there is no parent or other individual to whom the minor could be commended in the group with which the minor has emigrated. According to section 57 subsect.3 of the Act on Family, if it isn't possible to nominate an individual as a tutor, the court shall designate a body of socio-legal protection of children and social guardianship (further referred to as "BoSLPC-SG") as a tutor, regardless of whether the party concerned is a child seeking asylum or another minor foreigner. The tutor is obliged to exercise his function with due diligence and with regard for the best interests of the minor child. The tutor is accountable to the court for his/her responsibilities regarding the foreign minor under his/her care. Any decision made by the tutor regarding fundamental issues concerning the minor child shall require court approval. Until the time when the tutor is assigned to the minor child or until the tutor assumes his/her position, all necessary actions are carried out by a guardian on behalf of the minor child.³³ The court also determines the scope of his/her rights and duties, so the purpose of nominating the guardian is accomplished and in order that the interests of the minor child are sufficiently protected. The difference between the tutor and the guardian is as follows: the tutor exercises parental rights and duties, provides for the education of the minor, acts on behalf and manages the property of the minor (although he is not obliged to care for the minor personally) over the long term; the guardian exercises only certain legal functions

³² Information provided by the MoLSAF.

³³ Section 60 Guardian – the court also nominates a guardian for a minor child when it is required for other reasons and simultaneously serves the interests of the minor child.

and his responsibilities end after accomplishing the purpose established upon his/her nomination.³⁴

According to a monitoring report carried out by the UNHCR in November 2008: *"the length of the procedure for nominating a guardian is still problematic in the SR and causes a number of difficulties regarding the legal protection of UAMs. Judicial bodies often take advantage of the possibility of shifting the territorial jurisdiction for a UAM upon the removal of the UAM from the place where he/she was originally apprehended to that of the location of one of the children's homes, a shift which further prolongs the procedure. Difficulties also arise when the court fails to render a decision on the nomination of a guardian immediately after rendering a judgment to place the minor in a designated facility, waiting instead to designate a guardian only after a motion is made by the Office according to the Civil Procedure Act. Time periods for the nomination of the guardian vary depending on the flexibility of the judge who decides in the matter."*³⁵

The body providing socio-legal protection of children and social guardianship acts on behalf of the child in urgent matters until a tutor is designated for the UAM according to the Act on Family or until the tutor assumes his responsibility. Regardless of whether it concerns children seeking asylum or other minor foreigners, the function of the guardian for an UAM shall be, exercised by the Office of Labour, Social Affairs and Family – a body of socio-legal protection of children and social guardianship. It undertakes responsibilities stipulated in international conventions regarding rights of children, files petitions concerning education and maintenance, acts and decides on their behalf.³⁶ In the SR,

³⁴ Information provided by the MoLSAF.

³⁵ UNHCR. Assessment of the Inclusion Procedure of the Asylum Seekers and Recognized Refugees in the Slovak Republic with Regard to their Age, Gender and Other Differences. November 2008. Page 11.

³⁶ Information from Department of Documentary Production and Foreign Cooperation of the MO. In terms of section 29 of the Act on Socio-Legal Protection of Children, the body of socio-legal protection of children, within the territorial district of which the unaccompanied minor was found, shall act in terms of a separate act (Civil Procedure Act), if the UAM can't be commended into the personal care of a relative or other individual with whom the UAM has a close relationship, it files

this function is mostly carried out by the Office of Labour, Social Affairs and Family in Trenčín, within the territorial authority of which falls the specialized children's home for UAMs in Horné Orechové.

The body of socio-legal protection of children and social guardianship shall act in compliance with the best interests of the child and shall search for long term solutions for the UAMs including the following:

- family reunification in the country of origin
- family reunification in a third country
- entering into the asylum procedure
- voluntary return to the country of origin
- a long term solution in the territory of the SR.³⁷

Placement of unaccompanied minors

As mentioned in chapter 3.1, after the UAM becomes the responsibility of LO personnel, the BoSLPCSG of the relevant Labour Office brings the case to the court. The judge issues a preliminary ruling in which the name of the guardian and the location of placement of the minor is specified. In most instances the judge specifies the facility for unaccompanied minors in Horné Orechové near Trenčín. There are also cases, however, in which the judge designates a different children's home as a placement location. Unaccompanied minors classified as asylum seekers are placed in the asylum facility. Upon the request of a LO employee, members of the Police Corps may, in the presence of court nominated guardians, transport the unaccompanied minor to the placement location designated by the judge. The guardian is responsible for assisting the UAM with all further parts of the proc-

a preliminary ruling motion with the court according to the terms of a separate act (Civil Procedure Act) and acts on urgent matters on behalf of the child until a tutor is nominated according to the Act on Family or until the nominated tutor assumes his responsibilities. The minor child doesn't have to be represented at the time the preliminary ruling is issued. If the minor has no statutory representative or the statutory representative can't act on behalf of the minor in the procedure, the court shall nominate a guardian to the child immediately upon exercising the preliminary ruling.

³⁷ Society of Goodwill. Unaccompanied Minors – Procedures and Solutions in the Slovak Republic. 2003. P. 10.

ess.³⁸

Care for UAMs in Horné Orechové is provided to the same extent that it is in homes for children who are citizens of the SR.³⁹ The facility in Horné Orechové is situated in a quiet natural environment near the town of Trenčín and has a capacity of 36 UAMs. In this facility, entrance medical examinations of UAMs are conducted and health care is provided free of charge during the full period of an UAMs stay.

The facility for unaccompanied minors in Horné Orechové:

- attempts, if possible given the age and mental capacity of the child, to learn about a minor's view on all matters concerning him/her, most importantly the opinion of the child concerning his/her removal, family reunification, return to the country of origin and asylum before engaging in acts of removal, family reunification, return to the country of origin or applying for asylum
- provides the child with an interpreter who speaks the child's language in order to learn about the aforementioned views of the child
- takes into consideration the way in which the child was brought up and respects the culture and religion of the child,
- provides the child with Slovak language lessons. UAMs who remain in the facility for a longer period their education is provided by the Academy of Education, Trenčín
- offers separate places of worship where the Koran and the Bible are available
- employs a surveillance camera system and a permanent security service in order to ensure safety.

³⁸ Information provided by the BPDDBAP.

³⁹ Information provided by the MoLSAF. Additionally, the 2004 budget and the funds from the Transformation of the Institutional Care in Children's Homes programme, the MoLSAF approved a budget to establish children's homes for unaccompanied minors as part of the children's home Children's Town Trenčín, Zlatovce and for the unincorporated association Society of Goodwill at Čelovce (the Košice Region). However, it has been impossible to open the specialized children's home since the Society of Goodwill lacks the financial means to build adequate sanitary facilities.

Granting of a tolerated stay permit

In terms of section 43 subsect. 1 paragraph d) of the Act on Stay of Aliens, upon receiving an application from a guardian, the Police Department shall grant a tolerated stay permit to a foreigner who is a minor child found within the territory of the Slovak Republic. Tolerated stay permits are granted automatically, regardless of whether the person decides to seek asylum or not. It is a specific temporary type of residence that can be granted to groups of foreigners other than UAMs.⁴⁰ The tolerated stay permit is granted for a maximum of 180 days and can be prolonged repeatedly. In addition to granting tolerated stay permits, the Police Department (the appropriate Alien Police Department) issues, upon the guardian's request, a foreigner's passport if the foreigner doesn't possess a travel document.

The provision of general care by the state: consultation, psychological care, providing information and legal counselling

During the residence of UAMs in the SR, an agency offering socio-legal protection and social guardianship for children functions as guardian for UAMs. This state agency provides necessary care for the unaccompanied minor in a manner that respects the culture, language, religion and traditions of the UAM's country of origin. It participates in the search for parents or other family members and in the family reunification process of the UAM. The aforementioned steps are applicable to all UAMs, i.e. those who seek asylum as well as those who decide not to seek asylum.

Psychological care in Horné Orechové is available if necessary. Psychologists from the Department of Consultancy and Psychological Services of the OLSAF are called in case of emergency (e.g. treating aggressive behaviour). UAMs are provided with health care free of charge.

40 Provided that there is an obstacle to his/her administrative expulsion, he/she was granted a temporary asylum, his/her departure is not possible and his/her detention is not purposeful, he/she is a victim of a crime related to human trafficking and is at least 18 years old, respect of his/her private and family life is required (according to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms).

The guardian and the facility where the UAM is placed are responsible for providing information on the UAM's situation and on possible solutions. Such information is provided to the minor in written form.

4.2 Integration measures

Integration measures are relevant only when an UAM decides to stay in the SR on a tolerated stay, subsidiary protection, asylum or temporary residence permit for the purpose of pursuing an education. Integration occurs in part during the UAM's stay at Horné Orechové, the specialized children's home where minors who do not seek asylum are placed. If they study, they can remain until the age of 25 as long as they meet the conditions set out in the applicable Slovak legislation. As students, they remain in the care of teachers who provide Slovak language lessons until they are proficient enough to enrol in elementary or secondary school.

The facility is equipped with a multifunctional sport field, a gym and other equipment for leisure-time activities for children. Minors accommodated there also have access to satellite TV and computers. The cost of posting correspondence is covered by the children home's budget. There is also a public payphone available in the facility. Telephone cards can be purchased using the pocket money provided to UAMs. Minors are guaranteed freedom of movement though they must register upon entering and exiting the facility for reasons of security. According to employees of the facility, in the past during visits to local health care providers, leisure and cultural facilities and as a result of contact with local citizens there have been incidents marked by xenophobia and fear which occasionally border on racism. Such behaviour, however, has not been registered recently.⁴¹

Preparation for language courses has been provided in the past and in cooperation with the el-

41 UNHCR. Assessment of the Inclusion Procedure of the Asylum Seekers and Recognized Refugees in the Slovak Republic with Regard to Age, Gender and Other Differences. November 2008. P.11.

ementary school in Trenčín, UAMs also have the opportunity to participate in project SOKRATES which offers joint activities for foreigners and Slovak children to foster mutual understanding and facilitate the integration of UAMs into Slovak society.

UAMs who reach the age of 18 are no longer entitled to remain in the SR on a tolerated stay permit and must leave the country. If the former minor who has turned 18 possesses his/her own travel documents, it is possible to seek other means of his/her further stay in the SR. On the basis of a travel document, the former minor can apply for a temporary residence permit for a certain purpose, such as undertaking studies, or apply for a residence permit in the SR for humanitarian reasons. Furthermore, if there are specific reasons and he/she hasn't done so yet, the former minor can seek asylum in the SR. However, many foreigners who hold a tolerated stay permit before turning 18 do not possess travel documents and thus have no legal document on which to base their applications for a different type of stay. At the present time, the SR lacks a systemic solution to the aforementioned situations. There are neither integration measures that could be adjusted to assist various age groups of unaccompanied foreigners nor structured integration programmes that could help minors familiarize themselves with general information on the SR and its culture. Several representatives of institutions interviewed agreed that the system in the SR doesn't offer minors adequate long term solutions. According to the UNHCR, "despite the care offered to migrating minors on their journey and during which no relative assumes their care, the most common way children end their stays (in Horné Orechové) is to leave the facility following contact with smugglers to travel to another country."⁴² If necessary, persons granted certain kinds of international protection (asylum, subsidiary protection) have, according to the Act on Socio-Legal Protection of Children and Social Guardianship, the opportunity to stay in the Horné Orechové facility for

42 UNHCR, 2008.

UAMs until they reach the age of 25.⁴³

4.3 Conditions and measures for seeking asylum by UAMs

Since an unaccompanied minor is, with respect to his/her age, not legally capable to apply for asylum or subsidiary protection independently, his/her potential entry into the asylum procedure shall be considered as one possible solution by a guardian nominated by the district court upon the identification of the minor. The guardian and all other agencies providing for the care of UAMs are required to consult with the UAM him/herself on matters that concern him/her with respect to the age and mental capacity of the minor. These agencies are obliged to provide the minor with translations into a language he/she understands at every step of the process (initiation of a search for his/her family, applying for asylum, family reunification in the country of origin or a third country, voluntary return to the country of origin).⁴⁴

Commencement of the asylum procedure

An alien's declaration that he/she wishes to apply for asylum or subsidiary protection in the SR shall be made on behalf of the minor by his/her statutory representative or a guardian nominated by the court pursuant to section 3 subsect. 1 of the Act on Asylum. In accordance with the Act on Asylum, the declaration shall be received by the appropriate Police Department as determined by the location of the facility of socio-legal protection and social guardianship where the UAM is placed (e.g. the children's home in Horné Orechové).⁴⁵

The declaration concerning the UAM can be made only if:

- the UAM him/herself expresses an intention to make such a declaration
- return or relocation to the country of the un-

43 MO.

44 UNHCR. <http://www.unhcr.sk/Documents/8-priloha-odlucenedeti-s.doc> (downloaded in March 2009) and Galdunová, Brnula a Kopinec, 2005: 47.

45 Information provided by the BPDBBAP.

accompanied minor’s usual residence is not possible – provided that the usual place of residence is in a safe country – and is not defined under the Convention on the Civil Aspects of International Child Abduction

- a family reunification is not requested in a country where the UAM has no usual residence, but where a parent or a person who provides personal care for the minor resides.⁴⁶

Since the rule of non-refoulement is fully applicable to unaccompanied minors, they cannot be returned to their country of origin they left. Furthermore, their applications can’t be rejected as manifestly unfounded.

After the commencement of the asylum procedure, UAMs are placed into the asylum facility of the Migration Office, currently the Reception Centre Humenné, where the initial stages of the process take place – medical examination and temporary accommodation. Stays in the reception centre usually last 30 days. Until the results of the medical examination are announced, it is not possible for the UAM to leave the centre.

⁴⁷The RC issues asylum seeker cards and health

insurance cards to UAMs and both UAMs and their guardians receive written information for asylum seekers on their rights and duties during the asylum procedure in a language the asylum seeker understands. A satisfactory state of health is the only condition asylum seekers must meet for taking a place in a residence camp and for further movement within the territory of the SR. Asylum seekers are subsequently relocated to the accommodation centre where they stay until the end of the procedure. UAMs are accommodated in AC Rohovce or AC Opatovská Nová Ves. Asylum seekers are given primary care, the opportunity to participate in social activities and Slovak language lessons.⁴⁸ If any UAMs are of pre-school age (which is very rare), they can attend classes directly in the centre while school age children attend schools within the district where the centre is located.⁴⁹

The department of socio-legal protection of children and social guardianship shall exercise the function of guardian during the asylum procedure by representing the UAM in legal and other activities.⁵⁰ During the entire procedure

cial activities as well. Leaving the centre is possible with a leave permit and only upon announcement of the satisfactory result of the medical examination. An UAM can leave the accommodation centre for a longer period with a short-term leave permit (7 days) or if granted permission to reside out of the centre. In both cases, it is the guardian who must request that the UAM leave the facility.

⁴⁸ The Slovak language is taught 6 hours a week in RC Humenné and AC Opatovská Nová Ves, 10 hours a week in AC Rohovce.

⁴⁹ Information provided by the MO.

⁵⁰ In terms of sections 56 and 60 of the Act no. 36/2005Coll. on Family, according to section 29 subsect. 2), 3) of Act no. 305/2005 Coll. on Socio-

when care and support is provided, the guardian ensures that all decisions are made in the best interest of the UAM by:

- consulting with the unaccompanied minor about the situation
- sharing information among all involved parties
- accompanying the minor during interviews during the asylum process and overseeing the interview to ensure that it is conducted in an appropriate way
- connecting the UAM with organisations that can help him/her
- seeking long term solutions that are in the best interest of the unaccompanied minor.⁵¹

During a stay in the RC Humenné, the UAM who seeks asylum is interviewed by a decision maker of the Procedural Department of the MO. The interviews with UAMs are mainly conducted by women in order to foster feelings of safety and trust in the UAM. UAMs who are females are examined during the asylum procedure exclusively by female decision makers. If necessary, the interview can be conducted repeatedly and always in the presence of a guardian, interpreter, legal⁵² counsel of the guardian, or a representative of the UNHCR. Legal representation is provided free of charge, often by a lawyer of the Human Rights League. Several decision mak-

Legal Protection of Children and Social Guardianship and according to section 16 of Act no. 480/2002 Coll. on Asylum.

⁵¹ Information provided by the MoLSAF.

⁵² Doesn’t have to be a lawyer.

ers of the MO have attended training sessions focusing on UAM issues in Slovakia or abroad (such as the 2008 training sessions offered by the UNHCR on conducting interviews with asylum seekers in the appropriate manner). There are also many decision makers, however, who have attended only a single training session or a session conducted several years ago.

Comparison of dactyloscopic fingerprints of UAMs with central database EURODAC⁵³

According to section 3 subsect. 4 and section 23 subsect.1 of the Act on Asylum and according to section 2 subsect. 4 paragraph g) of the Regulation of the Ministry of the Interior of the SR on the Procedure of the Migration Office and Department of the Police Corps in Applying Act no. 480/2002 Coll. on Asylum and on amendments of certain acts, as amended, the Police Department responsible for receiving the declaration to seek asylum or subsidiary protection of a foreigner above the age of 14 in the SR is required to take dactyloscopic fingerprints of the applicant. Prior to taking the fingerprints, the applicant shall be advised about the purpose and effect of processing the fingerprints in the EURODAC system. The fingerprints are subsequently sent to the Institute for Forensic Science of the Directorate of the Police Corps which provides a comparison for the dactyloscopic fingerprints and transmits them to the central unit.⁵⁴ The

⁵³ Information provided by the MO.

⁵⁴ In terms of the Article 4 of the Council Regulation (EC) no. 2725/2000 of 11 December 2000, concerning the establishment of EURODAC for the comparison of the fingerprints for the effective application of the

Table 1: UAMs according to gender and age category in the Slovak Republic – applications for asylum, (2002 – 2005)

(in number of applications)

Year	Total number of applications for asylum by UAMs	Granted asylum	Granted subsidiary protection	Gender		Age category	
				male	female	0 – 14	15 – 17
2002	1 371	0	-	1 325	46	.	.
2003	707	0	-	49	658	.	.
2004	196	0	-	174	22	14	182
2005	101	0	-	96	5	5	96

Source: Migration Office, June 2009.

Table 2: UAMs according to gender and age category in the Slovak Republic – applications for asylum, (2006 – 2008)

(in number of applications)

Year	Total number of applications for asylum by UAMs	Granted asylum	Granted subsidiary protection	Gender		Age category		
				male	fe- male	0 – 14	15 – 17	16 – 17
2006	138	1	-	130	8	4	24	110
2007	157	0	2	156	1	1	25	131
2008	72	0	1	71	1	3	20	49

Source: Migration Office, June 2009.

central unit (or Member States, provided they meet relevant technical criteria) promptly saves the data to the central database and compares them with fingerprints already in the system. A positive or negative result is promptly sent to the member state of origin which transmitted the data on the fingerprints. The results of the comparison are immediately checked by the Member State of origin. The final identification is carried out by the Member State of origin in cooperation with other Member States.

The Institute for Forensic Science of the Directorate of the Police Corps immediately sends information on the result of testing of the applicant in the system EURODAC to the Dublin Unit of the MO and the department of the BBAP which took the dactyloscopic fingerprints of the applicant. Provided that the criteria for initiating the procedure pursuant to the Dublin Regulation⁵⁵ are met, the authorized employee of the Dublin Unit of the MO initiates the procedure on the assumption of responsibility for examination of the asylum application made by the foreigner in the SR. If the requested Member State accepts the assumption of responsibility for the applicant, the state is obliged to admit the applicant to its territory.

Decisions issued in the asylum procedure

Asylum applications made by UAMs are examined by decision makers of the Procedural Department of the MO who have experience with examination of applications made by minors. They use their best effort to examine the applications promptly, although the length of time it takes to examine applications depends on the reasons stated by UAMs for making the application as well as on conducting the required steps concerning the procedure and taking an impartial decision. For the aforementioned reasons, the period of time it takes to render a decision varies. The MO has a statutory responsibility to

Dublin Convention, every Member State shall promptly take the fingerprints of all fingers of every asylum seeker of at least 14 years of age and shall promptly transmit the data to the central unit

⁵⁵ Council Regulation (EC) no. 343/2003, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national (further referred to as Dublin Regulation).

render the decision within 90 days of the initiation of the asylum procedure. The application of the UAM cannot be rejected as manifestly unfounded. The asylum procedure in the SR is uniform. First, the MO examines the reasons for the granting of asylum and, provided that the asylum application is rejected, the MO shall at the same time examine whether or not there is sufficient reason to grant subsidiary protection. After processing the information, the MO renders its decision and issues it by means of a single document sent to the guardian or to the guardian's legal counsel. The guardian or his legal counsel subsequently informs the UAM of the result of the procedure and discusses any further steps that may be required with the minor.⁵⁶

The MO can:⁵⁷

1. grant asylum to an UAM within the SR. The recognized refugee is then deemed to be a foreigner granted a residence permit. The UAM with refugee status is then to begin the process of integration into society.

2.a) decide not to grant asylum, however, according to the Act on Asylum, the MO is obliged to consider whether the UAM is entitled to subsidiary protection and can decide whether to grant it. Subsidiary protection is granted for the period of one year. Subsidiary protection can be extended upon request if the reasons for which it was granted are still valid. The UAM granted subsidiary protection is deemed to be a foreigner granted a temporary residence permit. The instrument of subsidiary protection enables the UAM to enter the labour market.⁵⁸

⁵⁶ Information provided by the MO.

⁵⁷ According to information of the MO and Grethe Guličová, M. and Bargerová, Z. Organisation of Asylum and Migration Policy in the Slovak Republic. Chapter 4.1.3.1 Asylum – residence of foreigners in the SR. 2009. A study for EMN, draft version. The expert work Galdunová, K., Brnula, P. and Kopinec, P. Legal Status and Social Work with Unaccompanied Minors in Asylum Proceedings on the Territory of the SR 2005 was of a relevance as well.

⁵⁸ Subsidiary protection entitles the UAM to a temporary residence permit, pocket money (0,40 EUR/day), accommodation, food and the right to employment. Institutionally, such an UAM is under the jurisdiction and protection of the MO (potentially under the protection of the MoLSAF in the future).

2.b) decide not to grant asylum and not grant subsidiary protection. In such cases, the UAM has the right to stay in the SR on the basis of a tolerated stay permit to which a foreigner is entitled because of his/her status as an UAM. A tolerated stay permit is granted for a maximum period of 180 days. During this time the UAM is forbidden to conduct business or enter into any labour agreement. The right to a tolerated stay expires after the UAM reaches 18, the age of majority.

Appealing the decision

It is possible to lodge an appeal against the decision not to grant asylum with the Regional Court of Bratislava and possibly Košice. Provided that the regional court upholds the decision of the Migration Office, it is possible to file an action to review its decision with the Supreme Court of the SR. In the past it was not uncommon for petitioners to wait several months and in some cases more than 2 years, for a final decision to be made. Currently, the statutory period for rendering a decision is 90 days for a regional court and 60 days for the Supreme Court of the SR. The UAM remains in the SR in an AC until a valid decision on the petition is made.

Subsidiary protection⁵⁹

According to the Act on Asylum, the MoI grants subsidiary protection to a minor seeking asylum who was not granted asylum, if it can be assumed that the minor would face a real threat of being unjustly treated upon returning to his/her country of origin. An UAM who is granted subsidiary protection is deemed to be a foreigner holding a temporary residence permit.

The UAM who is granted subsidiary protection:

- is placed into a facility for minor foreigners

⁵⁹ Subsidiary protection in the SR is being granted since 1 January 2007 pursuant to Act no. 692/ 2006 amending the Act on Asylum.

in Horné Orechové⁶⁰ or another CH⁶¹ since May 2009

- may be employed on the basis of a work permit granted regardless of the situation of the labour market
- may learn the Slovak language free of charge since, according to the Act on Asylum, the MO must provide courses on the basics of the Slovak language.
- is provided with health care. Any health care expenses incurred within the SR by a foreigner granted subsidiary protection who is not insured by the public health insurance system, shall be reimbursed by the MO to the same extent as they would be covered by public health insurance. Person with an obligatory public health insurance would be also an UAM with no permanent residence in the SR provided with care in a facility into which he/she is placed by the decision of the court (e.g. in the facility for minor foreigners in Horné Orechové).

As indicated by Tables 1 and 2 and through interviews, the only UAM granted asylum in the SR was an infant of Chinese descent born in October 2005 in the SR and abandoned by its mother. This child was granted asylum in 2006. ⁶²The UNHCR recorded another case concerning an UAM from Afghanistan who, upon reaching the age of 18, could not return to his country of origin because of that country's armed conflict. This person sought and was granted asylum at the age of 18, i.e. was no longer classified as an UAM. According to the MO, an asylum seeker from Iraq who had been previously classified as an UAM was granted asylum in December 2008, one day after reaching the age of 18. In the first quarter of 2009, subsidiary protection was granted to 8 UAMs from Afghanistan whose asylum procedures

⁶⁰ until May 2009, foreigners who were granted subsidiary protection were accommodated in the Gabčíkovo facility of the MO for accommodating foreigners granted subsidiary protection.

⁶¹ Information provided by the MO and the MoLSAF.

⁶² MO and Schlenszka, N. The Risk Group of Unaccompanied Minors: Protection Measures in an Enlarged European Union. Country Report Slovakia. Berlin Institute for Comparative Social Research, 2007. http://www.zrs-kp.si/SL/Projekti/MINORS/Daphne/MinOrs_Slovakia.pdf (downloaded in March 2009).

commenced in November and/or December of 2008. The MO recorded 17 asylum applications for UAMs between the start of 2009 and the end of June 2009. 11 of the minors applying came from Moldova. The statistics for the months of January through June of 2009 revealed that 16 UAMs seeking asylum were males, 15 of whom were older than 16. For each year from 2004 to 2008, the Annex indicates separately the number of asylum applications of UAMs who were granted asylum or subsidiary protection according to demographic data (see tables B1 – B8).⁶³

Compliance with Guidelines of the UNHCR on Policies and Procedures Concerning Unaccompanied Minors Seeking Asylum⁶⁴

In general, the SR complies with guidelines stipulated in the document *Guidelines of the UNHCR on Policies and Procedures in Dealing with Unaccompanied Minors Seeking Asylum*. All minors have the right to apply for asylum and are informed of their rights in a language they understand. A guardian who will accompany them and initiate all legal proceedings with them and/or on their behalf is designated under a preliminary ruling made within 24 hours. These minors have the right to free legal consultation. To the degree possible, trained decision makers examine their situation and social workers treat them with due care.

Determining age of asylum seekers

Determining age of asylum seekers is defined in the section 23 subsection 7 of the Act on Asylum. Stipulations of the act and further details on this procedure are described in Chapter 3.

4.4 Family and family reunification

Bodies of socio-legal protection of children

⁶³ Schlenzka, N., 2007.

⁶⁴ Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum (translation of the author of this study). Available online on: <http://www.unhcr.org/refworld/docid/3ae6b3360.html> (downloaded in March 2009).

and social guardianship participate in the process of seeking parents or other members of the family of an unaccompanied minor with the goal of reuniting the unaccompanied minor with his/her family. During the interview with asylum seeker UAM, the interviewer attempts to determine whether he/she has family in another EU country and, if so reunification according to the terms of the Dublin procedure is conducted.

BoSLPCSG informs the embassy of the country in which the UAM usually resides of measures undertaken for the sake of his/her return or relocation. BoSLPCSG also performs the following acts:

- i) demands the return or relocation to the country of the UAM's usual residence if it's clearly a safe country and an international convention (e.g. the Convention on and the Civil Aspects of International Child Abduction) is not applicable to him/her, or
- ii) proposes reunification to the embassy of a country where the UAM has no usual residence but in which his/her parent or a person who provides for the personal care of the child resides, and informs the embassy of measures that were undertaken for the sake of realizing such a reunification.⁶⁵

BoSLPCSG takes measures to provide the return or relocation of children. The Embassy of the Slovak Republic abroad (further referred to as "embassy") or Ministry of Foreign Affairs of the SR is usually notified that it is necessary to provide:

- a) return of a child who has his/her usual residence in another country and is found within the territory of the SR unaccompanied by a parent, relative or person to provide for the personal care of the child, and to whom the international conventions are not applicable, to the territory of this country,
- b) relocation of a child who was born in the SR to a citizen of another state and is abandoned to the territory of a country in which the child demonstrably has links (relations)

⁶⁵ Information provided by the MoLSAF.

done to the territory of a country in which the child demonstrably has links (relations)

BoSLPCSG informs the embassy on the measures undertaken to return or replace the child and provides information about the person in another country to whom the child is entrusted if such a person is known.

According to statistics of the MoLSAF, family reunifications took place only in the years 2007 and 2008. The reunification of a family with a 17 year old male UAM from Sri Lanka was carried out in 2008 and the reunifications of four UAMs originally from the Ukraine (two 16 year old and two 17 year old boys (see tables D1 and D2 in the Annex) took place in 2007.

4.5 Other aspects of reception arrangements

Detention

According to section 62 subsection 7 of the Act on Stay of Aliens, an UAM who has no statutory representative shall not be detained. For this reason, we can state that the SR exceeds the minimum standard stipulated by Article 17 of the *Directive of the European Parliament and of the Council 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals*.⁶⁶ UAMs are immediately placed into a specialized facility with personnel and equipment to provide them with protection.

⁶⁶ Article 17 Detention of minors and families stipulates:

1. Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time.
2. Families detained pending removal shall be provided with separate accommodation guaranteeing adequate privacy.
3. Minors in detention shall have the opportunity to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have – depending on the length of their stay – access to education.
4. Unaccompanied minors shall as far as possible be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons of their age.
5. The best interest of the child shall be a primary consideration in the context of the detention of minors pending removal.

The latest version of the text as approved by European Parliament is available in Slovak online on: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:SK:PDF> (downloaded in March 2009).

Financial means available for reception of UAMs

Expenditures related to UAMs in the care of MoLSAF are financed directly through the state budget, the ministry can only calculate the costs of operating the children's home rather than determining the exact costs per UAM since these costs vary. In 2008, the average annual cost per one UAM was 302 390 SKK, approximately 10,000 EUR; in 2007 the average annual cost per one UAM was 384 870 SKK, approximately 12 800 EUR. It is not possible to calculate the costs associated with travel, emergency services, socio-legal protection, etc.⁶⁷

The Migration Office currently publishes only direct costs generated by one asylum seeker per residence day without further divisions for minors, adults, etc. In 2008 the cost generated by one asylum seeker per residence day was 938,02 SKK, approximately 31,13 EUR, a figure 322,53 SKK, approximately 10,70 EUR higher than in 2007. Direct costs per one asylum seeker include expenditures for accommodation, food, pocket money, interpreting, transport and medical expenses of applicants, costs for the security service in asylum facilities, existing projects related to applicants and expenses for wages, insurance payments and the social fund for personnel in asylum facilities.⁶⁸

Statistics on UAMs in relation to reception arrangements

Table no.3: 'Number of UAMs received in the Slovak Republic and measures carried out in their interest, 2002-2008' presents a summary of various reception arrangements for UAMs as carried out by relevant institutions during the indicated time period. Tables in the Annex, divided into corresponding categories contain detailed statistics concerning the numbers of UAMs who have taken part in various reception arrangements since 2004. Differentiation according to general demographic data — age, gender, and country of origin — could only be applied for some of the categories. (see tables in sections B-D).

⁶⁷ Information provided by the MoLSAF.

⁶⁸ Department of Economy and Operation of the MO.

Table 3: Number of UAMs received in the Slovak Republic and measures carried out in their interest (2002-2008)
(in number of persons)

	Year						
	2002	2003	2004	2005	2006	2007	2008
Unaccompanied minors (UAMs) – selected indicators							
Total number of UAMs	-	323	357	301	395	532	176
Proposal for preliminary ruling (§75 of the act on family)	-	-	267	237	343	444	171
Number of UAMs placed from total number of UAMs	specialised children's home for UAMs	-	-	66	77	380	159
	children's home	-	105	58	63	52	13
	reception centre	-	171	109	201	100	4
	asylum applicants	-	-	230	108	186	46
From the total number of UAMs	returns to the country of origin managed by Offices of Labour	-	9	7	5	4	4
	family reunification in third country	-	-	-	-	1	0
	tolerated stay	-	-	15	15	7	1
UAMs for whom the Office was designated as a guardian	-	1	225	230	257	287	120
UAMs for whom the family member was designated as a guardian	-	-	3	7	4	3	1
UAMs for whom was the Office designated as a tutor (§ 56 of the law on family)	-	-	-	34	0	1	3
UAMs for whom was the family member designated as a tutor (§ 56 of the law on family)	-	-	-	-	-	0	0

Source: Ministry of Labour, Social Affairs and Family, June 2009

05

Return Practice, including Reintegration

The following institutions play a key role in return practice:

- Offices of Labour, Social Affairs and Family – bodies of socio-legal protection of children and social guardianship – preparation and realisation of return/family reintegration
- IOM – preparation and realisation of voluntary returns
- Bureau of Border and Alien Police of the Mol – preparation and realisation of transfers in terms of the Dublin Regulation in cooperation with the Dublin Unit of the Migration Office
- Embassies of the SR abroad and consular offices of the SR – assistance with returns of UAMs or family reintegration

From the legislative aspect, the following acts are of particular importance:

- Act on Socio-Legal Protection of Children and Social Guardianship
- Act on Stay of Aliens
- Council Regulation (EC) no. 343/2003, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national.

See Chapter 1 for details.

Returns of minor foreigners are carried out in the SR by BoSLPCSG (see subchapter 4.4 Family and Family Reunification for further details) through the IOM Assisted Voluntary Returns Programme or by BBAP in cooperation with the MO Dublin Unit in case of transfers pursuant to the Dublin Regulation. Involuntary returns or removals are not practised.

The Labour Office and/or its BoSLPCSG plays a role in the initial stage of return practice. BoSLPCSG cooperates with the embassy of the UAM's country of origin, carries out measures in order to provide for his/her rights and legally protected interests, carries out measures to guarantee his/her safe return and must agree

on the manner in which a return will be carried out. The UAM is handed over to an authorized person (a parent or relative who cares for the child according to the law and customs of the country of origin, or an agent of the state in the child's country of origin). The IOM can offer help in such situations.⁶⁹

According to statements from relevant institutions, return practice from the SR is in compliance with international conventions and agreements that are binding for the SR.

5.1 Returns through the 'Assisted Voluntary Returns Programme'⁷⁰

Returns of UAMs to the country of origin or country of usual residence are provided by the IOM Office in the SR through the 'Assisted Voluntary Returns Programme' (further referred to as "voluntary return") in cooperation with IOM offices in countries of return. The SR bears all financial costs of voluntary returns.

Like the procedure for adults/migrants, the IOM starts preparation for voluntary return only

⁶⁹ Information provided by the MoLSAF.

⁷⁰ Information provided by the IOM Office in the SR.

upon registration for the voluntary return programme and once a statement is signed indicating a desire to return to the country of origin with the assistance of the IOM. IOM Bratislava sends a copy of the completed registration form containing the identification data of the minor as well as the address and data for the minor's relatives to the IOM in the country of origin. This agency also sends a request for the IOM in the country of origin to contact relatives, verify the indicated data and respond with written confirmation that the family will take charge of the minor and provide him/her with due care. If the minor has no parents or relatives willing to take him into their care, but he/she wants nevertheless to return to the country of origin, IOM Bratislava will take measures to ensure his return and, in cooperation with the IOM in the country of origin, release him/her to the relevant state agency. After confirming that there will be appropriate care for the minor upon his return, the IOM begins to prepare logistically for his/her return.

If the UAM has no valid travel document, the IOM will ask the relevant embassy of the country of origin on behalf of the returnee to issue one. After securing the document, the IOM will handle the logistic issues of the return. Following a mutual agreement, presentation of docu-

Table 4: Returns of UAMs from the Slovak Republic managed by Labour Offices according to gender, country of origin and country of return (2002 – 2008)*

(in number of persons)

Country of Origin	Total	Country of Return of Females (with number)	Country of Return of Males (with number)
Pakistan	5	0	Pakistan (5)
Ukraine	3	0	Ukraine (3)
India	2	0	India (2)
Bangladesh	1	0	Bangladesh (1)
Turkey	1	0	Turkey (1)
Total	12	0	12

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) tables broken down according to additional demographic indicators appear in the annex of the study

ments and a report on handing over the minor, the IOM employee takes charge of the child from the guardian on the day designated for the return of the UAM to his/her country of origin. The guardian and the child arrive at the point of departure where the IOM employee subsequently takes charge of the child and accompanies him/her to the country of origin where he shall hand over the child, with the assistance of the IOM in the country of origin, to his/her parents or relevant agency immediately upon arrival.

IOM has detailed statistics available for the period since 2003. The statistics for voluntary returns of UAM are shown in Table 5.

5.2 Transfer of UAMs in terms of the Dublin Regulation⁷¹

Transfers of UAMs who are seeking asylum and subsidiary protection are carried out within the Member States under the Dublin Regulation to the Member States responsible for examination of asylum applications lodged by citizens of third countries in one of the Member States. It is important to note that it is not possible to ap-

⁷¹ Information of the Dublin Unit of the MO, Department of Documentary Production and Foreign Cooperation and Alien Police Department of the BBAP.

ply the same principles and mechanisms which apply for returns of unaccompanied minors to third countries since these concern a different category of persons.

Procedure of transfer in terms of the Dublin Regulation

Pursuant to the Dublin Regulation, in cases when the requested Member State agrees that it should take charge of an applicant, the Member State in which the application for asylum is made shall notify the applicant of its decision not to examine the application. It shall also inform him/her of its obligation to transfer him/her to the responsible Member State. The Member State which agrees to take back the asylum seeker upon request shall be obliged to readmit that person to its territory.

Transfer of the applicant to the Member State responsible shall be carried out in accordance with the national law of the first Member State, upon consultation between the Member States involved, as soon as practically possible, and at the latest within six months upon acceptance of the request or upon the decision on appeal or review provided the suspensive effect is granted. If necessary, the asylum seeker shall be supplied with a laissez passer (co-called leave permission) by the requesting Member State.

Table 5: Returns of UAMs from the Slovak Republic managed by IOM within the "Assisted Voluntary Returns Programme" according to gender, country of origin and country of return (2003-2008)*

(in number of persons)

Year	Country of Origin	Total	Country of Return of Females (with number)	Country of Return of Males (with number)
2003	-	0	0	0
2004	Moldova	1	0	Moldova (1)
2005	Moldova	2	0	Moldova (2)
2006	-	0	0	0
2007	-	0	0	0
2008	-	0	0	0

Source: IOM, April 2009

*) tables broken down according to additional demographic indicators appear in the annex of the study

After the Dublin centre of the MO provides information required for transfer, the Bureau of Border and Alien Police shall carry out transfers pursuant to the Dublin Regulation. As for the Dublin Regulation transfers, a leave permission is issued to the applicant and enables him/her to enter the Member State responsible and to identify him/herself. In case of escort, when the applicant is accompanied by an officer of the requesting state, the leave permission is issued only if the applicant doesn't possess an identification card. The Member State making the transfer shall ensure that all the asylum seeker's documents are returned to him/her before his/her departure, given into the safe keeping of members of the escort to be handed to the competent authorities of the Member State responsible, or sent by other appropriate means.

Transfer of UAMs from the SR to an EU Member State

Transfer of minor applicants from the territory of the SR to the responsible Member State pursuant to the Dublin Regulation is carried out in the presence of a court nominated guardian who accompanies the UAM from the territory of the SR to the place where the transfer will occur (on the flight to the appropriate international airport and by ground transportation to a common contact point for both states).

Transfer of UAMs from an EU Member State to the SR

When an UAM is transferred from a requesting EU Member State to the SR on the basis of a declaration by an unaccompanied minor or foreigner under section 4 subsection 6 of the Act on Asylum deemed to be an asylum seeker, the Police Department promptly informs the responsible Department of Socio-Legal Protection of Children and Social Guardianship of the Office of Labour, Social Affairs and Family. All actions of the Police department shall be conducted only in the presence of a court designated guardian.

The Dublin Centre of the Migration Office records no statistics on the number of trans-

ferred unaccompanied minor applicants under the Dublin Regulation.

5.3 Reintegration of UAMs in a third country

It was not possible to obtain any information regarding the reintegration of UAMs in a third country – i.e. the country of origin of the UAM. Presently no specialized programme with the goal of reintegrating UAMs is being carried out by the IOM. Research yielded no information on cooperation with authorities of third countries upon the arrival of UAMs or on measures related to readmission agreements.

Readmission agreements

The SR currently carries out readmission in cooperation with 28 states. Among the countries of the EU and the EEA these are: the Czech Republic, Hungary, Poland, Austria, Bulgaria, Slovenia, Romania, France, Spain, Italy, Germany, Belgium, Netherlands, Luxembourg, Sweden, Norway and Switzerland. Regarding third countries, the SR concluded valid readmission agreements with the following: Ukraine, Serbia, Montenegro, Bosnia and Herzegovina, Albania, Moldova, Russia, Croatia, the former Yugoslav Republic of Macedonia, Hong Kong, Macau.⁷²

The role of third countries

It was not possible to obtain information on the activities of third countries after UAMs reached the point of arrival in their countries of origin as the designated agencies of the SR do not possess such information. It is also impossible to gain such information without indicating a particular third country to which an UAM is released.

Neither the IOM nor the other institutions addressed in this study possess information on

⁷² Information on the website of the Mol: <http://www.minv.sk/?medzinarodne-zmluvy> and in: Slovakia, Project MIREM - Collective Action to Support the Reintegration of Return Migrants in their Country of Origin, European University Institute, 2009, that contains information on readmission agreements that were concluded. Information on negotiations that took place in 2008 are not included. Available online at <http://www.mirem.eu/datasets/agreements/index/slovaquie>

family disputes which might arise upon arrival in the third country.

Comparison with the Return Directive

According to all the agencies contacted in the course of this study, in the area of returns the SR currently provides UAMs with adequate assistance, necessary means, and suitable conditions regarding the stipulations of Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals, pursuant to Articles 10 and 14(1).⁷³ UAMs are automatically granted tolerated stay permits until they reach the age of 18. During this period, they are provided with health care and education (elementary and secondary). Personnel at the facility in Horné Orechové treat them with care in all respects.

According to the Mol, there is no need for implementing the aforementioned articles of the directive since currently valid SR legislation is already in compliance with them.⁷⁴ The responsible institutions also agree that the SR is in compliance with all international treaties and rules by which it is bound.

⁷³ Article 10

Return and removal of unaccompanied minors

1. Before deciding to issue a return decision in respect to an unaccompanied minor, assistance by appropriate bodies other than the authorities enforcing return shall be granted with due consideration given to the best interest of the child.

2. Before removing an unaccompanied minor from its territory, the authorities of the Member State shall be satisfied that he/she will be returned to a member of his/her family, a nominated guardian or adequate reception facility in the state of return.

Article 14

Safeguards pending return

1. Member States shall, with the exception of the situation covered in Articles 16 and 17, ensure that the following principles are taken into account as far as possible in relation to third-country nationals during the period of voluntary departure granted in accordance with Article 7 and during periods for which removal has been postponed in accordance with Article 9:

a) family reunification with family members present in their territory is maintained
b) emergency health care and essential treatment of illness is provided
c) minors are granted access to the basic education system subject to the length of their stay
d) special needs of vulnerable persons are taken into account

⁷⁴ Information provided by the Mol.

06

Concluding Remarks: Best Practices and Lessons Learned

Based on interviews with experts in the area of UAM policy and with those who have gained direct experience with UAMs, it is possible to identify best practices and areas in which improvements are necessary. Most of the identified practices and improvements relate to initiatives from the past which are not currently being carried out and/or which are to be renewed in the future.

Best practices – past and present:

- i) Introducing and providing subsidiary protection for UAMs who are asylum seekers.
- ii) Establishing the specialized children's home for UAMs in Horné Orechové in 2005.
- iii) The fact that since 2007, in compliance with the Act on Stay of Aliens, UAMs are not detained.
- iv) Existence of a specialized Accommodation Centre for UAM asylum seekers in Brezová pod Bradlom until 2006.
- v) Interviews with UAM asylum seekers are conducted mostly by women who have experience with children and knowledge of asylum policy.
- vi) Establishing cooperation among all involved in the treatment of UAMs – employees of the Border and Alien Police and Migration Office praised the level of communication between and cooperation among representatives of Offices of Labour, Social Affairs and Family in receiving UAMs into care.
- vii) 24 hour emergency availability of responsible Offices of Labour, Social Affairs and Family and courts in registration of UAM cases.
- viii) The existence of an Interdepartmental Working Group to consider the issue of unaccompanied minors from 2002 to 2005. The group was established by the state secretary of MoLSAF. Its activities were not renewed because of very low numbers of UAMs.
- ix) Training sessions organized by the Slovak National Centre for Human Rights for employees of Border and Alien Police in the

area of human rights, including a separate topic on the rights of children and unaccompanied minors.⁷⁵

Lessons learned:

- i) Improvement of capacities, premises and equipment of the specialized CH in Horné Orechové.
- ii) Several training sessions for employees of MoLSAF, MO and NGOs organised by UNHCR, IOM, and non-governmental organisations such as SHC or international organisations within various, often international projects carried out since 2002 and providing the opportunity for an international exchange of experience and knowledge as well to make contacts for future cooperation.
- iii) MO took measures to increase security for UAMs, taking great care to prevent criminality in asylum facilities. All asylum facility rules emphasize taking measures against the potential abuse of vulnerable groups of applicants.
- iv) Establishing the procedure to determine the age of UAMs helped to avoid misunderstandings as well as curtail abuse of UAM status in the SR.
- v) Continuous placement of UAMs who are granted subsidiary protection to CH in Horné Orechové.

⁷⁵ The training took place in East Slovakia and was aimed at personnel of Foreigners Detention Department of BPD in Sečovce, district Snina.

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Relevant legal acts

Act no. 36/2005 Coll. on Family and on amendment of certain acts, as amended

Act no. 99/1963 Coll. Civil Procedure Act as amended

Act no. 48/2002 Coll. on Stay of Aliens and on amendment of certain acts, as amended

Act no. 305/2005 Coll. on Socio-Legal Protection of Children and Social Guardianship and on amendment of certain acts, as amended

Act no.480/2002 Coll. on Asylum and on amendment of certain acts, as amended

Act no. 71/1967 Coll. on Administrative Procedure as amended

Council Decision no. 2004/573/EC of 29 April 2004 on the organisation of joint flights for the removal, from the territory of two or more Member States, of third-country nationals who are the subjects of individual removal orders

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

Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

Commission Regulation No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

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Statistics

A. ENTRY AND STAY

Table A 1. Number of UAMs from third countries according to country of nationality, gender and age - illegal stay and illegal border crossing (2008)

(in number of persons)

Year: 2008	Illegal stay and illegal border crossing of UAMs from third countries												
		Female (age category, age in years)						Male (age category, age in years)					
Country of Nationality	Total	0 – 13	14	15	16	17	18	0 – 13	14	15	16	17	18
Moldova	101	0	1	1	0	1	0	1	14	15	32	29	7
Afghanistan	21	0	0	0	0	0	0	0	3	1	7	8	2
Bangladesh	8	0	0	0	0	0	0	0	0	0	0	2	6
Pakistan	6	0	0	0	0	0	0	0	0	1	4	1	0
Georgia	4	0	0	0	0	0	0	0	0	0	0	3	1
India	3	0	0	0	0	0	0	0	0	1	0	2	0
Ukraine	3	0	0	0	0	0	0	0	0	1	1	1	0
Sri Lanka	2	0	0	0	0	0	0	0	0	0	0	2	0
Kyrgyzstan	1	0	0	0	0	0	0	0	0	1	0	0	0
Vietnam	1	0	0	0	0	0	0	0	0	0	0	0	1
Russia	1	0	0	0	0	0	0	0	0	0	1	0	0
Total	151	0	1	1	0	1	0	1	17	20	45	48	17

Source: Bureau of Alien and Border Police, June 2009

Table A 2. Number of UAMs from third countries according to country of nationality, gender and age – illegal stay and illegal border crossing (2007)

(in number of persons)

Year: 2007	<i>Illegal stay and illegal border crossing of UAMs from third countries</i>												
		Female (age category, age in years)						Male (age category, age in years)					
Country of Nationality	Total	0 – 13	14	15	16	17	18	0 – 13	14	15	16	17	18
Moldova	62	0	2	0	2	0	0	2	1	6	19	26	4
Pakistan	51	0	0	0	0	0	0	0	0	4	13	29	5
India	15	0	0	0	0	0	0	2	1	3	3	5	1
Bangladesh	13	0	0	0	0	0	0	0	0	0	6	6	1
Afghanistan	8	0	0	0	0	0	0	0	1	2	3	2	0
Georgia	4	0	0	0	0	0	0	0	0	0	1	3	0
Ukraine	4	0	0	1	1	0	0	0	0	0	1	0	1
Sri Lanka	2	0	0	0	0	0	0	0	0	0	0	2	0
Russia	3	0	0	0	0	0	0	1	0	0	0	1	1
Somalia	2	0	0	0	0	1	0	0	0	0	1	0	0
Palestine	1	0	0	0	0	0	0	0	0	1	0	0	0
Total	165	0	2	1	3	1	0	5	3	16	47	74	13

Source: Bureau of Alien and Border Police, June 2009

Table A 3. Number of UAMs from third countries according to country of nationality and age – illegal stay (2006)*

(in number of persons)

Year: 2006	<i>Illegal stay of UAMs from third countries</i>						
	Age category, age						
Country of Nationality	Total	Unknown	0 – 13	14	15	16	17
India	30	30	.	.	.	.	.
Ukraine	4	4	.	.	.	.	.
Pakistan	4	4	.	.	.	.	.
China	2	2	.	.	.	.	.
Bangladesh	1	1	.	.	.	.	.
Indonesia	1	1	.	.	.	.	.
Total	42	42	.	.	.	.	.

Source: Bureau of Alien and Border Police, June 2009

*) in 2006 the Bureau of Alien and Border Police did not keep records on the age of this category of persons

B. ASYLUM

Year 2008

Table B1. UAMs according to country of nationality, gender and age – applications for asylum (2008)

(in number of applications)

Year: 2008	<i>Applications for asylum by UAMs</i>								
		Female (age category)				Male (age category)			
Country of Nationality	Total	Unknown	0 – 13	14 – 15	16 – 17	Unknown	0 – 13	14 – 15	16 – 17
Moldova	42	.	0	1	0	.	1	13	27
Afghanistan	12	.	0	0	0	.	2	2	8
Bangladesh	6	.	0	0	0	.	0	0	6
Georgia	4	.	0	0	0	.	0	2	2
Iraq	4	.	0	0	0	.	0	0	4
Vietnam	2	.	0	0	0	.	0	1	1
Pakistan	1	.	0	0	0	.	0	1	0
Sri Lanka	1	.	0	0	0	.	0	0	1
Total	72	.	0	1	0	.	3	19	49

Source: Migration Office

Table B 2. Number of UAMs according to country of nationality, gender and age to whom subsidiary protection was granted (2008)

(in number of persons)

Year: 2008	Granted subsidiary protection to UAMs								
		Female (age category)				Male (age category)			
Country of Nationality	Total	Unknown	0 – 13	14 – 15	16 – 17	Unknown	0 – 13	14 – 15	16 – 17
Iraq	1	.	0	0	0	.	0	0	¹⁾ 1

Source: Migration Office

1) on 22 July 2009 the subsidiary protection was extended

Year 2007**Table B 3. UAMs according to country of nationality, gender and age – applications for asylum (2007)**

(in number of applications)

Year: 2007	<i>Applications for asylum by UAMs</i>								
		Female (age category)				Male (age category)			
Country of Nationality	Total	Unknown	0 – 13	14 – 15	16 – 17	Unknown	0 – 13	14 – 15	16 – 17
Pakistan	62	.	0	0	0	.	0	14	48
India	48	.	0	0	0	.	0	4	44
Bangladesh	17	.	0	0	0	.	0	2	15
Moldova	10	.	0	0	0	.	0	2	8
Iraq	5	.	0	1	0	.	0	0	4
Vietnam	5	.	0	0	0	.	0	2	3
Georgia	2	.	0	0	0	.	0	0	2
Russian Federation	2	.	0	0	0	.	1	0	1
Nepal	2	.	0	0	0	.	0	0	2
Liberia	1	.	0	0	0	.	0	0	1
China	1	.	0	0	0	.	0	0	1
Nigeria	1	.	0	0	0	.	0	0	1
Somalia	1	.	0	0	0	.	0	0	1
Total	157	.	0	1	0	.	1	24	131

Source: Migration Office

Table B 4. Number of UAMs according to country of nationality, gender and age to whom subsidiary protection has been granted (2007)

(in number of persons)

Year: 2007	<i>Granted subsidiary protection to UAMs</i>								
		Female (age category)				Male (age category)			
Country of Nationality	Total	Unknown	0 – 13	14 – 15	16 – 17	Unknown	0 – 13	14 – 15	16 – 17
Iraq	1	.	0	¹⁾ 1	0	.	0	0	0
Somalia	1	.	0	0	0	.	0	0	²⁾ 1

Source: Migration Office

1) to 11 December 2007: cessation of the subsidiary protection – voluntary return to the country of origin

2) to 8 September 2008: subsidiary protection cancelled

Year 2006**Table B 5. UAMs according to country of nationality, gender and age – applications for asylum (2006)**

(in number of applications)

Year: 2006	<i>Applications for asylum by UAMs</i>								
		Female (age category)				Male (age category)			
Country of Nationality	Total	Unknown	0 – 13	14 – 15	16 – 17	Unknown	0 – 13	14 – 15	16 – 17
India	52	.	0	0	0	.	1	9	42
Moldova	22	.	0	1	3	.	0	4	14
Pakistan	13	.	0	0	0	.	0	2	11
Bangladesh	12	.	0	0	0	.	0	2	10
China	10	.	0	0	1	.	0	0	9
Vietnam	9	.	0	0	1	.	3	2	3
Afghanistan	6	.	0	0	0	.	0	0	6
Georgia	4	.	0	0	0	.	0	1	3
Palestine	3	.	0	0	0	.	0	0	3
Russian Federation	2	.	0	1	1	.	0	0	0
Iraq	1	.	0	0	0	.	0	0	1
Iran	1	.	0	0	0	.	0	0	1
Israel	1	.	0	0	0	.	0	0	1
Sri Lanka	1	.	0	0	0	.	0	1	0
Ukraine	1	.	0	0	0	.	0	1	0
Total	138	.	0	2	6	.	4	22	104

Source: Migration Office

Table B 6. Number of UAMs according to country of nationality, gender and age to whom asylum has been granted (2006)

(in number of persons)

Year: 2006	<i>Granted asylum to UAMs</i>												
		Female (age category)						Male (age category)					
Country of Nationality	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
China	1	.	1	0	0	0	0	.	0	0	0	0	0

Source: Migration Office

Year 2005

Table B 7. UAMs according to country of nationality, gender and age – applications for asylum (2005)

(in number of applications)

Year: 2005	Applications for asylum by UAMs						
		Female (age category)			Male (age category)		
Country of Nationality	Total	Unknown	0 – 14	15 – 17	Unknown	0 – 14	15 – 17
India	33	.	0	0	.	0	33
Moldova	26	.	1	1	.	2	22
Bangladesh	13	.	0	0	.	0	13
Russian Federation	11	.	1	0	.	0	10
Afghanistan	8	.	0	0	.	0	8
Vietnam	4	.	0	1	.	0	3
Georgia	3	.	0	0	.	0	3
Liberia	1	.	0	0	.	0	1
Somalia	1	.	0	0	.	0	1
China	1	.	1	0	.	0	0
Total	101	.	3	2	.	2	94

Source: Migration Office

Year 2004

Table B 8. UAMs according to country of nationality, gender and age – applications for asylum (2004)

(in number of applications)

Year: 2004	Applications for asylum by UAMs						
		Female (age category)			Male (age category)		
Country of Nationality	Total	Unknown	0 – 14	15 – 17	Unknown	0 – 14	15 – 17
Moldova	68	.	1	3	.	4	60
China	31	.	0	17	.	0	14
India	24	.	0	0	.	0	24
Afghanistan	23	.	0	0	.	7	16
Russian Federation	18	.	1	0	.	0	17
Bangladesh	13	.	0	0	.	0	13
Georgia	8	.	0	0	.	0	8
Pakistan	3	.	0	0	.	0	3
Iraq	2	.	0	0	.	2	0
Turkey	2	.	0	0	.	0	2
Vietnam	2	.	0	0	.	0	2
Israel	1	.	0	0	.	0	1
Senegal	1	.	0	0	.	0	1
Total	196	.	2	20	.	13	161

Source: Migration Office

C. RECEPTION MEASURES

Table C 1. Number of UAMs according to country of origin, gender and age accommodated in children’s home in Horne Orechove or in another children’s home (2008) *

(in number of persons)

Year: 2008	Placed UAMs (in the care of Ministry of Labour, Social Affairs and Family) accommodated in children's home in Horne Orechove or in another children's home												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
Moldova	102	.	0	1	0	0	1	.	2	14	21	37	26
Afghanistan	25	.	0	0	0	0	0	.	0	3	1	10	11
Bangladesh	10	.	0	0	0	0	0	.	0	0	1	0	9
Pakistan	6	.	0	0	0	0	0	.	0	0	2	3	1
India	4	.	0	0	0	0	0	.	0	0	1	2	1
Netherlands	4	.	0	0	0	0	0	.	2	1	0	0	1
China	3	.	0	0	0	0	0	.	0	0	0	0	3
Ukraine	3	.	0	0	0	0	0	.	0	0	0	2	1
Sri Lanka	2	.	0	0	0	0	0	.	0	0	0	1	1
Georgia	2	.	0	0	0	0	0	.	0	0	1	1	0
Kyrgyzstan	1	.	0	0	0	0	0	.	0	0	1	0	0
Russia	1	.	0	0	0	0	0	.	0	0	0	1	0
Vietnam	1	.	0	0	0	0	0	.	0	0	0	1	0
Total	164	.	0	1	0	0	1	.	4	18	28	58	54

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 2. Number of UAMs according to country of origin, gender and age accommodated in children’s home in Horne Orechove or in another children’s home (2007)*

(in number of persons)

Year: 2007	Placed UAMs (in the care of Ministry of Labour, Social Affairs and Family) accommodated in children's home in Horne Orechove or in another children's home												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
Pakistan	90	.	0	0	0	0	0	.	2	5	11	33	39
Moldova	78	.	0	0	1	1	0	.	2	2	9	30	33
India	61	.	0	0	0	0	0	.	1	1	6	18	35
Bangladesh	31	.	0	0	0	0	0	.	0	2	0	15	14
Afghanistan	19	.	0	0	0	0	0	.	1	2	5	7	4
Somalia	7	.	0	0	0	0	0	.	0	0	2	2	3
Chechnya	6	.	0	0	0	0	0	.	2	0	0	1	3
Russia	5	.	0	0	0	0	0	.	1	0	1	1	2
Georgia	4	.	0	0	0	0	0	.	0	0	0	1	3
Ukraine	3	.	0	0	0	0	0	.	0	0	0	1	2
Sri Lanka	2	.	0	0	0	0	0	.	0	0	0	0	2
Saudi Arabia	1	.	0	0	0	0	0	.	0	1	0	0	0
Palestine	1	.	0	0	0	0	0	.	0	0	1	0	0
Nepal	1	.	0	0	0	0	0	.	0	0	0	0	1
Liberia	1	.	0	0	0	0	0	.	0	0	0	0	1
Iraq	1	.	0	0	0	0	0	.	0	0	0	0	1
China	1	.	0	0	0	0	0	.	0	0	0	1	0
Vietnam	1	.	0	0	0	0	0	.	0	1	0	0	0
Total	313	.	0	0	1	1	0	.	9	14	35	110	143

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 3. Number of UAMs according to country of origin, gender and age accommodated in children’s home in Horne Orechove or in another children’s home (2006)*

(in number of persons)

Year: 2006	Placed UAMs (in the care of Ministry of Labour, Social Affairs and Family) accommodated in children's home in Horne Orechove or in another children's home												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
India	20	.	0	0	0	0	0	.	0	0	0	1	19
Pakistan	7	.	0	0	0	0	0	.	0	0	0	2	5
Moldova	7	.	0	0	0	0	0	.	0	0	0	0	7
Bangladesh	6	.	0	0	0	0	0	.	0	0	0	0	6
Afghanistan	2	.	0	0	0	0	0	.	0	0	0	0	2
Iran	1	.	0	0	0	0	0	.	0	0	0	0	1
Senegal	1	.	0	0	0	0	0	.	0	0	0	0	1
Ukraine	1	.	0	0	0	0	0	.	0	0	0	0	1
Kosovo	1	.	0	0	0	0	0	.	0	0	0	0	1
Total	46	.	0	0	0	0	0	.	0	0	0	3	43

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 4. Number of UAMs according to country of origin, gender and age accommodated in children’s home in Horne Orechove or in another children’s home (2005)*

(in number of persons)

Year: 2005	Placed UAMs (in the care of Ministry of Labour, Social Affairs and Family) accommodated in children's home in Horne Orechove or in another children's home												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
India	10	.	0	0	0	0	0	.	0	0	0	5	5
Moldova	8	.	0	0	0	0	0	.	0	0	0	5	3
Pakistan	8	.	0	0	0	0	0	.	0	0	0	3	5
Vietnam	5	.	0	0	0	0	0	.	0	0	0	2	3
Afghanistan	3	.	0	0	0	0	0	.	0	0	0	0	3
Bangladesh	2	.	0	0	0	0	0	.	0	0	0	0	2
Turkey	2	.	0	0	0	0	0	.	0	0	0	1	1
Russia	1	.	0	0	0	0	0	.	0	0	0	1	0
Palestine	1	.	0	0	0	0	0	.	0	0	0	0	1
Iraq	1	.	0	0	0	0	0	.	0	0	0	1	0
China	1	.	0	0	0	0	0	.	0	0	0	0	1
Chechnya	1	.	0	0	0	0	0	.	0	0	0	1	0
Total	43	.	0	0	0	0	0	.	0	0	0	19	24

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have

citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 5. Number of UAMs according to country of origin, gender and age accommodated in children’s home in Horne Orechove or in another children’s home (2004)*

(in number of persons)

Year: 2004	<i>Placed UAMs (in the care of Ministry of Labour, Social Affairs and Family) accommodated in children's home in Horne Orechove or in another children's home</i>												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
China	12	.	0	0	0	0	0	.	0	0	0	3	9
Moldova	4	.	0	0	0	0	0	.	0	0	0	1	3
Chechnya	1	.	0	0	0	0	0	.	0	0	0	0	1
Total	17	.	0	0	0	0	0	.	0	0	0	4	13

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 6. Number of UAMs according to country of origin, gender and age to whom a guardian (tutor) has been designated -- 2008*

(in number of persons)

Year: 2008	<i>UAMs to whom a guardian (tutor) has been designated</i>												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
Moldova	98	.	0	1	0	0	1	.	2	13	21	35	25
Afghanistan	23	.	0	0	0	0	0	.	0	3	1	10	9
Bangladesh	10	.	0	0	0	0	0	.	0	0	1	0	9
Pakistan	6	.	0	0	0	0	0	.	0	0	2	3	1
Netherlands	4	.	0	0	0	0	0	.	2	1	0	0	1
India	4	.	0	0	0	0	0	.	0	0	1	2	1
China	3	.	0	0	0	0	0	.	0	0	0	0	3
Ukraine	3	.	0	0	0	0	0	.	0	0	0	2	1
Sri Lanka	2	.	0	0	0	0	0	.	0	0	0	1	1
Georgia	2	.	0	0	0	0	0	.	0	0	0	1	1
Kyrgyzstan	1	.	0	0	0	0	0	.	0	0	1	0	0
Russia	1	.	0	0	0	0	0	.	0	0	0	1	0
Vietnam	1	.	0	0	0	0	0	.	0	0	0	1	0
Total	158	.	0	1	0	0	1	.	4	17	27	56	52

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 7. Number of UAMs according to country of origin, gender and age to whom a guardian (tutor) has been designated -- 2007*

(in number of persons)

Year: 2007	<i>UAMs to whom a guardian (tutor) has been designated</i>												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
Pakistan	82	.	0	0	0	0	0	.	2	5	11	29	35
Moldova	73	.	0	0	0	1	0	.	2	2	9	28	31
India	55	.	0	0	0	0	0	.	0	1	5	15	34
Bangladesh	31	.	0	0	0	0	0	.	0	2	0	15	14
Afghanistan	14	.	0	0	0	0	0	.	0	2	4	5	3
Somalia	7	.	0	0	0	0	0	.	0	0	2	2	3
Chechnya	6	.	0	0	0	0	0	.	2	0	0	1	3
Georgia	4	.	0	0	0	0	0	.	0	0	0	1	3
Russia	3	.	0	0	0	0	0	.	1	0	0	1	1
Ukraine	3	.	0	0	0	0	0	.	0	0	0	1	2
Iraq	2	.	1	0	0	0	0	.	0	0	0	0	1
Vietnam	1	.	0	0	0	0	0	.	0	1	0	0	0
China	1	.	0	0	0	0	0	.	0	0	0	1	0
Liberia	1	.	0	0	0	0	0	.	0	0	0	0	1
Nepal	1	.	0	0	0	0	0	.	0	0	0	0	1
Total	284	.	1	0	0	1	0	.	7	13	31	99	132

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 8. Number of UAMs according to country of origin, gender and age to whom a guardian (tutor) has been designated -- 2006*

(in number of persons)

Year: 2006	<i>UAMs to whom a guardian (tutor) has been designated</i>												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
India	17	.	0	0	0	0	0	.	0	0	0	0	17
Bangladesh	6	.	0	0	0	0	0	.	0	0	0	0	6
Moldova	6	.	0	0	0	0	0	.	0	0	0	0	6
Pakistan	4	.	0	0	0	0	0	.	0	0	0	2	2
Afghanistan	2	.	0	0	0	0	0	.	0	0	0	0	2
Iran	1	.	0	0	0	0	0	.	0	0	0	0	1
Kosovo	1	.	0	0	0	0	0	.	0	0	0	0	1
Senegal	1	.	0	0	0	0	0	.	0	0	0	0	1
Ukraine	1	.	0	0	0	0	0	.	0	0	0	0	1
Total	39	.	0	0	0	0	0	.	0	0	0	2	37

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 9. Number of UAMs according to country of origin, gender and age to whom a guardian (tutor) has been designated -- 2005*

(in number of persons)

Year: 2005	UAMs to whom a guardian (tutor) has been designated												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
India	10	.	0	0	0	0	0	.	0	0	0	5	5
Moldova	8	.	0	0	0	0	0	.	0	0	0	5	3
Pakistan	8	.	0	0	0	0	0	.	0	0	0	3	5
Vietnam	5	.	0	0	0	0	0	.	0	0	0	2	3
Afghanistan	3	.	0	0	0	0	0	.	0	0	0	0	3
Bangladesh	2	.	0	0	0	0	0	.	0	0	0	0	2
Turkey	2	.	0	0	0	0	0	.	0	0	0	1	1
Russia	1	.	0	0	0	0	0	.	0	0	0	1	0
Palestine	1	.	0	0	0	0	0	.	0	0	0	0	1
Iraq	1	.	0	0	0	0	0	.	0	0	0	1	0
China	1	.	0	0	0	0	0	.	0	0	0	0	1
Chechnya	1	.	0	0	0	0	0	.	0	0	0	1	0
Total	43	.	0	0	0	0	0	.	0	0	0	19	24

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table C 10. Number of UAMs according to country of origin, gender and age to whom a guardian (tutor) has been designated -- 2004*

(in number of persons)

Year: 2004	UAMs to whom a guardian (tutor) has been designated												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
China	11	.	0	0	0	0	0	.	0	0	0	3	8
Moldova	4	.	0	0	0	0	0	.	0	0	0	1	3
Chechnya	1	.	0	0	0	0	0	.	0	0	0	0	1
Total	16	.	0	0	0	0	0	.	0	0	0	4	12

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

D. FAMILY REUNIFICATION

Table D 1: Number of UAMs according to country of origin, gender and age reunited with family (2008)*

(in number of persons)

Year: 2008	UAMs family reunification												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
Sri Lanka	1	.	0	0	0	0	0	.	0	0	0	0	1

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table D 2. Number of UAMs according to country of origin, gender and age reunited with family (2007)*

(in number of persons)

Year: 2007	UAMs family reunification												
		Female (age category, age)						Male (age category, age)					
Country of Origin	Total	Unknown	0 – 13	14	15	16	17	Unknown	0 – 13	14	15	16	17
Ukraine	4	.	0	0	0	0	0	.	0	0	0	2	2

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

E. RETURNS

Table E 1. Returns of UAMs from Slovak Republic according to country of origin, country of return, gender and age*

(in number of persons)

Age: 14 years

Country of Origin	Total	Country of Return of Females (with number)	Country of Return of Males (with number)
Pakistan	1	0	Pakistan (1)

Source: Ministry of Labour, Social Affairs and Family, June 2009

*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table E 2. Returns of UAMs from Slovak Republic according to country of origin, country of return, gender and age *

(in number of persons)

Age: 15 years

Country of Origin	Total	Country of Return of Females (with number)	Country of Return of Males (with number)
Pakistan	1	0	Pakistan (1)
Ukraine	1	0	Ukraine (1)

Source: Ministry of Labour, Social Affairs and Family, June 2009
*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table E 3: Returns of UAMs from Slovak Republic according to country of origin, country of return, gender and age *

(in number of persons)

Age: 16 years

Country of Origin	Total	Country of Return of Females (with number)	Country of Return of Males (with number)
Moldova	2	0	Moldova (2)
Ukraine	2	0	Ukraine (2)
Bangladesh	1	0	Bangladesh (1)

Source: Ministry of Labour, Social Affairs and Family, IOM, June 2009
*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)

Table E 4:. Returns of UAMs from Slovak Republic according to country of origin, country of return, gender and age *

(in number of persons)

Age: 17 years

Country of Origin	Total	Country of Return of Females (with number)	Country of Return of Males (with number)
Pakistan	3	0	Pakistan (3)
India	2	0	India (2)
Moldova	1	0	Moldova (1)
Turkey	1	0	Turkey (1)

Source: Ministry of Labour, Social Affairs and Family, IOM, June 2009
*) country of origin is a country (or countries) which are a source of migratory flows and of which a migrant may have citizenship. In the context of refugees, from Directive 2004/83/EC, this means the country (or countries) of nationality or, for stateless persons, of former habitual residence (EMN Glossary)



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