

Contribution of the Czech Republic
to the EMN Synthesis Report 2020



CZECH
REPUBLIC

CHILDREN IN MIGRATION

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COMMON TEMPLATE

QUESTIONNAIRE ON THE IMPLEMENTATION OF THE COMMISSION COMMUNICATION ON CHILDREN IN MIGRATION¹

Reference period

All replies to the questions below refer to the situation during 2019.

Scope of questionnaire

EMN studies have focussed in the past on unaccompanied minor applicants for international protection, whereas the Commission's Communication that underpins this questionnaire uses the term 'child' which covers all third-country national children who are forcibly displaced or migrate to or within the EU territory, together with family or alone, whether or not they are seeking asylum. Thus, the scope of the questionnaire is much broader than normal for an EMN output. Legal and family migration are excluded from the scope of the questionnaire.

In accordance with the EMN Glossary,² relevant terms for the purpose of this questionnaire are defined as follows, and in all cases refer to nationals of third countries or stateless persons:

Child: Every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier or later.

Minor: In a legal context and in contrast to a child, a person who, according to the law of their respective country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.

Please note: for the purpose of this questionnaire, 'child' and 'minor' are used interchangeably. In the child-protection field, the term 'child' is used, whereas in migration field, 'minor' is more common.

¹ Communication from the Commission to the European Parliament and the Council, The protection of children in migration, COM(2017) 211 final, 12.04.2017.

² EMN Glossary, Version 6.0, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

Adult: Every human being aged 18 years and older (unless majority is attained later under the law applicable to the adult).

Accompanied minor:³ A minor who is accompanied and effectively taken into care of an adult responsible for him or her by law or by the practice of the Member State concerned.

Families with minors/children: Minors who are accompanied by one or both parents or by their legal or customary primary care-giver.

Separated child: A child under 18 years of age who is outside their country of origin and separated from both parents or their previous legal / customary primary caregiver.

Unaccompanied minor: A minor who arrives on the territory of an EU Member State unaccompanied by the adult responsible for them by law or by the practice of the EU Member State concerned, and for as long as they are not effectively taken into the care of such a person; or who is left unaccompanied after they have entered the territory of the EU Member State.

Durable solutions:⁴ A durable solution in the context of the unaccompanied or separated child is a sustainable solution that ensures that the unaccompanied or separated child is able to develop into adulthood, in an environment which will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child and will not put the child at risk of persecution or serious harm. Because the durable solution will have fundamental long-term consequences for the unaccompanied or separated child, it will be subject to a best interest determination. A durable solution also ultimately allows the child to acquire, or to re-acquire, the full protection of a state.

³ This definition is derived from the definition of 'unaccompanied minor' provided in the Reception Conditions Directive (2013/33/EU).

⁴ This definition is taken from UNHCR-UNICEF Safe & Sound publication, 2014. Available at: <https://www.refworld.org/docid/5423da264.html>

Migration: In the EU context, the action by which a third-country national either:

(i) establishes their usual residence in the territory of an EU Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another EU Member State or a third country; or

(ii) having previously been usually resident in the territory of an EU Member State, ceases to have their usual residence in that EU Member State for a period that is, or is expected to be, of at least 12 months.

In the answers to all below questions it is differentiated between the following groups of minors, if applicable:

- > *accompanied minors/families with children,*
- > *separated children,*
- > *unaccompanied minors recorded within the asylum system,*
- > *unaccompanied minors not applying for asylum but recorded within other migration procedures,*
- > *unaccompanied minors not applying for asylum who remain outside the asylum/migration/(child) protection-system.*

Regarding the category of UAMs not applying for asylum who remain outside the asylum/migration/(child) protection system we would like to point out that in the Czech Republic there is officially no such category of children because each child in contact with state bodies (officials, police staff etc.) falls into the system of legal and social protection of children. We assume that such cases are detected mostly retrospectively when the child's whereabouts are unknown and/or he/she is not present in the Czech territory anymore. Nevertheless, the category is mentioned once in the questionnaire, regarding the (potential) victims of human trafficking.

THE CONTRIBUTION OF THE CZECH REPUBLIC

Section 1

SWIFT AND COMPREHENSIVE IDENTIFICATION AND PROTECTION

1.1 IDENTIFICATION AND REGISTRATION OF MINORS

1.1.1 During the identification and registration procedure of a minor, does your Member State ensure that an official with adequate training in dealing with minors is present?⁵

YES

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

If the separated/unaccompanied child is located by the Police or other authorities, they are by law obliged to contact local social authority in order to arrange the protection measures towards the child. Thus, Social and Legal Child Protection Authority (hereinafter also referred to as "OSPOD") is always present. Its employee is designated as a guardian for the child in case there is a procedure in process.

⁵ According to the Commission Communication, "children should be prioritised in all border-related procedures and receive adequate support from specialised staff in the process of identification and registration. They should notably apply child-friendly and gender-sensitive approaches when collecting fingerprints and biometric data".

All the staff in contact with children is specifically trained in this matter.

1.1.2 Please describe the procedure used for the registration and identification of minors, including safeguards? Are there any specific procedures in case when a minor with specific protection needs is identified (e.g. victims of violence and abuse, unaccompanied minor, minors with acute healthcare needs). For victims of trafficking – please see the reply to the question 1.3.

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

If there are any doubts regarding the age of the person, OSPOD is contacted and in further procedure its employee becomes his/her designated guardian. In general, each national authority (usually Police) is obliged to inform OSPOD about the contact with every UAM on the territory of the Czech Republic.

The special procedural and other necessary needs for the reception are assessed by several authorities depending on the legal status. For example, special needs of minors applying for international protection, regardless of whether unaccompanied or accompanied, are assessed by asylum authorities and the reception needs in the case of UAMs are assessed by OSPOD and by the personnel of Refugee Facility Administration in the accommodation centres.

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

As regards identification of UAM applying for international protection as well as not applying for international protection, the following rule

applies: If the applicant for international protection is an UAM and if there are reasonable doubts about his/her age, a medical examination shall be carried out to determine his/her age. If an unaccompanied minor refuses to undergo a medical examination, the Ministry of the Interior will regard him/her as an adult applicant for international protection. If the medical examination to determine the age referred to in the first sentence is not conclusive, the Ministry shall treat the applicant for international protection as an unaccompanied minor.

1.2 COLLECTION OF BIOMERIC DATA OF MINORS

1.2.1 During the identification and registration procedure, does your Member State ensure that fingerprinting and biometric data collection of minors is done in a a) child-friendly and b) gender-sensitive way? (only for minors over the age of 14 years old⁶).

YES

Accompanied minors/families with children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Biometric data of the minors over the age of 14 are taken by the trained police staff in the child friendly manner with the presence of the parent responsible for the child or the guardian of the child. Of course, the information about the purpose of the fingerprinting is given in the form suitable for children (easier language, pictures etc.).

⁶ Detection refers to the situation when a minor is detected by the authorities, whereas identification (1.3.3) is the process of establishing the identity of a minor.

1.3 (POTENTIAL) VICTIMS OF HUMAN TRAFFICKING

1.3.1 How and when does your Member State identify that minors are (potential) victims of trafficking in human beings? Please briefly explain.

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Police staff checks that possibility during the initial contact with minor by the time of his/her entrance into the territory of the Czech Republic, during the first identification steps, in order to detect and resolve situation of vulnerable persons, firstly UAMs. All of the steps are conducted in a suitable way and according to the FRONTEX rules and the rules given by the Police itself.

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

The identification is also done by qualified practitioners in the specialized Facility for Children-foreigners (hereinafter referred to also as "ZDC") in the case of UAMs regardless they are registered in the asylum system or not.

UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system:

Recently, there has been only one case of a child identified by an NGO as a victim of human trafficking. The NGO contacted the Ministry of the Interior asking to incorporate the child to its programme on support and

protection of human trafficking victims. The Ministry advised to report the child to OSPOD first, which is not a legal obligation for an NGO and thus we assume that such cases may remain undetected. Nevertheless, we underline that the children once reported to any official body fall into the child protection system and do not fulfil this category anymore.

1.3.2 Which authority(ies) do(es) the detection?? Please briefly explain.

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Police staff and/or the staff of the Ministry of the Interior (it can be the case that an UAM discloses such information at a latter stage, e.g. during asylum interview).

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

In the case of UAMs and separated children also the staff of ZDC is involved in the detection of victims of trafficking in human beings.

Accompanied minors/families with children:

Accompanied minors may be detected also among others by the personnel of Refugee Facility Administration working in the accommodation centres.

⁷ Detection refers to the situation when a minor is detected by the authorities, whereas identification (1.3.3) is the process of establishing the identity of a minor.

1.3.3 Which authority does the identification? Please briefly explain.

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Police staff.

1.3.4. If the minor who is identified as a potential victim is already hosted in a reception facility: Is the minor removed from the reception facility in those cases? YES/NO. Please explain. If yes, please elaborate where they are transferred to in those cases.

YES

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

The unaccompanied and separated children are in most cases placed in ZDC, i. e. they are not placed in the reception facility together with adults (<https://zdcpraha.cz/en/>).

Accompanied minors/families with children:

As regards accompanied children (potential victims) the new place of residence is decided by the relevant court responsible for well-being of the minor (i.e. the dedicated facility for foreigners mentioned above, foster care, etc.).

Section 2

PROVIDING ADEQUATE RECEPTION IN THE EUROPEAN UNION

2.1 RECEPTION FACILITIES FOR MINORS

2.1.1 Does your Member State have facilities adapted for hosting families with children during the asylum procedure or does your Member State host families with children in general reception facilities and/or in another way?

Families with children seeking asylum are placed in general reception facilities. Nevertheless, the separate zones in the facilities dedicated to families are available. The possibility to live outside the reception facility is also available for families with children. The financial contribution is based on the number of family members.

2.1.2 Does your Member State have facilities adapted for hosting unaccompanied minors during the asylum procedure or does your Member State host unaccompanied minors in general reception facilities and/or in another way?

If there is no possibility to commit the UAM to foster care, short-term or long-term, or to a care of another person, he/she is placed to a residence facility. UAMs seeking asylum are placed in almost all cases in ZDC. The others are placed for example in a facility for children requiring immediate assistance, youth detention centre, children's diagnostic institute, etc.

2.1.3 What measures are in place during the time of residence in reception facilities to prevent and respond to child abuse (e.g. reporting mechanisms; background checks; training for staff, etc.)?

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

UAMs seeking asylum and separated children are not placed in general reception facilities.

Facilities dealing with children are obliged to fulfil lawful quality standards. There is a number of criteria and also an obligation to make certain documents in written form, to have written directions and methodology. Amongst other things, these are measures intending to protect the child from abuse, neglecting and cruelty. Facilities

have written procedure for preventing the a/m situations as well as a written procedure intending to reveal such actions coming from parents or another person in charge of the child, or, also, from an employee of the facility or other children in the facility. One of the criteria stipulates that employees must further improve their education and thus increase their professional qualifications and practical skills which is fulfilled by specialized courses.

Accompanied minors/families with children:

Moreover, for families with children are the safety zones in place, social workers are in close touch with the asylum seekers and these social workers are regularly trained in this area of interest.

2.1.4 Are unaccompanied minors who do not apply for international protection or those who are recorded within other migration procedures hosted in the same facilities as those described above? If no, please briefly explain where you host them.

YES

2.1.5 Does your Member State ensure that all reception facilities hosting minors (including in the hotspots where relevant) have staff who has received a child right training and/or are prepared to work with minors in a child-sensitive way? If yes, please explain how this is ensured.

YES

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Police as well as other staff in contact with children is specifically trained in this matter (e.g. Section 78 paragraph 3 of Act No. 325/1999, Asylum Act). Social workers in the reception facilities as well as workers from the special facility for foreigners are specifically trained within their qualification (for more see the point 2.1.3).

2.1.6 Does your Member State take the presence of relatives in the Member State into account when allocating an unaccompanied minor to a reception facility or other forms of accommodation?

If yes, please explain how this is taken into account.

YES ☒

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

During all of the above mentioned procedures the best interest of the child and his/her needs must be considered at first place. Family forms of substitute care should have priority to the placement in a residence facility.

The separated or unaccompanied minors are every time asked if they have relatives in a Member State. If there is a relative, he/she can be contacted by police authorities or under Brussels IIa Central Authority. If the child has a relative in the territory, such relative can be appointed by the court as his/her guardian. An appropriate attention is paid to the proof of real kinship as well as willingness and capability of the relative to assume responsibility for the child. See also answer to 3.1. below.

2.1.7 Are there alternative (non-institutionalised) care systems available in your Member State (e.g. foster/family-based care, community care) for unaccompanied minors?

YES ☒

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

If an UAM has a relative in the territory, such relative can be appointed by the court as his/her guardian. Foster care is available in theory, typically for a short period of time but there is also the possibility of long-term foster care. Following that, when the child resides in the territory for more than 90 days he/she fully falls into the scope of providing social and legal child protection according to the Section 2 par. 2 of the Act on Social and Legal Protection of Children and thus, it is possible to arrange a foster care or adoption according to Section 19a and the following paragraphs of the Act on Social and Legal Protection of Children.

2.1.8 If yes, please explain which alternative care systems are available, whether they are systematically monitored by the competent authorities and whether there are plans to increase the use of alternative care systems.

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

If an UAM has a relative in the territory, such relative can be appointed by the court as his/her guardian. The guardianship is monitored by the court.

Office for International Legal Protection of Children is in charge of the evidence of announced cases of UAMs. In annual reports regarding social and legal child protection numbers of children committed to substitute care in general terms are registered.

2.1.9 Are there semi-independent living arrangements available for older unaccompanied minors? *If yes, please explain what do these semi-independent living arrangements consist of.*

YES ☒

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

ZDC has specialised semi-independent flat for older UAMs.

Within the non-state actors there are “half-way houses” intended for UAMs close to adulthood or those already adult. These facilities help, amongst others, young people-foreigners without family background to fully integrate into society. They focus on:

- > help to young foreigners with orientation in common life situations/ events in the Czech environment,
- > “financial literacy” and economic self-reliance support,
- > self-reliance in general and responsibility for oneself,
- > assistance in learning how to seek and use help,
- > the knowledge of rights and duties,
- > support with seeking one’s own home.

2.1.10 Is a monitoring system of reception facilities hosting minors in place in your Member State in order to ensure minimum standards are fulfilled? *If yes, please explain how these monitoring systems work and what parameters/indicators they monitor.*

YES ☒

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

UAMs seeking asylum are not placed in reception facilities, but monitoring system is available as the reception facilities are operated by the Refugee Facility Administration, a state organisation. The Ministry of the Interior is entitled to monitor the organisation and services available. Also, the monitoring of the Office of the Ombudsman is in place.

Further, a facility for children requiring immediate assistance must fulfil quality standards of providing social and legal child protection. There are 16 criteria in place, for example: goal and manner of activities, protection of rights and protected interests, environment and conditions, familiarity with performing social and legal protection, personal security, professional development of employees, etc. The inspection of providing social and legal protection in the above mentioned facilities is carried out by relevant subdivision of the Labour Office of the Czech Republic.

2.2 ACCESS TO SERVICES/RIGHTS

2.2.1 Does the minor have access to healthcare and psychological support, regardless of their migration status? Please briefly explain how this is ensured.

YES

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

UAMs and minors seeking asylum have access to healthcare in the same manner as Czech citizens. Psychological support is also available through the staff of ZDC and with regard to the accompanied minors, the psychological support is available through the staff of the reception facilities.

The other groups of minors have access to healthcare and psychological support through ZDC Praha.

In addition, facility for children requiring immediate assistance is, by law, obliged to ensure healthcare and professional care through social worker and psychologist.

2.2.2 How long after having been brought to the attention of authorities does your Member State provide access to inclusive education (primary/secondary/higher education/vocational training/early childhood education and care)? Please explain how this is ensured.

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Compulsory education applies to children aged 6 to 17 years. Each child of that age residing in the Czech Republic for more than 90 days must thus attend school because compulsory education applies to him/her, unless they possess a proof that they completed the compulsory education in another country.

Accompanied minors/families with children:

Accompanied minors which are placed in the reception centre with their parents or other relatives are attending the elementary school in the town where the facility is placed. Special education programmes including support of the teachers are available through the Ministry of Education, Youth and Sports.

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

UAMs seeking asylum are attending primary school within ZDC.

Within the ZDC UAMs attend either elementary school (under 15 years) or diagnostic class (over 15 years). The aim of this school is to prepare

foreign students for the most successful integration into standard primary or secondary schools in the Czech Republic.

Guardian or tutor (OSPOD in most cases) of the UAM is to apply for him/her so that he/she can attend compulsory education. Facility for children requiring immediate assistance ensures help with preparation of children for school and accompanies them to school.

2.2.3 Are there any special measures to support access to education for the minor, including early childhood education? YES/NO. Please explain what these special measures entail.

YES

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

The school in ZDC Praha focuses on determining the level of acquired knowledge and skills, determines specific educational needs and implements measures in order to develop the child's personality appropriate to his/her age, individual prerequisites and possibilities.

Also, special programmes held under the auspices of the Ministry of Education, Youth and Sports are in place.

2.2.4 At what point in time does your Member State assess the specific vulnerability and special needs of minors? When admitting them in the reception centre/in the identification procedure/status determination procedure/other? Please describe briefly.

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Vulnerability of children is assessed continuously. Specific needs of UAMs and increased vulnerability is taken into account immediately after the official authorities find out about their presence in the territory.

Within the state authorities the Office for International Legal Protection of Children (hereinafter referred to as "UMPOD") is the one responsible for providing social and legal counselling for UAMs and municipal authority of the municipality with extended competence depending on the place where the UAM is reported to reside. UMPOD ensures overall social and legal protection of children in relation towards foreign countries, including protection of UAMs, either applying for international protection in the Czech Republic or not. UMPOD is, by law, obliged to cooperate with state authorities and other institutions abroad and help to search for parents or other relatives of the UAM.

Section 3

ENSURING SWIFT AND COMPREHENSIVE ACCESS TO STATUS DETERMINATION PROCEDURES AND IMPLEMENTATION OF PROCEDURAL SAFEGUARDS

3.1 GUARDIANSHIP

3.1.1 How is the guardianship system for unaccompanied minors organised in your Member State? Please briefly explain. (Please also refer to the answer provided in the framework of the 2017 EMN Study on Approaches to Unaccompanied Minors following status determination and highlight any changes since then).

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

If the applicant for international protection is an UAM, a guardian is appointed by the court to protect his/her rights and legally protected interests related to his/her stay in the territory.

The role of a guardian is performed by an adult relative of an unaccompanied minor staying in the territory; if there is no such person or if such person cannot be appointed guardian, another suitable natural or legal person or municipal authority of the municipality with extended competence shall act as guardian, depending on the place where the unaccompanied

minor is reported to reside. The same is applied accordingly to the other groups of minors.

In case there are judicial proceedings in process (e.g. institutional care order) a special guardian must be appointed to act on the child's behalf during the process – it is usually UMPOD or local authority of the relevant municipality with extended competence. If parents of the UAM are not alive, their identity is not known or for some reason they cannot fulfil the parental responsibility for the child, it is necessary to appoint a guardian who has all the parental rights and duties in relation to the child, except for the maintenance obligation. As the guardian a relative or other close person is usually appointed, alternatively other suitable person. When there is no suitable natural person, then the guardian is, as mentioned above, UMPOD or relevant local authority.

3.1.2 For unaccompanied minors applying for asylum, at which stage of the international protection procedure a representative/guardian is designated/appointed? Please briefly explain.

The guardian is appointed at the beginning of the procedure and it is typically OSPOD. The decision on the appointment of the guardian for the international protection procedure is made by the Ministry of the Interior, Department for Asylum and Migration Policy. The main duty of the guardian is to represent the UAM in all the procedural acts of the international protection application procedure led by the Ministry of the Interior (at 1st instance). When the guardian for the stay is appointed, the procedural guardianship becomes redundant and is thus replaced.

3.1.3 If applicable, for unaccompanied minors not applying for asylum, at which stage after the unaccompanied minor reports to or is detected by authorities is a representative/guardian designated/appointed? Please briefly explain.

Please see the point 3.1.1.

3.1.4 What is the procedure followed in order to appoint the guardian? Please also briefly describe the role of the various actors in this procedure.

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Please see the point 3.1.1.

3.1.5 Do you, as part of the selection procedure, also verify the criminal record of potential guardians?

YES

3.1.6 Does your Member State have a complaint system in place for minors in migration related to guardianship? If yes, please briefly describe how this is organised.

YES

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

The court dismisses the guardian if he/she is not fulfilling his/her obligations. The court concurrently appoints a new guardian. It may be done on the request of the minor.

3.2 PROCEDURAL SAFEGUARDS IN THE ASYLUM PROCEDURE

3.2.1 How does your Member State ensure the provision of information to minors on their rights and on procedures? Please briefly explain.

The Police and the person providing legal assistance to refugees shall provide the person wishing to apply for international protection with information relating to international protection already at the border crossing point or in the transit area of an international airport.

The Ministry of the Interior shall also instruct applicants for international protection about the possibility of requesting information relating to the course of international protection proceedings regarding the personal situation of the applicant for international protection.

Also, the child protection authorities and relevant NGOs as well as UNHCR inform the minors properly. If the applicant for international protection is an UAM and if there are reasonable doubts about his/her age, a medical examination shall be carried out to determine his/her age. If an UAM refuses to undergo a medical examination, the Ministry will regard him/her as an adult applicant for international protection. If the medical examination to determine the age referred to in the first sentence is not conclusive, the Ministry shall treat the applicant for international protection as an UAM. The same is applied for UAMs not applying for asylum who are registered within the migration system.

3.2.2 Has your Member State implemented procedures or measures to provide information in a child-friendly manner?

If yes, please explain how these procedures work.

YES

The leaflets suitable for different age groups of minors, trained staff, etc.

3.2.3 Does your Member State prioritise and/or fast-track the applications for international protection of unaccompanied minors?

NO

There is no legal provision of prioritisation of the asylum claim of the UAMs, as we have a few cases of UAMs applying for international protection per year.

3.2.4 Are the views of the minor taken into account throughout the procedure in your Member State? (i.e. is the minor interviewed?)

YES

UAM is interviewed in the course of asylum procedure. The minor accompanied with parents or other relative is interviewed when it is in his/her best interest.

3.2.4.1 If yes, please briefly describe how this is done and if the interview is carried out in a child-friendly way by trained staff.

All claims and statements made by UAMs as well as other minors during asylum procedure are taken into account. The Ministry ensures that trained staff, guardian and/or psychologists are present during interview if necessary.

3.3 AGE ASSESSMENT

3.3.1 What are the age assessment methods and procedures used in your Member State? Please describe these briefly.

If the applicant for international protection is an UAM and if there are reasonable doubts about his/her age, a medical examination shall be carried out to determine his/her age. If an UAM refuses to undergo a medical examination, the Ministry will regard him/her as an adult applicant for international protection. If the medical examination to determine the age referred to in the first sentence is not conclusive, the Ministry shall treat the applicant for international protection as an UAM. The same is applied for UAMs not applying for asylum who are registered within the migration system.

3.3.2 How does your Member State ensure that the least invasive method for age assessment is used (e.g. use of EASO guidelines for age assessment, etc.)? Please briefly explain.

Possible alternative methods to the medical examination are now being evaluated. EASO guidelines for age assessment are taken into account.

3.4 FAMILY REUNIFICATION⁸

3.4.1 Is family reunification possible for unaccompanied minors and separated children? If yes, please describe the conditions that need to be fulfilled.

YES

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

A member of the family of a recognized refugee will be granted asylum for the purpose of family reunification in case of special consideration, even if the grounds for granting international protection are not found in his/her international protection proceedings.

For the purposes of family reunification, a family member is understood

- a) the spouse or partner of the recognized refugee;
- b) a single child of a recognized refugee under 18 years of age,
- c) the parent of an asylum seeker under 18 years of age,
- d) an adult responsible for an unaccompanied minor; or
- e) a single sibling of an asylum seeker under 18 years of age.

The relevant rules of the Act on the Residence of Foreigners in the Czech Republic are applicable in the case of UAMs not applying for international protection. It is necessary to mention that there is not much experience because the Czech Republic has very few cases of UAMs.

⁸ This section refers both to family reunification under the Dublin Regulation (No. 604/2013) and the Family Reunification Directive 92003/86/EC).

3.4.1.1 *If yes, what efforts are being made to speed-up the family reunification procedures, prioritising unaccompanied and separated children? Please briefly explain.*

Please see the explanation in the point 3.4.1.

3.4.1.2 *If yes, at what stage are needs and possibilities for reunification with family members assessed? Can you please indicate which authority carries out this assessment?*

Separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

The Department for Asylum and Migration Policy of the Ministry of the Interior carries out the assessment. Reunification possibilities are assessed after appropriate application is submitted.

3.4.1.3 *If yes, is family tracing of the unaccompanied minors initiated, and if so at what stage of the procedure and by whom?*

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Family tracing is initiated by the authority which knows indications about the family members abroad.

3.5 DUBLIN PROCEDURE

3.5.1 *Please describe how Dublin family reunification procedures are carried out in your country – timing, types of evidence of family links collected, etc.?*

At the beginning, the UAM receives detailed information about his/her rights and obligations and other information about asylum and Dublin procedure.

The Ministry of the Interior cooperates closely with his/her guardian and also with social worker of ZDC, where the UAM is usually placed, to find out more information about family members, siblings and other relatives in other Member States.

First information about the UAM's whereabouts, family members, etc. can be provided when lodging the asylum application. There is a standard form of application which includes Dublin relevant questions.

The interview is arranged as soon as possible with cooperation with legal guardian, legal representative, interpreter and social workers of ZDC.

During the interview, minor applicant is given the floor to provide/describe details about his/her family, family members/relatives, where they live, whether he/she is willing to be reunited with them and so on. The best interest of the child is always considered. During the whole asylum procedure, minor applicant with the help of his/her guardian/legal representative can submit/provide necessary evidence, documents (birth certificates, residence permits of family members, photos, written materials...) to prove his/her family links.

When the Czech Dublin Unit has enough information, it starts Dublin procedure with possibly responsible MS.

If the UAM is over 14 years old, based on the EURODAC Regulation the person is fingerprinted and the fingerprints are sent to EURODAC system to verify, whether the person has applied for international protection in another MS. This information can be important for getting other information about the person.

Unfortunately, in the Czech Republic in almost every case it is found out that person's family members/siblings/relatives are not present in Dublin territory and therefore Dublin regulation is not applicable. Therefore, Article 8 of the Dublin Regulation is very rarely used due to lack of evidence, lack of willingness, weak evidence and also due to few cases which could fall under reunification process.

In 2019, there were only 8 applications for international protection lodged by UAMs. In majority of cases there were no indicators that the Dublin regulation could have been applicable. Only in one case Article 8 could have been applicable, unfortunately, due to lack of evidence and weak communication on the relative's side it was hard to trace the sibling and the request was rejected.

In cases when the UAM does not lodge an application for international protection and we obtain EURODAC match/hit, the Dublin procedure is not initiated.

Section 4

DETENTION FOR THE PURPOSE OF RETURN OF UNACCOMPANIED MINORS AND FAMILIES WITH CHILDREN IN THE EUROPEAN UNION

4.1 UNACCOMPANIED MINORS

4.1.1 Does your Member State place unaccompanied minors in detention for the purpose of return?

NO

UAM recorded within the asylum system:

UAM seeking asylum (i.e. vulnerable person under the age of 18) cannot be detained and he/she is placed to ZDC.

UAM not applying for asylum but recorded within other migration procedures:

UAMs in irregular situation under the age of 15 cannot be detained, UAMs between 15–18 can be detained only when there is a risk for the security of the Czech Republic (i.e. exceptionally), most of them is placed to ZDC.

4.1.2 Are there alternatives to the administrative detention of unaccompanied minors available in your Member State?

YES

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

As the detention is not relevant for the UAMs the alternatives are not used in practice. On the other hand, the law stipulates the alternative for detention (e.g. the obligation to report themselves, the obligation to reside either on the address reported to the asylum or police authorities or on the address given by the relevant authorities).

4.1.2.1 *If yes, can you please explain which are those alternatives and under which conditions they are granted.*

Please see the point 4.1.2.

4.2 FAMILIES

4.2.1 Does your Member State place families with children in detention for the purpose of return?

YES

In case that the legal representatives/parents of the child reside in our territory without permission to stay and reasons for detention are fulfilled, then the detention takes no more than 90 days and the children are not detained but accommodated together with parents in detention facility for families with children (and single women). This happens only when it is in the best interest of the child to be together with his/her parents. Alternatives to detention are in place (please see the explanation in the previous replies).

4.2.2 Are alternatives to the administrative detention of families with children for the purpose of return available in your Member State?

YES

Alternatives to detention were explained above.

4.3 VOLUNTARY AND FORCED RETURNS

4.3.1 Does your Member State carry out voluntary returns of unaccompanied minors?

YES

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

The Czech Republic has not carried out a voluntary return of an unaccompanied minor yet. If an UAM applies for voluntary return, the Ministry of the Interior is prepared to ensure everything that would be needed.

4.3.1.1 *If yes, how does your Member State ensure the best interest of the child during the voluntary return procedure?*

The Czech Republic would ensure the best interest of the child. The Ministry would cooperate with other authorities, guardian and non-governmental organizations, for example, International Organization for Migration (IOM), which would help to ensure possible escort of an UAM to the country of origin. UAM would have a possibility to apply for reintegration assistance within the IOM project financed by Asylum, Migration, Integration fund (AMIF).

4.3.2 Does your Member State carry out forced returns of unaccompanied minors?

NO

4.3.3 Has your Member States used EU funds in the development of alternatives to detention for minors?

NO

Section 5

ENSURING DURABLE SOLUTIONS FOR MINORS

5.1 INTEGRATION

5.1.1 Is there a specific policy or strategy on the integration of minors in wider society (e.g. through sport, leisure or other cultural activities, etc.)?

YES

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

The integration policy of the Czech Republic is aimed primarily at people with legal residence but, at the same time, compulsory school attendance must be ensured. Foreign children in the Czech Republic are supported mainly from the subsidy programs of the Ministry of Education, Youth and Sports, but also for example from the subsidy program of the Ministry of the Interior focused on the support of municipalities and NGOs in the field of integration on local level. Group and individual teaching of the Czech language and other integration services (such as tutoring, trips, celebrations) are supported.

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Integration of UAMs is supported by ZDC. No information about a special strategy/policy.

5.1.1.1 If yes, please provide details on significant new developments introduced in 2019 (if any).

N/A

Section 6

UNDOCUMENTED/IRREGULARLY STAYING MINORS

6.1.1 Does your Member State provide access to education, healthcare, housing or psychological support to irregularly staying children with families? YES/NO. If yes, please explain.

YES

The education and basic healthcare is available.

Section 7

TRANSITION INTO ADULTHOOD

7.1.1 In Member States where migrant children are entitled to stay for the fact of being unaccompanied minors, what happens when they turn 18? Please describe, both in legal and practical terms.

UAM recorded within the asylum system:

The asylum granted to UAM does not depend on a particular age. If the UAM turns the age of 18 and the reasons for which asylum was granted are still in place, there is no change in the status.

UAM not applying for asylum but recorded within other migration procedures:

UAMs not applying for international protection have usually permanent residence permit which is after they turn 18 extended further (usually 5 years more with the possibility of further extension).

7.1.2 Does your Member State provide any type of support (e.g. housing, education, employment, psychological support) for the transition to adulthood of unaccompanied minors legally residing in your Member State? YES/NO. If yes, please describe the nature of this support and if it is provided in all cases.

YES

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

UAMs granted asylum and those with the permanent residence permit have the same support concerning the transition into the adulthood as the Czech citizens. It can include (depending on the situation) housing benefits, help in seeking work or unemployment benefits, etc.

The ZDC has the support programmes for young adults.

Section 8

CROSS-CUTTING ACTIONS

8.1.1 What kind of data do relevant authorities in your Member State collect specifically regarding children in migration? Please briefly describe.

Accompanied minors/families with children, separated children, UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

Name, surname, date of birth, nationality, if he/she applied for asylum, placement.

8.1.2 During the reporting period, did your Member State implement any EU-funded programmes prioritising the protection of unaccompanied minors and/or families with children? YES/NO If yes, please provide 2–3 examples.

YES

UAM recorded within the asylum system, UAM not applying for asylum but recorded within other migration procedures:

There is a claimed support of the target group Immigrants and Persons Granted International Protection (third-country nationals – beyond EU, EEA and Switzerland) who reside legally on a long-term basis in the Czech Republic (based on a long-term visa, long-term residence permit, temporary residence permit of family member of the EU/EEA citizen and Switzerland, permanent residence permit, persons granted international protection, either asylum or subsidiary protection, in some cases also asylum seekers). This aim has been involved to the competitive calls on support of social inclusion within the Priority Axis 2, Social Inclusion and Fight with Poverty, OP Employment 2014–2020.

One of the supported projects is the project of the Organization for Aid to Refugees for support host care for foreigner kids without families in the Czech Republic, which aims to implement an innovation into the practice in the Czech system of substitute care and support “host families”. The project is being implemented from 01. 09. 2019 and will continue till 28. 02. 2022.

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CHILDREN IN MIGRATION

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