**Human Rights Council Advisory Committee Questionnaire on Unaccompanied Migrant Children and Adolescents and Human Rights – Replies by SLOVENIA**

**1.1.**

For most unaccompanied minors the Republic of Slovenia is still a transit country which they leave soon after their arrival and continue their journey further to the Northern and Western EU countries. While staying in RS they "obtain" different statuses: asylum seekers, illegal migrants, victims of illegal employment, victims of trafficking, aliens with permission to stay in RS, aliens in the return process. In this respect also different legislation regulating their rights applies: International Protection Act (IPA), Aliens Act, Border Control Act, EU readmission agreements, Marriage and Family Relations Act, Act on Work and Employment of Aliens and others. UAM's rights to accommodation, healthcare, education, legal aid, integration and others are determined by their legal status in RS.

The majority of UAM’s who apply for international protection leave Slovenia before the decision on their application is rendered or soon after their accommodation in the Asylum Home in Ljubljana. Reasons for leaving the Slovene asylum procedure are mainly strong pull factors in other EU countries (work, education, family or community members already settled there…)

Between 2009 and 2013 196 UAM’s applied for international protection. 22 UAM’s were recognized international protection: 4 refugee status and 18 subsidiary protection. In 2014 we dealt with 65 UAM’s of who there were citizens of Afghanistan (47), five were Pakistanis and two came from Morocco or Nigeria respectively. One came from Bangladesh, Egypt, Ghana, China, Kosovo, Myanmar, Syria and Ukraine. In 2015 (1.1.2015 - 30.9.2015) 16 UAM apply for asylum, the majority of them come from Afghanistan (12), and a small part from Kosovo (2) and Syria (2). The majority left Slovenia, 1 stayed in asylum home and he is waiting for decision in asylum procedures.

Slovenian Police issued 31 unaccompanied minors a return decision in 2014. In first six months Slovenian Police issued a return decision to 14 minors.

**1.2.**

The main causes that force or encourage children and adolescents into situation of unaccompanied migration are different: severe poverty and deprivation, inability to find work and educate, armed conflicts, persecution, threats to their lives…The reasons and motivations of unaccompanied minors are not always known, because they may not fully articulate these due to their early age or trauma. In many cases, the decision to migrate is not made by the minor, but instead by his family. In the case of Slovenia main causes are security concerns and economic, including education.

**1.3.**

UAM’s who are seeking asylum are according to IPA entitled to special care, attention and consideration. IPA defines unaccompanied minors as vulnerable persons with special needs. Legal representatives appointed to UAM for the purpose of legal representation in the fields of health protection, education, protection of property rights and interests, including representation in the international protection procedure. The competent authority has to provide suitable accommodation and care for the UAM, when providing accommodation and care, the competent authority cooperates with the legal representative. In practice UAM are accommodated in the special department, separated from other asylum seekers, of Asylum home. If they have some special needs, they can be also accommodated outside Asylum home, in a special accommodation for minors.

The asylum procedure is not further differentiated with regard to the minors’ age, while the law stipulates that the minor engages in the procedure in a manner suitable and adjusted to his/her age and level of mental development. The procedures entail the following specific elements:

- The procedures have to take into consideration the principle of the child’s best interest;

- As soon as possible the child’s identity has to be established and a search for parents or other relatives has to commence;

- The application has to be considered a priority. Vulnerable persons with special needs, particularly children, unaccompanied minors, disabled people, elderly, pregnant women, single parents with children, victims of trafficking, persons with mental disorders and victims of rape, torture or other severe forms of psychological, physical and sexual violence are provided with special care, attention and consideration.

At the time of their stay at the asylum home the UAM’s are engaged in formal and informal forms of education and Slovene language programs, they are also helped by the MOI social workers and NGO’s through the implementation of various projects, although at this stage of the procedure the integration is not yet in course. Integration formally begins when a person is recognized refugee status or subsidiary protection. The rights of refugees are stipulated in IPA and the Regulation on the Manner and Criteria for Ensuring the Rights of Persons with International Protection (in the following: Regulation). A refugee is provided assistance with integration for a maximum period of three years from the day the person was recognized refugee status. This assistance includes the preparation and implementation of the refugee’s personal integration plan, organization of Slovene language courses and courses on familiarizing with the Slovene history, culture and constitutional regulation. Integration of the UAM’s follows the same guidelines as that of refugees in general. After recognition of international protection new legal guardian can be appointed to UAM. The decision on the appointment of a legal guardian is issued by the local Social Work Centre, normally from where the integration house for UAM’s is situated. The legal guardian can be a relative or a companion of the UAM or a representative of the organization specialized for working with children and minors. In most cases it is non-governmental organization Slovene Philanthropy that provides legal guardianship to this category of UAM’s. A minor is treated as a minor until proved otherwise; if competent authority does not decide to start age assessment procedure, a person declaring minority is treated as such until the final decision is issued and also in the integration process.

**2.1.**

An unaccompanied minor is appointed a legal representative before the asylum procedure begins; this legal representative must accompany him from the beginning of the application (first interview) throughout the entire procedure until final decision is issued and in force. UAM’s who are seeking asylum are according to International Protection Act (IPA) are entitled to special care, attention and consideration. IPA defines unaccompanied minors as vulnerable persons with special needs. Legal representatives appointed to UAM for the purpose of legal representation in the fields of health protection, education, protection of property rights and interests, including representation in the international protection procedure. The competent authority has to provide suitable accommodation and care for the UAM, when providing accommodation and care, the competent authority cooperates with the legal representative. A minor is treated as a minor until proved otherwise; if competent authority does not decide to start age assessment procedure, a person declaring minority is treated as such until the final decision is issued and also in the integration process.

Asylum seeking UAM’s have access to legal information from the first instance on. Before submitting the application UAM’s (and also other asylum seekers) are informed of their rights and obligation within the asylum procedure and they can decide on legal representation provided by Legal-Informational Centre for NGO’s. From second instance on and until the final decision (constitutional complaint excluded) legal aid is provided by refugee counsellors.

**2.2.**

The main reasons for migrating are:

* Transit to another Member State (60% flee rate of asylum seekers)
* Fleeing persecution or serious harm and seeking protection (asylum)
* Economic reasons (education is normally not the reason since enrolling to Slovene schools/universities demands knowledge of Slovene language)
* Family reunification (e.g. to join family members already in the (Member) State, to apply for asylum followed by family reunification)
* Join migrant/ diasporas community
* Victims of trafficking in human beings
* Facilitated illegal entry / smuggled

**2.4.**

Convention on Rights of the Child provides that for the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, adulthood is attained earlier.

0 - 13,99 years old => child

14 - 15,99 years old => younger juveniles

16 - 17,99 years old => older juveniles

**3.1.**

Yes. UAM’s who are seeking asylum are according to IPA entitled to special care, attention and consideration. IPA defines unaccompanied minors as vulnerable persons with special needs. Legal representatives are appointed to UAM for the purpose of legal representation in the fields of health protection, education, protection of property rights and interests, including representation in the international protection procedure. The competent authority has to provide suitable accommodation and care for the UAM, when providing accommodation and care, the competent authority cooperates with the legal representative. The application has to be considered a priority. Vulnerable persons with special needs, particularly children, unaccompanied minors, disabled people, elderly, pregnant women, single parents with children, victims of trafficking, persons with mental disorders and victims of rape, torture or other severe forms of psychological, physical and sexual violence shall be provided special care, attention and consideration.

**3.2.**

In procedures dealing with unaccompanied minors, the official of the competent authority who conducts the procedure has to be additionally trained in the treatment of minors, particularly for the provision of assistance in effectively exercising the rights of the UAM. The organization and implementation of regular training of officials for the treatment of unaccompanied minors are provided for by the ministry, while other state bodies are obliged to provide support and expertise.

**3.3.**

The main challenge in the effective protection of UAM is accommodation in cases where the UAM can’t be accommodated in Asylum Home. Ministry of Interior is together with Ministry of Social Affairs trying to find the permanent solution regarding the accommodation of UAM and their care in that accommodation.

**3.4.**

In October 2008 Government of the Republic of Slovenia established an interdepartmental working group issuing problematic of UAM’s, in which representatives of other relevant ministries and NGO’s together with MOI discusses issues concerning UAM’s. The first year interdepartmental working group reviewed and assessed the issues, in the next year group addressed accommodation of UAM’s, return and reintegration and family tracing, durable solutions, child benefit and comprehensive treatment of UAM’s. In 2012 during the reform of the Government the interdepartmental group ceased to operate.

**3.5.**

MOI is cooperating with all relevant stakeholders in the state and also in the frame of EU initiatives/agencies (EASO). Cooperation also takes place with UNHCR (Regional Representation in Budapest). NGO’s working with UAM’s are also cooperating and exchanging best practices with other NGO’s in the region.

**4.1.**

The role of civil society organizations is of a great importance in the protection of the UAM’s. In the case of Slovenia the civil society organizations (and also legal representatives) are an important partner to competent authorities regarding accommodation and care, implementation of programs, helping UAM’s in integration into society, legal representation, and also return and reintegration. They are a core factor in pursue of the best interest of the child.

**4.2.**

Good practice in the field of aid in the transition to adulthood represents program Integration Aid, which is focused on assistance in managing life situations, learning assistance and help in social integration of vulnerable groups (special attention is paid to UAM’s). The program aims to increase knowledge on the needs of persons with international protection and how to respond to these needs so their social integration would be faster and better.

The second example is the protection mechanism in a case if someone is the victim of abuse. MOI with nine NGO’s and UNHCR signed the agreement which defines identification and protection mechanism for asylum seekers and refugees who are victims of sexual abuse, violence or trafficking.