

Children in Migration

Netherlands national contribution to the EMN study on 'Children in Migration'

Introduction

This is the reformatted contribution of EMN Netherlands, the Netherlands National Contact Point (NCP) of the European Migration Network (EMN), to the EMN study 'Children in Migration' of March 2021. It reflects the legislation, policies and practices that have been put in place in the Netherlands from 1 January 2019 until the 31 December 2019. Other NCPs in EU Member States have also completed the Questionnaire and may produce a similar report on this topic of their Member State.

The different national contributions were prepared on the basis of a common EMN template with study specifications to ensure, to the extent possible, comparability. These contributions were largely based on desk analysis of existing legislation and policy documents, interviews with key stakeholders and information provided by national authorities.

Synthesis report

On the basis of the national contributions of 26 EMN NCPs, a synthesis report was produced by the EMN Service provider in collaboration with the European Commission and the EMN NCPs. The synthesis report gives an overview and analysis of the policies of all Member States and Norway.

Participating countries:

Austria (AT), Belgium (BE), Bulgaria (BG), Cyprus (CY), Czech Republic (CZ), Germany (DE), Estonia (EE), Greece (EL), Spain (ES), Finland (FI), France (FR), Croatia (HR), Hungary (HU), Ireland (IE), Italy (IT), Lithuania (LT), Luxembourg (LU), Latvia (LV), Malta (MT), Netherlands (NL), Poland (PL), Portugal (PT), Sweden (SE), Slovenia (SI), Slovakia (SK) and Norway (NO).

Availability

The national report, the EMN study and other publications are available on the website of EMN Netherlands:

www.emnnetherlands.nl/onderzoeken.

COLOPHON

Authors Ashna Goerdat
Annemieke Oost-Gerholt
Maren Stegink

EMN Netherlands, Netherlands National Contact Point for the European Migration Network (EMN) Immigration and Naturalisation Service (IND)

Ministry of Security and Justice
Rijnstraat 8
2515 XP The Hague, The Netherlands

www.emnnetherlands.nl

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1 The identification and protection of minors

Starting off with a general description of the procedures, this section then turns to a more detailed description on the collection of biometric data. The last part of this chapter addresses the procedures involved in the detection and identification of (potential) human trafficking victims.

1.1 Identification and registration

There is only one procedure used for registration and identification of migrants. This includes minors and is described in the Protocol for Identification and Labelling (PIL¹). The identification starts with the first contact with the migrant. If the identification cannot be made (due to lack of documents) the information of the migrant will be registered in combination with prints of his/her 10 fingers and facial image. This information is the label by which the migrant can be identified.

For registration and identification of all third country nationals, including children the Establishment of Identity Kiosk (BVID) is used. This kiosk contains a document scanner, fingerprint scanner and photo camera and is connected to a computer. The computer is connected to different databases and carries out an immediate check of several IT systems. It also generates a unique number called a "V-number". This will be used to identify the migrant during all his/her migration procedures. Fingerprints are taken of children from the age of 6 and up². The information is uploaded to the Central Shared Database With Basic Information On Applicants (Basis Voorziening Vreemdelingen, BVV³) and for migrants age 14 and up de fingerprints are also uploaded to Eurodac.

In general, the officials in the registration process are trained to pick up signs⁴ of possible special needs and this is registered and communicated with the contact persons of the IND who are the central contact point for compiling all the signals that are identified in the registration process (the contact persons for human trafficking within the Immigration and Naturalisation Service (IND) are also the contact persons for violence and abuse). In case a minor with specific protection needs is identified all authorities involved are alerted. If it is a UAM the guardianship agency will be informed. The guardianship agency will decide what steps are taken to give the UAM the necessary help and protection. (See chapter 3.3 for further information on the appointment of the guardian and the role of the guardianship agency Nidos).

1.2 Collection of biometric data

The Royal Netherlands Marechaussee (KMar) is responsible for the borders in the Netherlands and comes in contact with UAM's and third country Nationals at the Schengen borders (sea and air) or Mobile Security Monitoring temporary controls at the internal EU borders. The first identification and registration at the brigade includes a check and therefore collection of biometric data. In this process the KMar takes gender as much as possible into account while collecting biometric data of minors, though the registration process is done with the available staff. If at the time of apprehension a search of the clothing is necessary this will be done by staff of the same gender as the apprehended person.

There are no special measures in place to ensure a more child friendly way of collecting biometrics. The collection of biometric data is done digitally with the use of the Establishment of Identity Kiosk (BVID). This kiosk contains a document scanner, fingerprint scanner and photo camera and is connected to a computer. Up to the age of six only a photo is taken, for the age six to fourteen a photo and fingerprints are taken for the BVV and fourteen and up a photo and fingerprints are taken and uploaded in Eurodac.⁵

In case of an asylum application, the registration takes place at a registration centre. There are two centres, in Ter Apel and in Budel, which have slightly different procedures. At the registration centre in Ter Apel a member of the Division for Aliens Police, Identification and Human Trafficking (AVIM) will take the biometric data with the Establishment of Identity Kiosk (BVID). There is no special room for minors where the biometric data is collected. If it is a minor with family, the whole family will stay together during the registration process, included the taking of the biometric data. At the moment a special family room is built in the registration centre in Ter Apel, this room should be open for processing in July 2020. The biometrics of UAM's are taken in the same way as for all other applicants. It is taken into account that staff of both genders are present during each shift. And often there are police officers of the AVIM available who are multi-lingual.⁶

At the registration centre in Budel a member of the AVIM will take the biometric data with the Identity Kiosk (BVID). There is not a special room for minors where the biometric data is collected, but their parents are with them during the whole

1 National Government, "Protocol Identificatie en Labeling 10.1", 2019, last accessed on 6 March 2020.

2 This information was provided by the Royal Netherlands Marechaussee on 13 May 2020.

3 The BVV is the central information system of organisations that cooperate in the migration process; herein all basic data of third-country nationals and EU-citizens in the Netherlands is recorded.

4 Politieacademie, "Alleenstaande Minderjarige Vreemdelingen", last accessed on 9 April 2020.

5 This information was provided by the Royal Netherlands Marechaussee on 13 May 2020.

6 This information was provided by the National Police on 4 June 2020.

process. At the registration centre in Budel there is a special family room where the registration of families takes place (with the exception of the part where the BVID is used). This family room is child friendly and the whole family can stay in this room together during the whole registration process.⁷

1.3 Identifying (Potential) victims of human trafficking

The detection of (potential) victims of human trafficking can be done by all officials in the registration process, the guardian, at the housing facility at the border by the KMar or by the National Police. Thus, the identification of (potential) victims of trafficking in human beings can be made at different moments in the migration procedure.

From the first contact with the Dutch authorities the employees are aware of the signs that might identify a (potential) victim. There are profiles available and indicator lists to make it easier to recognize potential victims. Each organisation has their own indicator lists with specified information for their personnel to work with. Also, the Expertise centre Human Trafficking and Human Smuggling has two indicator cards developed, one is specifically for law-enforcement and the other is for all other organisations.⁸

Identification during the registration process

If a (potential) victim is identified in the identification and registration process the information is passed on to a team of the National Police which specializes in trafficking in human beings.⁹ The information is also passed on to Nidos, the guardian foundation so they can determine if the minor should be placed in the Protected Reception (BO) (see 3.2). The determination whether a person is a victim of human trafficking is done by a special team of the National Police (AVIM/TMM). After examination of the available information they will plan an intake and after the intake the (potential) victim can give a statement, which is the start of the investigation. Furthermore, the identification of minors who are victim of human trafficking is done according to PIL (see chapter 2.1).

Identification at registration centres

At the registration centres in Ter Apel and Budel a work process is in place to make sure all organisations involved share their signals about a potential victim to make sure no signs are missed. This information is passed on to a special police team to assess if a further investigation is necessary (AVIM/TMM).¹⁰ Special training is given to the police officers who are

involved in the registration and identification process at the registration centres. During the daily briefing attention is given to indicators and new phenomenon's of human trafficking.¹¹

Identification at reception facilities

Most of the Reception Centres (COA locations see chapter 3.3 for explanation) have a human trafficking officer, also staff of the Reception Centres is trained to recognise and report any signs of human trafficking. Signs of human trafficking within these locations are reported to the police.¹² Therefore, when a minor is already housed in a reception facility the employees there can pass on information to the National Police who will share this with the specialized team (AVIM/TMM). Together with the guardian or parents they can decide if it is appropriate to move the minor to the Protected Reception (COA), a specialized small-scale reception facility for victims of trafficking in human beings, or they can decide to give special care at the current location.¹³ It all depends on the individual case and will be assessed when necessary with the utmost care for the wellbeing of the minor.

Other moments of identification

Children who are not applying for asylum or sent to the registration centre in Ter Apel to get accommodation can be identified in other processes in which they come in contact with the authorities. For example children who are forced to commit crimes like pickpocketing. When they come in contact with the police due to the crime they have committed it is up to the police to recognize that they might be victims of human trafficking. The police has special units and especially trained police officers for contact with victims of human trafficking (AVIM/TMM).

2 Providing adequate reception

This chapter describes the following: firstly, it explains the various reception facilities for minors. Secondly, the chapter elaborates on the specific facilities for UAM's, since the Netherlands has four different types of reception facilities hosting UAM's during the asylum procedure. Thirdly, the chapter discusses measures that have been implemented in order to prevent and respond to child abuse in various facilities. Fourthly, the topic of child right training of staff at reception centres are explained and how a child-sensitive environment has been created. Fifthly, alternative reception facilities are

7 This information was provided by the National Police on 26 May 2020.

8 [Politieacademie](#), last accessed on 9 April 2020.

9 Immigration and Naturalisation Service, "Stroomschema signalen mensenhandel in asiel", last accessed on 31 March 2020.

10 Immigration and Naturalisation Service, "Stroomschema signalen mensenhandel in asiel", last accessed on 31 March 2020.

11 This information was provided by the National Police on 4 June 2020.

12 This information was provided by the Ministry of Justice and Security on 5 June 2020.

13 Interview with COA on 19 March 2020.

discussed, in other words, non-institutional reception facilities. Sixthly, the monitoring systems are explained, which ensure minimum standards in reception facilities. Lastly, minors access to particular services and rights are explained, including health care, youth care and inclusive education.

2.1 Reception facilities for minors

After the registration and identification procedure at the application centre in Ter Apel, families are first hosted in the reception center at the application centre (COL, centrale ontvangstlocatie). A medical assessment will take place, and their application interview will be carried out by the Immigration and Naturalisation Service (IND). During this time, families get shelter, access to necessary health care and support for the preparation of their application for asylum in the COL. They normally will stay in the COL for at least 4 days.¹⁴

Thereafter families are transferred to one of the general process reception centres (POL, procesopvanglocatie), where they stay during the general asylum procedure. The POL's are normally near the application centre, and have capacity for hosting around 500 applicants. The families will have 6 days of rest and preparation period, before their application procedure officially starts.¹⁵ The General Asylum Procedure should normally take maximum 8 days.

If the General Asylum Procedure for some reason takes longer than the maximum time of 8 days¹⁶, the family will enter the Extended Asylum Procedure. The family will be transferred from the POL to a reception centre (asielzoekerscentrum, AZC). Next to asylum applicants in the Extended Asylum Procedure, beneficiaries of international protection live in an AZC until they find housing in the municipality. The residents live in residential units often with 5 up to 8 people, where families sometimes share a unit with other residents.¹⁷ Each residential unit has a few bed rooms and a shared living room, kitchen and sanitation. Residents take care of themselves as much as possible and are responsible for taking care of their living environment. There are activities that residents can attend, there is support and guidance on their future (depending on their status) and focus lies on their competences. About a quarter of the total residents is under the age of 18.

2.2 Reception facilities for UAM'S

The Netherlands has four different reception facilities (and one pilot reception facility) in place for hosting UAM during

the asylum procedure. It depends on the age, vulnerability and timing in the procedure to which kind of reception the UAM is assigned. Two key characteristics of this system of reception is that the reception takes place on a small scale (foster care or otherwise reception in small groups per facility) and that the UAMs stay as much as possible in one region when they are transferred. This way, in case the UAM receives a residence permit, they could maintain their contacts within the region as much as possible. The following categories of reception can be distinguished:

First of all there is the 'reception and living in a family context' (OWG, Opgang en wonen in een gezinsverband) by Nidos. Nidos has agreements with foster families. These families are prepared to take youngsters, who are under the guardianship of Nidos, into care in their home for a shorter or longer period. While other forms of reception concern a (more) professional relationship between mentor and child, this is a natural family environment that enables the (vulnerable) child to start a sustainable personal relationship.¹⁸ When matching the UAM with a foster family, Nidos searches for a family with similar cultural background as the UAM as much as possible (for example: if one of the foster parents comes from the same country of origin, or at least speaks the language this is taken into account). This kind of reception is mostly meant for UAM that are under the age 15 years. Also vulnerable youngsters older than 14 years can be hosted by a foster family, regardless of their status (see also chapter 3.5).

The second reception facility is the special process reception location for UAM (POL-amv). Most often minors of the age of 15 or older are assigned to this type of reception. The POL-amv are located on the terrain of a regular reception centre (AZC, asielzoekerscentrum) and fall under the responsibility of the Central Agency for the Reception of Asylum Seekers (COA). In the POL-amv the minors are housed together in a small living units (with maximum 8 minors per unit) or they share a room (1 up to maximum 4 persons)¹⁹ and receive daily guidance from COA-employees who are available 24-hours a day. UAMs stay in the special process reception locations for UAM until the end of the General Asylum Procedure. This is normally for about 3 months.²⁰

In case the UAM is hosted within a POL-amv but the General Asylum Procedure takes longer than the average time and the Extended Asylum Procedure takes place, the UAM will be

14 Central Agency for the Reception of Asylum Seekers, "Asylum procedure", last accessed on 23 March 2020.

15 National Government, "How does the procedure work on applying for asylum?", last accessed on 23 March 2020.

16 National Government, "Hoe verloopt het aanvragen van asiel?", last accessed on 27 March 2020.

17 Central Agency for the Reception of Asylum Seekers, "Living in an asylum reception centre", last accessed on 27 March 2020.

18 Nidos (2016), "Nidos Annual report of 2016", last accessed on 23 March.

19 This information has been provided for by the Ministry of Justice and Security on 1 May 2020.

20 Nidos, "POA location", last accessed on 23 March.

hosted in a small housing facility instead (KWV, Kleinschalige Woonvoorziening). These facilities have a maximum capacity of 16 to 20 minors. Guidance from employees of COA is available 24-hours a day.²¹ Other groups of minors that are hosted in this facility, are UAMs that did not receive a residence permit and have to return to their country of origin. There are employees present of COA, IOM and the Repatriation and Departure Service (DT&V) in order to provide support to those minors that are in the return procedure. Depending on the local possibilities, minors can participate in several activities at the KWV.²²

The fourth option is the Protected Reception of UAMs at Risk (BO, beschermde opvang), organized by COA. BO is meant for UAM who are a victim of honour related violence, child marriage or for those UAMs of which Nidos and COA employees suspect that they are a victim of human trafficking. This type of reception offers intensive and personal guidance for the UAM 24-hours a day.²³ Emphasis is placed on building trust and (a feeling of) safety.²⁴ The approach is based on 3 phases in which their freedom increases to a limited extent. In the beginning, minors cannot go outside without supervision. In the last phase, the minor will have more freedom since (s)he will have to learn to be more independent.²⁵ In general, UAM will stay at the BO for around 9 months, depending on the needs of the UAM.

Finally, a new reception facility has been established in 2019 in a pilot by Nidos, the so-called Perspective Reception Nidos (PON, Perspectief Opvang Nidos).²⁶ This is a special reception facility for minors between the age indication of 13 up to 18. It concerns the minors who do not fit in the regular reception facilities, because of their (aggressive or otherwise problematic) behavior, nuisance, and/or because of a special need for care (for example addiction or mental health).²⁷ The minors in this facility receive intensive personal guidance and care. The aim in this facility is to address the minor's behavior and discuss a durable solution with them. The pilot has been extended with a year.²⁸

2.3 Measures to prevent and respond to child abuse

This section discusses various reporting mechanisms, such as background checks, staff trainings or other prevention and response mechanisms to child abuse during their time of residence in the reception facilities.

i. Central Agency for the Reception of Asylum Seekers (COA)

COA has several measures in place in order to prevent and respond to child abuse at the reception centres (POL-amv and KWV, see chapter 3.2). There is a report protocol and employees receive training on this topic.

Reporting Protocol

First of all, COA has implemented the Model Protocol for Child Abuse and Domestic Violence.²⁹ The Model was introduced in the Netherlands in 2013 by law for professionals in certain work fields (among others for youth care). The purpose of this Model Protocol is that there is fast and adequate intervention when there is a suspicion of child abuse. In every reception facility of COA there are one or more appointed officers, who are trained on recognizing child abuse and who supervise the reception facility. They can also participate at the annual regional meeting on child abuse and domestic violence. All employees at the reception facility might encounter signals of child abuse or domestic violence. The appointed officers gather these signals, talk to victims, contact the Nidos guardian, contact other operating organizations in the field of migration and take other measures (for example: arranging the presence of a family arbitrator). They can also report the case to one of the 26 regional organizations of 'Safe home' (Veilig Thuis)³⁰ by making use of the developed protocol. The appointed officers are obliged to report the case to 'Safe Home' if acute and structural insecurity is at hand. The developed protocol helps the appointed officers to decide on whether or not it is necessary to report. The regional organizations of 'Safe Home' can offer support to the appointed officers, give advice, investigate whether there is indeed child abuse or domestic violence, and take further actions if necessary.³¹ Further handling of the criminal charges is part of the responsibility of the police.³² In some cases where safety is at

21 Council for Refugees, "What are unaccompanied minors?", last accessed on 6 March 2020.

22 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norways", 2017, last accessed on 27 March 2020.

23 UNHCR, "In the first place a child", 2019, last accessed on 27 March 2020.

24 Nidos, "Kinderen, gevlucht en alleen", 2017, last accessed 19 May 2020.

25 This information was provided by the Central Agency for the Reception of Asylum Seekers on 19 May 2020.

26 This information was provided by Nidos on 8 May 2020.

27 Nidos, "Jongerencoach m/v", last accessed on 27 May 2020.

28 Nidos, "Nidos Annual report of 2019", 2019, last accessed on 26 May 2020.

29 Vreemdelingen Visie 18, "Acting carefully in case of child abuse and domestic violence", last accessed on 16 March 2020.

30 "Safe Home" is an helpdesk and notification centre with teams of social workers for domestic violence and child abuse. There are 26 regional organisations, united in a national network. Victims, perpetrators and witnesses are offered help, advice and support by these regional organisations.

31 Safe Home, "How does 'Safe Home' work?", last accessed on 16 March 2020.

32 Inspectorate of Justice and Security, "Social security of residents of reception centres", 2018, last accessed on 16 March 2020.

direct risk, it is possible that the case is directly reported to the police.

Background check and training of employees of COA

Employees of COA have to be registered in the Foundation Quality Register Youth (Stichting Kwaliteitsregister Jeugd, SKJ).³³ Registration is necessary for professionals employed in youth care. A condition in order to be registered, is the Certificate of Conduct ('Verklaring omtrent het gedrag', VOG).³⁴ A VOG is a document declaring that the applicant has not been convicted for any crime relevant to the performance of his or her duties.³⁵ Also, in order to stay registered, the employees need to follow annually a number of accredited courses in order to keep their knowledge and skills accurate. COA employees can also follow courses on among others the Protocol Child Abuse and domestic violence, and on the registration of incidents.³⁶

ii. Youth protectors of Nidos

Every UAM will be appointed to a guardian (youth protector) of the Nidos Foundation. Youth protectors from Nidos can also function as a family guardian, who assists the child and its parents in the event that the development of the child is threatened and a judge has decided that a family should be placed under supervision.³⁷

Reporting protocol

Just like COA, Nidos has implemented the Model Protocol for Child Abuse and Domestic Violence. Youth protectors can first discuss any signals on child abuse in the family where the child is staying in their own base team.³⁸ If the youth protector would like to take further steps, the same protocol applies as for COA. Nidos has its own appointed officers that are able report the case to a regional office of 'Safe Home'.

Background check and training

Just like employees of COA, youth protectors of Nidos have to be registered in the Foundation Quality Register Youth (Stichting Kwaliteitsregister Jeugd, SKJ), for which they need a VOG and they need to follow several courses on a wide range of topics.³⁹ There are courses offered on for example

the 'Protocol Child Abuse' and 'Reporting with regard to a child-protection measure'.⁴⁰

iii. Background checks of foster families

Minors under the age of 15 normally stay with foster families (OWG, see chapter 3.2). The families that are acting as foster families for children and have signed a contract with Nidos, had to undergo a background check and screening. The screening entails a conversation between an OWG employee and the future foster parents, in order to gain insight in to the family situation and identify any possible risks. Also, in order to become a foster family, it is necessary to obtain a 'certificate of no objection' by the Child Care and Protection Board.⁴¹ The Child Care and Protection Board consults the Judicial Documentation System⁴², before issuing the certificate.

2.4 Child friendliness in reception facilities

In the Netherlands, the presence of relatives is taken into account by Nidos when allocating an unaccompanied minor to a reception facility or other forms of accommodation. Nidos will be appointed as the guardian of the UAM in a court order by a juvenile court judge. The appointed youth protector of Nidos will determine what kind of reception facility would be most suitable for the UAM, after the intake with the UAM.⁴³ In doing so, the youth protector will investigate whether there are any known family connections in the Netherlands.⁴⁴ If this is the case, the youth protector will try to contact the relatives and engage in dialogue with the family. If the family is willing to host the UAM, the family first needs to be screened by Nidos. It is possible (but not preferred) that in some cases the child is already relocated to the family before the screening takes place, if this is in the best interest of the child.⁴⁵ But this is tailored to the situation at hand. The guardianship order expires when the child turns 18. Until that age, the guardianship can be ceased if the child is reunited with its parents or if relatives request the guardianship of the child and conditions are fulfilled.

Furthermore, in an effort to ensure a child friendly environment several measures have been taken in order to ensure that all reception facilities hosting minors have staff who have

33 Interview with Nidos and COA, March 17 and 19 2020.

34 SKJ, "About registration in the SKJ", last accessed on 10 June 2020.

35 Justis, "Certificate of Conduct", last accessed on 10 June 2020.

36 This information was provided by the Central Agency for the Reception of Asylum Seekers on 31 March 2020.

37 This information was provided by the Ministry of Justice and Security on 1 May 2020.

38 Interview with Nidos, March 17 2020.

39 Interview with Nidos and COA, March 17 and 19 2020.

40 This information was provided by Nidos on 8 May 2020.

41 Nidos, "Becoming a childcare parten", 2018, last accessed on 16 March 2020.

42 In the national Judicial Documentation System, data is stored about any committed crimes and offences. The data is confidential and therefore the Judicial Documentation System can only be consulted by selected parties.

43 ABDTOPConsult, "Evaluation new reception system unaccompanied minors", 2019, last accessed on 10 March 2020.

44 Nidos, "Living", 2018, last accessed on 10 March 2020.

45 Interview with Nidos, March 17 2020

received a child right training and are prepared to work with minors in a child-sensitive way.

i. Central Agency for the Reception of Asylum Seekers

COA has taken several measures in order to be prepared to work with minors in a child-sensitive way.

First of all, employees of COA working at the reception facilities (POL-amv and KWV, see chapter 3.2) need to have followed Higher Vocational Education ('HBO-opleiding') with a specialisation as a youth worker. The employees have to be registered in the Foundation Quality Register Youth (Stichting Kwaliteitsregister Jeugd, SKJ).⁴⁶ In order to stay registered, the employees need to follow annually a number of accredited courses in order to keep their knowledge and skills accurate. The training program starts with basic courses (such as an Emergency Response training) that all COA employees can follow. For mentors of COA, who are responsible for the daily support and guidance of minors, special method training is offered that provides for knowledge on how to work with minors in a child-sensitive way. There is also attention for judicial aspects of the work field. It is also possible for the COA reception facility to hire specialists for additional training or help, if this is deemed necessary.

Also, since 2016 after an evaluation of the reception facilities specifically for UAM by the Inspectorates, behaviorists were recruited for every COA UAM reception facility.⁴⁷ Behaviorist are supporting the mentors in several ways. They are present during conversations between the youth protector of Nidos and the COA mentor, and they determine if any additional (youth) care is needed by the child. They help with the agogical approach and support towards UAMs, and give advice about this by means of their professional knowledge.⁴⁸ The employment of these behaviorists at the reception facilities, aims to improve the guidance and support for UAMs.

Another way to ensure that workers at the COA reception facilities are prepared to work in a child-sensitive way, is to let employees learn from each other by means of peer review.⁴⁹ Employees of one COA reception facility will visit other reception facilities, in order to exchange experience with each other.

ii. Youth protectors of Nidos

Every UAM will be appointed to a youth protector of Nidos. Youth protectors from Nidos can also function as a family guardian, who assists the child and its parents in the event that the development of the child is threatened and a judge has decided that a family should be placed under supervision.⁵⁰

Nidos youth protectors normally should have followed Higher Vocational Education ('HBO-opleiding') in social work, often with a specialization on youth. This partially ensures that they have experience and knowledge of working with minors.⁵¹ In order to stay registered in the SKJ, Nidos youth protectors are required to follow several courses. Nidos for example has developed a compulsory method for newly employed youth protectors. This course focus among others on how to deal with minors in the asylum procedure and their specific background. This course lasts for several days, and is a classroom training. Other offered courses are for example 'supporting youths with a return perspective'.⁵²

iii. Preparation of the foster families

When matching the UAM with a foster family, Nidos searches for a family with similar cultural background as the UAM as much as possible. In some cases this will allow for better understanding between the minor and the foster family. The families are not trained, but they are prepared and supported by the Nidos youth protector.⁵³ They have contact with the youth protector every month, in order to evaluate the progress and circumstances at that moment.

iv. Protected Reception of UAMs at Risk (BO)

Employees at the BO have followed either intermediate vocational education or Higher Vocational Education in for example social pedagogical work. They are not all registered in the SKJ. The employees of the BO receive among others training with specific focus on the UAM-method and the method developed on the Protection Reception of UAMs at Risk. Just as at the COA reception facility, there are behaviourists at the BO present and also peer review takes place.⁵⁴

46 Interview with Nidos and COA, 17 and 19 March 2020.

47 *Parliamentary Papers II*, 2016-2017, 27 062, nr. 104.

48 This information was provided by the Central Agency for the Reception of Asylum Seekers on 12 May 2020.

49 Interview with COA, March 19 2020.

50 This information was provided by the Ministry of Justice and Security on 1 May 2020.

51 Interview with Nidos, March 17 2020.

52 Information provided by Nidos on 8 May 2020.

53 Interview with Nidos, March 17 2020.

54 This information was provided by the Central Agency for the Reception of Asylum Seekers on 19 May 2020.

2.5 Alternative (non-institutionalised) care systems

In the Netherlands there are (non-institutionalised) alternative care systems available for UAMs. For example, foster families are prepared to take youngsters, who are under the guardianship of Nidos, into care in their home for a short or longer period. This kind of reception is mostly meant for UAM that are under the age of 15. Also vulnerable youngsters older than 14 years can be hosted by a foster family, regardless of their status. The Nidos youth protector has contact with the UAM in the foster family once a month in order to monitor. This kind of reception is part of the regular system of reception facilities for UAMs under the age of 15 as reported under paragraph 2.1. There are no plans to increase the use of alternative care systems even further.⁵⁵

Furthermore, there are semi-independent living arrangement available for older unaccompanied minors. UAMs who have received a residence permit are hosted by the Nidos foundation in small living arrangements for a maximum of 12 minors (KWG, kinderwoongroep). UAMs that have a higher independency will live in smaller living arrangements with a maximum of 4 minors (KWE, Kleine wooneenheden,). They receive support of youth care on the most important parts of the day (before going to school and after school) during 28 hours a week. The system of small living arrangements, where UAMs live with only a few others, is meant to increase the development of the minors. They are trained to learn skills that are deemed necessary when they turn 18 and will have to continue independently.⁵⁶

2.6 Monitoring system

Various monitoring systems are in place in order to ensure minimum standards are fulfilled in reception facilities.

Inspectorates

The Inspectorate of Justice and Security is responsible for the supervision on operating organizations within the field of migration, it supervises (among others) COA and Nidos. The Youth Care Inspectorate is responsible for the supervision of the reception, guardianship and support for UAM. The Inspectorates cooperate on the field of UAMs⁵⁷ and have carried out investigations of the reception facilities in the last few years.⁵⁸

Most recently the Inspectorates have reported on the quality of the reception facilities of COA and Nidos in 2017 and 2018 and with regard to the BO a investigation took place in 2015 and 2016. Certain COA reception centers and Nidos accommodation facilities were asked to self-evaluate.⁵⁹ It concerned 15 locations of contract partners of Nidos one location of Nidos itself, and 10 COA locations.⁶⁰ After receiving the self-evaluations, the Inspectorates have held unannounced visits to a few reception facilities in order to verify the results.⁶¹ Nidos and COA took action by setting up a list of measures that should be taken for improvement and already implemented certain measures.⁶² Further appliance of the improvements are monitored by the Inspectorates.⁶³

Supervisory Board

Nidos also has a Supervisory Board in place that is informed about developments within the organization. The chair of the board is in charge of the communication with the Ministry of Justice and Security.⁶⁴ The board takes into account personal and organizational developments of Nidos and makes visits at the different Nidos locations. The board is ultimately responsible for the functioning of Nidos, and therefore also for the system of the reception system.

2.7 Access to services/rights

The minor has particular rights and services, such as health-care, youth care and education, regardless of their migration status. Furthermore, the Netherlands assesses the vulnerability and special needs of minors, which are evaluated differently UAMs and minors with families.

Health care

In the Netherlands, all children have a right to access of healthcare, irrespective of the question whether or not they applied for asylum and their status.⁶⁵ This covers both curative care and public health care. The only difference that occurs is which organisation is responsible for the payment of the health care.

The curative care for asylum seekers is executed by the Asylum Seeker Healthcare (GZA, GezondheidsZorg Asielzoekers). Nearly every COA location has a healthcare centre

55 This information was provided by the Ministry of Justice and Security on 1 May 2020.

56 Nidos, "Nidos Annual report of 2016", 2016, last accessed on 23 March.

57 Ministry of Justice and Security & Ministry of Health, Welfare and Sport, "COA: the learning and improvement process in sight, the action plan", 2019, last accessed on 11 March 2020.

58 van Os, C., Zijlstra, E. & Grietens, H., Haalbaarheidsonderzoek, "Violence in youth care- unaccompanied minors", 2017, University of Groningen, Department of Special Needs Education and Youth Care, last accessed on 11 March 2020.

59 National Government, "Report letter COA", 2019, last accessed on 11 March 2020.

60 This information was provided by the Ministry of Justice and Security on 1 May 2020.

61 National Government, "Continue independently? The reception and counselling of unaccompanied minors", 2018, last accessed on 16 March 2020.

62 *Parliamentary Papers II*, 2018-2019, 19637 nr. 2530.

63 Nidos, "Nidos Annual report of 2018", 2019, last accessed on 27 March 2020.

64 Nidos, "Nidos Annual report of 2018", 2019, last accessed on 26 May 2020.

65 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norways", 2017, last accessed on 27 March 2020.

where asylum seekers can go for an appointment with a healthcare professional, such as the doctor's assistant, nurse, POH-GGZ (Mental Healthcare Nurse Practitioner) or general practitioner.⁶⁶ The Public Health Care for Youth (GGD-JGZ) is responsible for health care of minors between the age of 0 up to 18. They provide for intakes, vaccinations according to the national vaccinations program and periodic medical research. The GGD-JGZ can recognize particulars in the development of the minor, and give advice to the children and their parents.⁶⁷ At the Protected Reception of UAMs at Risk (BO) there is no GZA. UAMs go to a regular general practitioner.

Youth care

Youth care entails treatment or support in order to resolve or lessen the impairment of psychosocial, psychic or behavioural problems⁶⁸, and is part of the public health care. The GGD-JGZ can also refer the guardian to youth care.⁶⁹ In some cases a referral to specialized youth care can be necessary. In 2015 the New Youth Law was implemented, which made the municipality responsible for access to adequate youth care for children in the municipality. Since 2019 municipalities are also responsible for children and UAMs on COA locations in the municipality. The access to youth care should be provided for, regardless of the migration status of the minor.⁷⁰ Nevertheless a few restrictions apply to undocumented minors (as discussed under paragraph 6).

Education

Under Section 3 of the Compulsory Education Act (LPW) 1969 in conjunction with Section 10 of the Aliens Act (Vw) 2000, all children in the Netherlands have a right to education until their eighteenth year of age, irrespective of whether they are staying in the Netherlands lawfully or not.

In principle children must go to school as quickly as possible after arrival in the Netherlands. This applies to all groups of minors, irrespective of whether they stay with a foster family in the context of OWG, BO or at a reception facility of the Central Agency for the Reception of Asylum Seekers (COA). Quick access is ensured by giving information on the educational system immediately when the child arrives at the Central Application Centre in Ter Apel. Estimated is that children who are for example staying at a COA location, are normally going

to school within a month.⁷¹ They are registered at a school as soon as they are moved from the reception centre at the Central application center in ter Apel (where they only stay the first few days) to another reception facility as described in Chapter 3.2. If there are no available openings at the school near the determined reception center, it could take a little longer than a month before the child has access to education. With regard to children who will stay at a foster family or Nidos facility, Nidos is responsible for quick access to school.

In addition, special measures to support access to education for the minor are taken. The Central Agency for the Reception of Asylum Seekers (COA), the municipality, local schools and the Ministry for education work together to ensure children have access to education in their municipality. Children who are newly in the Netherlands first go to special transitional classes in which the emphasis lies on learning Dutch and learning about Dutch culture. This is called initial reception education. In primary education this is also called newcomers' education and in secondary education it concerns international preparatory classes (ISK). ISK have small classes with mixed levels.⁷² Schools are sometimes based at a reception center (this is usually a school for UAMs), but most of the time they are located in the municipality where the children are staying. UAMs will go to these kind of classes for the first 3 months up to the first 2 years after arrival.⁷³ Afterwards they enter into the regular education system.

Vulnerability and special needs of minors

Unaccompanied minors

The care for UAMs begins before their status is determined.⁷⁴ On the day of their application for asylum, the UAM receives an intake interview by a Nidos guardian at the application desk. This guardian decides whether a child will join their family or will be placed in a foster family or asylum reception centre. The guardian also checks whether the child may be particularly vulnerable, for instance when they have been a victim of human trafficking, honour related violence or child marriage and have a protected reception (BO) indication (see chapter 3.2). From day one of their registration, UAMs are placed in a reception facility of COA that is specifically furnished for the reception and supervision of unaccompanied minors.

66 GZA Healthcare, "GZA", last accessed on 27 March 2020.

67 VNG, "Factsheet youth care, general information about (the access to) youth care for asylum seeker children and UAMs", 2018, last accessed on 28 May 2020.

68 Article 1.1 Youth Act.

69 UNHCR, "In the first place a child", 2019, last accessed on 27 March 2020.

70 VNG, "Factsheet UAM", 2016, last accessed on 18 June 2020.

71 Interview with COA, March 19 2020.

72 UNHCR, "In the first place a child", 2019, last accessed on 27 March 2020.

73 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norways", 2017, last accessed on 27 March 2020.

74 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norways", 2017, last accessed on 27 March 2020.

Children with families

Children who arrive in the Netherlands with their family, fall in first instance under the responsibility of their parents. Possible special needs are determined at the time of entry or at a later stage during the reception period by means of the method used at the reception centre for adults.⁷⁵ This method is focused on detecting signals of vulnerability in six determined domains that might apply to residents. Based on this, support can be organised. This can be future oriented support focused on their competences.

3 Ensuring swift and comprehensive access to status determination procedures and implementation of procedural safeguards

This chapter addresses the guardianship system, which varies depending on the status of the UAM. A guardian and youth counselling will be determined by the appointed organisation. Furthermore, the chapter discusses the procedural safeguards during the asylum procedure: i.e., how minors are provided with information on their rights and on procedures. In addition, the methods for age assessment are explained. These methods initially involve non-medical practices, however medical methods can be used as a last resort when findings remain inconclusive. In the last sections, the conditions for family reunification and the Dublin procedure are addressed.

3.1 Guardianship

The guardianship system for unaccompanied minors is laid down in law and a guardian is appointed by a juvenile court judge.⁷⁶ In the case of UAM's the judge will appoint the Nidos foundation as a (temporary) guardian. The foundation will provide a personal guardian to the UAM, first contact with the foundation is in the Registration Centre.⁷⁷ For minors who come into contact with the police first due to criminal activities, the Council for Child Protection is in the lead to comply by the juvenile court for appointment of a guardian. The appointed guardian is either Nidos or the Salvation Army.^{78,79}

For UAMs applying for asylum as soon as they arrive at the Reception Centre and they are registered, an intake is held by an employee of Nidos. The intake will be used to determine

where the unaccompanied minor will be housed. Officially the guardianship starts after Nidos is appointed by a juvenile court judge, but the intake is held on the day that the minor has arrived in the reception centre. After the intake Nidos will provide the UAM with a temporary youth counsellor who will function as temporary guardian until the court will make it official. This is called the pre-guardianship phase.⁸⁰

A UAM who does not apply for asylum is also sent to the Reception Centre so he or she can be registered and accommodation can be provided. An intake with an employee of Nidos is arranged to determine where the minor will be housed and the juvenile court will be asked to appoint Nidos as guardian.⁸¹

After the intake by Nidos the juvenile court is asked to appoint a guardian, in most cases this will be the Nidos Foundation. After it is decided where the minor will be housed Nidos will connect the minor to a specific guardian. If the minor is accompanied by family other than their parents (for example their aunt or uncle) it is possible that the juvenile court will appoint them as guardian. In most cases Nidos will then stay in contact with the minor as a youth healthcare worker. For UAM's who are not sent to the Reception Centre but who are in the caseload of the Council for Child Protection, the council will ask the juvenile court to appoint a guardian. This can be either the Nidos Foundation or the Salvation Army. The appointed organisation will provide a guardian and youth counselling.⁸²

There is a complaint system in place that minors can use in regard to the guardianship. They are informed about the possibilities by a youth counsellor. It is possible to file a complaint with an independent commission. Nevertheless, this is all very formal and not really used by the minors. So Nidos also provides a way to make a complaint informally either with the youth counsellor or the supervisor. Nidos is also working on an app to make the possibility of filing a complaint even more user friendly (and age accommodated).⁸³

The Council for Child Protection has a similar complaint system, just like all other organisations involved with youth counselling and youth protection.⁸⁴

75 This information was provided for by the Central Agency for the Reception of Asylum Seekers on 12 May 2020.

76 Section 1, article 253 under r and article 256, Civil Code BW1.3.1.1 art. 256 (1:253r / 1:256 BW).

77 Nidos, "Annual report of 2018", 2018, last accessed on 25 March 2020.

78 Salvation Army is a ngo on a religious base who will give help to anyone who needs it, including migrants. In the Netherlands they also participate in youth counselling and protection and can be appointed as a guardian in those cases that Nidos is not involved.

79 Interview with Council for Child Protection, March 31 2020.

80 Nidos, "Annual report of 2018", 2018, last accessed on 25 March 2020.

81 Interview with Nidos and COA, 17 and 19 March 2020.

82 Idem.

83 Interview with NIDOS, March 17 2020

84 Interview with Council for Child Protection, March 31 2020

3.2 Procedural safeguards in the asylum procedure

The Netherlands provides information to minors on their rights and procedures in several ways to ensure procedural safeguards in the asylum procedure.

3.2.1.1 Information given at the start of the asylum procedure

First, information about the rights of minors and the procedure is given in a brochure⁸⁵ in the reception centre. The brochure is translated into several languages. Every unaccompanied minor will also have a guardian provided by Nidos who will explain what his or her rights are and give additional information about the procedure. The youth health counsellor of Nidos who does the intake in the Reception Centre gives every UAM a book called "Levensboek"⁸⁶ (Life book) in which life in the Netherlands, the procedure, the position of Nidos and the guardianship they provide is explained.

3.2.1.2 Legal aid

Second, every UAM will receive legal aid provided by a lawyer who will explain the legal side of the asylum procedure. Minors who are with family in the asylum procedure will have a lawyer together with their family members.

3.2.1.3 Information given at the reception facilities

Thirdly, children 10 and up will receive the book "ik woon gewoon" (I live normally) in the housing facility of the Central Agency for the Reception of Asylum Seekers (COA) which explains their rights, the asylum procedure and living in the Netherlands. Also there are guides for 3 different age groups to inform parents and children about living in a reception facility.

When the minors arrive in the housing facility they can also get information and help from the NGO Dutch Council for Refugees⁸⁷ (VWN) and the employees of the Central Agency for the Reception of Asylum Seekers (COA). The UAM's will be connected to a mentor from the COA who will be their first contact point for day to day questions and information.

3.2.1.4 The provision of information in a child-friendly manner

Fourthly, for UAM's information is available in child friendly brochures specifically explaining their situation and procedures in most languages. These brochures are provided in the registration process. The guardian or mentor in the housing facility will explain further when this is deemed necessary. For children who arrived with their parents information is available

at the reception centre where they are housed. There are no specific brochures in the registration process for accompanied children, the available brochures that explain their procedure are handed to their parent(s).

All children of the age of 10 and up will receive a comic book "ik woon gewoon / I live normal" about living in a reception centre, with tips and tricks. It is translated in English, French, Farsi, Tigrinya and Arabic. Also, the Dutch Council for Refugees has a special program "Time4you" in which they give information about the asylum procedure and the rights of children.⁸⁸

3.2.1.5 Fast-tracking the applications for international protection of unaccompanied minors

In principle applications of UAM are not fast-tracked. Only at the beginning of the registration process are UAM fast-tracked. UAM's under the age of twelve are not submitted to a registration interview. Nidos will explain the asylum procedure to them.

UAM's between 12 and 15 will have their registration interview on the day of arrival and will be sent to a temporary foster family at the end of that day. After this first day the "rest and preparation time" will start.

The "rest and preparation time" is in the normal procedure a minimum of 6 days, for UAM's (up to 18) there is a minimum of 3 weeks. This period is meant for the UAM to get settled in the Netherlands and have time to prepare for their asylum procedure.⁸⁹ After this period of rest and acclimatisation the asylum procedure starts. A legal timeframe for assessing the asylum application is applied from the moment the asylum application is lodged, there is no difference in timeframe for UAM's or adults. The General Asylum Procedure acquires 8 working days to come to a conclusion. If more time is necessary the application will be examined in the Extended Asylum Procedure and can take up to 6 months.⁹⁰ The applications of UAM's up to twelve years of age are examined in the Extended Asylum Procedure.⁹¹

The applications of UAM's are prioritised, as they are examined by a specialized team in Den Bosch. This team only examines applications of UAM's.

3.2.1.6 Taking into account the view of the minor

The views of the minors are taken into account throughout the procedure depending on their situation.

85 Nidos, "Voor jongeren", last accessed on 25 March 2020

86 Nidos, "Voor jongeren", last accessed on 25 March 2020.

87 Section C1/2.2 of the Aliens Act Implementation Guidelines (Vc) 2000; Section 3.108 under c.2, Section 3.109 sub 2, Aliens Decree (Vb) 2000

88 Central Agency for the Reception of Asylum Seekers, "Kinderen in de opvang", last accessed on 25 March 2020

89 Section 3.110, sub 1, Aliens Decree (Vb) 2000

90 Section 3.110, sub 1, Aliens Decree (Vb) 2000

91 Section 3.113, sub 7 under b, Aliens Decree (Vb) 2000

Minors with families

Minors who arrive with their parents submit their own asylum application and are interviewed if they are fifteen or older.⁹² This is done by the normal staff of the IND in the normal interview rooms. Minors who have not reached the age of fifteen are usually included in the asylum application of their mother if both parents are together in the Netherlands. However, it is possible to interview a minor from the age of twelve.⁹³ Parents are informed during the registration interview and in writing that they can request for their child from the age of twelve to be interviewed.⁹⁴

Unaccompanied minors

UAM's in the age of six to twelve are interviewed in a special child friendly setting, by specially trained staff. The interview is filmed and a copy of the video is added to the digital file. Reviewing of the video is strictly regulated⁹⁵ UAM's in the age of twelve and older are usually interviewed in the normal interview rooms. All UAM's are interviewed by staff who have done the EASO training "Interviewing Children" and they will take into account any special needs necessary to have a successful interview, such as the age, development (social, emotional and intellectual), education and cultural background.⁹⁶

3.3 Age assessment

The age assessment is carried out by either the police (AVIM) or the Border Police (KMar) and the Immigration and Naturalization service (IND). In total 3 people will assess the minor and check certain elements (either 2 employees of the identifying staff (AVIM/KMar) and 1 employee of the IND or 1 employee of the identifying staff and 2 employees of the IND). These assessments are done separately and are based on looks, behaviour and an age based interview about school, family etc.. They are done during the normal routine of identification by the police/border police and by the IND during the registration interview. If the (unanimous) outcome is that the person who claims to be minor, is evidently minor or adult, the person is considered and registered as such. If the findings regarding age remain inconclusive, the information is checked against the outcome of Eurodac. If the UAM is registered as an adult in another Member State, the information is checked and changed accordingly in the Dutch registration system. If there is still doubt and the minor is not registered as an adult in another Member State, a medical exam to deter-

mine the age will be requested. A preliminary medical exam will be done by the Utrecht Forensic Medical Service⁹⁷ FMMU, if the doctor establishes by his observations that the person is evidently a minor or an adult his conclusions are leading and will be followed. If he has doubts only as a last resort a bone scan will be made at the Forensic Medical Institution.⁹⁸

3.3.1.1 Ensuring the least invasive methods

According to the work instruction used by the IND, an age assessment through a medical exam will only be carried out if there are no other possibilities to determine the age of the person who claims to be a minor. The procedure described in the response to chapter 3.3 shows the steps taken to ensure that the least invasive method of age assessment is used.

In all situations it is possible that the guardian of Nidos or a volunteer of the Dutch Council for Refugees is with the minor during the assessment. In 2018 a training was given to the personnel of the 3 agencies (Police, KMar and IND) who perform the assessments to further professionalize the age assessment procedure. These training sessions will periodically be repeated to increase uniformity and professionalism in the assessments.

3.4 Family reunification⁹⁹

For unaccompanied minors and separated children family reunification is possible. All reunification procedures are done in the same legal timeframe. Under normal conditions an application for reunification is examined within 6 months.

After fingerprints are checked in Eurodac and the intake for the asylum procedure has started and there are indications that the UAM has family in another Member State, tracing of these family members will start within the limits of the Dublin procedure.

As soon as a minor is housed by COA or Nidos they can start looking for their family members. Volunteers from the Dutch Council for Refugees can be of assistance in this process. And often the Red Cross is approached by the guardian of Nidos or the volunteer of the Dutch Council for Refugees to investigate in the country of origin or in the countries to which the family members have relocated in order to find them and re-establish contact.¹⁰⁰

92 Interview with Immigration and Naturalisation Service (IND), 16 April 2020.

93 *Parliamentary Papers I*, 2018–2019, 34 964, H (letter of 7 February 2019).

94 *Parliamentary Papers II*, 2019–2020, 2621710, page 9.

95 Immigration and Naturalisation Service (IND), "Procesbeschrijving Asiel", last accessed on 2 April 2020.

96 Interview with Immigration and Naturalisation Service (IND), 16 April 2020.

97 Utrecht Forensic Medical Service (FMMU) provides a health check for all asylum applicants in the Netherlands to ascertain whether there are any mental or physical problems that could affect their interviews with the IND.

98 Immigration and Naturalisation Service, [Werkinstructie WI 2018/19](#), last accessed on 18 March 2020; Section C1/2.2 of the Aliens Act Implementation Guidelines (Vc) 2000

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

100 Red Cross the Netherlands, "[Restoring family links](#)", last accessed on 21 May 2020.

However, there are conditions that have to be fulfilled to make family reunification possible. The conditions that have to be fulfilled are:

- The minor has received a residence permit as a refugee.
- At the moment of the asylum application the child was a minor.¹⁰¹
- The application for family reunification has to be made within three months of receiving the residence permit.
- Applicants have no criminal history.
- Identity and family ties have to be substantiated as much as possible with documents (if this is not possible family ties can be established by holding interviews at the nearest Dutch consulate and the IND of DNA research).¹⁰²
- Also, there must be a valid document for international travel or another identification document issued by the proper authorities.¹⁰³

Furthermore, needs and possibilities for reunification with family members are addressed at two stages.

Dublin regulation

First, if the UAM has family member(s) (siblings or relatives) in another EU Member State, a tracing form will be sent to that country to trace the family members and establish the family relationship. Reunification will be established under Dublin regulations while keeping the “best interest of the child” in perspective.

Since the enforcement of the Dublin III the Immigration authorities therefore either apply art. 34 of the Regulation of family members to inform in the other EU Member State or – due to the strict time limits - send a take-charge request with a question to check if family members are legally present in another EU Member State.¹⁰⁴

This is instigated in the registration phase of the asylum procedure.

Reunification in asylum procedure

Second, reunification within the asylum procedure is only possible from the moment the UAM has received a residence permit. At the housing facility the guardian (Nidos) and/or mentor (COA) will explain the possibilities as soon as it is clear that asylum will be granted. Nidos has created a new function in their organization in 2018, these employees are

specialized in reunification applications made by minors. Nidos has taken over the responsibility to help the UAM's in applying for reunification.¹⁰⁵ Up to 2018 the Dutch Council for Refugees helped the UAM's in applying for reunification. After the application is received by the IND, the assessment of the application takes place and the needs and possibilities will be assessed. If all requirements are met a permit to travel to the Netherlands will be issued.

3.5 Dublin procedure

The assessment if the Dublin Regulation might apply to the UAM, starts in the registration process with checks in Eurodac and EU-VIS.¹⁰⁶ If a passport is available, a check for visa's and stamps is made. On the basis of the personal (Dublin) interview during the registration process, questions will be asked about family members, siblings, relatives and their whereabouts.¹⁰⁷ If the registration process reveals that the UAM is known in another Member State, an investigation request, based on article 34 of the Dublin regulation will be sent to the Member State concerned. If during the personal interview the UAM refers in detail to possible family members, siblings and relatives in another Member State, a tracing request will be sent to the Member State concerned.

The Immigration and Naturalisation Service (IND) will take into account the “best interest of the child”. The IND will take into account the possibility of family reunification as well as the wellbeing and social development of the minor. If under the Dublin Regulation another member state might be responsible for assessing the asylum application of the UAM - due to the fact that there are family members, sibling or relatives living in that member state - it is important to see what kind of relation the minor has with them. In addition, the IND will assess if there are any signs of possible abuse or neglect in the past by these family members, siblings or relatives. If there are questions about the stated relationship between the UAM and the family members, siblings or relatives, the IND may ask to provide documentary evidence to substantiate the stated relationship. For example, in case of doubts about parenthood/custody, a birth certificate, an adoption certificate or (judicial) documentation on custody could be considered. In the absence of original documents with which the stated relationship can be substantiated, substantial indicative documents/evidence may be taken into account. If necessary, the IND may also initiate a DNA investigation.¹⁰⁸

101 Immigration and Naturalisation Service, IB 2018/68, last accessed 27 March 2020.

102 Immigration and Naturalisation Service, <https://ind.nl/asiel/paginas/familieid-van-vluchteling.aspx>, last accessed 27 March 2020.

103 Section C1/4.4.6 of the Aliens Act Implementation Guidelines (Vc).

104 This information was provided by Nidos on 20 May 2020.

105 Nidos, “Annual report of 2018”, last accessed on 25 March 2020; information provided by Nidos on 20 May 2020.

106 This information was provided by the Ministry of Justice and Security on 1 May 2020.

107 Immigration and Naturalisation Service, “Procesbeschrijving Asiel”, last accessed on 2 April 2020.

108 Immigration and Naturalisation Service, WI 2019/8, last accessed on 18 March 2020.

If there is an incoming request on grounds of Article 8 sub 2 of the Dublin Regulation, which means that the UAM has applied for asylum in another Member State and a relative resides in the Netherlands, an investigation will be started by the Child Protection Board (Raad voor de Kinderbescherming) of the Dutch Ministry of Justice and Security to assess if the family member is willing and able to take care of the child. Finally, assessing the responsible Member State is considered on the basis of the age at the moment of the lodging of the first application. So it is not relevant if the UAM becomes an adult during the Dublin procedure.

4 Detention for the purpose of return of unaccompanied minors and families with children

This section will focus on detention for the purpose of return of unaccompanied minors and families with children. Detention does occur in the Netherlands, however it is important to stress that this is a drastic measure and is considered as a last resort when all other alternatives have been exhausted.

4.1 Unaccompanied minors

Detention

UAMs can be placed in a detention centre for the purpose of return in case the UAM has no right of residence. This is a so called detention measure. Since this is a very drastic measure, the application of this measure is limited to cases in which this is strictly necessary. Extra attention is paid to other possible measures that are less invasive.¹⁰⁹

Conditions

In general, detention can be imposed on third-country nationals who have no legal residence and in case public order or national security requires such a measure. For public order this is the case if there is a risk of absconding or the third-country national hinders or avoids the return procedure.¹¹⁰ In addition to these general grounds, one of the following grounds for detention has to be met for UAMs. Only these serious grounds can justify detention of UAMs:

- The UAM is a suspect or convicted of a crime.
- The UAM has absconded from the reception center before,

or the UAM has not been in compliance with the report obligation or freedom-restricting measure.

- And/or the return of the UAM can be realized at the latest within 14 days. Normally this is presumed in case the travel documents are available or soon to be available. If the UAM stayed in the Netherlands and has not had contact to government authorities before, and then becomes in sight of authorities for the first time, a time period of 4 weeks can be applied instead of 14 days.¹¹¹

Important to note is that individual circumstances always need to be taken into account when the authorities are considering to impose a detention measure. Next to the conditions mentioned above, the medical background and the age of the UAM are for example taken into consideration.¹¹²

The Secure Family Facility

If the UAM fulfils the conditions, the UAM will be placed in a Secure Family Facility (gesloten gezinsvoorziening, GGv).¹¹³ The GGv is meant to offer temporary housing in a closed setting. There are 12 living compartments for a maximum of 6 residents.¹¹⁴ There is also a special building providing room for 10 UAMs each with their own room and a bathroom and common living room. In addition to the individual dwellings there are common sports facilities, a prayer room, and a healthcare department.¹¹⁵ When the GGv was developed, the aim was to reduce the feeling of it being a detention centre.¹¹⁶ For example, employees do not wear uniforms and there is a special department for UAMs.

Alternatives to detention

Detention for UAMs is only possible in the return procedure as a measure of last resort in a limited number of cases where return is possible to either family or a reception center in the country of origin.

There is the possibility of a reporting obligation as an alternative for detention. When a duty to report is imposed on a third-country national, they are obliged to report regularly to the Dutch authorities (for example the police). This can be on a daily, weekly, or monthly basis.¹¹⁷ A reporting obligation can be imposed together with an obligation to stay in a specific area of the Netherlands.¹¹⁸ This is a general alternative for

109 Section A5/2.4 of the Aliens Act Implementation Guidelines (Vc) 2000; Article 59 of the Aliens Act (Vw) 2000.

110 Article of the 59 Aliens Act (Vw) 2000; Article 5.1 (a) Aliens Decree (Vb) 2000.

111 *Parliamentary Papers II*, 2018-2019, 19 637, nr. 2530.

112 Section A5/2.4 of the Aliens Act Implementation Guidelines (Vc) 2000.

113 Custodial Institutions Agency (DJI), "Who stays within aliens detention?", last accessed on 2 April 2020.

114 National ombudsman, "Limits on aliens detention. A research on the execution of aliens detention", 2020, last accessed on 17 April 2020.

115 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway", 2017, last accessed on 27 March 2020.

116 Custodial Institutions Agency (DJI), "Secure Family Facility", last accessed on 2 April 2020.

117 EMN Netherlands, "NL template of EMN Focussed Study 2017: The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards", 2017, last accessed on 16 April 2020.

118 National Government, "Report research commission long-term resident aliens without a permanent right of residence", 2019, last accessed on 16 April 2020.

detention, not specifically developed for UAMs. Because UAMs can stay at reception facilities, this alternative is usually not applied to them.¹¹⁹

4.2 Families

Detention

Families with minors can be placed in the Secure Family Facility (GGv, 'Gesloten Gezinsvoorziening') under certain strict conditions. Detention is only possible after their departure period (the period of time in which the family needs to leave the Netherlands, which is mentioned in the return decision. Normally 28 days or in some cases 0 days). In general, detention can be imposed on third-country nationals with no legal residence in case public order or national security requires such a measure.¹²⁰ In order to justify detention of families with minors, there should at least be one of the family members who does not cooperate with regard to the return procedure resulting in avoidance or hindrance of the procedure, or in a risk of absconding. If this is the case for one of the family members, this can also lead to the presumption of a higher risk of absconding by the other family members.¹²¹ Placing the family in the GGv is only deemed proportional if the return is expected to be possible within two weeks.

Just as it is the case for UAMs, for families with children detention should also be limited to cases in which this is strictly necessary. Extra attention should be paid to other possible measures that are less invasive. The individual circumstances always need to be taken into account, when the authorities are considering to impose this measure. Next to the conditions mentioned above, for example the medical background, the age of the child and the composition of the family (in case it concerns a minors) are taken into consideration.¹²² Whether a detention measure will be imposed is often discussed in so-called Local Return Consultations (LTO) by the IND, the Repatriation and Departure Service, the Central Organ for the Reception of Asylum Seekers (COA) and the police.¹²³

Alternatives to detention

In the Netherlands, there is an alternative to the detention of families with children for the purpose of return available. Fam-

ilies with minor children who did not leave the Netherlands within the voluntary departure period are placed in an open family location (gezinslocatie, GL). The level of facilities in a family reception centre is moderate.¹²⁴ The counselling is fully focused on return. In addition, freedom-restricting measures apply to the adults. For example, they are obliged to stay within the municipal boundaries and they have a duty to report almost every day of the week. For the children there are the same facilities as in other reception centres. They go to school as usual. The counselling in these centres by the DT&V is focused on departure from the Netherlands.

4.3 Voluntary and forced returns

Voluntary returns

The Netherlands carries out voluntary returns of unaccompanied minors. In order to ensure the best interest of the child, support is provided for by various organisations and guidelines exist. During the voluntary return procedure, the guardian of the UAM is present at the different stages in this procedure. The Repatriation and Departure Service (DT&V) has appointed certain return counsellors specifically for UAMs. In case return of the UAM is possible, the return counsellor will discuss the return procedure with the guardian.¹²⁵ Also if possible, the youth protector of Nidos (and possibly the COA employee at the reception facility) will help the child to map out the network in the country of origin (irrespective of whether it concerns voluntary or forced return).¹²⁶ The child is accompanied during the return trip. DT&V cooperates with local contracting parties in the countries of origin that offer support with the reintegration in programmes financed by the EU in certain countries.¹²⁷ The DT&V will also refer the UAM to IOM for their voluntary return. IOM is part of the standard voluntary return procedure and helps arranging the departure of the UAM and offers special support to these UAMs.¹²⁸

There are also other NGOs in the Netherlands offering support in return procedures. Some of these NGOs are specialized in offering support for families and children in return projects, for example the Dutch NGO Solid Road.¹²⁹ There are different return projects.¹³⁰ They usually focus on certain nationalities or target groups, for example rejected asylum seekers, und-

119 This information was provided for by the Ministry of Justice and Security on 1 May 2020.

120 Article 59 of the Aliens Act (Vw) 2000.

121 Section A5/2.4 of the Aliens Act Implementation Guidelines (Vc) 2000.

122 Section A5/2.4 of the Aliens Act Implementation Guidelines (Vc) 2000.

123 EMN, "Return of rejected asylum seekers: Policy and Practices in the Netherlands", 2017, last accessed on 15 August 2017.

124 COA, "Type of locations", last accessed on 28 May 2020.

125 Repatriation and Departure Service (DT&V), "Unaccompanied minors", last accessed on 9 April 2020.

126 This information was provided by the Central Agency for the Reception of Asylum Seekers on 18 June 2020. See also: The Inspectorate Youth Care Inspectorate and the Inspectorate Justice and Security, "Independently going forward? The reception of support of unaccompanied minors", 2018, last accessed on 28 May 2020.

127 National Government, "Report research commission long-term resident aliens without a permanent right of residence", 2019, last accessed 28 May 2020.

128 This information was provided by the Ministry of Justice and Security on 4 June 2020.

129 National Government, "Report research commission long-term resident aliens without a permanent right of residence", 2019, last accessed on 27 March 2020.

130 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norways", 2017, last accessed on 27 March 2020.

cumented migrants or vulnerable groups. There are no specific return projects for UAMs. There are however projects for vulnerable groups, including UAMs. In addition, within general projects extra attention or support for unaccompanied minors is provided for.

A condition for the voluntary return of a UAM is that there should be adequate reception in the country of origin. If reunification with parents, family or other adequate reception is not possible, the UAM under the age of 15 might qualify for a special residence permit with regard to the 'no-fault policy'.¹³¹ By taking into account adequate reception in the country of origin, one aims to ensure the best interest of the child. Other conditions for the residence permit include that it must be the first application for asylum that has been made by the UAM and the UAM should not be able to return within three years after the submission of their application without it being their fault.¹³² The UAM should have cooperated in all activities of the Dutch authorities in order to enable return. However, there have only been a few cases in which a UAM has received this residence permit between the introduction of this policy in 2014 towards 2018.¹³³ Therefore, in practice this measure only effects a very minimum number of cases.

Forced returns

Besides voluntary returns, the Netherlands carries out forced returns of unaccompanied minors. If the UAM is not cooperating in the return procedure and all other possibilities have been exhausted, forced returns are possible in the Netherlands. The principle of non-refoulement is respected. The Repatriation and Departure Service (DT&V) has appointed certain return counsellors specifically for UAMs.¹³⁴ The condition of there being adequate reception in the country of origin is still applicable.¹³⁵ Therefore, the DT&V will try to trace family members in the country of origin.¹³⁶ Depending on the country of origin, authorities and other organisations will be contacted. Nevertheless, it is often deemed difficult.¹³⁷ Preferred is that the child is reunited with its parents, but it is also possible that the child will stay with other family members or in other reception facilities if conditions are fulfilled.

Also if possible, the youth protector of Nidos (and possibly the COA employee at the reception facility) will help the child to

map out the network in the country of origin (irrespective of whether it concerns voluntary or forced return).¹³⁸ In all forced return procedures, several checks are carried out, also for unaccompanied minors, before the person is removed from the Netherlands, such as for example a medical check-up if there are indications to do so. Unlike other migrants who are removed, UAMs are always accompanied by a staff member of the Repatriation and Departure Service during the flight and travel to the country of origin upon transfer.

5 Ensuring durable solutions for minors

This chapter explains the various strategies that have been developed to facilitate the integration of minors into wider society through reception facilities and municipalities. Furthermore, it discusses the Netherlands participation in the UNHCR resettlement programme.

5.1 Integration

Integration through the reception facility

Nidos is indirectly involved in the integration process, because they provide childcare for young people who have received a permit. Integration of the group of children who receive a residence permit takes place mainly through the Dutch childcare model itself.¹³⁹ Young children live with a reception family, and children who are 15, 16 or 17 years stay in small residential units, the KWEs. Using this care system, children live in a house in a normal neighbourhood and go to school there, just like Dutch children. Parents in reception families can also organize activities or introduce the child to Dutch culture.

In KWEs, young people have a regular youth consultant as a mentor, but they are not continuously present in the KWE. There are contracting partners through youth consultants, they provide the daily supervision of the children, and the children have mentors who are present for several hours a day (for example at dinnertime, but not when they go to school).¹⁴⁰ These mentors will arrange activities for the children in the area, such as membership in sports clubs and activities in the area.

131 IND, "Alleenstaande minderjarige vreemdelingen", last accessed on 9 april 2020.

132 Repatriation and Departure Service (DT&V), "Unaccompanied minors", last accessed on 9 April 2020.

133 This information was provided by the Immigration and Naturalisation Service (IND) on 25 May 2020.

134 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norways", 2017, last accessed on 27 March 2020.

135 Repatriation and Departure Service (DT&V), "Unaccompanied minors", last accessed on 9 April 2020.

136 Appendix to *Parliamentary Papers II*, 2012-2013, nr. 2912.

137 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norways", 2017, last accessed on 27 March 2020.

138 This information was provided by the Central Agency for the Reception of Asylum Seekers on 18 June 2020. See also: The Inspectorate Youth Care Inspectorate and the Inspectorate Justice and Security (2018), "Independently going forward? The reception of support of unaccompanied minors", consulted on 28 May 2020.

139 Interview with Nidos, 17 March 2020.

140 ABDTOPConsult, "Evaluation new reception system unaccompanied minors", 2019, last accessed on 10 March 2020.

Children who do not (yet) have a residence permit are not excluded from these activities that are aimed at integration.¹⁴¹ This is because the interests of the child are considered, and sports and play activities are also important for these children. In addition, activities are organized at the COA reception locations. COA has contacts with sports associations and music associations near the reception locations in order to offer residents the opportunity to participate in an association.¹⁴²

COA works together with other organizations on the interests of the children in childcare. The Dutch Council for Refugees, for example, provides information about the asylum procedure and children's rights in the Time4You project. 'Stichting de Vrolijkheid' organizes creative and musical activities at a number of locations. In the Team Up project, Warchild, Unicef and Save the Children offer sports and play activities for children and young people.¹⁴³

Integration through the municipality

In the Netherlands, the integration policy in general is a policy that is partly designed on municipal level.¹⁴⁴ As a result, it is possible that municipalities have (different) local initiatives designed on the integration of minors. For this study, EMN Netherlands has not been able to map out an overview of approaches at local level.

5.2 Resettlement

Refugees who are resettled under the national quota will arrive in the Netherlands approximately six months after the selection mission. The first 48 hours they stay in a hotel near the airport where COA offers them further guidance, IND hands out their asylum status, and certain formalities are completed (such as identification and registration, tbc-screening, and in case of UAM guardianship). Subsequently they go to their new home in Dutch municipalities.¹⁴⁵ COA maintains contact with Nidos with regards to UAM, and in case of medical issues is also responsible for the coordination between the IND Bureau Medical Advisors and medical practitioners in the municipality.¹⁴⁶

Refugees who are resettled in the framework of the EU-Turkey Declaration as well as certain urgent and/or dossier cases receive their asylum status upon arrival in the Netherlands and are placed in a reception centre (pending housing in municipalities in accordance with standard procedures).

Municipalities are responsible for offering suitable housing to asylum status holders. Upon arrival of resettled refugees in the municipality, the municipality takes over the leading role from COA. In most cases a local NGO (e.g. Dutch Council for Refugee) is assigned to provide social guidance to resettled refugees. Furthermore, municipalities are financially and legally responsible for implementation of the legislation regarding integration and participation (under the responsibility of the Ministry of Social Affairs and Employment).¹⁴⁷

UAM who are resettled are placed under guardianship of the Nidos foundation and housed in small living units or foster families (see also chapter 3.2).

UNHCR resettlement programme

The Netherlands takes part in the UNHCR resettlement programme, which includes the category 'children and adolescents at risk'. The Netherlands has a general national quota for resettlement of 500 refugees per year and aims for a diverse caseload. Furthermore as of April 2016 the Netherlands resettles Syrian refugees out of Turkey in the framework of the EU-Turkey Declaration (varying numbers). The majority of refugees are selected during selection missions in the regions of first reception and some are selected on dossier basis. The selection mission teams are comprised of IND (head of mission) and COA. The IND decides who is eligible on the basis of the Dutch asylum policy. In case UNHCR has referred UAM, before the selection mission the Nidos foundation will be consulted for input based on the UNHCR files.¹⁴⁸ In general there is a limit to the number of UAMs that can be resettled.

Following selection, COA prepares the refugees for their arrival and life in the Netherlands through cultural orientation trainings. COA also maintains contact with municipalities where the refugees will reside. In case of UAM, COA maintains contact with Nidos under whose guardianship the UAM will be placed upon arrival in the Netherlands.

6 Undocumented/irregularly staying minors

In the Netherlands, undocumented and irregularly staying minors with families are provided with access to education, healthcare, housing and psychological support. The accessibility of these various services will be discussed throughout this chapter.

141 Interview with Nidos, 17 March 2020.

142 Interview with COA, 19 March 2020.

143 COA, "Kinderen in de opvang", last accessed on 27 March.

144 EMN, "Labour market integration of third-country nationals in EU Member States", 2018, last accessed on 17 June 2020.

145 COA, "Resettlement of refugees", last accessed on 27 May 2020.

146 EMN, "Onderzoeksrapport EMN Hervestiging en humanitaire toelating in Nederland: Beleid en Praktijk", 2016, last accessed on 27 May 2020.

147 EMN, "Onderzoeksrapport EMN Hervestiging en humanitaire toelating in Nederland: Beleid en Praktijk", 2016, last accessed on 27 May 2020.

148 This information was provided by the Ministry of Justice and Security on 15 May 2020.

Housing

Asylum seekers with children who have exhausted all legal means, have a right of shelter. They are transferred to a family location (GL, 'gezinslocatie'). A large part of the residents in a family location are in a procedure, for example for medical reasons and humanitarian circumstances. The focus of the family locations is on return and the families are offered guidance and advice about the possible material support in case of return.¹⁴⁹ In a family location, families must report every day except Sunday. The family will stay until the youngest child is 18 years old.¹⁵⁰ The families who are staying at a family location have access to the provisions mentioned underneath at the reception facility itself.

Education

All minors are entitled to education under international treaties and school attendance for minors is compulsory in the Netherlands. This applies to both children with a right of residence and children without a right of residence. Children staying illegally can therefore be registered at any school. A course that started before the eighteenth year may also be completed.¹⁵¹

Healthcare

Undocumented children with families who reside in the Netherlands without a valid residence permit, have the right to basic necessary health care. The medic will decide if and when the medical care is necessary.¹⁵² According to the College of Human Rights (CRM), necessary medical care is a basic necessity of life, just like food and clothing. The right to health care is a human right and also applies to undocumented migrants. The professional codes of the various care providers explicitly describe that there is an obligation to provide care, regardless of a person's residence status.¹⁵³ In order to provide good care, it is therefore necessary that the undocumented and the care provider understand each other well.¹⁵⁴ The basic principle is that the person receiving medical care also pays for that care. If the person is not able to pay for the care, the medical practitioner can ask the government to refund the medical costs. This is also laid down in national law. Several NGOs that work with illegal migrants (undocumented migrants) are also acquainted with this and they can give information about the right to access medical care in the Netherlands.¹⁵⁵

Psychological support

Legally, irregularly staying minors also have access to various forms of youth care until the age of 18. Nevertheless, for admission to a foster family, further motivation is required from the referring institution.¹⁵⁶ Also, due to the uncertain residence situation of these children, a possible decision to refer them to specialist care services is in principle only valid for a maximum of six months (instead of one year).¹⁵⁷ After those six months, a reassessment is made whether or not the youth care should be extended. The right to youth care expires when reaching the age of 18.¹⁵⁸ The parents of illegal minors are not entitled to youth care.¹⁵⁹

7 Transition into adulthood

When unaccompanied minors reach the age of 18, their housing and guidance situation changes. The legal basis for guardianship by Nidos expires.

As stated in an evaluation of the new reception system for UAM in 2018 (ABDTOPConsult, I. Nijboer and M. van Gastel, p. 45)¹⁶⁰:

For UAMs with a residence permit, the counselling expires after a month (sometimes more, due to additional municipal policy). This often coincides with the moment they make the transition from an ISK to regular or integration education. Municipalities and Nidos make agreements about a good transfer of the files and often they have been in discussion with each other before. The young people are expected to be independent, to be able to acquire their education, work and income and to run their household on their own ... Many municipalities assist in one form or another to enable longer counselling. The way this is done differs per municipality... The transition is also significant for UAMs without a residence permit. They are temporarily placed at an AZC among the other adults and must return to their country of origin. Adequate reception in the country of origin is no longer a precondition for return, and there is no longer any question of counselling and education.

Support mechanisms

An accompanied minor who turns 18 years old is no longer allowed to stay in a Nidos facility and for this reason they must

149 This information was provided by the Ministry of Justice and Security on 3 May 2020.

150 Stichting LOS, "Uitgeprocedeerde asielzoekers met kinderen", (in Dutch), last accessed on 27 May 2020.

151 WODC, "Illegaal verblijf in Nederland", (in Dutch), 2018, last accessed on 27 May 2020.

152 KNMG, "Asylum seekers and undocumented migrants", last accessed on 27 May 2020.

153 Pharos, "Ongedocumenteerde kinderen en toegang tot ziekenhuiszorg", last accessed on 23 July 2021.

154 De Kinderombudsman, "Kinderrechtenmonitor", 2016, last accessed on 27 May 2020.

155 This information was provided by the Ministry of Justice and Security on 3 May 2020.

156 S. Vogels, "Do 'illegal' families have the right of youth care?", last accessed on 27 May 2020.

157 VNG, "Factsheet Alleenstaande Minderjarige Vreemdelingen (AMVers)", 2016, last accessed on 27 May 2020.

158 WODC, "Illegaal verblijf in Nederland", 2008, last accessed on 27 May 2020.

159 S. Vogels, "Do 'illegal' families have the right of youth care?", last accessed on 27 May 2020.

160 ABDTOPConsult, "Evaluation new reception system unaccompanied minors", 2019, last accessed on 10 March 2020.

have prospects of a fitting follow-up accommodation before they reach the age of 18. While an unaccompanied minor is provided with shelter, care and supervision by Nidos Foundation, an 18-year-old must be independent, also financially. However, Nidos, the municipalities and other care providers do make sure that unaccompanied minors receive housing, education, employment and psychological support during their transition to this independence. When being placed in one of the accommodations/families of Nidos, Nidos assists them to register themselves in the Municipal Personal Records Database (BRP). This enables Nidos and municipalities to know when the unaccompanied minor is 17.5 years old. Nidos flags when the unaccompanied minor is almost 17.5 years old (so six months before their 18th birthday) and initiates the first action.

Unaccompanied minors with a residence permit are provided with small-scale accommodation in municipalities. These group of minors will have a preparatory meeting with Nidos/ the foster parents at the municipality. In this meeting, the actions are discussed that relate to housing, income, education and/or work, counselling, need for healthcare, support, and particulars, so that this will have been settled by the time they turn 18.¹⁶¹ This could be (monitoring of) the support to find a room, a check of the rental contract, and help with moving, if this is before the unaccompanied minors 18th birthday. Nidos also supports the minor in arranging a healthcare insurance, their application for care benefit and other practical matters. In case of any medical or psychological particulars, Nidos will see to it that the organisations that need this information are informed in a timely manner.¹⁶² Afterwards, application for any income allowance, as well as other practical matters, will be looked into together with the unaccompanied minor.¹⁶³

Before the 18th birthday a transfer takes place between Nidos, its contract partners/ foster parent or parents and implementing organisations of follow-up counselling. During the transfer the state of affairs is discussed, as well as any follow-up actions needed for the various counselling themes.¹⁶⁴ The municipality is responsible for providing a new accommo-

modation from the 18th birthday. The idea behind this is that unaccompanied minors should stay in the same environment or region as much as possible when they are being moved from one reception facility or municipality to the next. This enables them to keep their social contacts and any care, counselling and education they are receiving.

In cooperation with Association of Netherlands Municipalities (VNG), Nidos drafted an aid which provides guidelines for collaboration agreements between municipalities, Nidos and its contract partners and organisations involved, such as housing corporations and healthcare providers.¹⁶⁵ This is in order to make the transition to adulthood of the unaccompanied minor run as smoothly as possible. Nevertheless, follow-up counselling is necessary for the transition. In some municipalities, this is not available. In some cases, the counselling by youth care organisations temporarily continues because no follow-up counselling or housing is available.¹⁶⁶

8 Cross-cutting actions

This last section addresses the methods that are used by relevant authorities for the collection of data regarding children in migration. In addition, the second part of the chapter will discuss the three EU funded programmes that have been implemented in the Netherlands for the protection of minors.

8.1 National collection of data

All relevant authorities and organisations involved in migration and children collect data which is necessary for their own process in migration. The data that is necessary for the total process of registration will be shared between organisations, this is done through the BVV (see explanation in 1.1.2). Also a management system¹⁶⁷ is used to collect and store information necessary for all the organisations within the migration system.¹⁶⁸ Mainly this data will contain the personal information of the minor like name, date of birth, place of birth. There is no collection of specific data regarding children in migration, other than the distinction as UAM.

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

162 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway", last accessed on 28 May 2020.

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

164 idem

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

166 EMN Netherlands, "NL template of EMN Focussed Study 2017: Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway", 2017, last accessed on 27 March 2020.

167 This is in Dutch called KMI+ database (Ketenmanagementinformatiesysteem), and it is especially developed to share management information between the organisations involved in the migration process.

168 Information provided by the Ministry of Justice and Security on 1 May 2020.

8.2 EU-funded programmes prioritising the protection of minors

There have been three projects in 2019 that have been partly financed by funds of AMIF. Two of these projects relate to the protection of UAMs and children in the sense of psychosocial care. Next to this, there has been one project by the Central Agency for the Reception of Asylum seekers that focusses on making a comic book for children on how to live in the reception facilities. Since this does not specifically relate to the protection of children, this project is not elaborated on.

TeamUp

The project TeamUp has been set up in reception facilities by Save the Children, Unicef and War Child since 2015.¹⁶⁹ In the last years TeamUp has been implemented in more than 25 reception facilities in the Netherlands, and 17 schools.¹⁷⁰ The project is focussed on psychosocial health and emotional support for children, youth and UAMs. TeamUp offers structural sport, play and other movement activities, in order to teach children from the age of 6 to 18 how to handle their feelings.¹⁷¹ The gained skills are related to social-emotional themes (such as dealing with anger, stress and interacting with others), that will be of help in their daily life. The activities are meant to contribute to increased social and emotional

stability for refugee children and reduce the chance that children will develop further psychosocial problems in the long term. Also, with this project children who need more social-emotional support are identified and referred to the right agency.

Together Strong ('Samen sterk')

The project Together Strong is set up by the Foundation Nidos.¹⁷² This project is focused on changing family compositions and family relationships and possible vulnerable groups. This related for example to UAMs reunited with their family members or pregnant UAMs. The project has the aim to foster the resilience of this group, in order to gain insight in the changes in the family composition and the support that is needed. Development of tools for the professionals that are dealing with the reception, guardianship and support for these groups is part of the project.

DISCLAIMER

This report has been produced and composed by EMN Netherlands. It also incorporates information provided by partners. EMN Netherlands is in no way responsible for any use made of the information provided.

¹⁶⁹ CDE Groep, "Team Up", last accessed 21 April 2020.

¹⁷⁰ War Child, "TeamUp: Support for Refugee Children Worldwide", last accessed on 21 April 2020.

¹⁷¹ Save the children, "Teamup for refugee children", last accessed on 21 April 2020.

¹⁷² Information provided for by the Ministry of Justice and Security on 16 March 2020.