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Unaccompanied children who are granted international protection can request to be reunited with their family members. Some Member States aimed to facilitate and accelerate this procedure but challenges were encountered, such as practical burdens, delays and legal dilemmas resulting in requests to the CJEU for a preliminary ruling *(see Section 4.14.2.4)* One ruling by the CJEU clarified that unaccompanied children requesting family reunification have the right to appeal against another Member State's refusal to take charge in the framework of a Dublin procedure*(see Section 4.2)*.

A new presidential decree in Italy confirmed that the authorities need to examine on a case-by-case basis the conversion of an unaccompanied children's residence permit when the person reaches adulthood. The decree also determined that residence permits based on integration can be issued until the age of 21 years1485 To support young applicants' and beneficiaries' transition to employment, UNICEF and the Ministry of Labour and Social Policies published the second edition of a practical guide, which is available in eight languages.1486

In their submissions to the UN CRC, France terre d'asile made suggestions to facilitate access to residence documents for unaccompanied children once they reach the age of majority.1487

In the Netherlands, the IND re-assessed approximately 30 files related to the regularisation of applicant children (kinderpardon) in 2022, following a confirmation from the Minister for Migration that in some cases a permit can be granted even if an asylum application was not submitted on behalf of a child *(see Section 4.14.2.1)*.1488 Since January 2023, Nidos can offer extended care for children who turn 18 years. They can either stay with their host family or at the small-scale reception facility, or opt for a variant, where they start their independent life but continue receiving support and guidance from Nidos or its partners.1489

The Finnish Institute for Health and Welfare published a report on youth who were in child welfare after-care: of the 8,300 young people, approximately 2,500-4,500 arrived in the country as unaccompanied minors. According to the report, 8% of the unaccompanied minors were not in employment, education or military service, and 2% were homeless. The institute underlined that unaccompanied minors do not have the statutory right for after-care, and access to support

is dependent on municipalities and individual employees.1490

The Austrian Platform for Children's Rights raised several issues with the return of well-integrated children.1491 However, the Austrian Lawyers Bar noted that recent decisions from the Constitutional Court and the Federal Administrative Court strengthened the rights of children at risk of deportation, when they have spent a reasonable time in the country.1492

The German Federal Administrative Court referred a question to the CJEU for a preliminary ruling on the interpretation of the recast Return Directive. The court asked whether a return decision can be taken for a minor, when neither parent can be returned for legal reasons, or is it sufficient that the removal is suspended after taking a decision on a return, based on family ties and the best interests of the child. The CJEU delivered its ruling in February 2023, underlining that the best interests of the child and the family life of that child must be protected in proceedings leading to the adoption of the return decision, and it is not enough to allow the child to rely on these two interests in the proceeding related to the enforcement of the return decision.

The case *Hasani* v *Sweden* is currently pending in front of the ECtHR. It concerns two Afghan orphan brothers, one of them blind, who lost the services of the guardian and the family foster home upon turning 18. He attempted suicide. He was placed several hundred kilometres away from his brother, and when their asylum application was rejected, it was considered that he could provide a social network in Afghanistan for his minor brother. He then committed suicide. In the court proceedings, the AIRE Centre and ECRE provided their comments on the case as third-party interventions.1493

- 1485Decreto del Presidente della Repubblica 4 ottobre 2022, n. 191 Regolamento recante modifiche al decreto del Presidente della Repubblica 31 agosto 1999, n. 394, in attuazione dell'articolo 22 della legge 7 aprile 2017, No 47, recante misure di protezione dei minori stranieri non accompagnati(22G00202) [Presidential Decree of 4 October 2022, No 191 Regulation amending Presidential Decree No 394 of 31 August 1999 implementing Article 22 of Law No 47 of 7 April 2017 concerning measures for the protection of unaccompanied foreign minors (22G00202)], October 4, 2022. https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:2022-10-04;191 Ministry of the Interior of Italy | Ministero dell'Interno, & Ministry of Labor and Social Policies | Ministero del Lavoro e delle Politiche Sociali. (2022, December 28). Minori stranieri non accompagnati, in vigore il nuovo regolamento [Unaccompanied foreign minors, the new regulation is in force]. https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/2976/Minori-stranieri-non-accompagnati-in-vigore-il-nuovo-regolamento European Commission, European Website on Integration. (2022, December 28). Italy: New regulation on unaccompanied foreign minors. https://ec.europa.eu/migrant-integration/news/italy-new-regulation-unaccompanied-foreign-minors_en
- 1486United Nations Children's Emergency Fund (UNICEF) Italy. (2022). Vademecum per l'orientamento professionale [Vademecum for career guidance]. https://www.unicef.it/pubblicazioni/vademecum-per-l-orientamento-professionale/
- 1487France Terre d'Asile. (2022). Rapport alternatif thématique au Comité des Droits de l'Enfant des Nations Unies dans le cadre de l'examen de l'application de la Convention

Internationale des Droits de l’Enfant par la France [Alternative thematic report to the United Nations Committee on the Rights of the Child in the framework of the assessment of France's application of the International Convention on the Rights of the Child]. https://www.france-terre-asile.org/images/stories/publications/pdf/Rapport_alternatif_2022_web.pdf

- 1488Ministry of Justice and Security | Ministerie van Justitie en Veiligheid. (2022, March 25). Reassessment children’s pardon started. https://ind.nl/en/news/reassessment-childrens-pardon-started
- 1489Nidos Foundation. (February 2022). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/stichting_nidos.pdf
- 1490Finnish Institute for Health and Welfare. (2022, March 8). Part of young people in child welfare after-care and minors who have entered Finland without a guardian are at heightened risk of exclusion. https://thl.fi/en/web/thlfi-en/-/part-of-young-people-in-child-welfare-after-care-and-minors-who-have-entered-finland-without-a-guardian-are-at-heightened-risk-of-exclusion
- 1491Together for children's rights. (2022, November 13). Civil society calls for an end to the deportation of well-integrated children. https://gemeinsamfuerkinderrechte.at/presseaussendung-13-11-2022/
- 1492Austrian Bar Association | Österreichischer Rechtsanwaltskammertag. (February 2022). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/osterreichischer_rechtsanwaltskammertag_orak.pdf
- 1493European Database of Asylum Law. (2022, April 13). Third Party Intervention Hasani v. Sweden, Application No. 35950/20, March 2022. https://www.asylumlawdatabase.eu/en/content/third-party-intervention-hasani-v-sweden-application-no-3595020-march-2022

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