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The Bulgarian State Agency for Refugees monitored throughout 2021 the implementation of amendments from 2020 related to the representation of unaccompanied minors in the asylum procedure. It organised workshops and meetings with case officers and reception staff and updated its internal guidelines.

Croatian authorities observed that guardians often consent to unaccompanied children aged 16 years and older to be accommodated in regular reception facilities in order to stay close to adult relatives in the same facility. Guardians receive basic training on international protection, but the authorities noted that they may need more specialised knowledge to address the specific circumstances surrounding the protection of children. The Croatian Ministry of the Interior established good relations with guardians and schools, facilitating the school enrolment of both accompanied and unaccompanied children.

METAdrasi published a detailed overview of the development of rules and responsibilities for the guardianship of unaccompanied children in Greece in recent years, highlighting that the current inconsistencies in the process risk leaving children without representation.[1423] In a recent ECtHR case, the Greek authorities had not informed the prosecutor – who acts as a temporary guardian for unaccompanied children – about the arrival of an unaccompanied child who identified as a gay boy and was at a heightened risk of contacting COVID-19 due to his asthma. The authorities treated him as an adult, he was accommodated in unhygienic conditions in a tent with 14 other unrelated adult men and was exposed to repeated racist and homophobic attacks. The child was eventually referred to an age assessment procedure following his lawyer’s intervention and was recognised as a minor 4 months after his arrival.[1424]

In 2021, the European Committee of Social Rights concluded that Greece was in breach of several provisions of the European Social Charter. An effective guardianship system for unaccompanied children was not in place and the protective custody scheme in practice meant that many children were detained. The committee also noted violations related to the reception of applicant children *(see Section 5.6.5)*.

The Maltese Minor Protection (Alternative Care) Act was amended in 2021 to avoid the potential conflict of interest that was embedded in the previous practice, when social workers and guardians belonged to the same institution. Persons claiming to be minors receive a provisional care order and an interim representative is appointed (the Unit Leader of the Unaccompanied Minor Asylum Seekers (UMAS) Protection Services), until the results of the age assessment confirm minority. AWAS conducts the age assessment and sends the results to the court, which nominates the guardian and issues the definitive care order.1425 AWAS noted that in practice no NGO or other private actors have volunteered to fulfil the tasks of guardians and it was difficult to identify a permanent legal guardian.

The Finnish Immigration Service became entirely responsible for providing guidance on, planning and monitoring the guardianship of unaccompanied children in 2020, and this new arrangement had started to be implemented in 2021.

Ensuring the continuity of guardianship and legal representation for unaccompanied children is crucial, as illustrated in a case from the Administrative Tribunal in Luxembourg. The child intended to appeal against a negative asylum decision, but at the moment of submitting the appeal, he was not assisted by a representative. His new representative had submitted a request to represent the child but had not received a decision yet, while his previous representative considered his tasks to have been taken over.

In Slovenia, amendments to the International Protection Act ensured that unaccompanied children have continuous legal representation even after a decision is given on their asylum application.1426 Statutory representatives are obliged to attend training every 3 years, and the training programme was enhanced with material on communication skills.1427

- 1423METAdrasi - Action for Migration and Development | ΜΕΤΑδραση – Δράση για τη Μετανάστευση και την Ανάπτυξη. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/metadrasi.pdf
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- 1427Zakon o spremembah in dopolnitvah Zakona o mednarodni zaščiti (ZMZ-1A) [Act amending the International Protection Act (ZMZ-1A)]. http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8192; Uredba o načinu izvajanja zakonitega zastopanja mladoletnikov brez spremstva ter načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva [Decree implementing legal representation of unaccompanied minors and ensuring adequate accommodation, care and treatment of unaccompanied minors].

http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED8334

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