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icon presenting legal representation of asylum-seeking children

Due to the arrival of unaccompanied children from Ukraine, amendments to the Lithuanian Law on the Legal Status of Foreigners aimed to speed up the procedure to appoint a legal guardian for them.1394 Arrivals from Ukraine prompted legal amendments in Slovakia as well. A new government regulation allowed an adult who accompanied the child to be appointed as a legal guardian even if the person does not have legal custody.1395

A similar situation led to a court case in Italy. A group of children arrived from Ukraine from a family-type orphanage, together with the director of the establishment. At first, the authorities would not appoint him as a legal guardian. The Juvenile Court of Bolzano underlined that the absence of a parent does not automatically mean that the child should be considered as unaccompanied.1396

The Immigration Act was amended in Malta to change the rules for appointing an interim legal guardian for prohibited migrants (persons entering the territory in an irregular manner or who overstay their visa) who claim to be a minor. The Chief Executive Officer of AWAS may appoint the interim guardian, who retains responsibilities until it is established that the person is not a minor or an ordinary guardian is appointed based on the Minor Protection (Alternative Care) Act. 1397 The amendment reverses changes from 2021, when the appointed interim representative was from Unaccompanied Minor Asylum Seekers (UMAS) Protection Services, to ensure that there was no potential conflict due to the fact that social workers and guardians belonged to the same institution.1398 Aditus foundation commented that the amendments in 2022 revert to a situation where AWAS could be in a conflict of interest when performing its various tasks.1399

Following the announcement of the transfer of unaccompanied children from Pournara to another reception facility *(see Section 5.6.5)*, tthe Cypriot Social Welfare Services launched an urgent call for 12 guardians and 46 social workers.1400

The UNCRC noted some developments in recent years in Greece, for example, the preparation of a draft legal framework to establish a uniform national guardianship system for unaccompanied migrant children. However, it expressed serious concerns about delays in activating the guardianship system 1401 The committee also expressed worries about the age assessment

procedure *(see Section 5.6.3)*, other aspects of the asylum procedure *(see Section 5.6.4)* and reception conditions *(see Section 5.6.5)* for children.

The Foundation for Access to Rights in Bulgaria published a study on the role of the legal representative in the asylum procedure, following legislative changes that were introduced in 2020. The study noted that one of the main challenges was the low number of representatives in practice and the legal framework allowing one representative to be responsible for up to 50 children.1402 The discrepancy between the number of legal representatives at the National Legal Aid Bureau and the number of unaccompanied children applying for protection gave rise to parliamentary questions.1403

Due to the high influx of unaccompanied children, the Dutch Nidos reported challenges in finding enough guardians. Those already working had very high caseloads and struggled to provide adequate support to all the children.1404

In Austria, UNHCR, UNICEF and the IOM urged authorities to ensure that unaccompanied children are immediately assigned a guardian, as currently the procedure is only initiated when unaccompanied children above the age of 14 are assigned to provincial reception centres.1405

- 1394Lietuvos Respublikos įstatymo „Dėl užsieniečių teisinės padėties“ Nr. IX-2206 32, 64, 68 ir 108 straipsnių pakeitimo ir Įstatymo X-2 skyriaus papildymo ketvirtuoju skirsniu įstatymas [Law of the Republic of Lithuania "On the Legal Status of Foreigners" No. IX-2206 Law amending Articles 32, 64, 68 and 108 and adding a fourth section to Chapter X-2 of the Law], March 17, 2022. https://www.e-tar.lt/portal/lt/legalAct/a823a930a9ef11ec8d9390588bf2de65
- 1395Nariadenie Vlády 93/2022 Z. z. o niektorých opatreniach v oblasti sociálnych vecí, rodiny a služieb zamestnanosti v čase mimoriadnej situácie, núdzového stavu alebo výnimočného stavu vyhláseného v súvislosti s hromadným prílevom cudzincov na územie Slovenskej republiky spôsobeným ozbrojeným konfliktom na území Ukrajiny [Government Regulation 93/2022 Coll. on certain measures in the field of social affairs, family and employment services in times of emergency, state of emergency or state of emergency declared in connection with mass influx of foreigners to the territory of the Slovak Republic caused by armed conflict in the territory of Ukraine], March 23, 2022. https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/93/20220330
- 1396Association for Juridical Studies on Immigration | Associazione per gli Studi Giuridici sull'Immigrazione. (2022, April 20). Minori dall’Ucraina: obbligo di rispettare la Convenzione dell’Aja e di non separare gli stessi dall’affidataria [Minors from Ukraine: obligation to respect the Hague Convention and not to separate them from the guardian]. https://www.asgi.it/famiglia-minori/ucraina-minori-soli-convenzione-aja/
- 1397Act No. XV of 2022 to amend the Immigration Act, Cap. 217 (2023). https://legislation.mt/eli/act/2022/15/eng
- 1398European Union Agency for Asylum. (2022). Asylum Report 2022. https://euaa.europa.eu/asylum-report-2022
- 1399Aditus foundation. (June 2022). Technical comments on Bill No. 2 of 2022. http://aditus.org.mt/Publications/technicalcomments_bill2of2022_13062022.pdf

- 1400Press and Information Office of the Republic of Cyprus | Γραφείο Τύπου και Πληροφοριών της Κυπριακής Δημοκρατίας. (2022, June 5). Πρόσκληση εκδήλωσης ενδιαφέροντος για αγορά υπηρεσιών από άτομα που θα δρουν ως Φροντιστές και άτομα επαγγελματίες για ανάθεση καθηκόντων Κηδεμόνα/Συντονιστή ασυνόδευτων ανήλικων [Invitation for expressions of interest to purchase services from people who will act as Caregivers and professional people for assigning the duties of Guardian/Coordinator of unaccompanied minors]. https://www.pio.gov.cy/%CE%B1%CE%BD%CE%B1%CE%BA%CE%BF%CE%B9%CE%BD%CF%89%%CE%AC%CF%81%CE%B8%CF%81%CE%BF.html?id=26682#flat
- 1401United Nations Committee on the Rights of the Child. (2022, June 28). Concluding observations on the combined fourth to sixth periodic reports of Greece [CRC/C/GRC/CO/4-6]. https://uhri.ohchr.org/Document/File/115ee2b4-0565-44c3-8973-8319f32fbcd2/E9B9A517-C497-4E44-95B9-5CE737138E51
- 1402Alexandra Cooper, Helen Voskanyan, Emilia Vasileva, Dilyana Stoyanova. Ролята на представителя в процедурите за предоставяне на закрила при непридружени деца [The role of the representative in procedures for granting protection to unaccompanied children]. https://farbg.eu/bg/publications/rolyata-na-predstavitelya-v-procedurite-za-predostavyane-na-zakrila-pri-nepridruzheni#_ftn9
- 1403Council of Ministers of the Republic of Bulgaria | Министрски Съвет На Република България. (2022, January 18). Национално бюро за правна помощ [National Legal Aid Bureau]. https://pitay.government.bg/PDoiExt/applicationView.jsf?idObj=4980&baBtn=searchApplications
- 1404Nidos Foundation. (February 2022). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/stichting_nidos.pdf
- 1405United Nations High Commissioner for Refugees. (2022, October 5). UNHCR, UNICEF und IOM: Dringender Handlungsbedarf für Obsorge ab Tag 1 [UNHCR, UNICEF and IOM: urgent action needed for custody from day 1]. https://www.unhcr.org/dach/at/82969-unhcr-unicef-und-iom-dringender-handlungsbedarf-fur-obsorge-ab-tag-1.html

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