



EMN Ad-Hoc Query on Returning Albanian Unaccompanied Asylum Seeking Children

Requested by United Kingdom on 24th January 2017

Return

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, Switzerland, United Kingdom, Norway (24 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

The UK is exploring the process of returning Albanian unaccompanied asylum seeking children (UASC) who have had their asylum claim refused and who do not qualify for leave to remain in the UK.

The UK has been working with the Albanian Police and Social Services in order to ensure there are adequate and safe reception conditions for those returned.

Questions

1. 1. What is your current level of asylum claims from Albanian Unaccompanied Asylum Seeking Children (UASC) and rate of granting Asylum or Subsidiary Protection?
2. 2. Do you operate a returns programme for Albanian UASC?
3. 3. If you operate a returns programme for Albanian UASC, when did this programme start and how many UASC have been returned?
4. 4. If you operate a returns programme for Albanian UASC, is it forced or voluntary?
5. 5. Do you operate the returns under the EU readmission agreement or under a separate agreement with Albania ?
6. 6. How did you satisfy yourself that there was “adequate and safe reception conditions” as per the Article 10 of Directive 2008/115/EC ? Are they normally reunited with family?
7. 7. Have there been any challenges (legal or by NGOs) to your returns of Albanian UASC? Please provide any relevant detail.

Summary

Responses were received from 24 Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, Switzerland, United Kingdom, Norway).

All Member States (except Austria, France and Italy) indicated that their answers were for wider dissemination. The summary is based on the answers of the 21 countries whose answers are for public dissemination.

1. What is your current level of asylum claims from Albanian Unaccompanied Asylum Seeking Children (UASC) and rate of granting Asylum or subsidiary protection?

Around half of the responding countries indicated that they had not received recent asylum applications from Albanian UASCs (11 Ms: BG, HR,CY, CZ,EE, LV, LT, LU,MT, PO, SK). Ireland did not specify.

The remaining countries report having received applications, with the UK reporting receiving the highest number (426 in 2016). Grant rates were consistently very low across all these countries.

- The **UK** received 426 applications from Albanian UASCs (the UK's third largest country of claim). There were 374 initial decisions. The grant rate very low at 0.01%, although 210 children were granted a separate form of temporary leave (UASC leave).
- **Sweden** received applications from 104 UASCs from Albania in 2016. 130 decisions were made in 2016 and only 1 granted.
- **Germany** report receiving 94 applications in 2016 and have a very low protection rate.
- **Belgium** registered applications from 49 Albanian UASC in 2016, representing the 4th most popular nationality applying to that country. No information was available on grant rate but they assume it to be very low (as it is for adults).
- **Netherlands** received applications from 40 Albanian UASCs
- **Switzerland** received 13 applications in 2016, none of which were granted.
- **Norway** received 6 applications, none of which were granted.
- **Finland** report they received one application which was withdrawn and the person returned.
- **Hungary** received 1 application from an Albanian UASC in both 2015 and 2016. Neither was granted.
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2. Do you operate a returns programme for Albanian UASC?

All countries that indicated they had received applications from Albanian UASCs, suggested that UASCs could be returned under voluntary returns programmes (Belgium, Finland, Germany, Hungary, Netherlands, Sweden, UK, Norway (often run by IOM)). For some countries these programmes are specifically targeted at unaccompanied minors, vulnerable groups more generally or those that cannot fund their own return.

Norway explained that new instructions from their Ministry in March 2016 have excluded Albanian nationals from receiving support for assisted voluntary return.

3. If you operate a returns programme for Albanian UASC, when did this programme start and how many UASC have been returned?

The rate of return of Albanian UASC varies across Member States

- The voluntary returns programme in **Sweden** started in 2013 and 225 children have been returned to Albania since 2013.
- In **Germany** 31 Albanian UASCs were returned under the voluntary returns programme in 2016
- 15 UASCs returned from **Norway** to Albania in the period 2012-2016.
- In **Belgium** 8 UASCs have returned to Albania in the last 2 years (3 in 2016).
- **The Netherlands** indicate that multiple returns took place, but do not specify how many.
- In **Finland** 1 applicant has returned.
- The **UK** returned only 1 Albanian UASC to Albania in the last year.
- **Hungary** did not return any UASCs to Albania in 2015/16.

4. If you operate a forced returns programme for Albanian UASC, is it forced or voluntary?

Germany, Sweden and Belgium indicate that returns have only been voluntary returns. The Netherlands indicate that both voluntary and forced returns are possible.

5. Do you operate the returns under the EU readmission agreement or under a separate agreement with Albania?

Four Member States indicated that returns would take place solely under the EU readmission agreement (BE, HU, NL, SE). Germany indicate that they use both the EU agreement and separate bilateral agreement. Finland and Norway operate under separate bilateral agreements.

6. How did you satisfy yourself that there was ‘adequate and safe reception conditions’? Are they normally reunited with family?

All Member States that have returned Albanian UASCs indicated that children were normally reunited with family and that authorities work with family beforehand to ensure that child can be returned safely.

- **Belgium** explain that liaison with the family is particularly important.
- For **Finland** it is a prerequisite that the minor is in contact with family and has safe access to them on return
- **Germany** report that a minor must have consent of parent /guardian to benefit from voluntary returns programme and that they must be picked up by parent guardian on arrival.

- **Netherlands** report that extra supervision is required for UASCs. The primary goal is to reunite with family –if that is not possible then access to reception facility is required.
- **Sweden** explain that all returned Albanian UASCs have been reunited with family. The Swedish migration agency inspects all reception facilities to ensure they are safe and adequate.
- **Switzerland** does not base their decisions on the directive, however UASCs are normally reunited with family

7. Have there been any challenges (legal or by NGOs to returns of Albanian UASC)?

No challenges were reported by the Member States

Responses

	Country	Wider Dissemination	Response
	Austria	No	
	Belgium	Yes	<p>1. In 2016, Belgian authorities registered 49 Albanian UASC, representing the fourth most popular nationality for UASC. We do not have any specific statistics at hand regarding the recognition rate (asylum or subsidiary protection) applying specifically to Albanian UASC, but it can be assumed it is very low (as is the case for other Albanian asylum seekers).</p> <p>2. No. In collaboration with IOM and Caritas International Belgium, a project has been started in June 2016. The project includes counselling to people (not only UASC) who voluntarily return to countries in the Western Balkans. After return, the local IOM office provides assistance in dealing with administrative obligations (for example registration at civil registry). And this in order for returnees to</p>

get (once again) access to available local facilities (health care, education, social housing projects, employment services, ...). There is no specific return program for UASC. However vulnerable persons who are facing specific difficulties (UASC but also pregnant women, people with health problems, victims of trafficking, ...) might be given additional in-kind assistance (e.g. medical treatment, vocational training, and support to set up an income producing activity). Whether or not the UASC is entitled to in-kind assistance is determined on a case-by-case basis. It is also possible that the parents of the UASC who remained in Albania get in-kind assistance when the UASC returns.

3. As mentioned above, there is no specific return program for UASC. The last two years 8 unaccompanied Albanian children returned with the support of the Belgian authorities or IOM (2015: 5 - 2016: 3). It is not certain that all these unaccompanied Albanian children applied for asylum. It is possible that UASC returned without the support of the Belgian authorities or IOM.

4. No forced return for UASC, only voluntary.

5. The authorities are legally bound by the EURA which would prevail over any bilateral agreement, so Belgian authorities only use this EURA .

6. When an unaccompanied minor arrives in Belgium, a guardian is appointed. This guardian can start a specific procedure. This procedure determines the most durable solution in the best interest of the unaccompanied minor (which can be both return as well as a residence permit). To this end, the authorities conduct a “family assessment” for each individual case. In this regard, the Belgian Immigration Office contacts the Social State Service in Albania to obtain information on the family situation in the home country. The family of the UASC is consulted. There is also an assessment of which NGO’s or other organizations are present in the region of origin and can help the UASC and his/her family after return. This does not mean that the UASC will return to Albania, but it makes it possible to determine whether or not adequate and safe reception and care are available, and whether or not a return is in the best interest of the UASC.

7. No Sources: • Belgian Immigration Office (Minteh Unit and International Relations Unit) • Federal Agency for the Reception of Asylum Seekers / Fedasil (International Platform) • AHQ on European return and reintegration programmes for nationals of Western Balkan countries, launched by France on

			06.12.2016.
	Bulgaria	Yes	<p>1. Regarding the request for the current level of asylum claims from Albanian Unaccompanied minors in the document database and archive of State Agency for Refugees for the period 2013 - 2016, there were no submitted applications for international protection in RB nationals of Albania. At present there are no registered applications for international protection lodged by unaccompanied minors of Albanian origin.</p> <p>2. Not applicable.</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p> <p>6. Not applicable.</p> <p>7. Not applicable.</p>
	Croatia	Yes	<p>1. The official records of the Ministry of Interior as a competent authority in Croatia for the asylum seeking applications including unaccompanied minors do not have any recording of a received request for an international protection from the Albanian citizen unaccompanied minor. It is also established that to date the Ministry has not granted an international protection in the Republic of Croatia to any Albanian citizen unaccompanied minor.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>

			<p>5. Although Croatia has signed a bilateral readmission agreement with Albania so far neither bilateral nor the EU Readmission Agreement has not been acted on. Returning Albanian citizens it is quite simplest and they could be returned by plane (voluntary or involuntary). We can acknowledge a very good cooperation with the Embassy of Albania in Zagreb in the cases when we have TCNs without travel documents. Embassy issues documents without problems and within a reasonable time.</p> <p>6. We did not have returns of unaccompanied minors yet.</p> <p>7. N/A</p>
	Cyprus	Yes	<p>1. No such cases have been recorded.</p> <p>2. The government does not issue return or expulsion orders for minors. Furthermore, we do not operate a returns programme specifically for Albanian UASC. If such a case occurs, the UASC will be introduced into the AVR programme.</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p> <p>6. n/a</p> <p>7. n/a</p>
	Czech Republic	Yes	<p>1. 2016 - 0.</p> <p>2. No. There are no such special programmes. Generally, the Czech Republic does not return unaccompanied minors.</p>

			<p>3. N/A.</p> <p>4. N/A.</p> <p>5. N/A.</p> <p>6. N/A.</p> <p>7. N/A.</p>
	Estonia	Yes	<p>1. There have been no asylum claims from Albanian Unaccompanied Asylum Seeking Children in Estonia.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. N/A</p>
	Finland	Yes	<p>1. In 2016, one unaccompanied minor asylum-seeker from Albania applied for asylum in Finland. That person cancelled the application and was returned to Albania through assisted voluntary return.</p> <p>2. Finland does not have a specific return program for Albanian UASCs. They can, however, seek assistance through the general AVR program</p> <p>3. n/a</p>

			<p>4. n/a</p> <p>5. Finland has a separate readmission agreement with Albania.</p> <p>6. It is possible to reject the asylum claim of an UASC when he/she is nearly 18 years old, in practice 16+ years depending on the individual circumstances of the case. A prerequisite for rejection and removal is that the UASC is in regular contact with his/her parents or legal guardian in his country of origin, and that he/she has safe access to these persons upon return. If the UASC has arrived in Finland together with e.g. relatives, he/she can normally return accompanied by these relatives if the relatives' asylum claim is also rejected.</p> <p>7. No challenges as far as the Finnish Immigration Service is aware.</p>
	France	No	
	Germany	Yes	<p>1. The amount of Albanian Unaccompanied Asylum Seeking Children (UASC) is relatively small compared to other nationals. In the year 2016 there were merely 94 applications. Since, according to German law, Albania is considered as a safe country of origin the protection quota is very low. Only for one person a ban on deportation according to § 60 subs. 5/7 of the Residence Act (AufenthG) was imposed, the other asylum procedures were terminated as “manifestly unfounded” or discontinued on the basis of “other procedure termination”. The latter is to be understood for instance as the withdrawal of the asylum application by the applicant or the change of residence to a place outside the federal territory.</p> <p>2. At the moment there is no special return program for UASC on the part of the Federal Republic. However it is possible that there exist scattered return programs in the federal states for this group. For a voluntary return the return program “REAG/GARP” operated by the IOM can be used. However this was not established specially for UASC but supports in general the voluntary return of third country nationals without financial means to their countries of origin or to other third countries willing to receive them. Unaccompanied minors can benefit from the program if at least one parent or an appointed guardian declares his/her approval of the transportation in written form. Minors have to be</p>

			<p>picked up at their place of arrival in their country of origin by a parent or a person authorised in written form by the parents or the guardian. Unaccompanied minors can get reception assistance at the airport of arrival. This includes pick-up from the gate, migration controls, etc. until the handover to the authorised person. However it is to be mentioned that people from third countries who can enter Germany without visa are excluded from most of the benefits and do only get refunded their travel costs. This affects mostly western Balkan states, including Albania. There is established a liaison staff member of the Federal Foreign Office in Tirana in close contact with the local Albanian authorities. Additionally the German Society for International Cooperation (GIZ) operates a migration centre in Tirana. It supports returnees and locals in finding an employment and offers consultancy on legal labour migration.</p> <p>3. In the year 2016 in total 31 UASC returned voluntarily to Albania with support from REAG/GARP.</p> <p>4. In accordance with the statutes of the IOM, REAG/GARP only supports voluntary returns.</p> <p>5. The return to Albania takes place in the course of a readmission agreement of the EU and a separate readmission agreement between the Federal Republic of Germany and Albania.</p> <p>6. In case UASC decide to return voluntarily, this is accompanied by the IOM as far as it is made use of promotion from REAG/GARP (see question 2.2). Also in the case of a forced return the flight is accompanied by personnel from German authorities. Regularly returning minors are picked up by their families at the airport in Tirana.</p> <p>7. No findings.</p>
	Hungary	Yes	<p>1. In 2015 1 Albanian unaccompanied minor, in 2016 also 1 Albanian unaccompanied minor sought for asylum in Hungary. Their asylum cases were terminated. (So the protection rate of Albanian asylum seeker unaccompanied minors were 0 %.)</p> <p>2. There is no return programme specialized on UASC or UAMs. The voluntary return program operated by IOM is available for all third country nationals (eligibility: hasn't committed any serious crime and does not have the necessary monetary means to travel back to their country of origin –</p>

			<p>evaluated case by case) No UAM/UASC has been returned to his country of origin in 2015 or 2016.</p> <p>3. -</p> <p>4. -</p> <p>5. Identification, obtaining travel documents and returns are operated under the umbrella of the EU readmission agreement. In Hungary it is the National Police Headquarters who is responsible for the execution of the readmission agreement. In general, the cooperation with the embassy and the Albanian authorities is smooth and return-oriented.</p> <p>6. There was no case regarding Albanian UAMS/UASC therefore Hungary does not have any experience regarding this question.</p> <p>7. There was no case regarding Albanian UAMS/UASC therefore Hungary does not have any experience regarding this question.</p>
	Ireland	Yes	<p>1. .</p> <p>2. Ireland does not return unaccompanied minors and does not have a programme for returning unaccompanied asylum seeking children to Albania.</p> <p>3. .</p> <p>4. .</p> <p>5. .</p> <p>6. .</p> <p>7. .</p>

	Italy	No	
	Latvia	Yes	<ol style="list-style-type: none"> 1. No asylum applications from Albanian citizens received in Latvia from 1998 to 2017. 2. N/A 3. N/A 4. N/A 5. N/A 6. N/A 7. N/A
	Lithuania	Yes	<ol style="list-style-type: none"> 1. During the period from 2014 to 2016, non of the Albanian citizens applied for asylum in the Republic of Lithuania. 2. N/A 3. N/A 4. N/A 5. N/A 6. N/A 7. N/A

	Luxembourg	Yes	<p>1. In 2016, 4 Albanian unaccompanied minors sought asylum and no Refugee Status or Subsidiary Protection was granted.</p> <p>2. No.</p> <p>3. N/A.</p> <p>4. N/A.</p> <p>5. N/A.</p> <p>6. N/A.</p> <p>7. N/A.</p>
	Malta	Yes	<p>1. Nil</p> <p>2. Nil</p> <p>3. Nil</p> <p>4. Nil</p> <p>5. Nil</p> <p>6. Nil</p> <p>7. Nil</p>
	Netherlands	Yes	<p>1. Please see attached document.</p> <p>2. As of January 1st 2017, all visa-free countries are excluded from the REAN-programme, which also includes Albania. Therefore Albanian migrants are not eligible for any return assistance. However,</p>

			<p>exceptions are possible for vulnerable migrants, for example UASC's. The REAN programme, implemented by the IOM and financed by the Dutch government, provides financial support to former asylum seekers and (illegal) migrants. Migrants can obtain €200 (adult/UASC) and €40 (child) for the period after their return, arrangement and payment of the return flight and assistance with the journey.</p> <p>3. No specific return programme for Albanian UASC's is available.</p> <p>4. Voluntary and forced return is possible for Albanian UASC, under the condition of adequate reception. The Albanian embassy is cooperative. The R&DS (Repatriation and Departure Service) has experience with the return of UASC to Albania, multiple unaccompanied minors have returned in the last couple of years.</p> <p>5. The Netherlands operates under the EU readmission agreement.</p> <p>6. Unaccompanied minors require extra supervision during the repatriation process. In situations such as these the R&DS organises adequate shelter for the unaccompanied minors. The primary goal is to reunite the UASC with parents or family. If this is not possible, the DT&V will try to arrange adequate shelter in a general reception facility. A reception facility is found to be adequate if there is shelter available till the age of 18, availability of food, clothing and hygiene, access to education facilities and the presence of medical care.</p> <p>7. Cooperation with the guardian organization Nidos is preferred when it comes to the return of the UASC to Albania. All minors in the Netherlands must be under authority – either parental authority or guardianship. For children who apply for asylum, without a parent or parents in the Netherlands, Nidos provides (temporary) guardianship. The guardian is the legal representative for unaccompanied minor asylum seekers/aliens and is responsible for their welfare.</p>
	Poland	Yes	<p>1. There were no cases of Albanian citizens [also minors] applying for international protection in Poland.</p> <p>2. n/a</p>

			<p>3. n/a</p> <p>4. There was just one case of Albanian citizens [minor of age 4 accompanied by mother] forcibly returned to their country of origin.</p> <p>5. Poland operates the returns under the EU readmission agreement. In 2016 Poland returned 26 Albanians, including Dublin cases and return decisions. Albanians are not seeking for international protection on the territory of Poland.</p> <p>6. There were no cases of Albanian UASC returns.</p> <p>7. There were no cases of Albanian UASC returns.</p>
	Slovak Republic	Yes	<p>1. The Slovak Republic has not had any experience with asylum claims of UASC in the past years.</p> <p>2. No. According to the Slovak legislation, detention and administrative expulsion of unaccompanied minors is banned. Their return is possible only in exceptional cases when such a decision is in the best interest of the child. The Slovak Republic does not operate any specific return program for Albanian nationals.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7. N/A</p>
	Sweden	Yes	<p>1. During 2016 104 Unaccompanied minors from Albania applied for asylum in Sweden. During the same year decisions were made in 130 cases concerning asylum applications from unaccompanied</p>

			<p>Albanian minors out of which 1 was granted and 109 was denied and 20 was dismissed on other grounds.</p> <p>2. Yes</p> <p>3. Sweden has returned UASC to Albania since the beginning of 2013. A total of 225 children have been returned. These returns have been voluntary.</p> <p>4. Voluntary.</p> <p>5. These returns are operated under the EU readmission agreement.</p> <p>6. All of those UASC who have returned so far have been reunited with family members. The Swedish Migration Agency normally speaks with the relevant family members before the child travels to confirm their suitability and to confirm that they will receive the child upon return. In cases where the Migration Agency is unable to contact the child's family directly, the Albanian authorities assist in contacting the family. In all cases, the Albanian authorities ensure that the family will receive the child and that the reception conditions are adequate and safe. Although all returns so far have involved family reunions, the Swedish Migration Agency has visited some of the care homes in Albania which would be used to accommodate any UASC who cannot be reunited with their families. These care homes have been judged to fulfil the requirement for adequate and safe reception conditions.</p> <p>7. No</p>
	Switzerland	Yes	<p>1. Asylum claims: 13 (2016), 11 (2015), 4 (2014), 1 (2013), 9 (2012). None of them received asylum status or subsidiary protection.</p> <p>2. No</p> <p>3. --</p>

			<p>4. --</p> <p>5. Separate readmission agreement between Switzerland and the Republic of Albania</p> <p>6. Switzerland does not base its decisions on the Directive. Normally returned UASC are reunited with their family (verification and contact to the family through our Immigration Liaison Officer).</p> <p>7. No.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>1. There were 3,144 asylum applications from UASC in the year ending September 2016, of which 426 were from Albanians, making it the third largest country of claim. There were 374 initial decisions in the year ending September 2016 and the grant rate for Refugee and Humanitarian Protection in the year ending September 2016 was very low at less than 0.01% (1 person out of 374 initial decisions). However, an additional 210 children were granted UASC leave (which is a temporary leave given for 30 months, or until a child is 17.5 years old (whichever is shorter), meaning that a total of 57% were granted some form of temporary leave to remain in the UK. UASC leave is only granted to those where there is “not adequate and safe reception conditions”.</p> <p>2. No. The UK does not routinely return Albanian UASC but is exploring the possibility. Although there is no specific returns programme for Albanian UASC, they are eligible for the voluntary returns programme in the UK and can be returned where we consider there are safe and adequate reception arrangements in place in the country of origin. In practice we have only returned 1 unaccompanied Albanian child in the last year.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>

			7. N/A
	Norway	Yes	<p>1. During 2016 Norway received 6 such asylum applications. All of them were rejected. (https://www.udi.no/en/statistics-and-analysis/statistics/asylum-applications-of-unaccompanied-minors-lodged-in-norway-by-nationality-and-month-2016/)</p> <p>2. The Norwegian Directorate of Immigration (UDI) operates a return and reintegration program for assisted (voluntary) return for vulnerable groups, including unaccompanied minors. The program is operated by the International Organization for Migration (IOM). The program includes return assistance, reintegration support combining cash and in-kind support worth up to 42 000 NOK/ 4700 €, and monitoring by IOM for a period of up to 12 months. 15 UASCs returned to Albania from the start in 2012 to 2016. New instructions from our ministry in March 2016 however, excluded Albanian nationals from receiving support for assisted voluntary return.</p> <p>3. Norway has had a bilateral readmission agreement with Albania since 2009, but has experienced very few cases of forced return of unaccompanied minors to Albania. In these cases the child's family has been contacted, and in the eventuality of a return of unaccompanied minors the National Police Immigration Service (NPIS) send a readmission form to Albanian authorities in advance. A few UAM have also expressed desire to travel home, and a need for assistance in doing so. Most adult asylum seekers from Albania will have their cases processed within 48 hours.</p> <p>4. See 1 - 3 above.</p> <p>5. See 3 above</p> <p>6. All of the six unaccompanied minors processed by the immigration authorities were in contact with their families during their stay in Norway. Our experience is that the applicants in Norway had the same geographical and family origin in Albania. It seemed that the purpose for the migration for one of the applicants was the provision of return support.</p> <p>7. There has been no such challenges.</p>

