



AD HOC QUERY ON 2019.20 EMN Ad-Hoc DE Specially commissioned Decision Makers

Requested by DE EMN NCP on 7 February 2019

Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Malta, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Slovakia, EMN NCP Sweden, EMN NCP United Kingdom plus, EMN NCP Norway (23 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.

1. Background information

In accordance with Art. 25 §3 of Directive 2013/32/EU of 26 June 2013 (Procedures Directive), the Member States of the European Union are to ensure that the interview of an unaccompanied minor applicant and the decision on his or her asylum application is conducted and prepared by a staff member who has the necessary knowledge of the special needs of minors.

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.

In accordance with recital 29 in conjunction with Art. 24 §3 of the Procedures Directive, over and above this certain applicants are in need of special procedural guarantees due, inter alia, to mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence.

Accordingly, the Federal Office for Migration and Refugees has established the functions of the specially commissioned case-officers for unaccompanied minors, victims of trauma and torture, persons persecuted because of their gender, as well as victims of trafficking in human beings. In order to be able to meet the special needs of these vulnerable persons in the asylum procedure, the specially commissioned case-officers undergo further or special training..

The interviews and the decisions on unaccompanied minors resulting from them may only be conducted and taken by such specially commissioned case-officers.

Under the internal regulations, interviews and decisions of the other vulnerable groups (victims of trauma and torture, persons persecuted because of their gender, as well as victims of trafficking in human beings) must as a matter of principle involve specially-commissioned case-officers.

The deployment of specially commissioned case-officers in the Federal Office for Migration and Refugees is being examined as part of an investigation.

2. Questions

1. Question 1

1. Are vulnerable applicants divided into specific groups in your country? If so, into what groups are they divided?

2. Question 2

2. Do you have case officers in your Member State who perform tasks similar to those of specially commissioned case-officers?

Available choices: Yes, No

3. Question 3

If your answer is YES: a)What are the similarities? b)What are the differences?

4. Question 4

4. Do you also have specific approaches to the conduct of asylum procedures for unaccompanied minors, as well as for vulnerable groups' applicants who require special procedural guarantees in accordance with recital 29? If so, which ones?

5. Question 5

5. Are your staff specially trained to deal with these groups of people?

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.

Available choices: Yes, No


6. Question 6

a) If your answer is yes: Is all your staff who conduct interviews and make decisions trained, or only some of your staff trained? b) If your answer is no: Can you indicate who carries out the interviews of vulnerable groups and unaccompanied minors in your MS in accordance with the Directive?

We would very much appreciate your responses by **15 April 2019**.

3. Responses

1

		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. There is no division into specific groups. Depending on the situation and examination of the individual case, specific needs of the applicants are identified (minority, vulnerability etc.) and the necessary measures regarding procedure and accommodation are taken.---Source: Ministry of the Interior</p> <p>2. No</p> <p>2. The Austrian law does not provide for such specialized case officers. It does, however, provide for trainings for caseworkers (see question 5).However, the relevant regulations stipulate that</p>

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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.

			<p>underage asylum seekers may be interviewed only in the presence of a legal representative (e.g. a legal counselor, Art. 10 para 3 Federal Office for Immigration and Asylum Procedures Act; Art. 19 para 5 Asylum Act 2005). If an asylum seeker bases his/her fear of persecution on an infringement of his/her right to sexual self-determination, s/he shall be interviewed by an official of the same sex unless s/he requests otherwise (Art. 20 para 1 Asylum Act 2005). (for details see question 4).--- Source: Ministry of the Interior</p> <p>3. n/a---Source: Ministry of the Interior</p> <p>4. Ad UAM Due to the principle that the child's best interests shall be a priority consideration in all actions taken by public institutions, which is based in the CRC and the Federal Constitutional Act on the Rights of Children, special features are to be considered when interrogating minors:- According to Art. 10 para 6 Federal Office for Immigration and Asylum Procedures Act, unaccompanied minors aged 13 and under may be initially interviewed only in the presence of the legal counselor (=the legal representative in the admission procedure, see Art. 10 para 6 Federal Office for Immigration and Asylum Procedures Act), i.e. an initial interview must not take place in the context of the transfer, but only at the initial reception centre in the presence of a legal counselor who is responsible for the legal representation of the unaccompanied minor aged 13 and under.- The initial interview of an unaccompanied minor aged 14 and over is usually carried out by the police on site. If the initial interview of an unaccompanied minor aged 14 and over has been carried out without the legal adviser, it has to be repeated in the presence of the legal counselor, if the legal adviser objects to the conducted interview prior to the initial interview in the admission procedure (Art. 10 para 3 Federal Office for Immigration and Asylum Procedures Act). The initial interview of an unaccompanied minor aged 14 and over may be carried out without the legal counselor if applicable. - In the asylum procedure, there is an obligation for the asylum seeker to be interviewed or to appear in person respectively. According to Art. 19 para 2 Asylum Act 2005, an interview may be omitted if the asylum seeker "owing to circumstances relating to his person is unable to contribute to the establishment of the material facts by testifying". Thus, minors aged 13 and under are usually not interviewed themselves, but their legal representative or they are only interviewed themselves if this is the only way to obtain information about their person, their escape routes and escape reasons. Minors aged 14 and over, on the other hand, are usually interviewed themselves. In any case, underage asylum seekers are always to be interviewed in the presence of</p>
--	--	--	--


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.

			<p>the legal representative (Art. 19 para 5 Asylum Act 2005). The legal representative must be present during the entire interview. The interview of minors, especially of unaccompanied minors (aged 13 and under), must be conducted with particular caution. For unaccompanied underage aliens, the regular time limit of 4 weeks for appeals against the administrative decision applies (Art. 16 para 1 Federal Office for Immigration and Asylum Procedures Act in conjunction with Art. 7 para 4 Proceedings of Administrative Courts Act), except for rulings in airport procedures (1 week time limit for appeal, Art. 33 para 3 Asylum Act 2005). According to Art. 76 para 1 Aliens Police Act 2005, minors aged 13 and under must not be kept in detention pending removal. Minors aged 14 and over may be kept in detention pending removal for a maximum of two months (Art. 80 para 2 (1) Aliens Police Act 2005). An extension is not possible. According to Art. 77 para 1 Aliens Police Act 2005, the authority has to apply alternatives to detention for minors aged 14 to 16, unless certain facts justify the assumption that thereby the purpose of detention pending removal cannot be achieved.</p> <p>Ad vulnerable groups: According to Art. 20 para 1 Asylum Act 2005, an asylum seeker who bases his/her fear of persecution on an infringement of his/her right to sexual self-determination shall be interviewed by an official of the same sex unless s/he requests otherwise. The asylum seeker shall be informed in a provable manner of the existence of that possibility. These procedural aspects are regulated by decree in the Federal Office for Immigration and Asylum. ---Source: Ministry of the Interior</p> <p>5. Yes</p> <p>Yes. For example, in 2017, two trainings on "Interrogation – Dealing with Minors" with a total of 23 participants from the Federal Office for Immigration and Asylum were offered. The aim was to sensitize the case officers in the asylum procedure for the adequate treatment of children and underage adolescents. This is to ensure that interviews, especially of unaccompanied minors, take into account age, maturity, cultural differences and experiences (ARMA 2017, p. 23). The 5th National Action Plan on Combating Human Trafficking (2018–2020) identifies people seeking refuge and particularly unaccompanied minors as a potential risk group and includes advanced trainings for staff of initial reception centres, basic care facilities and police detention centers (https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Nationaler_Aktionsplan_2018-2020.pdf). ---Source: Ministry of the Interior</p> <p>6. In Austria only a part of the staff is specially trained (see Q5). ---Source: Ministry of the Interior</p>
--	--	--	---


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.

	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. There are several possible reasons to consider an applicant as a vulnerable applicant with special procedural needs in accordance with Article 24 of the Asylum Procedures Directive. Based on all the elements in the administrative file it can be decided that the applicant has such specific procedural needs that justifies specific supportive measures. The most frequent type of vulnerable applicants are unaccompanied minors and applicants who invoke gender based violence. The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) responsible for assessing the applications for international protection has specific coordinators for those two types of vulnerable applicants. However, there is no exhaustive list of groups of vulnerable persons. Moreover, an applicant can have several characteristics making him a vulnerable person with specific procedural needs.</p> <p>2. Yes</p> <p>3. For several types of vulnerable applicants such as unaccompanied minors, victims of human trafficking, LGTBI and gender related applications and applicants with psychological problems specialized protection officers are responsible for handling the applications. a) All the protection officers have to demonstrate an open attitude and show respect for the individuality, convictions and qualities of the other person. They have to assess every application individually without any prejudices. Personal interests, preferences or feelings have no impact on the decision. All the protection officers are selected on the he basis of qualities such as empathy, sense of responsibility, decisiveness, professional commitment and loyalty. b) On top of the basic training for a protection officer, a number of protection officers can be trained to handle applications of specific types of vulnerable applicants (see reply to question 5).</p> <p>4. Yes, an interview of a child differs in several aspects from that of an adult. For instance, it takes place in a separate interview room. The protection officer adapts his language to the child and encourages it to tell as much as possible of its story spontaneously, from the perspective of its own perception. In doing so, the protection officers avoids asking closed questions as much as possible to avoid influencing the child. During the interview the child can draw or use other tools to clarify its story. Breaks are regularly provided and the child can request a break whenever it needs one. The interpreters who assist the children during the interview have also received specific training. Also for other applicants where specific procedural needs have been identified, several measures can be</p>
---	----------------------------	------------	---

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.

			<p>taken to address these procedural needs such as for example: -no application of accelerated procedures, - logistic measures (for example: special interview room, gender of the protection officer and interpreter),- specific brochures and tailored information provision and information on referral towards specific procedures (for example for victims of human trafficking),- interview and assessment by a specific protection officer who are experienced and received specific training,- shorter interviews, more breaks (for example for elderly persons)- specific interview methods,- Postponement of the interview or written procedure (for example for medical cases),- ...</p> <p>5. Yes</p> <p>6. For unaccompanied minors for example, in addition to the basic training and at least two years interviewing experience, these protection officers have also received specific training. This training to handle applications for unaccompanied minors focuses, in particular, on:- Belgian and European legislation, directives, provisions and the legislation on guardianship- the principle of the best interest of the child- the phases in children's development and the different levels of maturity- the functioning of children's memory- indicators of vulnerability in children- the possible mandate of a child- the position of a child in the different cultures and intercultural communication with children- child-specific forms of persecution Also for other types of vulnerable groups, a number of protection officers have received specific training, such as the EASO training module Interviewing Vulnerable Persons and/or a specific internal training (such as the training to asses applications based on gender). Protection officers who interview vulnerable applicants are in principle also more experienced and have specific experience with interviewing vulnerable applicants. Not all the protection officers are trained to conduct interviews for different types of vulnerable applicants. Protection officers can be trained to conduct interviews and to assess the application of a specific type of vulnerable applicants or for several types of vulnerable applicants (see reply to question 5).</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. According to the Law on Asylum and Refugees, §1, p.17 “persons from a vulnerable group” are: minor or underage persons, unaccompanied minor and underage persons, elderly people, pregnant women, single parents with underage children, victims of human trafficking, people with serious</p>


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.

			<p>health problems, people with mental disorders, and people who are victims of torture, rape or other serious forms of mental, physical or sexual violence.</p> <p>2. Yes By order of the Chairperson of the State Agency for Refugees (SAR) case-officers who can carry out proceedings (including interviews) on a request for international protection from vulnerable persons, including unaccompanied minors, are assigned. These officials have received specific training, including on relevant EASO modules for "Interviewing vulnerable persons" and "Interviewing Children".</p> <p>3. a) All the case-workers of SAR have received the necessary training for interviewing persons seeking international protection. (b) Officials specifically assigned to carry out the procedure (including interviews) for international protection at the request of persons from a vulnerable group, besides additional training, must have positive experience as a case-worker (at least two years) and relevant professional and personal qualities for communicating with vulnerable persons, incl. unaccompanied children.</p> <p>4. - The mayor of the municipality of residence appoints a representative for the child who represents the child during the proceedings. The same representative is present at all interviews with the child and signs the relevant protocol;- A social representative from the Child Protection Department is also appointed. He attends all interviews with the child, signs the relevant interview protocol and prepares a social report on the case; - For persons from vulnerable groups, including unaccompanied minors, seeking international protection, with funds from Asylum, Migration and Integration Fund allocated to the project "Providing legal aid to vulnerable groups of third-country nationals" the legal aid was increased in terms of timing and scope, with the following activities:1. Legal consultation during the interview;2. Legal advice when served with the decision;3. Legal consultation with a view to drawing up a complaint against the refusal of international protection. In addition to these procedural safeguards, a social expert from SAR who carries out daily individual work with the child, is assigned to each unaccompanied minor. Any information related to the vulnerability of a person is enclosed in the file of the asylum seeker. Timely social support is afforded during the procedure. SAR's social experts assess the needs of the vulnerable persons, provide social consultations to the asylum-seekers and refer them to medical or psychological help.</p>
--	--	--	--


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.

			<p>The experts use a Questionnaire for early identification of international protection seekers who have gone through traumatic experiences. Psychological consultations and interviews are conducted from which complex psychological assessments are drawn to identify the vulnerable persons with special needs.</p> <p>5. Yes Half of the case-workers have received the necessary training to work with vulnerable people. Not only case workers are specially trained to deal with these groups of people. Employees working in reception, accommodation, registration, and social experts in SAR have also received training.</p> <p>6. Only case-workers who have received the necessary training conduct the proceedings with vulnerable persons. Upon identification of vulnerable persons during reception and registration, vulnerable persons are referred to these specifically designated employees.</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. Article 4. paragraph 14. of International and temporary protection act states that vulnerable groups are persons divested of legal capacity, minors, unaccompanied minors, elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking in human beings, victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation, but there is no division regarding asylum procedure.</p> <p>2. No We have no specially commissioned case workers as described above. However, we have a case worker who underwent special training for interviewing vulnerable groups.</p> <p>3. N/A</p> <p>4. Unaccompanied minors are considered vulnerable asylum seekers and through special procedural and reception guarantees, appropriate support is provided in line with recital 29 of Directive 2013/32/EU.</p>


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.

			<p>5. Yes All case workers undergo the same general training. When appointing individual cases, more experienced case workers, and case worker with special training are entrusted with asylum procedures where asylum seekers are members of vulnerable groups and unaccompanied minors.</p> <p>6. Case workers with most knowledge and, experience, depending on the circumstances, conduct interviews with vulnerable groups and unaccompanied minors. „Best interest of a child“ is one of the guiding principles in conducting asylum procedure of unaccompanied minors.</p>
	EMN NCP Cyprus	Yes	<p>1. Officially, only minors are considered and treated as a separate group from the overall category of vulnerable applicants. Also, victims of trafficking can be considered to be a separate group, in practice, but not officially.</p> <p>2. Yes</p> <p>3. There are officers for unaccompanied minors (who are specially trained for this purpose) and other officers for vulnerable groups</p> <p>4. The Social Welfare Services act as the representative and guardian of the minor. The minor is accompanied by the his/her representative throughout the asylum procedure</p> <p>5. Yes</p> <p>6. Not all staff is trained for the examination of vulnerable cases and subgroups. All staff has a general knowledge but has not specifically trained for this purpose.</p>


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.

	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. No 2. No 3. N/A 4. Yes, the Czech Republic does. The Czech Republic acts in every case on ad-hoc bases taking in account the specific individual situation of the concrete minor or person. 5. Yes 6. All staff is trained.
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. In Estonia the vulnerable groups are defined in law with an open list. Pursuant to Article 15¹ (1) of Act on Granting International Protection to Aliens, the vulnerable person is an applicant of international protection with special needs, in particular, such as a minor, an unaccompanied minor, a disabled person, an elderly person, a pregnant woman, a single parent with minor children, a victim of trafficking, a person with serious illness, a person with mental health problems and a victim of torture or rape or a person who has been subjected to other serious forms of psychological, physical or sexual violence. 2. Yes Yes we do. In Estonia all the officials who are conducting international protection procedures with unaccompanied minors have passed corresponding training. All officials who have contact with the applicants of International protection are trained to notice the signs of vulnerability and act accordingly. The case officers of international protection have passed EASO training modules about interviewing vulnerable persons. 3. The staff dealing with vulnerable groups are continuously trained.


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.

			<p>4. All procedures are conducted only in the presence of the UAM’s guardian or a representative in order to safeguard the best interests of the child. Only competent and specially trained officials of PBGB (Citizenship and International Protection Bureau) are dealing with the UAMs international protection applications. The specific situation of a vulnerable person and persons with special needs arising therefrom are taken account of in the international protection proceedings. The cases of vulnerable groups are proceeded as the priority, if possible. A person is deemed to be an applicant with special needs when the PBGB have established his or her special need. In such a case all the specifications provided for in the Act on Granting International Protection to Aliens shall be applied to him or her and he or she shall be enabled the support corresponding to his or her special need. Where necessary, other administrative authority or expert shall be involved in the identification of a special need. The special need shall be identified as soon as possible after the submission of the application. All the administrative authorities and persons who are in contact with an applicant shall observe the special need of the applicant and evaluate it systematically and individually during the whole international protection proceedings, taking also account of the special need which has become evident in a later stage of the international protection proceedings. The PBGB shall communicate the information on the indications and on a special need of an applicant to other administrative authorities and persons who are in contact with the applicant to the extent which is necessary for taking into account a special need of an applicant. If another administrative authority identifies an indication of special need of an applicant, it shall immediately notify the Police and Border Guard Board thereof.</p> <p>5. Yes</p> <p>6. All staff who conduct international protection interviews and make decisions are trained.</p>
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. Basically only unaccompanied minors are considered a specific group with specialised case-officers. We acknowledge other vulnerabilities as well, but all our case-officers have received the EASO Interviewing Vulnerable Persons training module and are capable of dealing with them. In case of particularly difficult vulnerability, there are more experienced case-officers to whom the</p>

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.

			<p>case is then given. Generally we recognize vulnerability on individual basis rather than as a membership in listed groups.</p> <p>2. No</p> <p>3. N/a</p> <p>4. There are clear procedural rules on the process for unaccompanied minors. There are some internal guidelines on trafficking, FGM, domestic violence, and Sexual orientation and gender identity.</p> <p>5. Yes</p> <p>6. All case officers receive the EASO curriculum trainings on Interviewing Vulnerable Persons and Gender, gender identity and sexual orientation. The ones dealing with unattended minors study the Interviewing Children module and receive other relevant national training. There is also some national training on Trafficking (the national training on Trafficking module will begin this year).</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. The law of 29 July 2015 on the reform of the right of asylum introduced a non-exhaustive list of vulnerable people into French law (article L.744-6 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum - CESEDA) that transposes the one in the European Asylum "Procedures" Directive: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.</p> <p>2. Yes</p>


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.

			<p>3. Article L.723-3 of the CESEDA stipulates that, throughout the duration of the application assessment procedure, the OFPRA may "define the specific assessment modalities that it deems necessary for the exercise of the applicant's rights due to his/her specific situation, minority or vulnerability": thus, vulnerable asylum applicants have their application examined by protection officers trained in their specific needs and benefit from support and expertise from groups of referents dedicated to their issue. They are interviewed with assistance from interpreters, also made aware of their specific needs. The duration of processing may be adapted, either with a priority ruling or to leave a longer assessment period to enable the person's story to be collected and suitable psycho-social or medical support to be implemented - this legally allows the OFPRA to declassify applications registered in accelerated procedures where it considers it necessary for the appropriate assessment of the application; applications from unaccompanied minors are examined by specialised protection officers; asylum applicants may be interviewed by a protection officer and interpreter in their choice of gender, if this is justified by the basis for their application; for asylum seekers followed by mental health professionals, support during the interview by the psychiatrist, doctor or psychologist that generally cares for the person may be accepted to reassure the applicant - this option that is not provided for by law is considered by the OFPRA on a case by case basis. The asylum application for vulnerable people is dealt with by specially trained agents at the OFPRA and since 2013 specialised support groups have been implemented on five issues: - unaccompanied minors; - trafficking in human beings; - torture; - sexual orientation and gender identity; - violence to women. The referents in these groups may be contacted by OFPRA agents for all questions related to the problems, in order to receive a centralised, harmonised response. For this, under OFPRA's harmonisation committee, they produce assessment support tools suited to the examination of the specific protection needs of the five categories of vulnerable people indicated above: internal guidelines on doctrine, procedures, interview techniques, processing of asylum applications presented by LGBTI people, victims of human trafficking, forced marriages, domestic violence, torture. Since 2013 their expertise feeds from a regular exchange and discussion mechanism with relevant external associative and institutional contacts for the five themes.</p> <p>4. Since 2013, the OFPRA has been committed to a reform leading to the creation of a group of reference contacts for asylum seeking unaccompanied minors: these contacts are experts that all OFPRA agents can contact for ad-hoc consultative opinions and which, under the responsibility of</p>
--	--	--	--


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.

			<p>OFPPRA's harmonisation committee, create the necessary internal processing support tools (on interviews with unaccompanied minors, age assessments, procedures).See also Q.3</p> <p>5. Yes</p> <p>6. The asylum application for vulnerable people is dealt with by specially trained protection officers.</p>
	EMN NCP Germany	Yes	<p>1. Four groups have been identified and established in Germany for the following vulnerable individuals:- unaccompanied minors- persons persecuted because of their gender- victims of trauma and torture- victims of trafficking in human beings</p> <p>2. Yes</p> <p>3. In addition to their role as interviewers and decision-makers in asylum procedures, specially commissioned case-officers also have an advisory function with other colleagues. They furthermore also act as contact persons of the Federal Office for Migration and Refugees for external players (e.g. NGOs).Specially commissioned case-officers for vulnerable persons in Germany must have at least two years of professional experience in interviewing and decision-making processes, as well as a personal aptitude and willingness to handle asylum procedures of the individual groups of vulnerable persons.Moreover, in addition to the EASO's ETC CORE Modules (Interview Techniques, Evidence Assessment, Inclusion) and the EASO's training modules "Interviewing Children", "Interviewing Vulnerable Persons" and "Gender", the Federal Office's own basic and advanced training courses based on the EASO modules are offered for further skill-building of the selected specially-commissioned case-officers:- basic course entitled "Specially-commissioned case-officers for unaccompanied minors"- basic course entitled "Specially-commissioned case-officers for trauma/torture"- basic course entitled "Specially-commissioned case-officers for persons persecuted because of their gender"- basic course entitled "Specially-commissioned case-officers for victims of trafficking in human beings"- advanced course entitled "Specially-commissioned case-officers for unaccompanied minors"The basic course provides specially commissioned case-officers with legal, cultural and psychological</p>



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.

			<p>knowledge. The advanced courses provide a forum for an ex-change of experience and to develop legal foundations.</p> <p>4. The Federal Office has internal instructions for conducting asylum procedures for vulnerable persons. Unaccompanied minors can already be identified as such during the application process, in which case the interview is scheduled with a specially-commissioned case-officer for unaccompanied minors. If applicants are already identified as other vulnerable persons at the time of application, the interview will be scheduled with a specially-commissioned case-officer. If the vulnerability only becomes apparent during the interview, the interview is continued by a specially-commissioned case-officer, or a specially-commissioned case-officer is consulted, depending on the organisational circumstances. A specially-commissioned case-officer will subsequently review the case file where appropriate in order to determine whether the facts of the case have been sufficiently clarified, or whether a supplementary interview needs to be conducted by a specially-commissioned case-officer. The participation of a specially-commissioned case-officer is recorded in the file in all cases.</p> <p>5. Yes</p> <p>6. See remarks regarding Question 3.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. Yes, vulnerable persons are always treated in the asylum procedure with regard to their special needs. The applicant's vulnerability is taken into account throughout the whole asylum procedure. The Hungarian asylum law applies the notion of „persons eligible for preferential treatment”, which includes unaccompanied minors, or vulnerable persons such as minors, elderly people, disabled people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, if they are found to have special needs after an individual evaluation of their situation.</p> <p>2. Yes</p>

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.

			<p>3. Many officers perform the same asylum procedure-related tasks as the specially commissioned case officers do, with the exception of not dealing with applications that include people with special needs.</p> <p>4. Since the notion „persons eligible for preferential treatment” applied by the Hungarian asylum act includes unaccompanied minors as well, unaccompanied minors are also treated in the asylum procedure with regard to their special needs. The personal interview is also conducted with regard to the age-specific needs. Another principle is that asylum procedures for unaccompanied minors shall be conducted under priority. The principle of the child’s best interest is also applied throughout the procedure. If the person seeking asylum is an unaccompanied minor, the refugee authority shall forthwith provide for the temporary placement of the child and shall contact the guardian authority for the appointment of a child welfare officer for representing the unaccompanied minor. The child welfare officer shall be appointed within eight days following the time of receipt of the request from the refugee authority. The guardian authority shall, without delay, inform the unaccompanied minor and the refugee authority of the person of the appointed child welfare officer.</p> <p>5. Yes</p> <p>6. Last year the all case officers received education on personal interview of people with special needs and unaccompanied minors.</p>
	EMN NCP Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Italy	Yes	1. Article 17 of the legislative decree 142/2015, identifies the following categories of vulnerable applicants: Unaccompanied minors; Minors; Disabled persons; Pregnant women; Single parents with under age children; People showing serious health problems or mental disorders; Victims of


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.

			<p>trafficking in human beings; Victims of tortures; Victims of psychological, physical and sexual violence or victims of gender and sexual orientation persecution; Victims of genital mutilation.</p> <p>2. Yes</p> <p>3. The relevant Italian law does not specifically mention “a commissioned case-officer” however, in some specific cases, interviews are taken by specifically trained interviewers, as in the case of minors. (art 25. Law decree 142/2015)</p> <p>4. According to article 13 of the legislative decree 140/2005, vulnerable groups interviews held by the members of the Territorial Commission can be assisted by specifically trained supported staff if the applicant agrees. With specific reference to minors, interviews are realized in presence of their parent or guardian and supporting personnel, whenever it is necessary for evaluating the situation. Moreover, specific procedures are needed when evaluating the applications of the following vulnerable groups: victims of trafficking in human beings, victims of torture and victims of genital mutilation. In the case of victims of trafficking in human beings, the Territorial Commission can refer to the following document: Identification of asylum seekers who were victims of trafficking in human beings and referral procedures. Guidelines for the Territorial Commission, realized by UNHCR and the Ministry of Interior. In the case of victims of torture, the Territorial Commission can refer to the following document: Guidelines for the planning assistance and rehabilitation interventions and for the treating of the psychotic diseases of refugees and subsidiary protection owners who suffered from torture, rape, and other kinds of violences, realized by the Ministry of Health. In the case of the victims of genital mutilation, Territorial Commission can refer to the following document: Guidelines for the early recognition of genital mutilation victims or other damaging practices, realized by the Presidency of the Council of Ministers – Department for equal opportunities.</p> <p>5. Yes</p> <p>6. a) No. only some members of the staff are trained. b) Interviews of vulnerable groups and unaccompanied minors are carried out by the Territorial Commission which can be assisted by specifically trained supporting staff. Moreover, if necessary, Territorial Commissions are allowed to</p>
--	--	--	---

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.

			consult some sanitary, cultural or religious experts in order to better evaluate the specific situations. (Art. 25, legislative decree 2015/142)
	EMN NCP Latvia	Yes	<p>1. According to the Asylum Law asylum seeker with special procedural or reception needs is a minor, a disabled person, a person in the age, upon attainment of which an old-age pension is granted in the Republic of Latvia, a pregnant woman, a parent with a minor child, a victim of human trafficking, a person who needs special care due to the health condition, a person with mental disorders, a person who has suffered from torture, rape or other serious psychological, physical or sexual violence, or other person to be especially protected whose ability to benefit from the rights and to comply with the obligations during the asylum procedure is limited.</p> <p>2. No</p> <p>3.</p> <p>4. The State Border Guard and the Office of Citizenship and Migration Affairs shall evaluate whether the asylum seeker has special reception or procedural needs. It is defined by the Asylum Law, that, if the State Border Guard or the Office of Citizenship and Migration Affairs has established that the asylum seeker has special procedural or reception needs, he or she has the right to receive corresponding and adequate support for exercising his or her rights and fulfilment of obligations throughout the asylum procedure. Application: If the application is submitted by an unaccompanied minor, the Orphan's and Custody Court together with the social service office of the local government, the State Border Guard and the Office of Citizenship and Migration Affairs shall take measures to look for family members of the minor and ascertain the possibilities of returning such person to family. The Orphan's and Custody Court shall immediately decide on appointing a guardian for the unaccompanied minor. The Orphan's and Custody Court shall take a decision to appoint a guardian, finding out the opinion of the Office of Citizenship and Migration Affairs. Primarily an unaccompanied minor shall be provided care with a guardian or a foster family. During the asylum procedure the personal and property relations of the unaccompanied minor shall be represented by the Orphan's and Custody Court or a guardian appointed thereby, or the head of a</p>

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.

			<p>child care institution. If the head of a child care institution, on the basis of an assessment of the personal situation provided by the unaccompanied minor, deems that the minor needs international protection, he or she has the right to submit an application on behalf of the minor to the State Border Guard. Reception: An unaccompanied minor shall be accommodated at the accommodation centre for asylum seekers, placed in a childcare institution or in a foster family. A decision to accommodate an unaccompanied minor at the accommodation centre for asylum seekers, placement in a childcare institution or in a foster family shall be taken by the Orphan's and Custody Court in co-operation with the social service, by ascertaining the opinion of the Office of Citizenship and Migration Affairs. An unaccompanied minor is accommodated at the accommodation centre for asylum seekers or childcare institution until the moment when he or she is ensured appropriate care with a guardian or in a foster family, or it is established that appointing of a guardian or placement in a foster family is not appropriate for the particular unaccompanied minor. In evaluating the bests interests of the child, the Orphan's and Custody Court shall take into account the possibility of family reunification of the minor, the welfare and social development of the minor, particularly his or her origin, protection and safety considerations, especially the probability that the minor is a victim of human trafficking, and also the interests and opinion of the minor according to his or her age and maturity, in conformity with the following conditions: 1) an unaccompanied minor shall be accommodated together with adult relatives; 2) children from one family shall not be separated, except in cases where it is done in the best interests of the children; 3) the place of accommodation of an unaccompanied minor shall only be changed if it conforms with the interests of this person. The detained asylum seeker shall be accommodated in conformity with the fundamental rights and safety of the person, individual traits and psychological compatibility, and also in conformity with the conditions laid down in the Asylum Law, one of which says, that an unaccompanied minor shall be ensured accommodation at the State Border Guard accommodation premises for asylum seekers, in which there is equipment, and also personnel corresponding to his or her age. Initial interview (conducted by the State Border Guard) and personal interview (conducted by the Office of Citizenship and Migration Affairs): An official of the State Border Guard shall draw up minutes regarding the initial interview. It shall be also be indicated in the minutes whether the asylum seeker has special procedural or reception needs. When conducting initial or personal interview the State Border Guard and the Office of Citizenship and Migration Affairs insures, that: it takes place without the presence of family members of the asylum seeker, unless the responsible authority deems that the presence of other family members</p>
--	--	--	--


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.

			<p>is necessary for examination of the application; it is conducted by officials who are sufficiently competent to take into account the personal and general circumstances of the asylum seeker, which are related to the application, including his or her origin, sex, sexual orientation, gender identity or vulnerability; if it is possible and it is requested by the asylum seeker, the official interviewing him or her and the interpreter are a person of the same sex, except the case when the responsible authority has the grounds of assuming that the reasons for such request are not related to the difficulties, due to which the asylum seeker might not be able to clearly outline the reasons for his or her application; with a minor asylum seeker it is conducted by an official, who has the necessary knowledge regarding needs of minor persons, in the presence of a representative; with a minor asylum seeker it takes place in a way appropriate for children. Decision: If the application has been submitted at a border crossing point or in the border crossing transit zone and the issue regarding acceptance of the application for examination or leaving without examination is being decided, the State Border Guard shall ensure corresponding and appropriate support to the asylum seeker who has special procedural or reception needs so that he or she could exercise the rights laid down in the Asylum Law and comply with the obligations laid down in the Asylum Law during the asylum procedure. If the asylum seeker is an unaccompanied minor, the decisions shall be drawn up by an official of the Office of Citizenship and Migration Affairs, who has the necessary knowledge regarding needs of minors. A decision to leave the application of an unaccompanied minor without examination, if country, which is not a Member State, is regarded as the safe third country for the asylum seeker, may be taken, if it conforms to the best interests of such minor. The condition that the representative of an unaccompanied minor has refused from the medical expert-examination regarding age assessment cannot be the sole grounds for taking a decision to leave the application of an unaccompanied minor without examination or a decision to refuse to grant refugee or alternative status. In examining the application, an official authorised by the head of the Office of Citizenship and Migration Affairs shall take into account the best interests of a minor. An official authorised by the head of the Office may examine the application of an unaccompanied minor according to accelerated procedures and may take a decision to refuse to grant refugee or alternative status only in such case, if: the asylum seeker is from a safe country of origin; the asylum seeker has submitted a repeat application, which has been accepted for examination; the asylum seeker causes threat to national security or public order and safety or has been removed from the Republic of Latvia, because he or she has caused threat to national security or public order and safety and, in accordance with the provisions of the Immigration Law, has been included</p>
--	--	--	---

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.

			<p>in the list of such foreigners who are prohibited from entering in the Republic of Latvia. An official authorised by the head of the Office of Citizenship and Migration Affairs shall examine the application of such asylum seeker who needs special procedural guarantees according to accelerated procedures and may take a decision to refuse to grant refugee or alternative status only in such case, if the asylum seeker has been provided corresponding and adequate support so that he or she could exercise the rights laid down in the Asylum Law and comply with the obligations laid down in the Asylum Law during the asylum procedure.</p> <p>5. Yes</p> <p>6. a) As far as possible training are provided for all staff members who conduct interviews and make decisions, mainly following EASO training core modules and modules with focus to asylum seekers with special reception and procedural needs.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. YES. A vulnerable person / applicant in LT is considered a person with special needs (for example, a minor (including unaccompanied minors), a disabled person, a person over the age of 75, a pregnant woman, a lone father or mother raising a minor, a mentally ill person, a victim of trafficking in human beings or a person who was tortured, raped, or subjected to other serious psychological, physical or sexual violence). Likewise, severely ill, illiterate persons, LGBTI persons can also be considered as vulnerable persons.</p> <p>2. No</p> <p>3. n/a</p> <p>4. Vulnerable asylum seekers may be subject to the following special procedural guarantees: not to apply for an accelerated procedure; not to apply provisions for inadmissible applications; to accommodate asylum seekers in his / her special needs accommodation administered by non-governmental organizations working with asylum seekers; to allow the asylum seeker to reside with an adult or a close relative legally residing in the territory of the Republic of Lithuania; to organize</p>


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.

			<p>medical examination of the asylum seeker; to examine the application for asylum as a matter of priority; to conduct a complex vulnerability assessment; to postpone the asylum seeker's interview until the conclusion of the complex assessment of the asylum seeker's vulnerability; to ensure location and comfortable environment for the asylum seeker to meet with social workers and psychologist; to choose the right environment for the survey, taking into account the specific needs of the asylum seeker; to ensure that an asylum seeker is interviewed by a specially trained civil servant to work with vulnerable persons; to ensure that an asylum seeker is interviewed by a same-sex civil servant and an interpreter and other. Apart from the above-mentioned special procedural guarantees, additional special procedural guarantees apply to minor asylum seekers: the initial asylum application concerning a minor asylum seeker is carried out in the presence of at least one of his parents (adoptive parents) or another legal representative with whom the minor asylum seeker has arrived in the Republic of Lithuania and other guarantees.</p> <p>5. Yes</p> <p>6. a) Civil servants examining asylum applications are obliged to be familiarized with the requirements of international, European Union and Lithuanian legal acts, established for examination of applications for asylum and decision-making, according to the methodological and practical recommendations issued by EASO and UNHCR for state officials dealing with asylum applications. They also have to undergo appropriate training that includes those organized by EASO, and to continue to be continuously trained on these issues. Civil servants conducting interviews with asylum seekers ought to have participated in specialized training to familiarize themselves with the survey techniques and best practices, to select the most appropriate way of communicating with the asylum seeker, taking into account, inter alia, his / her age, maturity, cultural origin, gender, sexuality orientation, gender identity and vulnerability, as well as to identify problems that may adversely affect the asylum seeker's ability to be interviewed. Civil servants dealing with asylum applications relating to the examination of vulnerable asylum seekers' requests for asylum and the establishment of special procedural guarantees, have to be involved in appropriate training and to further take part in trainings on issues related to the needs of such asylum seekers. b) N/a</p>
--	--	--	--

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.

	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. In the Grand-Duchy of Luxembourg, the national law on international and temporary protection (law of 18 December 2015) stipulates in its Article 19(1) that special procedural guarantees have to be granted to certain applicants of international protection, if need be, due to: - Their age (elderly people and unaccompanied minors);- Their sex, their sexual orientation or their gender identity; - A possible disability (physical or mental);- A serious illness; - Mental disorders; -The consequences of torture, rape, and other serious forms of psychological, physical or sexual violence.</p> <p>2. Yes</p> <p>3. In Luxembourg some of the staff members are specially trained to take charge of cases involving vulnerable persons or unaccompanied minors. In fact, in accordance with article 3 (2) § 3 of the Asylum Law these agents must have the general knowledge of the issues that could affect the applicant's ability of being interviewed, in particular of elements relating to situations of torture. Furthermore, the agents treating the application of an unaccompanied minor must possess the necessary knowledge on the particular needs of children and has to adapt the interview accordingly. a) Similar to the specially commissioned case-officers of the Federal Office for Migration and Refugees, the specially trained case-officers in Luxembourg may assume an advisory function with other colleagues. All of these case-workers followed the EASO's training modules "Interviewing Children", "Interviewing Vulnerable Persons" and "Gender", and most of them did also complete the EASO's ETC CORE Modules (Interview Techniques, Evidence Assessment, and Inclusion).b) Unlike Germany, specially trained case-workers in Luxembourg do not act as contact persons for external players (e.g. NGOs); neither do they have to have at least two years of professional experience in interviewing and decision-making processes. Moreover, Luxembourg does not have its own basic and advanced training courses, in addition to the EASO training modules. In addition to this information, it might be interesting to mention that in 2018, Luxembourg has launched two new projects concerning unaccompanied minors:- The "Family tracing" program, in collaboration with the International Organization for Migration (hereinafter "IOM") for the tracing of family members of the unaccompanied minor.- The creation of the "committee for the best interests of the child", a collegial body whose mission is to assess whether it is in the best interest of the unaccompanied minor to remain in Luxembourg until s/he reaches the age of majority or to return in his country of origin.</p>
---	-------------------------------	------------	--


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.

			<p>4. As regards unaccompanied minors, the Luxemburgish Directorate of immigration assigns the applications to an agent who has the necessary competences for dealing with children, and who makes sure to guarantee the best interest of the child. Besides, an ad-hoc administrator will be appointed by a guardianship judge immediately at the beginning of the procedure to assist the unaccompanied minor in all the procedures related to his/her international protection application and potentially to accomplish legal acts on his/her behalf. The ad-hoc administrator will inform the UAM of the consequences of the interview in which s/he will have to explain the reasons for his/her application. Furthermore, the ad-hoc administrator has to prepare him/her for the interview itself. The interview is scheduled with a specially commissioned case-officer for unaccompanied minors. The agent of the Directorate of Immigration will conduct the interview in an adequate manner, and must adapt the questions to the presumed age of the applicant. For this purpose, the agent has to ask the questions in a simple and comprehensible manner. During the interview the ad-hoc administrator has to be present. At the end of the audition s/he is allowed to ask questions and make observations in the framework established by the agent who is conducting the interview (article 20 (2)).In the case of unaccompanied minors under the age of sixteen, the interview is recorded and subsequently transcribed.It is important to note that the unaccompanied minor can be submitted to an accelerated procedure in accordance with article 21 (1) only under three circumstances.Furthermore, article 103 of the amended national law on freedom of movement and on immigration (2008) also provides that a return decision cannot be issued against an unaccompanied minor unless it is necessary for his or her best interest or if it is based on serious grounds of public safety.In the case of other vulnerable groups the procedure is as follows: Once the international protection application is filed, the Minister will, in a reasonable period of time, assess whether the applicant is an applicant in need of special procedural guarantees. For this assessment, the Minister may seek the advice of a physician. Once the applicant is identified as being in need of special procedural guarantees, s/he is granted adequate support and sufficient time in order to create the necessary conditions to file the elements to support his request.The need for special procedural guarantees is also taken into account when such a need arises at a subsequent stage of the procedure, without necessarily having to start all over again (article 19 (4)).</p> <p>5. Yes</p>
--	--	--	--


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.

			6. In the Luxembourgish Directorate of Immigration, some of the staff members in charge of the interviews and decision making are specially trained to deal with these groups of people.
	EMN NCP Malta	Yes	<p>1. The Office of the Refugee Commissioner considers the following profiles as falling under the definition of vulnerable persons; expectant mother, minor, unaccompanied minor, physically disabled persons, dependent adults, elderly persons, persons with a serious illness, persons with mental disorders, a single parent with minor(s), victims of human trafficking, and persons who have been subjected to torture or other serious forms of psychological, physical or sexual violence (e.g. victims of FGM).</p> <p>2. The Office of the Refugee Commissioner does not have case workers who are solely devoted to examining applications lodged by unaccompanied minors or by other persons deemed to be vulnerable in accordance with the Asylum Procedures Directive. However, as far as possible, this Office tries to ensure that applications lodged by unaccompanied minors are handled by case workers who have undergone specific training in relation to the special needs of minors.</p> <p>3. Refer to answer provided for question 2.</p> <p>4. There are no specific approaches in relation to unaccompanied minors or vulnerable groups. However, depending on the particular circumstances of the case, an application lodged by an unaccompanied minor or by another person deemed to be vulnerable in accordance with the Asylum Procedures Directive could be prioritized or postponed until the applicant is fit to be interviewed.</p> <p>5. A number of caseworkers within the Office of the Refugee Commissioner have attended training in relation to vulnerable persons</p>

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.

			<p>6. To date only a part of the caseworkers working at the Office of the Refugee Commissioner have been trained in relation to unaccompanied minors and vulnerable persons. However, it is envisaged that in the near future more caseworkers will receive training in relation to this topic.</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. In practice, different types of procedural support are integrated in the asylum procedure. Examples are letting specialised employees interview unaccompanied alien minors and working arrangements for victims of trafficking in human beings. In addition, on behalf of the Immigration and Naturalisation Service (IND), a medical advice is given about the question whether the alien could be interviewed and is able to tell his or her story in a coherent way. The way in which the IND takes the medical advice into account is the responsibility of the employee. Each case requires a unique decision. It is important that the decision whether a person is vulnerable or not is not restricted to the aforementioned examples and the medical advice given during the rest and preparation period. From the first application onward and during the whole asylum procedure, the employee needs to be aware of emerging needs for a procedural guarantee. If it is clear that this is a case of vulnerability, the Directive requires the IND to offer appropriate support. This concept has not been defined officially. The way this concept is interpreted depends on the examination of the IND and again, each case requires a unique decision. Preamble 29 of the Procedures Directive mentions that some aliens require special procedural guarantees on the basis of for instance age, sex, sexual orientation, gender identity, disability, severe disease, mental illness or as a result of torture, rape or other forms of serious psychological, physical or sexual violence. It is not the case that every alien who had to deal with one or more of these circumstances should always be seen as vulnerable and require procedural support. However, extra awareness is required if the employee signals one or more of these circumstances for the alien. In that case, the employee needs to decide whether, and if so, what kind of, support is required in the procedure. In every phase of the procedure the need for procedural support could be ascertained. This approach requires that the employee assesses during the whole asylum procedure whether the alien needs procedural support.</p> <p>2. Yes</p>


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.

			<p>In principal, every employee concerned with interviewing and decision making received the necessary education to warrant procedural guarantees and treat cases of vulnerable persons. Their tasks could thus be compared to those of the specially commissioned case-officers. Besides, specially educated employees exist for interviewing minors.</p> <p>3. All employees concerned with conducting interviews and decision making in asylum cases are required, besides other courses, to follow the EASO course 'Interviewing Vulnerable Persons.' Here they will learn for instance techniques which could be used during conducting interviews and decision making in cases of vulnerable persons (Dutch House of Representatives, 2013-2014, Appendix 636). As a result, all employees are able to warrant the procedural guarantees for vulnerable aliens in the asylum procedure and thus to carry out more or less the same tasks as the specially commissioned decision makers. In addition, coordinators are present who function as contact points for difficult cases and who provide extra training. Examples are medical coordinators, LGBTI coordinators and coordinators for trafficking in human beings.</p> <p>4. Yes, there are specific approaches to the conduct of asylum procedures for unaccompanied minors. The Nidos Foundation is responsible for unaccompanied minors. A guardianship must be arranged for anyone who arrives in the Netherlands as a minor asylum seeker without their parents or anyone to look after them. The Nidos Foundation has to provide this. If the age of an unaccompanied minor is uncertain, an age assessment examination is required. An AMV receives a minimum of three weeks to prepare and rest before the start of the procedure. In addition, AMVs under the age of 12 will be interviewed by a specially trained employee of the IND in a child-friendly room. If it is determined that an alien is vulnerable and requires extra procedural support besides the regular guarantees integrated in the asylum procedure, the IND needs to decide for each case separately how this will be implemented. This is also the case when medical advice indicates that appropriate support is required. The IND decides for each case separately which support will be offered. Decisions are made on the basis of Work Instruction Medical Advice (WI 2010/13), the protocol of the organisation which provides medical advice, and the corresponding reading guide. It is not possible to formulate in the prescription the adequate support for each unique case. The support needs to be adapted to the person in question and his or her situation. In practice, appropriate support could range from having extra breaks during the interviews, giving extra explanations, allowing the alien with back problems to walk through the room during the interview,</p>
--	--	--	---

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.

			<p>accompanying a visually impaired alien from the waiting area to the room where the interview will take place, having “interviews on location” and not constantly pointing out contradictions in case of a mentally confused alien. Incidentally it could be decided that other interviews will take place outside the general asylum procedure or that the general asylum procedure will be postponed. (C1/2.3 Aliens’ Act) In exceptional cases, another form of adequate support could be that the alien will be ‘interviewed’ by letter. Offering appropriate support could be connected to the way in which the medical advice is treated. Work Instruction Medical Advice (WI 2010/13), the protocol of the organisation which provides medical advice, and the corresponding reading guide provide tools for offering appropriate support even if this is not stated literally in the medical advice. In certain cases, whether or not a medical advice has been given, it would be recommended to consult the authorized representative about offering adequate support. Furthermore, the alien could take care of appropriate support himself, for instance by bringing someone from the Dutch Council for Refugees (VluchtelingenWerk Nederland) or an authorized representative.</p> <p>5. Yes</p> <p>6. AMV’s under the age of 12 are interviewed by a special employee who received special training. All employees concerned with conducting interviews and making decisions in asylum cases are obliged to, besides other courses, follow the EASO course ‘Interviewing Vulnerable Persons.’ Here they will learn for instance techniques which could be used during conducting interviews and decision making in cases of vulnerable persons (Dutch House of Representatives, 2013-2014, Appendix 636). Furthermore, the training ‘Gender, Sexual Orientation and Gender Identity’ is offered, where participants will gain insight in the (often more vulnerable) roles of women and LGBTIs, and how to integrate this in the procedure. This training is (yet) optional and therefore only a part of the employees has followed this training.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. According to act on granting protection to foreigners we have below mentioned groups of vulnerable applicants:1) minors,2) disabled persons,3) elderly persons,4) pregnant women,5) single parent raising a child/children6) victims of human being trafficking,7) people with serious illness,8) people with mental disorders,9) victims of tortures,10) victims of psychological violence, physical</p>


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.

			<p>violence, including acts of sexual violence, as well caused by gender, sexual orientation or gender identity. These applicants are provided with special procedural or reception guaranties.</p> <p>2. No</p> <p>3.</p> <p>4. An unaccompanied minor can submit an application for international protection by a guardian established by a court or by a representative of non-governmental organisation dealing with foreigners. If an unaccompanied minor wants to apply for international protection, the Border Guard who is responsible for admission of application, is obliged to submit to the court application for appointment of a guardian. The court is obliged to appoint a guardian within 3 days. Unaccompanied children during the asylum procedure have a guardian. They are always interviewed by specially trained staff, in the presence of a guardian, a psychologist, and upon their wish, in presence of person of trust. They are interviewed in the care centre where they are accommodated, instead of coming for an interview to our office. In centres operated by the Office for Foreigners, as well as in the headquarters thereof, psychologists are present, offering their services to any foreigner applying for international protection. The Office for Foreigners has a procedure of identification in terms of belonging to vulnerable groups, pursuant to which any foreigner, towards whom the Head of the OFF has reason to suspect that they belong to a vulnerable group, can be directed for psychological identification. In addition, foreigners may also book a visit with a psychologist, who, if needed, may recommend conducting their procedure in a special mode. Persons, who require it, shall have a psychologist present during the interview. If necessary, the Office for Foreigners shall finance psychiatric care. In case applicant needs special procedural guaranties as he/she is vulnerable, further proceedings in his/her case shall be conducted: 1) in conditions assuring a freedom of speech, in a particularly tactful manner, adjusted to the applicant's psychophysical state; 2) on a date adjusted to his/her mental and physical status, taking into consideration the dates of medical treatments undergone by such foreigner; 3) in a presence of a psychologist or MD and – if need – of an interpreter of the sex indicated by the applicant. In special situations (e.g. serious illness), applicants' interview shall be held in the place of his/her residence.</p> <p>5. Yes</p>
--	--	--	---


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.

			6. Yes, all the staff who conducts interviews and makes decisions is trained.
	EMN NCP Slovakia	Yes	<p>1. In the Slovak Republic, vulnerable applicants are divided only on the basis of their placement in asylum facilities (or facilities of socio-legal protection for children and social guardianship). They are divided into unaccompanied minors who are placed in a foster home for unaccompanied minors, which is under the competence of the Ministry of Labour, Social Affairs and Family of the SR and other vulnerable applicants who are placed in the asylum facility of the Ministry of Interior of the Slovak Republic in Opatovska Nová Ves, which is allocated to vulnerable persons.</p> <p>2. No</p> <p>3. N/A</p> <p>4. Interviews with vulnerable persons are carried out by procedural workers, so called decision makers, who were trained to conduct interviews with one of the vulnerable groups. These decision-makers, however, do not interview only the vulnerable group, but they can also interview the person who is not vulnerable i.e. they are not specifically allocated to make decisions only on vulnerable groups. The abovementioned is, in the case of UAMs, also elaborated in the Act on Asylum in Section 19a, 10 as follows: "An assessment of the application for asylum shall be carried out by a staff member of the Ministry with adequate knowledge of asylum; in the case of an unaccompanied minor, with adequate knowledge of their particular needs." As part of the asylum procedure, this staff shall take account the special needs of such persons as well as the procedural safeguards, in accordance with the the Art. 29. The Act on Asylum also regulates the specifics of the asylum procedure with unaccompanied minors whose application cannot be rejected as inadmissible (as regard to Article 11 (1) b) if it is not in the best interests of the minor and in line with Article 12 (4) can not be rejected as unjustified.</p> <p>5. Yes</p>



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.

			6. Only part of the staff is trained.
	EMN NCP Sweden	Yes	<p>1. Yes, to some extent. There is a specific procedure for unaccompanied minors. Further, we divide cases into different tracks depending of the nature of the case. For example, cases where we already in the beginning know that a decision cannot be taken within six months, are handled in a specific track. The aim of the categorization into different tracks is to be able to adjust the handling of a case according to the needs of the particular case.</p> <p>2. Yes</p> <p>3. a)We have specially commissioned case officers for deaf and hearing-impaired asylum seekers. In some districts, we also have specially commissioned case officers for unaccompanied minors.b) The decision of having specially commissioned case officers for unaccompanied minors is not a procedure decided on national level. On national level, it is established that the case officer responsible for a case must be qualified for the needs of that specific case. Some regions therefore have specialised case officers handling cases with unaccompanied minors. Further, we also have decision making officers specialised on topics related to lgbtq. These specialised decision making officers are to be involved in the handling of cases where there are lgbtq-related claims. We also have regional coordinators for trafficking in human beings who can be consulted if needed.</p> <p>4. There is a specific procedure for unaccompanied minors. Further, in the beginning of the process an official note where we state if the asylum seeker has special needs must be made in all cases. If there are special needs, we also state what measures we will take to provide adequate support to the applicant. If new information regarding special needs emerges during the process, we must record it in a new official note.</p> <p>5. Yes</p>

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.

			6. a) ETC-courses as well as national training on topics such as children and honour related violence are available to all case officers. It is recommended but not obligatory to conduct this training in order to handle vulnerable groups' applicants. b) -
	EMN NCP United Kingdom	Yes	<p>1. The Home Office takes its responsibility for the welfare of children very seriously, including ensuring that the best interests of the child are a primary consideration in every decision taken in respect of the child. The children's asylum process differs to the adult process and was designed around the additional needs of children and includes very stringent statutory and policy safeguards regarding child welfare; for example:• we have dedicated asylum decision makers and interviewers who receive additional training on specific child related issues;• in addition to having a legal representative, they will have a responsible adult present for the substantive interview;• children are given a greater amount of time to submit information in support of their claim for asylum and until their interview takes place.</p> <p>2. Yes</p> <p>3. Please see Q1.</p> <p>4. Please see Q1.</p> <p>5. Yes</p> <p>6. Please see Q1.</p>
	EMN NCP Norway	Yes	<p>1. The Norwegian Directorate of Immigration (UDI) hasZAAszDXDDXDC. WWWAWSAf g the following categorisation of vulnerable groups:• Unaccompanied minors• LGBTI- persons•Human trafficking• Victims of domestic violence and/or forced marriage• Victims of Female Genital Mutilation• Applicants who have been subjected to torture, rape or other</p>

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.

			<p>serious forms of psychological, physical, or sexual violence• Applicants with physical and/or psychological impairments• Pregnant women• Single parents with accompanying minor children• Elderly applicants</p> <p>2. Yes</p> <p>3. a) What are the similarities? UDI has specially commissioned case-officers for all cases regarding unaccompanied minors. They undergo special training, conduct the interviews and handle all cases from UAM. b) What are the differences?UDI does not have specially commissioned case-officers for processing cases from other vulnerable groups.</p> <p>4. For unaccompanied children:- All UM without a legal stay are registered as asylum seekers. The National Police Immigration Service (NPIS) registers the formal asylum application and obtains consent to carry out an age assessment. The Medical age assessment is voluntary.-A Representative (guardian) is appointed for all UM. There is an on-call representative service at the immigration police offices. This means that unaccompanied minors can have their asylum claim registered at all hours. The representative is required to be present when the UAM is interviewed by the police and UDI. The Representative shall also ensure that all decisions are made in the best interest of the child. - The police will subsequently transport the UM to a transit reception centre for registration and induction into the reception system. Accommodations are determined by age groups. UM stay at Norwegian reception centres of their own free will. If the UM wants to leave he/she can, but then the reception centre reports the disappearance to the UDI, the local police and the local child welfare system. UDI is responsible for providing proper care for UAMs between the ages of 15 -18 y.o. until they are either settled in a municipality or leave Norway. For UM under the age of 15, the responsibility and day to day care is provided by the "Office for Children, Youth and Family Affairs", in special care centres for children. - The asylum interview is conducted by our Special unit for Children. The asylum interview is conducted in accordance with The Dialogical Communication Method (DCM). This is a much researched, well-known method developed especially for communicating with children on difficult topics. During the interview, the interviewer also presents the result of the medical assessment to the UM and the legal guardian who is present during the interview. For other vulnerable groups:- Both the Immigration Police and the UDI case-officers are trained to identify indicators of vulnerability.- If we have information, or if there</p>
--	--	--	---

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.

			<p>are indicators of vulnerability, we will adjust the interview situation according to the needs of the applicant; offering additional information, more breaks and adjusting the questioning strategies if necessary.- During the interview the case-officer will provide information about o a safe place to stay (if needed, especially in cases involving victims of trafficking, domestic violence and forced marriage)o getting help or guidance from the police or voluntary organisations o reporting criminal acts to the policeo the case officer will also ask the applicant if s/he wants assistance to pass on relevant information to the reception centre or other relevant agencies- The applicant can be offered facilitated accommodation according to his/her needs in the reception centre- Vulnerable applicants will be taken out of fast track procedures</p> <p>5. Yes</p> <p>6. a) All interviewer and decision makers are almost always college educated caseworkers who have additional basic training in topics relevant for conducting interviews and handling claims from vulnerable applicants. In addition, Norway has experts on relevant topics in several of the units in the Norwegian Directorate of Immigration. We have experts on accompanied children, human trafficking, domestic violence and forced marriage, FGM and LGBTI. These experts are experienced caseworkers who receive additional training and participate in relevant meetings as needed. They provide additional guidance to colleagues on these topics when needed.</p> <p>no_response.asa_de_emn_ahq_on_specially_commissioned_decision_makers.vulnerable_applicants.docx</p>
--	--	--	--
