

EMN Study 2020

Children in Migration



Estonian National Report

August 2020

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the EMN Questionnaire on Children in Migration. The contributing EMN NCP have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCP's Member State.

This document was produced by Madli Kaljula the specialist of EMN EE NCP. This report was compiled based on public and available information. Furthermore, experts of this topic were consulted.

Estonian National Contact Point

Estonian Academy of Security Sciences

Kase 61

12012 Tallinn

emn@sisekaitse.ee



Questionnaire on the implementation of the Commission Communication on children in migration¹

Estonian National Report

Reference period

For all replies to the questions below, please refer to the situation during 2019.

Scope of questionnaire

EMN studies have focussed in the past on unaccompanied minor applicants for international protection, whereas the Commission's Communication that underpins this questionnaire uses the term 'child' which covers all third-country national children who are forcibly displaced or migrate to or within the EU territory, together with family or alone, whether or not they are seeking asylum. Thus, the scope of the questionnaire is much broader than normal for an EMN output. Legal and family migration are excluded from the scope of the questionnaire.

In accordance with the EMN Glossary,² relevant terms for the purpose of this questionnaire are defined as follows, and in all cases refer to nationals of third countries or stateless persons:

Child: Every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier or later.

Minor: In a legal context and in contrast to a child, a person who, according to the law of their respective country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights.

***Please note:** for the purpose of this questionnaire, 'child' and 'minor' are used interchangeably. In the child-protection field, the term 'child' is used, whereas in migration field, 'minor' is more common.*

Adult: Every human being aged 18 years and older (unless majority is attained later under the law applicable to the adult).

Accompanied minor:³ A minor who is accompanied and effectively taken into care of an adult responsible for him or her by law or by the practice of the Member State concerned.

Families with minors/children: Minors who are accompanied by one or both parents or by their legal or customary primary care-giver.

Separated child: A child under 18 years of age who is outside their country of origin and separated from both parents or their previous legal / customary primary caregiver.

Unaccompanied minor: A minor

- ★ who arrives on the territory of an EU Member State unaccompanied by the adult responsible for them by law or by the practice of the EU Member State concerned, and for as long as they are not effectively taken into the care of such a person; or
- ★ who is left unaccompanied after they have entered the territory of the EU Member State.

¹ Communication from the Commission to the European Parliament and the Council, The protection of children in migration, COM(2017) 211 final, 12.04.2017.

² EMN Glossary, Version 6.0, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

³ This definition is derived from the definition of 'unaccompanied minor' provided in the Reception Conditions Directive (2013/33/EU).

Durable solutions:⁴ A durable solution in the context of the unaccompanied or separated child is a sustainable solution that ensures that the unaccompanied or separated child is able to develop into adulthood, in an environment which will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child and will not put the child at risk of persecution or serious harm. Because the durable solution will have fundamental long-term consequences for the unaccompanied or separated child, it will be subject to a best interest determination. A durable solution also ultimately allows the child to acquire, or to re-acquire, the full protection of a state.

Migration: In the EU context, the action by which a third-country national either:

- (i) establishes their usual residence in the territory of an EU Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another EU Member State or a third country; or
- (ii) having previously been usually resident in the territory of an EU Member State, ceases to have their usual residence in that EU Member State for a period that is, or is expected to be, of at least 12 months.

We propose to limit the scope to the categories corresponding to the aims of the communication, which are protection oriented and outlined in the box below. Please note that in the questionnaire launched on the EMN-IES, separate text boxes for each of the below-mentioned categories will be provided for each question.

In the answers to all below questions, please differentiate between the following groups of minors, if applicable:

- ★ accompanied minors/families with children
- ★ separated children
- ★ unaccompanied minors recorded within the asylum system,
- ★ unaccompanied minors not applying for asylum but recorded within other migration procedures,
- ★ unaccompanied minors not applying for asylum who remain outside the asylum/migration/(child) protection-system

Clarifications on different groups of minors addressed in this questionnaire which need to be taken into account in Estonian context and which are employed in the answers of this questionnaire:

- UAMs not applying for asylum who remain outside the asylum/migration/(child) protection-system in this sense could be considered “invisible” minors who are not recorded by any systems or officials. In Estonia all persons who have knowledge of a child in need of assistance are required to notify the authorities of the child in need of assistance⁵. Therefore, it is highly unlikely that a child will remain “invisible”, yet it cannot be fully ruled out.⁶
- UAMs not applying for asylum but recorded within other migration procedures are in the case of Estonia considered migrants in an irregular situation hereafter considering the scope of the questionnaire.
- Separated children – The term is not defined in legislation. According to a report of Chancellor of Justice⁷ if a minor travels together with an adult who is not their parent or guardian a representative of the local municipality has to be included to the procedural acts in the role of a guardian. Administrative body who is notified of such a minor has to turn to the court for appointing a guardian. The court will decide whether the adult who travels with the minor is suitable to be a guardian and/or the representative of the minor in the procedural acts. Depending on the court’s decision they can therefore be regarded as an UAM or an accompanied minor.

1 Swift and comprehensive identification and protection

1.1 IDENTIFICATION AND REGISTRATION OF MINORS

⁴ This definition is taken from UNHCR-UNICEF Safe & Sound publication, 2014. Available at: <https://www.refworld.org/docid/5423da264.html>

⁵ Child Protection Act Article 27 (1)

⁶ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

⁷ Chancellor of Justice report on the reception of immigrant unaccompanied minors: <https://www.oiguskantsler.ee/...>

- 1.1.1 During the identification and registration procedure of a minor, does your Member State ensure that an official with adequate training in dealing with minors is present?⁸ *If yes, please briefly explain.*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p><u>Regarding all minors:</u></p> <p>Officials carrying out the identification and registration procedure of vulnerable groups (including minors) are required to have adequate training in dealing with vulnerable groups (including minors) in present. The trainings take place annually and focus on legislative aspects of the practice as well as understanding the concept of child's best interests. The trainings are based on the UNHCR manuals as well as EASO materials and EU acquis. Those case workers processing the cases will be trained thoroughly and they will attend trainings of EASO (e.g. on interviewing children).⁹ Police and border authorities are also provided with trainings on multi-cultural communication in regular intervals and trainings on child-friendly communication¹⁰.</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>
<p><u>Regarding UAMs:</u></p> <p>During the primary procedural acts concerning UAMs (including identification and registration) a child protection official of the local government of the child's location is invited to observe the acts. If there is a reason to believe that the child is unaccompanied then no procedural acts are executed before the guardian of the child is present (guardian could be named by the court or if not, then the child protection official from a local government where the child will stay will act in the tasks of a guardian). The task of the child protection officials/guardian is to ensure the needs and welfare of the child are taken into account (e.g. that the child would be allowed to take breaks,). The child protections officials could be also asked to assess whether the statements of the child have been age-appropriate.¹¹</p>	<p><input type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>
<p><u>Regarding accompanied minors:</u></p> <p>If there are suspicions about the parental rights of the person accompanying the minor the child protection official of the local government shall be invited to participate in the registration and identification procedures as well. Otherwise the person accompanying the child will be present during the procedures with the child as long as the child claims that they are their</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input type="checkbox"/> separated children</p> <p><input type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

⁸ According to the Commission Communication, "children should be prioritised in all border-related procedures and receive adequate support from specialised staff in the process of identification and registration. They should notably apply child-friendly and gender-sensitive approaches when collecting fingerprints and biometric data".

⁹ Interview with a Police and Border Guard (hereafter PBGB) official 18.05.2020

¹⁰ 29.10.2020 response from the PBGB to the EMN Query

¹¹ Chancellor of Justice report on the reception of immigrant unaccompanied minors: <https://www.oiguskantsler.ee/...>

parent/representative and/or parents have a document to prove their parenthood. ¹²	
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<p>Regarding separated children: Depending on whether they are regarded as an UAM or an accompanied minor the previously mentioned practices apply.</p>	<input type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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1.1.2 Please describe the procedure used for the registration and identification of minors, including safeguards? Are there any specific procedures in case when a minor with specific protection needs is identified (e.g. A victims of violence and abuse, unaccompanied minor, minors with acute healthcare needs). For victims of trafficking – please reply in the questions 1.3.

Explanation	Applicable groups of minors*
<p>Regarding all minors: The identity of the person is firstly established by checking documents. If the person has no documents on them, the identity is established based on other evidence (e.g. person's sayings). In addition, a law enforcement agency may verify the authenticity of the data entered in the document or given by a person from the population register or from another database established under the legislation of the European Union or another Act¹³. Also, the help of a document expert will be used if a question of the documents' authenticity should arise later on during the proceedings. If the person has provided false documents, an interview will be conducted in order to establish their identity and investigate the purpose of using false documents.¹⁴ A photo and fingerprints are taken during the identification and registration procedures. Fingerprints are only taken from a child at least 14 years of age¹⁵. Also, DNA probes might be taken to identify a minor, in that case the rights and interests of a minor shall be taken into consideration in particular¹⁶. An interpreter is also present during the identification/ registration if necessary¹⁸. Administrative procedure follows the verification of the person's identity.¹⁹</p> <p>Safeguards:</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

¹² Interview with a PBGB official 18.05.2020

¹³ Law Enforcement Act Article 32 (4)

¹⁴ EMN Study 2017 Challenges and practices in establishing applicants' identity in the migration process, Estonian national report, Annex 2 <https://www.emn.ee/wp-content/uploads/2019/02/emn-id-study-1.pdf>

¹⁵ Interview with a PBGB official 22.05.2020

¹⁶ Act on Granting International Protection to Aliens (hereafter AGIPA), Article 13⁵ (2)

¹⁷ Obligation to Leave and Prohibition on Entry Act (hereafter OLPEA), Article 33¹² (2)

¹⁸ 01.09.2020 response from the PBGB to the EMN Query

¹⁹ EMN Study 2017 „Challenges and practices in establishing applicants' identity in the migration process“, Estonian national report, Annex 2 <https://www.emn.ee/wp-content/uploads/2019/02/emn-id-study-1.pdf>

<p>Minors as well as UAMs within the asylum system or in an irregular situation are considered groups with special needs. It has been stated that when conducting the procedural acts in the proceedings their special needs will be taken into account²⁰²¹ and all the officials and employees who are in contact with minors shall comply with such competency requirements which enable them to observe a special need and take it into account²²²³. All in all, the child's best interests are central to all the proceedings²⁴.</p> <p>Also, efforts will be made to create a child-friendly environment for the registration and identification procedures for minors.²⁵</p> <p>In addition, in 2019 a national assessment tool for assessing vulnerabilities was being developed by the Police and Border Guard Board (hereafter PBGB), which also will contain a checklist for aspects necessary to observe while working with minors²⁶.</p> <p>Moreover, when it comes to UAMs they are immediately referred to the child protection authorities by the PBGB. A child protection official will be also invited to observe the proceedings and the proceedings will not commence until the child protection official is present. Furthermore, at first the primary needs of the minor are taken care of and only then may the proceedings commence.²⁷</p> <p>In case a minor with specific protection needs is identified the protection need is taken into account and suitable actions are taken to address the specific protection need (e.g. in case of minors with acute health care needs medical specialists are contacted/involved).</p>	
<p><u>Regarding minors who are irregular migrants:</u></p> <p>In addition, if needed a query is made to SIRENE bureau.²⁸</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>
<p>Regarding UAMs not applying for international protection and who remain outside the asylum/migration/(child) protection-system previously described procedures concerning UAMs who are irregular migrants apply.</p>	<p><input type="checkbox"/> accompanied minors/families with children</p> <p><input type="checkbox"/> separated children</p> <p><input type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

²⁰ AGIPA, Article 15¹ (1)

²¹ OLPEA, Article 6⁷

²² AGIPA, Article 15¹ (7)

²³ Interview with a PBGB official 18.05.2020

²⁴ Interview with a PBGB official 22.05.2020

²⁵ Interview with a PBGB official 18.05.2020

²⁶ Interview with a PBGB official 18.05.2020

²⁷ Interview with a PBGB official 18.05.2020

²⁸ Interview with a PBGB official 22.05.2020

	<input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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1.2 COLLECTION OF BIOMERIC DATA OF MINORS

1.2.1 During the identification and registration procedure, does your Member State ensure that fingerprinting and biometric data collection of minors is done in a a) child-friendly and b) gender-sensitive way? (only for minors over the age of 14 years old²⁹). *If so, please explain how this is ensured (e.g. Is female staff present, is training available to staff, etc.)?*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p>Regarding all minors:</p> <p>a) <u>Collection of biometric data in a child-friendly manner:</u> Child's best interests are central to all the proceedings. The rights and interests of a minor shall be taken into consideration above all in every proceeding^{30,31}. Moreover, all officers handling the cases of minors are trained to communicate with persons of different age, including children. Additionally, PBGB follows different UNCHR documents (including on the child's best interests) and the officers are regularly attending the trainings of EASO to improve their knowledge and skills in the area. In 2019 the materials were being developed for child-friendly proceedings on a national level by the PBGB. Also, effort is made to create a child-friendly atmosphere and space (e.g. allow the child to take breaks when they get tired, give them time to get used to their surroundings³² or by making sure police staff do not wear a uniform in cases concerning children³³). Biometric data is collected only once the guardian of the child is present.³⁴ DNA tests on minors are carried out when identification of a person or verification of identity is otherwise impossible. The rights and interests of a minor shall be taken into consideration in particular during that process. Minors under 14 are not fingerprinted.³⁵</p> <p>b) <u>Collecting biometric data in a gender sensitive way:</u> The collection of biometric data in a gender sensitive way is observed/taken into account, but there is no specific procedure to follow. The officials carrying out the procedures will take into account the vulnerability of each person individually and if possible staff from the same sex will be</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

²⁹ According to Art. 9(1) of the Eurodac Regulation, "Each Member State shall promptly take the fingerprints of all fingers of every applicant for international protection of at least 14 years of age." Below the age of 14, no fingerprints or biometric data are allowed to be collected.

³⁰ 03.06.2020 response from the PBGB to the EMN Query

³¹ AGIPA Article 17 (1)

³² Interview with a PBGB official 18.05.2020

³³ 08.09.2020 response from the PBGB to the EMN Query

³⁴ Interview with a PBGB official 18.05.2020

³⁵ 19.06.2020 response from the Ministry of the Interior to the EMN Query

used, especially when persons from vulnerable groups are present.³⁶

1.3 (POTENTIAL) VICTIMS OF HUMAN TRAFFICKING

1.3.1 How and when does your Member State identify that minors are (potential) victims of trafficking in human beings? Please briefly explain.

Explanation	Applicable groups of minors*
<p><u>Regarding all minors:</u></p> <p>In short (potential) victim of trafficking in human beings could be detected in the administrative migration procedures³⁷ or by other officials/third persons who get in contact with the (potential) victims³⁸³⁹ who then report them to PBGB (who is in charge of the criminal proceedings of the case and identification of victims) and to Estonian Social Insurance Board (who is in charge of providing victim support and counselling in international child protection cases). The identification procedure itself is divided into two phases: early identification and formal identification.</p> <p>Regarding the manuals which could help officials identify (potential) victim of trafficking in human beings indicators set out in the "Victim of trafficking in human being's identification and assistance guidance"⁴⁰ help the case worker to detect/identify a potential victim. The guideline contains some initial indicators, which might raise a suspicion of a person being a victim of trafficking in human beings. A longer version of the previously mentioned manual exists which is only meant for internal use and which also contains indicators for pre-detection.</p> <p>If the suspicion emerges, that a person might be a victim of trafficking in human beings, this information is imparted to the Central Criminal Police (a department within the PBGB) for further investigation. The status of being a victim of trafficking in human beings is formally identified in the criminal procedure. If there is a reasonable doubt that a person is a victim of trafficking in human beings, in parallel a residence permit procedure might be started by the prosecutor's office, for the residence permit foreseen for victims according to the Directive 2004/81/EC.⁴¹⁴²</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

1.3.2 Which authority (ies) do(es) the detection⁴³? Please briefly explain.

³⁶ Interview with a PBGB official 18.05.2020

³⁷ EMN Study 2013 „Identification of victims of trafficking in human beings in international protection and forced return procedures“ Estonian National Report, Question 7

³⁸ EMN Study 2013 „Identification of victims of trafficking in human beings in International protection and forced return procedures“, Estonian National Report, Question 7a

³⁹ Victim Support Act, Article 3 (1²)

⁴⁰ Victim of trafficking in human being's identification and assistance guidance: <https://www.kriminaalpoliitika.ee/...>

⁴¹ EMN Study 2013 „Identification of victims of trafficking in human beings in International protection and forced return procedures“, Estonian National Report, Question 7

⁴² Aliens Act Article 207 (2)

⁴³ Detection refers to the situation when a minor is detected by the authorities, whereas identification (1.3.3) is the process of establishing the identity of a minor.

Explanation	Applicable groups of minors*
(Potential) victim of trafficking in human beings could be detected in the administrative migration procedures or by other officials/third persons who get into contact with the (potential) victims who will then report them to the PBGB (who is in charge of the criminal proceedings of the case and identification of victims) and to Estonian National Social Insurance Board (who is in charge of providing victim support and counselling in international child protection cases).	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

1.3.3 Which authority does the identification? Please briefly explain.

Explanation	Applicable groups of minors*
<p>Identification of the (potential) victims of trafficking in human beings in the sense of this questionnaire is implemented by the officials of the PBGB. The identification procedure is divided into two phases: early identification and formal identification.</p> <p>Other authorities who have been in contact with the (potential) victim will notify the PBGB upon their suspicion. The (potential) victim of human trafficking could be identified through a criminal proceeding by the Criminal Police, a department within the PBGB.⁴⁴</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

1.3.4 If the minor who is identified as a potential victim is already hosted in a reception facility: Is the minor removed from the reception facility in those cases? YES/NO. Please explain. If yes, please elaborate where they are transferred to in those cases.

YES ☒
 NO ☐

Explanation	Applicable groups of minors*
<p>According to Victim Support Act the services a potential victim is entitled to also include ensuring safe accommodation.⁴⁵ In that sense if the conditions of the reception centre are deemed unsafe for the minor they are moved to other accommodation settings.</p> <p>Also, the Act specifies that if minor victims of trafficking in human beings need safe accommodation, replacement care service may be provided instead of the safe accommodation mentioned before on the terms and conditions of the Social Welfare Act.⁴⁶ If replacement care service is provided to a minor, the Estonian Social Insurance Board shall prepare a case plan for them. The case plan is signed by a representative of the Estonian Social Insurance Board and a legal representative of the minor.⁴⁷</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

⁴⁴ Interview with a PBGB official 18.05.2020

⁴⁵ Victim Support Act, Article 3 (2) 3)

⁴⁶ Victim Support Act, Article 3¹ (1)

⁴⁷ Victim Support Act, Article 3¹ (2)

2 Providing adequate reception in the European Union

2.1 RECEPTION FACILITIES FOR MINORS

- 2.1.1** Does your Member State have facilities adapted for hosting families with children during the asylum procedure or does your Member State host families with children in general reception facilities and/or in another way? *Please briefly describe the main characteristics.*

During the asylum procedure the families with children are hosted in general reception facilities but if possible in rooms specially allocated for families according to the rules and regulations of the accommodation centre for applicants for international protection⁴⁸.

- 2.1.2** Does your Member State have facilities adapted for hosting unaccompanied minors during the asylum procedure or does your Member State host unaccompanied minors in general reception facilities and/or in another way? *Please briefly explain the main characteristics.*

When it comes specifically to UAMs recorded within the asylum system, then according to Act on Granting International Protection to Aliens (hereafter AGIPA) Article 17 (12) an applicant for international protection who is an UAM shall be placed in the accommodation centre, referred to substitute home service or to an adult relative. Article 17 (8) stipulates that if a minor is placed into the accommodation for applicants for international protection, then the minor is ensured a possibility for leisure time activities, including age-appropriate games and hobby activities and activities in the open air. Yet, UAMs recorded within the asylum system must be at least 16 years of age to be accommodated at the accommodation centre for applicants of international protection⁴⁹. Namely there is a national agreement that all UAMs starting from 16 years will be accommodated in the accommodation centre. However, there is no practice in this regard and so far it has remained a theoretical option.⁵⁰

In practice, after the PBGB informs the Estonian Social Insurance Board about the UAM, the UAM is transferred to the alternative care service provider. UAMs are accommodated in the family homes or substitute homes. In practice all the UAMs have been accommodated in family homes so far. They could be also accommodated in foster families but in practice it is not implemented yet.⁵¹ The service standard is the same as for other children. The facilities where UAMs are hosted have to comply with the regulations stipulated in health protection requirements for alternative care service in a family house and a substitute home (e.g. requirements such as the characteristics of rooms and furnishings, air and light conditions, rooms' maintenance, hygiene)⁵².

In case of victims of trafficking in human beings the PBGB informs the Social Insurance Board about the victim who is then referred to the institution responsible for providing services for the victims. The services are provided on the needs base.⁵³

- 2.1.3** What measures are in place during the time of residence in reception facilities to prevent and respond to child abuse (e.g. reporting mechanisms; background checks; training for staff, etc.)? *Please briefly explain.*

Explanation	Applicable groups of minors*
<p>Regarding all minors:</p> <p>Measures to respond to child abuse in reception facilities:</p> <p>According to Child Protection Act if the child is in need of assistance⁵⁴ their need for assistance shall be assessed by a child protection official or a person working with a child⁵⁵ (also involving the child and the person raising the child or the</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

⁴⁸ Source: <https://www.riigiteataja.ee/akt/104052018011>

⁴⁹ EMN Study 2017 Member States' Approaches to Unaccompanied Minors Following Status Determination, p.10: <https://www.emn.eu/wp-content/uploads/2019/02/emn-estonia.pdf>

⁵⁰ 11.09.2020 response from the Estonian Social Insurance Board to the EMN Query

⁵¹ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

⁵² Source: <https://www.riigiteataja.ee/akt/131012018010?leiaKehtiv>

⁵³ EMN ad hoc query "Reception and Care of Vulnerable Applicants for International Protection with Special Reception Needs": <https://www.emn.eu/wp-content/uploads/...>

⁵⁴ Child Protection Act, Article 26

⁵⁵ Child Protection Act, Article 28 (1)

<p>childcare institution where the child is staying in the assessment of the need for assistance⁵⁶) before the application of a suitable measure to a child in need of assistance. However, if a child is in danger⁵⁷ they shall be assisted immediately and the situation having endangered the life or health of the child shall be eliminated. If necessary, a child in danger may be placed in safety until such a time as the danger passes, without request of the consent of the person exercising the right of custody over the child.⁵⁸ In addition, if sexual abuse is suspected then the Children's House service is used (Barnhus – child-friendly centre for child victims of abuse that is guided by the “one door” principle)⁵⁹.</p>	<p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>
<p><u>Regarding minors recorded within the asylum system and staying at the accommodation centre:</u></p> <p>If the minor is recorded within the asylum system and living at the accommodation centre for applicants of international protection then additional measures to prevent and respond to child abuse are in place:</p> <ul style="list-style-type: none"> • The rules and regulations of the reception centre for applicants for international protection stipulate that the security of the child, their age appropriate treatment and securing their wellbeing is the responsibility of their parent or guardian.⁶⁰ • All violations which are directed towards the persons staying at the reception centre or bring damage to the property of the reception centre shall be reported to the law-enforcement bodies.⁶¹ • Social Insurance Board monitors the quality of social services.⁶² 	<p><input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>
<p><u>Regarding UAMs in alternative care service:</u></p> <p>When it comes to UAMs additional measures apply for the staff working at the substitute homes and family houses they are staying at. Namely a special training program has been created for service providers in alternative care (further described under the question 2.1.5),</p> <p>There are also different monitoring systems in place: the local authority shall visit a child receiving alternative care at least twice a year to ensure the rights of the child and to assess the well-being of the child⁶³, an internal evaluation of a childcare institution shall be organised by the head of the childcare institution⁶⁴ at least once every three years⁶⁵ and Social</p>	<p><input type="checkbox"/> accompanied minors/families with children <input type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

⁵⁶ Child Protection Act, Article 28 (3)

⁵⁷ Child Protection Act, Article 30

⁵⁸ Child Protection Act Article 32 (1)

⁵⁹ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

⁶⁰ Source: <https://www.riigiteataja.ee/akt/104052018011>

⁶¹ Source: <https://www.riigiteataja.ee/akt/104052018011>

⁶² Social Welfare Act, Article 157 (3)

⁶³ Social Welfare Act Article 45⁹ (4) 4

⁶⁴ Child Protection Act Article 37 (3)

⁶⁵ Guidelines for internal evaluation for the service provider of substitute home service: <https://www.sm.ee/sites/...>

Insurance Board monitors the quality of social services and other assistance issued by the local authorities. ⁶⁶ In the past the Chancellor of Justice of Estonia acting in the tasks of children's ombudsman has also monitored the conditions in such institutions, however not regularly. The child's wellbeing who is receiving alternative care services is also monitored by their guardian. ⁶⁷	
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When it comes to UAMs not applying for asylum who remain outside the asylum/migration/(child) protection-system then they need to be detected first in order to be accommodated in any reception centres.	<input type="checkbox"/> accompanied minors/families with children <input type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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2.1.4 Are unaccompanied minors who do not apply for international protection or those who are recorded within other migration procedures hosted in the same facilities as those described above? YES/NO *If no, please briefly explain where you host them.*

YES ☒

NO ☐ Please explain:

Yes, with the exception that UAMs who do not apply for international protection are not hosted in the accommodation centre for applicants for international protection.

2.1.5 Does your Member State ensure that all reception facilities hosting minors (including in the hotspots where relevant) have staff who has received a child right training and/or are prepared to work with minors in a child-sensitive way? *If yes, please explain how this is ensured.*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p><u>Regarding alternative care services hosting UAMs:</u> Special training program has been created for service providers in alternative care (e.g. family parents in family homes and substitute home educators) which shall ensure a proper preparation for service providers working in alternative care and support them in implementing the tasks bestowed to them by law or in other legal acts, ensuring the wellbeing and development of the child, protecting the rights and interests of the child and offering necessary measures for raising and helping the child.⁶⁸</p> <p>Foster families are evaluated by the Social Insurance Board and have to pass the PRIDE training⁶⁹.</p>	<input type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

⁶⁶ Social Welfare Act, Article 157 (3)

⁶⁷ 07.09.2020 response from the Estonian Social Insurance Board to the EMN Query

⁶⁸ Source: <https://www.riigiteataja.ee/akt/112072019014>

⁶⁹ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

<p>In case the person in the alternative care services works directly with children then also a background check is carried out⁷⁰.</p> <p>This also concerns separated children in case they are considered UAMs.</p>	
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2.1.6 Does your Member State take the presence of relatives in the Member State into account when allocating an unaccompanied minor to a reception facility or other forms of accommodation?
YES/NO *If yes, please explain how this is taken into account.*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p><u>Regarding all UAMs:</u></p> <p>Yes, the Child Protection Act Article 34 (1) stipulates that upon evaluating the suitability of foster family and placement of a child in substitute care, the local government shall proceed from the continuity of raising the child, taking into account the ethnic, religious, cultural and linguistic origin of the child⁷¹. This resonates with the Article 8 of the Convention on the Rights of the Child which has been also transposed by Estonia. Therefore, the presence of relatives is taken into account when allocating an UAM to a reception facility or other forms of accommodation.</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

<p><u>Regarding UAMs recorded within the asylum system:</u></p> <p>In addition, according to the AGIPA Article 17 (12) an applicant for international protection who is an UAM shall be placed in the accommodation centre, referred to substitute home service or to an adult relative. Therefore, the UAMs recorded within the asylum system might be referred to an adult relative if they are present in the Member State.</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>
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2.1.7 Are there alternative (non-institutionalised) care systems available in your Member State (e.g. foster/family-based care, community care) for unaccompanied minors?

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p><u>Regarding all UAMs:</u></p> <p>UAMs are accommodated in the family homes or substitute homes depending on the age of the UAM. The service standard is the same as for other children.⁷² The UAM might be also referred to foster family, but at the moment it is not yet implemented in practice. However, efforts are being made by</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

⁷⁰ 07.09.2020 response from the Estonian Social Insurance Board to the EMN Query

⁷¹ Child Protection Act Article 34 (1)

⁷² EMN ad hoc query "Reception and Care of Vulnerable Applicants for International Protection with Special Reception Needs": <https://www.emn.ee/wp-content/uploads/...>

the Social Insurance Board to offer foster family service for UAMs in the future ⁷³ .	
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<p>Regarding UAMs recorded within the asylum system:</p> <p>Additionally, the UAM recorded within the asylum system might be also referred to an adult relative⁷⁴.</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>
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2.1.8 If yes, please explain which alternative care systems are available, whether they are systematically monitored by the competent authorities and whether there are plans to increase the use of alternative care systems.

Explanation	Applicable groups of minors*
<p>Regarding all UAMs:</p> <p>Alternative care systems available for all UAMs are family houses and substitute homes. The service standard is the same as for other children.⁷⁵ The UAM might be also referred to foster family, but at the moment it is not yet implemented in practice. However, efforts are being made by the Social Insurance Board to place UAMs also to foster families⁷⁶.</p> <p>The provision of alternative care service in a family house is the provision of the service in a family with up to three family parents that also has up to eight children at the same time⁷⁷ (in 2017 changes were introduced to the Act whereby from 2020 family house service could be provided up to 6 children at the same time)⁷⁸. There could be more than 8 children accommodated in a family house in certain exceptions⁷⁹. In practice all UAMs so far have been placed to family houses⁸⁰. The provision of alternative care service in a substitute home is the provision of the service in a family with educators that also has up to eight children at the same time⁸¹ (in 2017 changes were introduced to the Act whereby from 2020 substitute home service could be provided up to 6 children at the same time)⁸². There may be more than 8 children accommodated in a family house in certain exceptions⁸³. Social Welfare Act further states that the provision of alternative care service in a foster family is the care for a child in a suitable family of which they are not a member⁸⁴.</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

⁷³ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

⁷⁴ AGIPA Article 17 (12)

⁷⁵ EMN ad hoc query "Reception and Care of Vulnerable Applicants for International Protection with Special Reception Needs": <https://www.emn.ee/wp-content/uploads/...>

⁷⁶ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

⁷⁷ Social Welfare Act, Article 45⁷ (1)

⁷⁸ Social Welfare Act, Article 160 (1)

⁷⁹ Social Welfare Act, Article 45⁷ (1¹)

⁸⁰ 28.05.2020 response from the Estonian Social Insurance Board to the EMN Query

⁸¹ Social Welfare Act, Article 45⁸ (1)

⁸² Social Welfare Act, Article 160 (1)

⁸³ Social Welfare Act, Article 45⁸ (1¹)

⁸⁴ Social Welfare Act Article 45⁶ (1)

There can be up to four persons under curatorship in a foster family at one time, including the caregiver's own children who are 14 years of age or younger and other persons who need care⁸⁵. A foster family can include more than four persons under curatorship in certain exceptions⁸⁶.

The alternative care services are also systematically monitored by the competent authorities. The local authority shall visit a child receiving alternative care at least twice a year⁸⁷, the head of the childcare institution carries out an internal evaluation of a childcare institution⁸⁸ at least once every three years⁸⁹ and Social Insurance Board monitors the quality of social services at least once a year⁹⁰. In the past the Chancellor of Justice of Estonia acting in the tasks of children's ombudsman has also monitored the conditions in such institutions, however not regularly. The child's wellbeing who is receiving alternative care services is also monitored by their guardian.⁹¹

There are also plans to make more use of the foster family option regarding alternative care systems for UAMs as the law allows to refer UAMs also to foster families but in practice it has not been implemented yet since there are no foster families yet specifically for UAMs⁹².

2.1.9 Are there semi-independent living arrangements available for older unaccompanied minors?

YES/NO. If yes, please explain what do these semi-independent living arrangements consist of.

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p><u>Regarding all UAMs:</u></p> <p>Theoretically older UAMs can live in safe houses, but there is no practice available⁹³.</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>
<p><u>Regarding UAMs recorded within the asylum system:</u></p> <p>UAMs recorded within the asylum system must be at least 16 years of age to be accommodated at the accommodation centre for applicants of international protection⁹⁴. Namely there is a national agreement that all UAMs starting from 16</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

⁸⁵ Social Welfare Act Article 45⁶ (2)

⁸⁶ Social Welfare Act Article 45⁶ (3)

⁸⁷ Social Welfare Act Article 45⁹ (4) 4

⁸⁸ Child Protection Act Article 37 (3)

⁸⁹ Guidelines for internal evaluation for the service provider of substitute home service:

https://www.sm.ee/sites/default/files/content-editors/Lapsed_ja_pered/Asendushooldus/sisehindamise_juhised.pdf

⁹⁰ Social Welfare Act Article 157 (3)

⁹¹ 07.09.2020 response from the Estonian Social Insurance Board to the EMN Query

⁹² 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

⁹³ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

⁹⁴ EMN Study 2017 Member States' Approaches to Unaccompanied Minors Following Status Determination, p.10:

<https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

years will be accommodated in the accommodation centre. However, there is no practice in this regard and so far it has remained a theoretical option. ⁹⁵	<input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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2.1.10 Is a monitoring system of reception facilities hosting minors in place in your Member State in order to ensure minimum standards are fulfilled? YES/NO. *If yes, please explain how these monitoring systems work and what parameters/indicators they monitor.*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p><u>Regarding alternative care services for UAMs:</u></p> <p>The alternative care services where UAMs are accommodated are systematically monitored by the competent authorities. The local authority shall visit a child receiving alternative care at least twice a year to ensure the rights of the child and to assess the well-being of the child⁹⁶. Also, internal evaluation of a childcare institution shall be organised by the head of the childcare institution⁹⁷ whereby the organisation of work and the working environment of the child care institution as well as the efficiency of activities upon ensuring the child's rights and well-being are evaluated.⁹⁸ An internal evaluation is organised at least once every three years.⁹⁹ Furthermore, the Social Welfare Act Article 157 (3) constitutes that administrative supervision over the legality of the administrative acts issued by local authorities on the basis of the Act and the quality of social services and other assistance as well as the use of financial resources allocated by the state for social welfare shall be exercised by the Social Insurance Board at least once a year.</p> <p>Finally, in the past the Chancellor of Justice of Estonia acting in the tasks of children's ombudsman has also monitored the conditions in such institutions, however not regularly.</p>	<input type="checkbox"/> accompanied minors/families with children <input type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

<p><u>Regarding minors recorded within the asylum system and staying in the reception facilities:</u></p> <p>In reception facilities for applicants for international protection the standards are monitored by the minister responsible for the field¹⁰⁰.</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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In case of separated children it depends on the status which has been allocated to them by the court whereby they will be considered as unaccompanied minors or accompanied	<input type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system
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⁹⁵ 11.09.2020 response from the Estonian Social Insurance Board to the EMN Query

⁹⁶ Social Welfare Act Article 45⁹ (4) 4

⁹⁷ Child Protection Act Article 37 (3)

⁹⁸ Child Protection Act Article 37 (1)

⁹⁹ Guidelines for internal evaluation for the service provider of substitute home service:: <https://www.sm.ee/sites/...>

¹⁰⁰ AGIPA Article 32 (6)

minors. Depending on that previously mentioned procedures apply.	<input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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2.2 ACCESS TO SERVICES/RIGHTS

2.2.1 Does the minor have access to healthcare and psychological support, regardless of their migration status? YES/NO. Please briefly explain how this is ensured.

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<u>Regarding all UAMs:</u> Healthcare is covered for all groups of UAMs (healthcare covers areas such as essential medical care, specialised medical care, psychological counselling). The access to healthcare and psychological support is ensured through an individual assessment of needs implemented when UAM first arrives to the alternative care service. ¹⁰¹¹⁰²	<input type="checkbox"/> accompanied minors/families with children <input type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

<u>Regarding accompanied minors/families with children:</u> Accompanied minors/families with children recorded within the asylum system have access to medical examinations and necessary health services ¹⁰³ . If accompanied minors/families with children remain outside of the asylum system and are not staying in the country legally then as persons to be expelled they shall be ensured access to medical examination and necessary health services. ¹⁰⁴	<input checked="" type="checkbox"/> accompanied minors/families with children <input type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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In case of separated children it depends on the status which has been allocated to them by the court whereby they will be considered as unaccompanied minors or accompanied minors. Depending on that previously mentioned procedures apply.	<input type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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2.2.2 How long after having been brought to the attention of authorities does your Member State provide access to inclusive education (primary/secondary/higher education/vocational training/early childhood education and care)? Please explain how this is ensured.

Explanation	Applicable groups of minors*
<u>Regarding all minors:</u>	<input checked="" type="checkbox"/> accompanied minors/families with children

¹⁰¹ EMN Study 2017 „Member States' Approaches to Unaccompanied Minors Following Status Determination“, Estonian National Report, Question 16a: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

¹⁰² 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

¹⁰³ AGIPA Article 32 (1) 3

¹⁰⁴ OLPEA Article 26⁹ (1)

<p>Access to education is automatic for minors and they have the same right to education as nationals (indicating that access to education is provided as soon as possible after having been brought to the attention of authorities)¹⁰⁵. According to the legislation a person who has reached the age of 7 years before October 1 in the current year is subject to the duty to attend school (including a person having foreign citizenship or undetermined citizenship). A person is required to attend school until they acquire basic education or attain the age of 17 years.¹⁰⁶</p> <p>In practice there have been delays in the access to education according to the Chancellor of Justice¹⁰⁷.</p>	<input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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<p>Regarding minors recorded within the asylum system:</p> <p>In addition to previously mentioned AGIPA further clarifies the situation of access to education for those minors recorded within the asylum system¹⁰⁸:</p> <p>(1) An applicant for international protection who is subject to the obligation to attend school shall be guaranteed access to education pursuant to the procedure provided for in the Basic Schools and Upper Secondary Schools Act within three months as of the submission of the application for international protection.</p> <p>(2) In order to ensure access to education a minor applicant for international protection is entitled to preparatory training, including language training.</p> <p>(3) Access to upper secondary school education shall not be limited solely for the ground that the minor has come of age.</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
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2.2.3 Are there any special measures to support access to education for the minor, including early childhood education? YES/NO *Please explain what these special measures entail.*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p>Regarding all minors:</p> <p>Estonian language courses are provided in order to support access to education. There are no specialised institutions. The language training takes place in public schools. Moreover, an individual curriculum can be designed for the minor.¹⁰⁹</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

¹⁰⁵ EMN Study 2017 „Member States' Approaches to Unaccompanied Minors Following Status Determination", Estonian National Report, Question 17a: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

¹⁰⁶ Basic Schools and Upper Secondary Schools Act, Article 9 (2)

¹⁰⁷ Chancellor of Justice's report on reception of immigrant unaccompanied minors: [https://www.oiguskantsler.ee/...](https://www.oiguskantsler.ee/)

¹⁰⁸ AGIPA, Article 10²

¹⁰⁹ EMN Study 2017 „Member States' Approaches to Unaccompanied Minors Following Status Determination", Estonian National Report, Question 17a: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

2.2.4 At what point in time does your Member State assess the specific vulnerability and special needs of minors? When admitting them in the reception centre/in the identification procedure/status determination procedure/other? *Please describe briefly.*

Explanation	Applicable groups of minors*
<p><u>Regarding minors recorded within the asylum system:</u> According to the AGIPA¹¹⁰ the special need of an applicant 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 consider 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 proceedings¹¹¹. Estonia relies on a wide network of actors to flag any sign of vulnerability (e.g. doctors, teachers, social workers – indeed all the staff who came into contact with the minor)¹¹². Hence the assessment of special needs is a continuous process.</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system
<p><u>Regarding minors who are in an irregular situation:</u> According to OLPEA Article 6⁷ the administrative authority that is conducting the procedural acts in the proceedings provided for in this Act is required to take into account the specific needs of minors and unaccompanied minors. The special needs are identified as soon as possible, but assessment of special needs can be also identified in later stages indicating it is a continuous process.¹¹³ Again Estonia relies on a wide network of actors to flag any sign of vulnerability (e.g. doctors, teachers, social workers – indeed all the staff who came into contact with the minor).</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

3 Ensuring swift and comprehensive access to status determination procedures and implementation of procedural safeguards

3.1 GUARDIANSHIP

3.1.1 How is the guardianship system for unaccompanied minors organised in your Member State? Please briefly explain. (Please also refer to the answer provided in the framework of the 2017 EMN Study on Approaches to Unaccompanied Minors following status determination and highlight any changes since then).

Explanation	Applicable groups of minors*
<p><u>Regarding all UAMs:</u> According to Family Law Act Article 171 (1) guardianship is established if neither of the parents of a minor child has the right of representation or if it is not possible to ascertain the origin of a child. Officials of vital statistics offices or any other government agencies or rural municipality or city government</p>	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

¹¹⁰ AGIPA, Article 15¹

¹¹¹ AGIPA Article 15¹ (5)

¹¹² 20.11.2020 response from the Estonian Social Insurance Board to the EMN Query

¹¹³ Interview with a PBGB official 18.05.2020

<p>officials, police officers, heads of medical institutions and social welfare institutions, judges, prosecutors, notaries and bailiffs who have information concerning a child in need of guardianship are required to notify the rural municipality or city government and a court thereof according to the usual whereabouts of the person in need of guardianship.¹¹⁴</p> <p>Regarding the establishment of guardianship a court decides on establishment of guardianship on its own initiative or on the basis of an application of a rural municipality or city government or an interested person. A court may address a rural municipality or city government in order to find a person suitable to act as a guardian.¹¹⁵</p> <p>All UAMs are entitled to a guardian despite their legal status. Currently the guardian of the UAM is the rural municipality or city government of the usual whereabouts of the child.¹¹⁶</p> <p>Although the guardian is not chosen by gender, this could be theoretically possible¹¹⁷.</p> <p>Estonian Social Insurance Board and the PBGB as well as if necessary Ministries of Social Affairs and of the Interior have to provide the additional information to the local government who is fulfilling the obligations of the guardian about the legal status of the child and about the distinctions related to the guardianship compared to local children¹¹⁸.</p> <p>Regarding 2017 EMN Study on Approaches to Unaccompanied Minors the task of providing additional information to the local government who is fulfilling the obligations of the guardian about the legal status of the child and about the distinctions related to the guardianship compared to local children is more dispersed between different counterparts (Ministry of Social Affairs, Ministry of the Interior, Estonian Social Insurance Board and the PBGB).</p>	
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3.1.2 For unaccompanied minors applying for asylum, at which stage of the international protection procedure a representative/guardian is designated/appointed? Please briefly explain.

The representative/guardian for UAMs applying for asylum is designated/appointed as soon as possible.

3.1.3 If applicable, for unaccompanied minors not applying for asylum, at which stage after the unaccompanied minor reports to or is detected by authorities is a representative/guardian designated/appointed? Please briefly explain.

The process of appointing a guardian to a minor is same for all minors¹¹⁹.

3.1.4 What is the procedure followed in order to appoint the guardian? Please also briefly describe the role of the various actors in this procedure.

¹¹⁴ Family Law Act Article 171 (2)

¹¹⁵ Family Law Act Article 173 (1)

¹¹⁶ Family Law Act Article 176 (4)

¹¹⁷ 20.11.2020 response from the Estonian Social Insurance Board to the EMN Query

¹¹⁸ EMN Study 2017 „Member States' Approaches to Unaccompanied Minors Following Status Determination“, Estonian national report, Question 10c: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

¹¹⁹ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

Explanation	Applicable groups of minors*
<p>Regarding all minors:</p> <p>Please see the answer to question 3.1.1.</p> <p>Additionally, the representative of the rural municipality or city government of the usual whereabouts of the child in the tasks of a guardian or the guardian appointed by court needs to meet the child at the first opportunity. Also, Estonian Social Insurance Board needs to notify the PBGB regarding who is the guardian of the child and the ways to contact them. The guardian will introduce the child's rights and obligations to the child in a child-friendly way and accompanies them in all procedures.¹²⁰</p>	<p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

3.1.5 Do you, as part of the selection procedure, also verify the criminal record of potential guardians?

YES ☒

NO ☐

Yes, to some extent. According to the Family Law Act Article 174 (2) a person who has been fully or partially deprived of the parent's right of custody or who has previously violated the obligations of a guardian shall not be a guardian.

3.1.6 Does your Member State have a complaint system in place for minors in migration related to guardianship? YES/NO. *If yes, please briefly describe how this is organised.*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p>Regarding all minors:</p> <p>According to Code of Civil Procedure Article 557 (4) orders on appointment of a guardian for a minor, refusal to satisfy a petition for appointment of a guardian, termination of guardianship, changing the scope of duties of a guardian, refusal to terminate guardianship, release of a guardian, appointment of a new guardian and determination of costs of guardianship are subject to appeal. The appeal can be submitted by the minor for whom appointment of a guardian was adjudicated, a person who is their direct blood relative or a person close to them with whom they have a sufficient emotional connection, the person who was appointed as a guardian or rural municipality or city government of the residence of the minor.</p> <p>Moreover, the Code of Civil Procedure Article 553 (1) constitutes that a child of at least 14 years of age with sufficient capacity to exercise discretion and will has the right, in a non-contentious family matter pertaining to their person, to file an appeal against an order without the assistance of his or her legal representative. The same also applies to other matters where a child must be heard before resolving the matter.</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

¹²⁰ 12.06.2020 response from the Ministry of the Interior to the EMN Query

Furthermore, Family Law Act stipulates that the courts shall exercise supervision over the activities of guardians ¹²¹ and a court may require a guardian to submit information concerning the performance of their duties at any time ¹²² . Also, a guardian shall submit an annual written report concerning administration of a ward's property and performance of their other duties to a court ¹²³ .	
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3.2 PROCEDURAL SAFEGUARDS IN THE ASYLUM PROCEDURE

3.2.1 How does your Member State ensure the provision of information to minors on their rights and on procedures? *Please briefly explain.*

According to AGIPA those minors recorded in asylum system and applying for international protection have the right to receive information, at the earliest opportunity but no later than within fifteen days as of the submission of the application for international protection or for residence permit, orally and in writing in a language which they understand concerning their rights and obligations.¹²⁴ Those minors accommodated in the reception centre for applicants of international protection will be once again informed about their rights once they will be accommodated there.¹²⁵

In practice all minors will be informed about their rights and proceedings before the primary procedures and after that continuously during the proceedings. In addition, minors will be contacted by and will remain in a continuous contact with the legal advisers of the PBGB who provide them information on proceedings and their rights. There is also a legal adviser specifically focusing on the vulnerable groups.¹²⁶ When UAMs are in question, then also a guardian of the child is accompanying the child during the proceedings at all times and observes that the rights of the child are respected.¹²⁷

3.2.2 Has your Member State implemented procedures or measures to provide information in a child-friendly manner? YES/NO *If yes, please explain how these procedures work.*

YES ☒

NO ☐

All officers handling the cases of minors are trained to communicate with persons of different age, including children. Additionally, PBGB follows different UNCHR documents (including on the child's best interests) and the officers are continuously attending the trainings of EASO to improve their knowledge and skills in the given area. There is also a legal adviser at the PBGB specifically focusing on the vulnerable groups.¹²⁸ All in all, the rights and interests of a minor shall be taken into consideration above all in every proceeding¹²⁹.

3.2.3 Does your Member State prioritise and/or fast-track the applications for international protection of unaccompanied minors? YES/NO

YES ☒

NO ☐

3.2.3.1 *If yes, please explain whether they are prioritised and/or fast-tracked.*

¹²¹ Family Law Act Article 193 (1)

¹²² Family Law Act Article 194 (1)

¹²³ Family Law Act Article 194 (2)

¹²⁴ AGIPA, Article 10 (2)

¹²⁵ AGIPA, Article 32 (1) 5)

¹²⁶ Interview with a PBGB official 18.05.2020

¹²⁷ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

¹²⁸ Interview with a PBGB official 18.05.2020

¹²⁹ 03.06.2020 response from the PBGB to the EMN Query

The children are given priority in all the proceedings of the PBGB¹³⁰. AGIPA Article 18 (10) further stipulates that the PBGB may give priority to examining an application of an applicant with a special need (e.g. an UAM) and to an application the examining of which is given priority for a well-founded need.¹³¹ Prioritising does not indicate processing the application faster as sometimes it is necessary to prolong the proceedings to better cater for the best interest of the minor (e.g. to better understand the situation of the minor in question)¹³².

3.2.4 Are the views of the minor taken into account throughout the procedure in your Member State? (i.e. is the minor interviewed?) YES/NO. If yes, please briefly explain.

YES☒ Please explain:

AGIPA Article 17 (1) states that in the proceedings for international protection of a minor, including upon provision of services, the rights and interests of a minor shall be taken into consideration above all. The Act also stipulates that an authority conducting proceedings of an application for international protection shall conduct an interview with an applicant in the course of which the applicant is provided with an opportunity to present facts and give explanations with regard to the circumstances of essential importance in the proceedings of their application for international protection, including the circumstances that prevent the expulsion of the applicant from the country¹³³. Regarding interviewing a minor the Act specifies that the possibility to be interviewed shall be granted to a minor of at least ten years of age or to a younger minor if the level of development of the minor so permits¹³⁴. If the minor is not interviewed then the decision is made based on other evidence in the procedure¹³⁵.

NO☐

3.2.4.1 *If yes, please briefly describe how this is done and if the interview is carried out in a child-friendly way by trained staff.*

As stated before in the proceedings for international protection of a minor, including upon provision of services, the rights and interests of a minor shall be taken into consideration above all. The act explaining the process of interviewing an applicant for international protection further specifies that:

- 1) if an UAM or a minor is interviewed then their representative or advisor are always present during the interviews and they could ask questions as well as make comments on the permission of the person interviewing the minor¹³⁶,
- 2) the interviewer takes into account the personal and general circumstances of the application, including the applicant's background, sex, sexual and gender identity as well as stipulations provided in Article 17 of AGIPA regarding minor and unaccompanied minor applicants¹³⁷,
- 3) if required by the applicant the interview will be conducted by a person of the same sex with the applicant if needed and possible¹³⁸,
- 4) the interviewer shall include an interpreter to the interview who is capable of assuring communication between the applicant and the interviewer; if required by the applicant as well as if needed and necessary the chosen interpreter will be of the same sex as the applicant¹³⁹.

Additionally, all officers handling the cases of minors are trained to communicate with persons of different age, including children. While interviewing a child the child's best interests are taken into account (e.g. it may be necessary to carry out the interview on multiple days and at the location of the housing of the child, depending on the complicity of the case and on the child).

3.3 AGE ASSESSMENT

¹³⁰ Interview with a PBGB official 18.05.2020

¹³¹ AGIPA, Article 18 (10)

¹³² Interview with a PBGB official 18.05.2020

¹³³ AGIPA, Article 18 (4)

¹³⁴ AGIPA Article 17 (5)

¹³⁵ 18.11.2020 response from the PBGB to the EMN Query

¹³⁶ Rahvusvahelise kaitse taotlejaga vestluse läbiviimise kord Article 2 (3): <https://www.riigiteataja.ee/akt/110052016009>

¹³⁷ Rahvusvahelise kaitse taotlejaga vestluse läbiviimise kord Article 3 (2): <https://www.riigiteataja.ee/akt/110052016009>

¹³⁸ Rahvusvahelise kaitse taotlejaga vestluse läbiviimise kord Article 3 (3): <https://www.riigiteataja.ee/akt/110052016009>

¹³⁹ Rahvusvahelise kaitse taotlejaga vestluse läbiviimise kord Article 3 (4): <https://www.riigiteataja.ee/akt/110052016009>

3.3.1 What are the age assessment methods and procedures used in your Member State? Please describe these briefly.

The PBGB or the Estonian Internal Security Service shall decide on treating an alien as minor¹⁴⁰, in international protection cases only the PBGB shall decide on treating an alien as a minor or an adult¹⁴¹. The primary decision on the age of the minor shall be made on the basis of the data, documents and statements provided by the minor. Child-sensitive age assessment interviews are conducted as well aiming at collecting details on a minor's background, identity, possession of documents¹⁴².

Yet, According to OLPEA if a reasonable doubt arises at the PBGB or the Estonian Internal Security Service about the correctness of the data submitted about the age of an alien, medical examination may be carried out to determine the age of the alien with the consent of the alien or his or her representative¹⁴³. The authority responsible for the beforementioned tasks in international protection cases is the PBGB¹⁴⁴. The medical examination will be carried out in the form of an x-raying of a wrist¹⁴⁵. If however the alien refuses medical examination to determine the age, the PBGB or the Estonian Internal Security Service shall deem the alien to be an adult, except in the case if the person is manifestly minor¹⁴⁶. The minor shall be informed about the procedures and the consequences if they should refuse medical examination¹⁴⁷¹⁴⁸. The decision on determining the age can only be contested together with an administrative act or performed proceeding during which the decision on determining the age was made¹⁴⁹¹⁵⁰.

In case of doubt about the age of the individual, they will be treated as a child, if all the possible methods and procedures have been exhausted and the age has not been determined¹⁵¹.

3.3.2 How does your Member State ensure that the least invasive method for age assessment is used (e.g. use of EASO guidelines for age assessment, etc.)? Please briefly explain.

Child's best interests are central to all the proceedings¹⁵². For example, according to AGIPA Article 17 (1) in the proceedings for international protection of a minor, including upon provision of services, the rights and interests of a minor shall be taken into consideration above all. This is also taken into account in proceedings regarding minors in an irregular situation¹⁵³. This includes taking the minor's rights and interests into consideration above all also in the age assessment procedure. In case a medical examination of age assessment is needed then consent of the applicant is needed or the consent of their representative. To ensure the least invasive method for age assessment used the PBGB turns to forensic examination specialists, who will carry out the medical examination. The EASO guidelines for age assessment are also used. There has not been a lot of practice of age assessment.¹⁵⁴

3.4 FAMILY REUNIFICATION¹⁵⁵

3.4.1 Is family reunification possible for unaccompanied minors and separated children? YES/NO. If yes, please describe the conditions that need to be fulfilled.

YES ☒

NO ☐

¹⁴⁰ OLPEA, Article 12¹ (4)

¹⁴¹ AGIPA, Article 17 (4)

¹⁴² 08.09.2020 response from the PBGB to the EMN Query

¹⁴³ OLPEA, Article 12¹ (1),

¹⁴⁴ AGIPA, Article 17 (5)

¹⁴⁵ Interview with a PBGB official 18.05.2020

¹⁴⁶ OLPEA, Article 12¹ (2)

¹⁴⁷ OLPEA, Article 12¹ (3)

¹⁴⁸ AGIPA, Article 17 (5)

¹⁴⁹ OLPEA, Article 12¹ (5)

¹⁵⁰ AGIPA, Article 17 (6)

¹⁵¹ 08.09.2020 response from the PBGB to the EMN Query

¹⁵² Interview with a PBGB official 22.05.2020

¹⁵³ 03.06.2020 response from the PBGB to the EMN Query

¹⁵⁴ Interview with a PBGB official 18.05.2020

¹⁵⁵ This section refers both to family reunification under the Dublin Regulation (No 604/2013) and the Family Reunification Directive 92003/86/EC).

Explanation	Applicable groups of minors*
<p>Regarding unaccompanied minors within the asylum system: For UAMs applying for international protection the Dublin family reunification is possible as described under the question 3.5.1. Tracing of family members will be initiated as soon as possible.¹⁵⁶</p> <p>According to the Family Reunification Directive (also adopted by Estonia) minors granted international protection have the right to reunify with their parents or guardians. The beneficiaries of subsidiary protection have the equal right for family reunification as the refugees. Family members of an unaccompanied minor refugee and an unaccompanied minor person eligible for subsidiary protection are: their parent and their guardian or other family member if they have no parents or if the parents cannot be traced unless this is contrary to the rights and interests of the minor.¹⁵⁷ Family members are considered a family if the family existed in the country of origin.¹⁵⁸ No material requirements for family reunification are requested from an unaccompanied minor until they reach adulthood.¹⁵⁹</p>	<input type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

<p>Regarding minors who are irregular migrants: For UAMs not applying for asylum but recorded within other migration procedures (thus staying in the country irregularly as legal migration is excluded from the scope of the questionnaire) the family reunification is possible (however, their family members must meet the conditions for issuing permits as set out for all third-country nationals¹⁶⁰). The decisions on in which country (the destination or origin) the reunification should take place is made on case by case basis and depends on the child's best interests. Tracing of family members will be initiated as soon as possible.¹⁶¹</p>	<input type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures
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<p>In case of separated children the abovementioned procedures apply depending on whether they are recorded within the asylum system or within other migration procedures.</p>	<input checked="" type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures
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3.4.1.1 If yes, what efforts are being made to speed-up the family reunification procedures, prioritising unaccompanied and separated children? Please briefly explain.

Explanation	Applicable groups of minors*
<p>The children are given priority in all the proceeding of the PBGB¹⁶².</p>	<input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

¹⁵⁶ Interview with a PBGB official 22.05.2020

¹⁵⁷ AGIPA, Article 7

¹⁵⁸ AGIPA, Article 7 (5)

¹⁵⁹ AGIPA, Article 46 (13)

¹⁶⁰ 18.11.2020 response from the PBGB to the EMN Query

¹⁶¹ Interview with a PBGB official 22.05.2020

¹⁶² Interview with a PBGB official 18.05.2020

3.4.1.2 *If yes, at what stage are needs and possibilities for reunification with family members assessed? Can you please indicate which authority carries out this assessment?*

Explanation	Applicable groups of minors*
Needs and possibilities for family reunification are assessed at the first opportunity in the proceedings ¹⁶³ . The assessment for the possibilities is carried out in cooperation by the Estonian Social Insurance Board (in charge of international child protection cases), the local municipality hosting the child and the PBGB.	<input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

3.4.1.3 *If yes, is family tracing of the unaccompanied minors initiated, and if so at what stage of the procedure and by whom?*

Explanation	Applicable groups of minors*
<u>Regarding UAMs recorded within the asylum system:</u> The Police and Border Guard Board shall commence family tracing of an unaccompanied minor as soon as possible after the submission of an application for international protection. ¹⁶⁴ The Red Cross ¹⁶⁵ and Estonian Social Insurance Board are also included in the family tracing procedure.	<input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

<u>Regarding UAMs who are irregular migrants:</u> The PBGB or the Estonian Internal Security Service shall organise the searching of a family member of the unaccompanied minor alien, of a guardian or a reception centre appointed in the receiving state. ¹⁶⁶ The family tracing is started as soon as possible. The Red Cross ¹⁶⁷ and Estonian Social Insurance Board are also included in the family tracing procedure.	<input checked="" type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures
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In case of separated children it depends on the status which has been allocated to them by the court whereby they will be considered as unaccompanied minors or accompanied minors and whether they are recorded within or outside of the asylum system. Depending on their status previously mentioned procedures apply.	<input checked="" type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures
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3.5 DUBLIN PROCEDURE

3.5.1 Please describe how Dublin family reunification procedures are carried out in your country – timing, types of evidence of family links collected, etc.)?

Within Dublin procedures family reunification is initiated by the PBGB after the submission of the application for international protection if relevant and if there is information available that there is a family member in another Member State. In that case the child's best interests are weighed and decided on in which country it is reasonable to carry out the family reunification. The proceedings of Dublin family

¹⁶³ 28.05.2020 response from the Estonian Social Insurance Board to the EMN Query

¹⁶⁴ AGIPA Article 17 (13)

¹⁶⁵ 05.06.2020 response from the PBGB to the EMN Query

¹⁶⁶ OLPEA, Article 12 (8)

¹⁶⁷ 05.06.2020 response from the PBGB to the EMN Query

reunification are then implemented by the two Member States affected and consultations between these two states will take place to support the process.¹⁶⁸ The rights and interests of minors shall be taken into consideration above all.¹⁶⁹

Types of evidence collected about the family members within the application of international protection are:

- Personal data of family members such as the relation/connection to the applicant, their first name(s), surname(s), sex, date of birth and death, age if precise date of birth is unknown, country of birth, citizenship(s), marital status, number of children, country of residence, submitted applications for international protection, place of residence.¹⁷⁰
- All other evidence which is possible to present to prove family links (e.g. identity documents, birth certificates, family photos, statements of the unaccompanied minor)¹⁷¹.

In the absence of reliable documentary evidence interviews with the unaccompanied minor or with the family member(s) will be conducted in order to establish and verify the existence of the family relationship. In addition, where the available information is not sufficient to establish a family link, a DNA examination can be requested as a measure of last resort.

In Estonia there has only been a small number of Dublin family reunification procedures related to unaccompanied minors over a period of several years.¹⁷²

4 Detention for the purpose of return of unaccompanied minors and families with children in the European Union

4.1 UNACCOMPANIED MINORS

4.1.1 Does your Member State place unaccompanied minors in detention for the purpose of return? YES/NO *If yes, under which conditions?*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
According to AGIPA (for UAMs recorded within the asylum system) and OLPEA (for UAMs in an irregular situation) the detention of UAMs for the purpose of return is possible. However, there are national guidelines stating that UAMs cannot be detained since there are few of them and they can be monitored by using other methods. In practice UAMs are not placed into detention. ¹⁷³	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

4.1.2 Are there alternatives to the administrative detention of unaccompanied minors available in your Member State? YES/NO.

YES ☒

NO ☐

¹⁶⁸ Interview with a PBGB official 18.05.2020

¹⁶⁹ AGIPA, Article 65 (2)

¹⁷⁰ Source: <https://www.riigiteataja.ee/akt/114012017024>

¹⁷¹ 08.09.2020 response from the PBGB to the EMN Query

¹⁷² 08.09.2020 response from the PBGB to the EMN Query

¹⁷³ Interview with a PBGB official 18.05.2020

Explanation	Applicable groups of minors*
The are no specific alternatives to the administrative detention for UAMs, but there are general alternatives brought out in OLPEA and AGIPA.	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

4.1.2.1 *If yes, can you please explain which are those alternatives and under which conditions they are granted.*

Explanation	Applicable groups of minors*
<p>The general alternatives to detention (i.e. surveillance measures) mentioned in OLPEA Article 10 (2) are¹⁷⁴:</p> <ol style="list-style-type: none"> 1. residing in a determined place of residence; 2. appearing for registration at the PBGB at prescribed intervals; 3. appearing at the PBGB to clarify circumstances ensuring compliance with a precept; 4. notifying the PBGB of the changes of residence of the alien and of his or her prolonged absence from the place of residence; 5. notifying the PBGB of the changes in the alien's marital status; 6. depositing of a travel document of a foreign country or an identity document of an alien at the PBGB or the Estonian Internal Security Service. <p>Surveillance measures are applied if they ensure the efficiency of the compliance with the obligation to leave.</p>	<input type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

<p>The general alternatives to detention (i.e. surveillance measures) mentioned in AGIPA Article 29 (a) are¹⁷⁵:</p> <ol style="list-style-type: none"> 1. residing in a determined place of residence; 2. appearing for registration at the PBGB at prescribed intervals; 3. notifying the PBGB of the absence from the place of residence for a period longer than three days; 4. depositing the travel document issued by a foreign state at the PBGB. 	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures
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4.2 FAMILIES

4.2.1 Does your Member State place families with children in detention for the purpose of return? YES/NO. *If yes, under which conditions?*

YES ☒ Please explain:

As a rule the families with children are not detained for the purpose of return and the decision to detain is made by administrative court case by case¹⁷⁶. Yet, legislative grounds do not exclude the possibility of detaining families with children. The families with children could be placed in detention for the purpose of return if detention is needed to fulfil the obligation to leave¹⁷⁷ and if the

¹⁷⁴ OLPEA, Article 10 (2)

¹⁷⁵ AGIPA Article 29 (1)

¹⁷⁶ Interview with a PBGB official 18.05.2020

¹⁷⁷ OLPEA, Article 7³ (2)

application of surveillance measures provided for in OLPEA does not ensure the efficiency of the compliance with the obligation to leave and, primarily, in the case if there is a risk of escape of the alien; the alien does not comply with the obligation to co-operate or the alien does not have documents necessary for the return or the obtaining thereof from the receiving state or transit state is delayed¹⁷⁸. If necessary and when possible, only one of the parents could be detained instead of the entire family.

NO ☐

4.2.2 Are alternatives to the administrative detention of families with children for the purpose of return available in your Member State? YES/NO.

YES ☒

NO ☐

There are no specific alternatives to detention dedicated to families with children. The general alternatives to detention are specified in OLPEA Article 10 (2).

4.2.2.1 If yes, can you please explain which are those alternatives and under which conditions they are granted.

The general alternatives to detention (i.e. surveillance measures) mentioned in OLPEA Article 10 (2) are¹⁷⁹:

1. residing in a determined place of residence;
2. appearing for registration at the PBGB at prescribed intervals;
3. appearing at the PBGB to clarify circumstances ensuring compliance with a precept;
4. notifying the PBGB of the changes of residence of the alien and of his or her prolonged absence from the place of residence;
5. notifying the PBGB of the changes in the alien's marital status;
6. depositing of a travel document of a foreign country or an identity document of an alien at the PBGB or the Estonian Internal Security Service.

Surveillance measures are applied if they ensure the efficiency of the compliance with the obligation to leave.

4.3 VOLUNTARY AND FORCED RETURNS

4.3.1 Does your Member State carry out voluntary returns of unaccompanied minors? YES/NO

YES ☒

NO ☐

Explanation	Applicable groups of minors*
UAMs have the possibility to return to their country of origin through assisted voluntary return. ¹⁸⁰	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

4.3.1.1 If yes, how does your Member State ensure the best interest of the child during the voluntary return procedure?

The assessment of the best interests of the child is a part of the status determination decision. The guardian can contribute to that assessment. The PBGB is responsible for searching of family members of

¹⁷⁸ OLPEA, Article 15 (2)

¹⁷⁹ OLPEA, Article 10 (2)

¹⁸⁰ Interview with a PBGB official 22.05.2020

the UAM, a guardian or a reception centre appointed in the receiving state. If the UAM wishes to return voluntarily, the guardian in cooperation with IOM shall organize the return of an UAM through AVRRO programme.¹⁸¹

An UAM may be returned if the custody of a minor is arranged and the protection of the rights and interests of the minor are ensured in the admitting country. In that case the return of an UAM is arranged in coordination with the competent State agencies of the admitting country and in case of necessity with the competent State agencies in the transit country.¹⁸² It will be made sure that the child is accompanied during the return journey¹⁸³. The reintegration assistance could be provided by the IOM. It is allocated while always taking into consideration the child's best interest. There could be a possibility for reintegration support in kind. The decision whether to provide cash assistance is made on a case by case basis. However, there is no practice in this matter. In practice, UAMs are not returned until 18 years of age¹⁸⁴.

Furthermore, OLPEA further clarifies that the administrative authority that is conducting the procedural acts in the proceedings is required to take into account the specific needs vulnerable persons (such as minors and UAMs)¹⁸⁵. In addition, in the proceedings the rights and interests of a minor shall be taken into consideration above all.

4.3.2 Does your Member State carry out forced returns of unaccompanied minors? YES/NO

YES ☒

NO ☐

Even though this is possible according to legislation¹⁸⁶, the forced returns of UAMs are not carried out in practice¹⁸⁷. All UAMs will be issued with an obligation to leave with voluntary compliance and with no fixed date for leaving. They are not forcibly removed.¹⁸⁸

4.3.2.1 If yes, how does your Member State ensure the best interest of the child?

An UAM may be expelled if the custody of a minor is arranged and the protection of the rights and interests of the minor are ensured in the admitting country¹⁸⁹. Furthermore, expulsion of an UAM is arranged in coordination with the competent state agencies of the admitting country and in case of necessity with the competent state agencies in the transit country¹⁹⁰. The guardian of the child shall ensure the best interest of the child¹⁹¹.

4.3.3 Has your Member States used EU funds in the development of alternatives to detention for minors? YES/NO If yes, please provide 2-3 examples

YES ☐

NO ☒

5 Ensuring durable solutions for minors

5.1 INTEGRATION

¹⁸¹ EMN Study 2017 „Member States' Approaches to Unaccompanied Minors Following Status Determination“, Estonian National Report, Question 25b: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

¹⁸² EMN Study 2017 „Member States' Approaches to Unaccompanied Minors Following Status Determination“, Estonian National Report, Question 25b: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

¹⁸³ 11.09f.2020 response from the Estonian Social Insurance Board to the EMN Query

¹⁸⁴ Interview with a PBGB official 22.05.2020

¹⁸⁵ OLPEA, Article 6⁷

¹⁸⁶ OLPEA, Article 21

¹⁸⁷ Interview with a PBGB official 22.05.2020

¹⁸⁸ 01.09.2020 response from the PBGB to the EMN Query

¹⁸⁹ OLPEA, Article 21 (1)

¹⁹⁰ OLPEA, Article 21 (2)

¹⁹¹ 12.06.2020 response from the Ministry of the Interior to the EMN Query

5.1.1 Is there a specific policy or strategy on the integration of minors in wider society (e.g. through sport, leisure or other cultural activities, etc.)? YES/NO

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p>There is no specific policy or strategy focusing specifically on the integration of minors in wider society, if the minors from third countries are in question. However, there are couple of policy/strategic documents which also address the situation of integration of minors in Estonia among other topics and could be applicable for the groups of minors (from third countries) highlighted in this questionnaire.</p> <p>For example, the development plan “Integrating Estonia 2020” which formulates the seven-year (2014-2020) objectives of the integration policy of the Republic of Estonia and the activities needed to achieve them¹⁹². In addition to other objectives it also illustrates how Estonian language skills of young people are planned to be improved or how to increase the active participation of students with a native language different from Estonian in youth work and increase their close contacts with Estonian-speaking peers, including increasing opportunities for initiatives, joint activities for young people and increasing the involvement of young people.</p> <p>In addition, the objective of the Youth Field Development Plan for 2014-2020¹⁹³ is to provide all young people, regardless of their ethnic nationality and native language, more opportunities for developing their creativity, own initiatives and common activities; to reduce the impact of unequal aspects on the development opportunities of young people and avoid exclusion; to ensure active participation in the community, in decision-making and success on the labour market as well as implement quality youth policies and youth work. It is further stipulated that organisations on the youth field can improve the integration of newly arrived young migrants by supporting their socialisation.</p> <p>Also, the development plan “Internal security 2020”¹⁹⁴ targets the question of early adaption among newly arrived foreigners. Mostly the measures aim to empower different stakeholders to cope with challenges and opportunities coming from working with newly arrived foreigners (for example local municipalities, public schools etc) and empowering the target group (for example language lessons etc).</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

5.1.1.1 *If yes, please provide details on significant new developments introduced in 2019 (if any).*

¹⁹² The Strategy of Integration and Social Cohesion in Estonia “Integrating Estonia 2020”: <https://www.kul.ee/en/...>

¹⁹³ Youth Field Development Plan 2014-2020: https://www.hm.ee/sites/default/files/noortevaldkonna_arengukava...

¹⁹⁴ Presentation of Ministry of the Interior “Internal security 2016”: <https://issuu.com/siseministeerium/docs/...>

Explanation	Applicable groups of minors*
In 2019, the Ministry of Culture and the Ministry of the Interior have been working on a new development plan "The Strategy of Population and Social Cohesion in Estonia", where objectives of the integration policy of Estonia will be formulated as well as the necessary activities defined. The new sector-based development plan will provide the basis for planning of implementation and financing of national integration policy for 2021 to 2027. The new integration plan is expected to be approved by the end of 2020. ¹⁹⁵	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures <input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system

5.2 RESETTLEMENT

5.2.1 Does your Member State prioritise (e.g. through quotas, fast-track procedures) the resettlement of unaccompanied minors or families with minors to your Member State? *If yes, how does this work in practice?* YES/NO

YES ☒

NO ☐

Explanation	Applicable groups of minors*
<p>Even though Estonia resettled seven Syrian citizens from Turkey in 2019, also a decision was made not to continue with the resettlement activities after 2019¹⁹⁶.</p> <p>Resettlement activities were planned and carried out according to the government's action plan on implementing EU's relocation and resettlement activities¹⁹⁷, which addressed activities between 2015–2019. According to the action plan Estonia preferred to resettle families (parents and minor children) and people from vulnerable groups (the main target group was single parent families, but there was also willingness to resettle a small number of unaccompanied minors or orphans). The list with preferred groups of people was forwarded to UNHCR who made the primary selection of candidates suitable for resettlement to Estonia¹⁹⁸ and then the Estonian officials investigated whether the person is in need of international protection and made a decision on person's need for international protection¹⁹⁹. A person could be resettled to Estonia after the recognition of the person as a beneficiary of international protection and the grant of residence permit by Estonia²⁰⁰. The person also had to give their consent that they are willing to come to Estonia²⁰¹.</p>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures
As Estonia resettled only people with international protection need from a Turkish refugee camp then it is highly unlikely that UAMs not applying for asylum but recorded within other migration would qualify for resettlement as people who are in need of international protection (i.e. asylum) were chosen.	<input type="checkbox"/> accompanied minors/families with children <input type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

¹⁹⁵ EMN Annual Report on Migration and Asylum 2019 Estonian National Report, p.25: <https://www.emn.ee/...>

¹⁹⁶ EMN Annual Report on Migration and Asylum Estonia 2019, p. 25: <https://www.emn.ee/...>

¹⁹⁷ Adjusted action plan on implementing EU's relocation and resettlement activities: <https://www.valitsus.ee/...>

¹⁹⁸ Presentation of Ministry of the Interior "Resettlement and relocation of refugees": <https://prezi.com/gxbgzljbyif/...>

¹⁹⁹ 12.06.2020 response from the Ministry of the Interior to the EMN Query

²⁰⁰ Adjusted action plan on implementing EU's relocation and resettlement activities: <https://www.valitsus.ee/...>

²⁰¹ 12.06.2020 response from the Ministry of the Interior to the EMN Query

5.2.2 Please describe briefly the reception procedure on arrival in the territory in your Member State for resettlement?

Explanation	Applicable groups of minors*
<p>On arrival to Estonia the resettled person will be met at an airport. A primary health check is carried out to identify possible infectious and chronic diseases. The person concerned will be then immediately transported and accompanied to their place of dwelling; relations are established with the support persons, establishments of the local municipality, educational institution, provider of health care service as well as the Estonian Unemployment Insurance Fund and the person is directed to participate in the adaptation programme by the PBGB. To help the person in their resettlement process they are allocated a support person.</p> <p>On arrival to Estonia the resettled person will be issued a decision to grant international protection and valid residence permit. Resettling person has to apply for the identification document which shall be issued within 30 days²⁰². Moreover, for all those resettled a living space has been prepared and it will be ensured that they will be offered all necessary services. According to AGIPA the beneficiary of international protection will be ensured with a living space, Estonian language lessons and translation services for the duration of 2 years²⁰³. Estonian Unemployment Insurance Fund offers services to support adult beneficiaries of international protection in finding themselves a suitable job. Education is provided for children as all children in Estonia (including a child with foreign citizenship or undetermined citizenship) who have reached the age of 7 years before the October 1 in the current year are subject to the duty to attend school. A person is required to attend school until they acquire basic education or attain the age of 17 years.</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

6 Undocumented/irregularly staying minors

6.1.1 Does your Member State provide access to education, healthcare, housing or psychological support to irregularly staying children with families? YES/NO *If yes, please explain.*

YES ☒

NO ☐

Access to education: Yes. Attaining basic education in Estonia is obligatory to all children. All children in Estonia (including a child with foreign citizenship or undetermined citizenship) who have reached the age of 7 years before the October 1 in the current year are subject to the duty to attend school. A person is required to attend school until they acquire basic education or attain the age of 17 years.²⁰⁴ When children placed into a detention centre to be expelled from the country are a subject to the obligation to attend school they shall be ensured access to education in accordance with the Basic Schools and Upper

²⁰² 12.06.2020 response from the Ministry of the Interior to the EMN Query

²⁰³ Adjusted action plan on implementing EU's relocation and resettlement activities: <https://www.valitsus.ee/...>

²⁰⁴ Basic Schools and Upper Secondary Schools Act, Article 9 (2)

Secondary Schools Act²⁰⁵. In such cases principle of reasonability is also taken into account (e.g. if the child is leaving the country in a very short period of time)²⁰⁶.

Access to healthcare and psychological support: Yes. Irregularly staying children with families shall be ensured access to necessary health services²⁰⁷, including psychological support²⁰⁸.

Access to housing: Yes, irregularly staying children with families have access to housing in case they have no sufficient finances themselves and they have been issued the obligation to leave with voluntary compliance. Namely according to OLPEA Article 13² if an alien who is staying in Estonia without a basis for the stay in Estonia has no sufficient finances, the PBGB or the Estonian Internal Security Service may organise accommodation of the alien if this is necessary for humanitarian considerations or for the protection of a vulnerable person and if the alien cannot use accommodation elsewhere.²⁰⁹ Accommodation mentioned here implies to hotels or other such accommodation. Irregularly staying children with families could be placed into detention with a purpose of expelling only with the permission of administrative court. In detention centre they are accommodated together in a separate section designated for families.²¹⁰

7 Transition into adulthood

7.1.1 In Member States where migrant children are entitled to stay for the fact of being unaccompanied minors, what happens when they turn 18? Please describe, both in legal and practical terms. *Please also consult the 2017 EMN Study on Approaches to Unaccompanied Minors following status determination.*

Explanation	Applicable groups of minors*
<p>Transition to adulthood in legal and practical terms is similar/the same as transition to adulthood in legal and practical terms for Estonian children²¹¹.</p> <p>Regarding UAMs with a legal ground for staying in Estonia: Accommodation: In case of UAMs who have a legal ground for staying in Estonia the alternative care service is guaranteed until they reach the age of 18. If the child has commenced acquisition of education before attaining 18 years of age and continues the acquisition of education in daytime or, for medical reasons, in another form of study at a basic school, upper secondary school or a formal vocational education, the local authority shall ensure alternative care service for the child.²¹² A local authority shall ensure continued care service for an adult UAM who previously received alternative care if they continue attaining a formal vocational education, a professional higher education, in Bachelor's study or Master's study or integrated Bachelor's and Master's studies at a university in the following academic year after acquisition of basic, secondary, vocational or higher education.²¹³ Guardianship: Unaccompanied minors are entitled to a guardian until 18 years of age.²¹⁴ After becoming 18 the child will leave the guardianship system. Healthcare: Until attaining the international protection the access to health care services is organised by the Estonian</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

²⁰⁵ OLPEA, Article 26⁵ (8)

²⁰⁶ 22.06.2020 response from the PBGB to the EMN Query

²⁰⁷ 12.06.2020 response from the Ministry of the Interior to the EMN Query

²⁰⁸ Interview with a PBGB official 18.05.2020

²⁰⁹ OLPEA, Article 13²

²¹⁰ Interview with a PBGB official 22.05.2020

²¹¹ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

²¹² Social Welfare Act, Article 45⁹ (2)

²¹³ Social Welfare Act, Article 45¹⁶ (1)

²¹⁴ Family Law Act, Article 195 (1)

<p>Social Insurance Board for UAMs applying for asylum²¹⁵. Healthcare is covered by the Social Insurance Board from the moment the UAM is present in the country until they become 18 years of age. After that the healthcare depends on the status of the person. For example, if the person has a legal status and is registered as unemployed, their healthcare is covered by the state.²¹⁶</p> <p>Education: There are no legislative restrictions regarding access to education, but there has been no practise in this case to make conclusions about systematic implications in transitions.²¹⁷</p> <p>Employment: There are no special measures in place, but the former UAM can benefit from the general measures provided by the Estonian Unemployment Insurance Fund in case they have a legal ground to stay in Estonia. For example, if they register at Estonian Unemployment Insurance Fund as unemployed then they are entitled to the same workforce services as others.²¹⁸</p> <p>Family reunification: If an applicant of international protection becomes 18 years of age they are not regarded as UAM anymore and therefore the persons considered as family members changes. Additionally, according to AGIPA UAMs do not have the obligations of the sponsor until 18 years of age, but after becoming 18 years old it is up to the PBGB to decide whether to impose the obligations of the sponsor or not.²¹⁹</p>	
<p>In case the former UAM not applying for asylum but recorded within other migration procedures does not have a legal basis for stay when they turn 18 their return obligation should be fulfilled²²⁰. Otherwise they are entitled to accommodation (alternative care service), education, healthcare and a guardian until the age of 18. (This applies in the case of this questionnaire whereby legal migration is excluded from the scope of the questionnaire, meaning other migration could only refer to irregular migration).</p>	<p><input type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

7.1.2 Does your Member State provide any type of support (e.g. housing, education, employment, psychological support) for the transition to adulthood of unaccompanied minors legally residing in your Member State? YES/NO *If yes, please describe the nature of this support and if it is provided in all cases.*

YES ☒

NO ☐

Explanation	Applicable groups of minors*
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²¹⁵ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

²¹⁶ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

²¹⁷ EMN Study 2017 „Member States' Approaches to Unaccompanied Minors Following Status Determination“, Estonian National Report: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

²¹⁸ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

²¹⁹ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

²²⁰ Interview with a PBGB official 22.05.2020

<p>The measures available to help children transition into adulthood are the same as available to Estonian children.²²¹</p> <p>There are measures of support in place to support all the UAMs before the transition to adulthood. Namely the aim of alternative care service which all UAMs receive is to ensure the long- or short-term well-being and rights of a child, ensure family-like living conditions to a child for the satisfaction of the basic needs of the child, to create a secure physical and social environment promoting their development and to prepare the child for coping in accordance with their abilities as an adult.²²²</p> <p>A case plan is prepared for every UAM. A case plan is a written document consisting of an evaluation of person's need for assistance and the activity plan for application of measures.</p> <p>Support through information: IOM Estonia also informs the child about the possibilities of return to the home country and the local government (guardian) informs the child about the possibilities to stay in the country after becoming 18 years of age. The educators at the substitute home or family parents in family house as well as the social worker provide information to the UAM about the transition.²²³ During and after the transition the (former) guardian of the UAM as well as the social worker at the accommodation service provider and the educators at the substitute home or the family parent at the family home provide the UAM with assistance and information on the transition.²²⁴</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>
<p><u>Regarding support available to UAMs recorded within the asylum system:</u></p> <p>The person may be referred to the continued care service to support the ability of a person leaving alternative care and guardianship to cope independently and continue studies.²²⁵ Continued care service is only provided to UAMs who have a legal ground to stay in Estonia and until the person attains 25 years of age.²²⁶ Continued care service shall be provided based on a case plan on the basis of which the local authority shall ensure housing and needs-based support services and benefits. Additionally, it is possible to provide a support person service to the UAM according to the Social Welfare Act.²²⁷ This social service supports the UAM's ability to cope independently in situations where they need significant personal assistance in performing their obligations and exercising their rights due to social, financial, psychological or health problems.</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

²²¹ 20.05.2020 response from the Estonian Social Insurance Board to the EMN Query

²²² Social Welfare Act, Article 45⁵ (1)

²²³ 2017 EMN Study on Approaches to Unaccompanied Minors following status determination, Estonian National Report, Question 9d: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

²²⁴ 2017 EMN Study on Approaches to Unaccompanied Minors following status determination, Estonian National Report, Question 9d: <https://www.emn.ee/wp-content/uploads/2019/02/emn-estonia.pdf>

²²⁵ Social Welfare Act, Article 45¹⁵ (1)

²²⁶ Social Welfare Act, 45¹⁶ (1)

²²⁷ Social Welfare Act, Article 23

<p>Regarding UAMs who are irregular migrants:</p> <p>In addition, UAMs outside of the asylum system have the possibility to receive various support for assisted voluntary return. For example, there is a possibility to get various in-kind and in-cash support for return and reintegration from IOM under an AMIF project. If a minor turns 18 and does not have an opportunity to leave yet then accommodation will be organised for them and they will be supported with all the services which are also available to those leaving voluntarily (e.g. healthcare, legal aid). There is however no practice in this specific matter.²²⁸</p>	<p><input type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>
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8 Cross-cutting actions

8.1.1 What kind of data do relevant authorities in your Member State collect specifically regarding children in migration? Please briefly describe.

Explanation	Applicable groups of minors*
<p>There is no data collected specifically about all children in migration. In addition to confidential data collected during the migration/asylum procedures (which is not published) general public data is collected regarding all foreigners through different migration procedures. The data includes for example the name, surname, nationality, age, sex, statelessness status, whether the person is travelling with family or not, whether they are unaccompanied or not, place of birth and country of origin, data on family members/family ties, education level etc.²²⁹ There could be other information collected within other procedures or services concerning the minor (e.g. regarding services for victims of trafficking of human beings). From 2019 data is also collected on the number of unaccompanied children in the child protection system²³⁰. Furthermore, data on children who go missing or abscond from reception and care facilities is collected on the national level²³¹. Also, data on the number of children who are unaccompanied but were initially placed as adults or accompanied is collected²³².</p> <p>Regarding UAMs not applying for asylum who remain outside the asylum/migration/(child) protection-system are considered invisible minors who are not recorded by any systems or officials then data about them would be impossible to collect.</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

8.1.2 During the reporting period, did your Member State implement any EU-funded programmes prioritising the protection of unaccompanied minors and/or families with children? YES/NO *If yes, please provide 2-3 examples.*

²²⁸ Interview with a PBGB official 22.05.2020

²²⁹ 08.09.2020 response from the PBGB to the EMN Query

²³⁰ 07.09.2020 response from the Estonian Social Insurance Board to the EMN Query

²³¹ 08.09.2020 response from the PBGB to the EMN Query

²³² 18.11.2020 response from the PBGB to the EMN Query

YES ☒ Please explain.**NO** ☐

Explanation	Applicable groups of minors*
<p>1.The guidelines for assessing the vulnerabilities have been in development during 2019 by PBGB.</p> <p>2.The legal advisers for providing people information about their rights and proceedings in migratory procedures have been trained and put into operation in PBGB, including one expert who is specialised on vulnerable groups.</p> <p>3. COI experts in PBGB have been trained who can assess the situations in countries of origin.</p> <p>4. Regarding minors registered within the asylum system a training program on international protection and assessing vulnerabilities has been implemented for police officers, border guards, officials in charge of proceedings to raise the quality of the proceeding of international protection. The program started in 2019 and is expected to end in 2020.²³³</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system</p>

²³³ Interview with a PBGB official 18.05.2020



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