

# Applicants with special needs - Iceland | DIP EUAA

PDF generated on 2026-04-17 17:33

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## Overview

### Relevant EU legislation

Iceland is not bound by the recast Asylum Procedures Directive. A similar national legal framework applies.

### National legislation

#### Main legislative acts

- [Foreign Nationals Act n. 80/2016 | Lög um útlendinga n 80/2016](#) and subsequent amendments until 30 April 2025
- [Regulation on Foreigners n. 540/2017 | Reglugerð um útlendinga. n. 540/2017](#) and subsequent amendments until 30 April 2025

- [Child Protection Act No. 80/2002 | Barnaverndarlög - nr. 80/2002](#)

## **Implementing acts**

- [Regulation on Procedures before Child Protection Committees No. 56/2004 | Reglugerð um málsmeðferð fyrir barnaverndarnefnd - nr. 56/2004](#)
- [Act on the Children and Family Office No.87/2022 | Lög um Barna- og fjölskyldustofu No.87/2022](#)
- [Regulation on measures under the responsibility of municipalities according to the provisions of the Child Protection Act - No. 652/2004 | Reglugerð um úrræði á ábyrgð sveitarfélaga samkvæmt ákvæðum barnaverndarlaga. No. 652/2004](#)
- [Act No. 19/2013 on the UN Convention on the Rights of the Child. No.82/1992 | Samningur Sameinuðu þjóðanna um réttindi barnsins No.82/1992](#)

## **Implementing guidelines**

- [Guidelines for child protection service employees for cases of unaccompanied children - PDF \(in Icelandic\)](#)
- [Work procedures of the Directorate of Immigration and the National Agency for Children and Families in cases of unaccompanied children - PDF \(in Icelandic\)](#)

## **Competent authority and other stakeholders**

- Directorate of Immigration | [Útlendingastofnun](#)
- National Agency for Children and Families | [Barna- og fjölskyldustofa](#)
- National Commissioner of the Icelandic Police | [Ríkislögreglustjóri](#)
- Ministry of Education and Children

According to the [joint procedures of the Directorate of Immigration and the National Agency for Children and Families in cases of unaccompanied children](#):

The **Directorate of Immigration** processes applications for international protection and must notify the local child protection committee if becomes aware of an unaccompanied child. The Directorate may request a police investigation to assess potential abduction or trafficking, if a minor is accompanied by an adult who is not relative. The scope of this assessment is to reunite the child with the rightful guardian(s) if that is in the child's best interests. The Directorate of Immigration must consult with child protection authorities before granting a residence permit.

The **Child Protection Committees** ensure the child's safety, take over care when needed, and arrange suitable foster care or other accommodation. They ensure the child receives all services they are entitled to (education, welfare, etc.). They can submit and sign residence permit applications, provide supporting documents, and supply necessary case information to the Directorate. They may also apply to renew residence permits if needed. The Child Protection Agency also decides which committee assumes custody if a residence permit is granted.

The role of the child protection services in the municipalities is helping children and parents with serious problems, to ensure the children's welfare and safety.

The National Agency for Children and Families (*Barna- og fjölskyldustofa*) provides guidance and advice to child protection workers on the processing of individual cases, on the basis of child protection laws.

## **Training initiatives**

The [National Agency for Children and Families - Learning Centre](#) offers a series introductory videos, online courses, including a dedicated course on refugee children for national experts and practitioners. The Icelandic authorities participate in relevant training modules provided by the EUAA.

The online training course, '[Refugee children](#)', is designed for anyone working with children in schools or recreational activities. It focuses specifically on refugee children, the traumas they may have experienced, and how these can affect their well-being and behaviour. According to the course curriculum, participants are

expected to learn about the unique challenges experienced by refugee children, their journey through the system, and practical ways to offer support and care for children in vulnerable situations. The course module is a joint effort by the National Centre for Children and Families, Child Protection Services, UNICEF Iceland, and the Icelandic Red Cross.

## **Special needs in reception**

### **Identification of special needs**

[Article 3 \(6, 12, 15\) of the Foreign Nationals Act](#) defines for the following categories of applicants with special needs.

**6. Persons in a particularly vulnerable position:** *Persons who, due to certain personal characteristics or circumstances, have special needs that must be taken into account in the processing of a case or who cannot fully or at all exercise the rights or fulfil the obligations provided for in this Act without assistance or special consideration, e.g. unaccompanied children, disabled people, people with mental disorders or mental disabilities, elderly people, pregnant women, single parents with young children, victims of human trafficking, seriously ill persons and persons who have been subjected to torture, genital mutilation, rape or other serious mental, physical or sexual violence.*

**12. Unaccompanied child:** *A child who enters the territory of a State unaccompanied, as long as he or she has not been effectively taken into the care of his or her parents or an adult responsible for him or her according to the law of legal custody. This also applies if the child is left unaccompanied after entering the territory of a State.*

**15. Human trafficking:** *Human trafficking as defined in Article 227. a of the General Penal Code, which is based on the United Nations Palermo Convention against Transnational Organized Crime and the Trafficking in Persons Protocol thereto.*

According to the provisions of the [Foreign Nationals Act \(Article 25\)](#), if an applicant is deemed to be in such a position, an assessment shall be made as to whether he/she has any special needs that need to be taken into consideration during the proceedings, such as health care services or special assistance. The assessment is not carried out only at the initial steps of the procedure. The law foresees rights to special assistance for any individual who is vulnerable and at any stage of the asylum procedure.

## **Referral of applicants with special needs**

According to [Work procedures of the Directorate of Immigration and the National Agency for Children and Families in cases of unaccompanied children](#), when an unaccompanied child is reported, the Directorate of Immigration must notify the relevant child protection committee and, if needed, request a police investigation. If child protection services or the police are made aware of an unaccompanied child staying illegally, they must notify the Directorate of Immigration.

If no application exists: The child protection committee may apply if it is in the child's best interest.

If an application was submitted by an unauthorised person, the Directorate of Immigration shall notify the person concerned that s/he lacks legal guardianship and shall inform the child protection committee to submit a valid application.

## **Reception and care of applicants with special needs and vulnerabilities**

The national legislation ([Foreign Nationals Act, Article 33](#) and [Child Protection Act, Articles, 4, 21-23 and 25](#)) provides for dedicated reception facilities and targeted measures for applicants for international protection who have special needs. Vulnerable groups, including unaccompanied minors, single women, families with children, survivors of trauma or torture, persons with disabilities, and individuals with serious health conditions, are accommodated in facilities designed to meet their

specific needs.

The Directorate of Labour remains the coordinating competent authority for reception conditions, while daily management and specialist care are typically carried out by local child welfare services, municipal social workers, health authorities, or reliable Civil Society Organisations, depending on the specific population and facility.

[Victims of human trafficking](#) or applicants with severe psychological and mental health conditions may be accommodated in safe houses or specialised units, often managed by NGOs under agreements with the Ministry of Social Affairs and Labour. These [arrangements](#) ensure additional privacy, security, and access to trauma-informed services.

Applicants with disabilities or serious health conditions are generally accommodated in mainstream reception centres coordinated by the Directorate of Labour (VMST). However, adapted rooms, specialized support services, or tailored assistance can be provided when required, often in collaboration with local health authorities and social services.

According to [guidance](#) from the National Agency for Children and Families, these facilities operate within the general reception framework but include targeted measures to safeguard and meet the specific needs of vulnerable groups — for example, by integrating unaccompanied minors into mainstream child protection facilities alongside Icelandic children, ensures equal access to education and care.

## **Reception facilities and other housing arrangements**

Special housing arrangements vary according to the applicant's situation. Unaccompanied minors are typically placed in dedicated child protection shelters operating under the [national child welfare framework](#) (*Barnahús*), and supervised by the National Agency for Children and Families. These facilities are run by the municipal child protection services or licensed NGOs ([Save the Children](#)) under the supervision and standards set by the National Agency for Children and Families and

are aligned in the Child Protection Act. For instance, the National Agency for Children and Families sets [detailed rules](#) and procedures on placement, safeguarding, and care standards for minors and unaccompanied minors, including provisions for integrating unaccompanied children within mainstream child welfare services when appropriate.

## **Detention of vulnerable persons and applicants with special reception needs**

Iceland is not bound by recast Reception Conditions Directive. The [Foreign National Act](#) provides for safeguards for vulnerable applicants as follows:

- *Detention must always be a last resort, used only when less severe measures (e.g., reporting obligations) are insufficient.*
- *Children under 18 may only be detained if over 15, posing a threat to public order, and if no alternative is available.*

There are no designated administrative detention facilities in Iceland. Detention of vulnerable applicants and children under 15 years old is prohibited. Detention of families with children is not applied or rarely applied.

## **Reception of unaccompanied minors**

According to Article 25 of the Foreign Nationals Act and the procedural guidelines related work of [the Directorate of Immigration and the Child Welfare Agency on the processing of cases of unaccompanied children](#), the Directorate of Immigration is responsible for handling the applications for international protection of unaccompanied children in cooperation with the Children Protection Committees under the local municipalities. In case of unaccompanied minor applicant, the best interest of the child is a primary consideration.

## **Reception facilities and other housing arrangements**

The [National Agency for Children and Families](#) (BOFS) under the [Minister of Education and Children's Affairs](#), in line with [Act No. 87/2021](#). The Agency supports municipalities across the country by strengthening and coordinating services for children and families.

Under the Child Welfare Act, BOFS is responsible for overseeing state-run [treatment centres](#) (ie, centres for young people who struggle with serious behavioural and addiction problems or treatment centres of children who experience violence and sexual violence), Children's Homes, and other facilities that help manage child protection cases. The Agency also supports foster care services through the training, education, and support of [foster parents](#).

Additionally, BOFS leads special projects to promote children's [well-being and prosperity](#) and drives continuous quality improvement based on up-to-date knowledge and best practices.

The guidelines on [work of the Directorate of Immigration and the Child Welfare Agency on the processing of cases of unaccompanied children](#) specify that the Directorate will assign the child to a particular municipality and the Children's Protection Committee of this municipality will assess whether the child should be placed in foster care or in the Children's Home (*Barnahúss*) and send such requests to the Child Welfare Agency (*Barnaverndarstofu*). There are dedicated housing arrangements for UAMs. The Children's Protection Committee also ensures that a child is provided with all the services they are entitled to, including school, social services, etc. The Children's Protection Committee will take charge of the child as necessary and take all the necessary steps to safeguard the interest of the child.

## **Age assessments**

Legal grounds for age assessment are laid under [Article 40 of the Regulation on Foreigners](#). According to the legislation, when determining an individual's age, a thorough assessment of the personal circumstances and statements must be conducted and supplemented by a physical examination where appropriate. In cases

relevant to unaccompanied children, a Child Protection Committee representative must be present.

## **Access to education**

According to [Article 27 of the Regulation on Foreigners](#), all children under the age of 18 shall be guaranteed access to education. The Directorate of Labour must ensure that no child remains under its care for more than four weeks without placement in a mainstream school or equivalent educational arrangement. Such placement shall be ensured within twelve (12) weeks from the date an application for international protection is lodged. Efforts shall also be made to address the educational and care needs of families through municipal services, including daycare, preschools, secondary education, or other appropriate educational resources. According to the latest legislative amendments under the [Act amending the Act on Compulsory Education, No. 91/2008](#) (learning assessment), a mandatory uniform assessment is required before placement of children in school services.

## **Access to healthcare**

Unaccompanied children applying for international protection in Iceland are entitled to comprehensive healthcare services comparable to those provided to Icelandic children. The National Centre for Children and Families, the [Children Support Services](#) and the [Child Welfare Services](#) have specific procedures and structures in place to ensure support for both physical and [mental wellbeing](#). This includes access to general practitioners, paediatric services, emergency care, hospital treatment, vaccinations, and necessary treatments. Municipalities and child-protection services coordinate provision of healthcare through the [national healthcare system](#) (Immigration Health Inspection Service). If a child reports violence during the interview, the child protection services can request diagnosis and treatment for the child at the [Barnahús Centre medical examination facility](#).

## **Transition to adulthood**

Iceland's legal framework does not contain explicit provisions relevant to the transition to adulthood for unaccompanied minors in the asylum procedure. However, key safeguards are provided under the [Foreign Nationals Act](#) and the [Child Protection Act](#).

Under [Articles, 25,30-21, 31 and 37 of the Foreign Nationals Act](#), unaccompanied minors may be granted residence permits on humanitarian grounds if removal would breach their best interests or Iceland's obligations under the UN Convention on the Rights of the Child. When a minor reaches the age of 18 years, must meet the general criteria for continued international protection or other forms of national protection, as there is no automatic conversion from child-specific to adult residence status.

In practice, according to the [Procedure for Child Protection Services Staff Regarding Cases Involving Unaccompanied Children](#), the Child Protection Services, shall begin planning the transition to adulthood well before the child turns 18. The plan must ensure that the child receives the guidance and support necessary to become independent and integrate into society. This includes preparing for housing, education, employment, and other support measures.

Municipalities are responsible for providing aftercare services in accordance with the [Child Protection Act](#), which may include continued accommodation, social support, and follow-up. The objective is to ensure that the young persons do not face abrupt loss of services when reaching legal adulthood.

## **Detention of unaccompanied minors**

[Article 115 of the Foreign Nationals Act](#) provides that an applicant for international protection who is over 15 but under 18 years of age may be detained only if his behaviour demonstrates that poses a threat to public order, national security, or the

public interest. Such detention shall be a measure of last resort, to be used only when no other, less restrictive measures under this Act or the Child Protection Act are available or sufficient to achieve the intended purpose. In all cases, the applicant's age and individual best interests must be duly always considered. Detention shall be continuously evaluated on a case-by-case basis, ensuring the best interests of the child, inline with Iceland's obligation under UN Convention on the Rights of the Child (CRC).

In practice, detention of unaccompanied minors under the asylum procedure is prohibited in Iceland.

## **Special procedural guarantees**

### **First instance determination for applicants with special needs**

Pursuant to the [Foreign Nationals Act, Article 25](#), "*when processing an application for international protection the Directorate of Immigration shall ensure that an individualised assessment is made, with the assistance of appropriate experts, of whether an applicant is deemed to be in a particularly vulnerable position*". Such an assessment shall not be limited to the time of application. individual's right to special assistance shall remain in effect should any special needs arising from their vulnerable situation emerge at any point after the submission of the application.

Icelandic law provides extended procedural guarantees for **unaccompanied minors and victims of human trafficking**, recognising them as particularly vulnerable individuals under [Article 3 of the Foreign Nationals Act](#).

For unaccompanied children, the national legislation requires that their best interests be a primary consideration at every stage of the procedure. Article 35 ensures that these children are entitled to special safeguards, including the immediate appointment of a guardian or legal representative (Articles 33 and 37) and the presence of child protection authorities during interviews (Article 39). They must be provided with suitable accommodation, education, and healthcare in

cooperation with child protection services. Age assessment procedures must respect the principle of the benefit of the doubt, treating the applicant as a child unless proven otherwise.

Similarly, victims of human trafficking have the right to special guarantees, under Articles 35 and 36, which oblige the authorities to identify vulnerable applicants and ensure access to appropriate support, trauma-informed interviewing (Article 39), and free legal aid (Article 37). Article 42 explicitly prohibits deporting anyone to a country where they may face serious harm, including re-trafficking risks, and Article 57(4) allows victims to receive a residence permit on humanitarian grounds even if they do not otherwise qualify for asylum.

## **Access to information**

When someone applies for asylum in Iceland, the police confirm registration with the Directorate of Immigration (UTL) and explain that UTL will contact them by SMS when their process starts. Applicants are then registered with the Directorate of Labour (VMST), which provides housing, financial support, healthcare, an asylum ID card, a SIM card, a payment card, and key service information. They also receive multilingual brochures on human rights, gender equality, violence, legal aid, and trafficking, with contact details for support agencies. Information is mainly given in person by the police, VMST, and UTL, and unaccompanied minors are supported by Child Protective Services. Iceland has no detention facility for asylum seekers, but further information is available at UTL offices, by email, or online, with detailed guidance provided during the asylum interview.

For applicants with special needs, there is specific material that addresses their unique circumstances. The material is provided by the police, the Directorate of Immigration and the Directorate of Labour, and can also be made available upon the applicant's request.

## **Personal interview**

The Directorate of Immigration processes the asylum claim and assesses the criteria for residence permit. It handles the processing of the application and gathers the necessary documents and information for its decision. The Directorate must assess whether the child's situation justifies applying the exception in Article 71(5) of the Foreign Nationals Act or whether the application should be denied and the child will safely reunite with his/her legal guardian(s).

While processing the application, the Directorate may obtain information from the child protection committee under Article 17(2) of the Foreign Nationals Act to clarify the child's best interests.

Article 71 of the Foreign Nationals Act provides for residence permits for children. It requires that the child be under the custody of the person from whom they derive his/her right to stay. The article also states that if an adoption is involved, it must be completed according to Icelandic law before applying.

Under Article 71(5), conditions may be waived if special circumstances exist and it is in the best interests of the child, for example, if the child protection committee has taken custody of the child or the child is in permanent foster care.

The Directorate must therefore assess the child's situation, gather information about the child's personal situation and conditions in the country of origin and in Iceland, locate the rightful guardians, and investigate why the child is in Iceland without guardianship.

The Directorate oversees the information gathering for the application. Under Article 17(2), the Directorate and child protection authorities may share and cross-reference personal information to protect the child's interests during the process.

Information gathering by the Directorate: Requests for information and/or documents are usually sent by letter or email to the relevant child protection committee, which then collects information and documents from foster parents or the child. When a child is reported as unaccompanied, the child protection committee interviews the child, and the Directorate of Immigration may request a copy of the interview. The Directorate then assesses the information received and

decides whether more information is needed, whether to summon the parties for an interview, or whether documents must be obtained to confirm the information provided (e.g., adoption documents, guardianship documents, birth certificates).

Information gathering by the child protection committee: The Directorate may obtain documents from the committee as part of processing the application under Article 17(2) of the Foreign Nationals Act. The Directorate must request this information in writing and refer to the legal basis for the data collection. The committee interviews the child and then decides on the child's accommodation.

Before the personal interview takes place in Iceland, there is an assessment of the needs and abilities of the applicant based on the initial information gathered by the police during the lodging of the application or other information which can be requested. Every asylum seeker is required to attend a medical assessment for their overall physical and mental health.

The case officer preparing the personal interview in Iceland consults experienced team leaders for specific guidance and other relevant organisations and stakeholders with special knowledge and expertise on the applicant's vulnerability on how to conduct the interview.

## **Legal assistance**

A decision shall be made on whether to appoint a [spokesperson \(advocate\)](#) for the child, pursuant to Article 46(3) of the Child Protection Act. When an unaccompanied child applies for international protection, the Directorate for Children and Families also appoints a guardian for the child, in accordance with Article 46 of the Child Protection Act and the Foreign Nationals Act No. 80/2016. The guardian represents the child's interests during the processing of the protection application and in all related matters whereas the advocate provides legal representation and counselling. In some cases, the role of advocate and the guardian may be assigned to the same person.

Child protection services work closely with the guardian and ensure that the child's views are heard in all decisions concerning the child, in line with the Child Protection Act and the Convention on the Rights of the Child are taken at the best interests of the child.

For Victims of Trafficking in Human Beings legal assistance is provided within the legal framework of criminal proceedings, as specified under the [Article 41 of the Criminal Procedure Act](#).

## **Guarantees for unaccompanied minors**

According to the [Article 3 of the Foreign Nationals Act](#), specifies that an unaccompanied minor is defined as an individual under 18 years, arriving without a parent or legal guardian, and not under someone else's care. This status triggers entitlement to special procedural guarantees.

*Appointment of guardian or legal representative:* According to Foreign Nationals Act (Articles 33, 37-40), unaccompanied minors must have a guardian or legal representative appointed to protect their interests during asylum claims and interviews.

*Child-sensitive interviewing and best interest principle:* The interview must be conducted by the competent authority shall be tailored to the minor's age and maturity, ensuring a child-friendly environment and considering their best interests throughout the process

*Mandatory assessment of the best interest of the child:* Any decision affecting an unaccompanied minor—such as reception, accommodation, further procedures, or return—must undergo an individualized bestinterest evaluation in line with child welfare legislation (Chapters III and IV, Foreign Nationals Act).

*Appropriate reception and services:* Placement must be in foster care or a suitable facility, with access to education, health care, language support, and social services, coordinated with Child Protection Services.

*Age determination and benefit of the doubt:* If there are doubts about age of the individual, the person should be treated as a minor (benefit of the doubt). Any age assessment must be prompt, respectful, voluntary and involve the participation of the children welfare services.

*Nonpenalization for irregular entry:* Article 37 (and related procedure in Article 40) stipulates that entering irregularly or using false documents is not punishable for asylum seekers, including unaccompanied minors.

*Protection against expulsion:* According to Article 42, no minor may be returned to a territory where their life, freedom, or dignity would be threatened. Before any removal decision, authorities must ensure that reception and guardianship in the receiving country are in place and the child's best interests are upheld.

*Access to effective remedy:* Unaccompanied children and their guardians have the right to receive written decisions, with full justification, and to appeal both negative asylum decision and removal under Articles 104–107 (appeal/review mechanism).

## **Making, registering and lodging an asylum application**

According to [Work procedures of the Directorate of Immigration and the National Agency for Children and Families in cases of unaccompanied children](#), when an unaccompanied child is reported, the Directorate of Immigration must notify the relevant child protection committee and, if needed, request a police investigation. If child protection services or the police are made aware of an unaccompanied child staying illegally, they must notify the Directorate of Immigration.

If no application exists: The child protection committee may apply if it is in the child's best interest.

If an application was submitted by an unauthorised person, the Directorate of Immigration shall notify the person concerned that s/he lacks legal guardianship and shall inform the child protection committee to submit a valid application instead.

The Directorate of Immigration will assign the child to a particular municipality and the [Children's Protection Committee](#) will assess whether the child should be placed in foster care or in the Children's Home (Barnahúss). Then will send such requests to the Child Welfare Agency (Barnaverndarstofu). The Children's Protection Committee also ensures that a child is provided with all the services they are entitled to, including such as school, healthcare and social services.

## **Information provision**

When someone applies for asylum in Iceland, the police confirm registration with the Directorate of Immigration (UTL) and explain that UTL will contact them by SMS when their process starts. Applicants are then registered with the Directorate of Labour (VMST), which provides housing, financial support, healthcare, an asylum ID card, a SIM card, a payment card, and key service information. They also receive multilingual brochures on human rights, gender equality, violence, legal aid, and trafficking, with contact details for support agencies. Information is mainly given in person by the police, VMST, and UTL, and unaccompanied minors are supported by Child Protective Services. Iceland has no detention facility for asylum seekers, but further information is available at UTL offices, by email, or online, with detailed guidance provided during the asylum interview.

For applicants with special needs, there is specific material that addresses their unique circumstances. The material is provided by the police, the Directorate of Immigration and the Directorate of Labour, and can also be made available upon the applicant's request.

## **Best interest of the child in the Dublin procedure**

[Foreign Nationals Act, Article 31](#), stipulates that an evaluation of the child's best interest is carried out by the Directorate of Immigration which examines possibilities for family reunification, the minor's safety, well-being and social development and takes into account its statement depending on its age and maturity. Prior to

decision, the Directorate receives consultation by the child protection authorities and in cases of UAMs the opinion of the Government Agency for Child Protection must be elicited before a decision is made. All children are given the opportunity to express themselves in interviews conducted by specially trained staff.

When assessing what is in the best interests of a child in individual cases, the Directorate of Immigration and the child protection authorities must always place the child's welfare first. This responsibility is firmly grounded in Article 10(2) of the Foreign Nationals Act, Article 4(1) of the Child Protection Act, and Article 3 of the UN Convention on the Rights of the Child.

In each case, several key factors must be carefully weighed by the Directorate of Immigration, working in close cooperation with the relevant child protection committee, the [Child Protection Agency](#), and other involved professionals such as social workers, psychologists, and where needed, the police. Central to this assessment is listening to and respecting the child's own views and wishes, a fundamental right under the Convention on the Rights of the Child.

The child's identity, including gender, religion, language, culture, and country of origin, must be respected and reflected in decisions by both Directorate of Immigration and child protection authorities. Family ties and connections to other trusted individuals should be identified and considered by the child protection committee when planning care arrangements. The child's right to care, protection, and safety must be always ensured through practical measures taken by the committee, foster carers, institutional staff, or other service providers.

Particular attention must be paid to the child's vulnerabilities. The child protection committee, together with the Directorate of Immigration and [specialised experts](#), must assess whether the child has any disabilities, holds refugee status, or has been a victim of violence or trauma, and plan appropriate support accordingly. The child's right to healthcare must be safeguarded by the committee in collaboration with health services, ensuring any existing health problems are addressed and necessary treatment is accessible. The child's right to education must also be guaranteed, in cooperation with local schools and educational authorities.

For unaccompanied children or children separated from their families, special steps must be taken. The Directorate of Immigration, together with the child protection committee and, where relevant, the police, must actively explore the possibility of family reunification if it serves the child's best interests. This involves trying to locate parents or family members and verifying any claimed guardianship. The child protection committee may request that the Directorate review the authenticity of documents or order DNA testing if there are doubts. The views of the child and family must be sought and respected, and if reunification is not desired by either party, the reasons must be carefully investigated by the child protection committee.

When reunification is not immediately possible, the child protection committee is responsible for arranging suitable temporary care. This may include placement in a foster home, with qualified foster parents, or in a licensed institution — but only if this is safe, appropriate, and promotes the child's well-being.

If reunification with parents does not occur despite the child's wishes, the child protection committee must gather the views of all parties, assess the impact of continued separation on the child, and evaluate whether the parents or other family members are capable of caring for the child safely. In doing so, the committee may consult the Directorate or the Child Protection Agency for additional guidance.

Throughout this process, the relative importance of each factor may vary from case to case. It is therefore vital that the Directorate of Immigration, child protection committees, the Child Protection Agency, and any supporting professionals work together to ensure that each assessment is tailored to the unique circumstances of the child, so that the child's best interests remain the guiding principle at every stage.

- [Guidelines for child protection service employees for cases of unaccompanied children - PDF](#)
- [Work procedures of the Directorate of Immigration and the National Agency for Children and Families in cases of unaccompanied children - PDF](#)
- [Children's prosperity handbook](#) - implementation of the law

## **Personal interview**

A person interviewing a minor shall have special expertise in children's affairs. The Directorate of Immigration may call upon the assistance of an expert in children's affairs. A child's advocate under Article 30 of the Foreign Nationals Act shall be given an opportunity to speak with and advise the minor prior to the interview.

The Directorate investigates whether the child's situation warrants applying an exception under Article 71(5) (e.g., if the committee has custody or the child is in permanent foster care). It gathers documents and information from the committee. The Directorate and Child Protection Services may share personal data to protect the child's interests. The Child Protection Committee interviews the child, decides on placement, and provides the Directorate of Immigration with requested documents.

## **Legal representation during the asylum procedure**

A decision shall be made on whether to appoint a [spokesperson \(advocate\)](#) for the child, pursuant to Article 46(3) of the Child Protection Act. When an unaccompanied child applies for international protection, the Directorate for Children and Families also appoints a guardian for the child, in accordance with Article 46 of the Child Protection Act and the Foreign Nationals Act. The guardian represents the child's interests during the processing of the protection application and in all related matters whereas the advocate provides legal representation and counselling. In some cases, the role of advocate and the guardian may be assigned to the same person.

## **Legal assistance and counselling**

Child protection services work closely with the guardian and ensure that the child's views are heard in all decisions concerning the child, in line with the Child Protection

Act and the Convention on the Rights of the Child are taken at the best interests of the child.

The Child Protection services work with specialised [child protection workers](#) who usually have professional qualifications in fields such as social work, psychology and pedagogy.