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Children asking for international protection

Information for unaccompanied children who are
applying for international protection pursuant to
article 4 of Regulation (EU) No 604/2013

We have given you this leaflet because you have expressed the need for protection and you told us you are less than 18 years of age. If you are less than 18 years old, you are considered to be a child. You will also hear the authorities refer to you as a 'minor', which means the same as child. The 'authorities' are the people responsible for making a decision on your claim for protection.

If you seek protection here because you were afraid in your country of origin, we call this 'seeking asylum'. Asylum is a place offering protection and safety.

When you make a formal request to the authorities asking for asylum, the law calls this an 'application or request for international protection'. The person that asks for protection is an 'applicant'. Sometimes you will also hear people calling you an 'asylum seeker'.

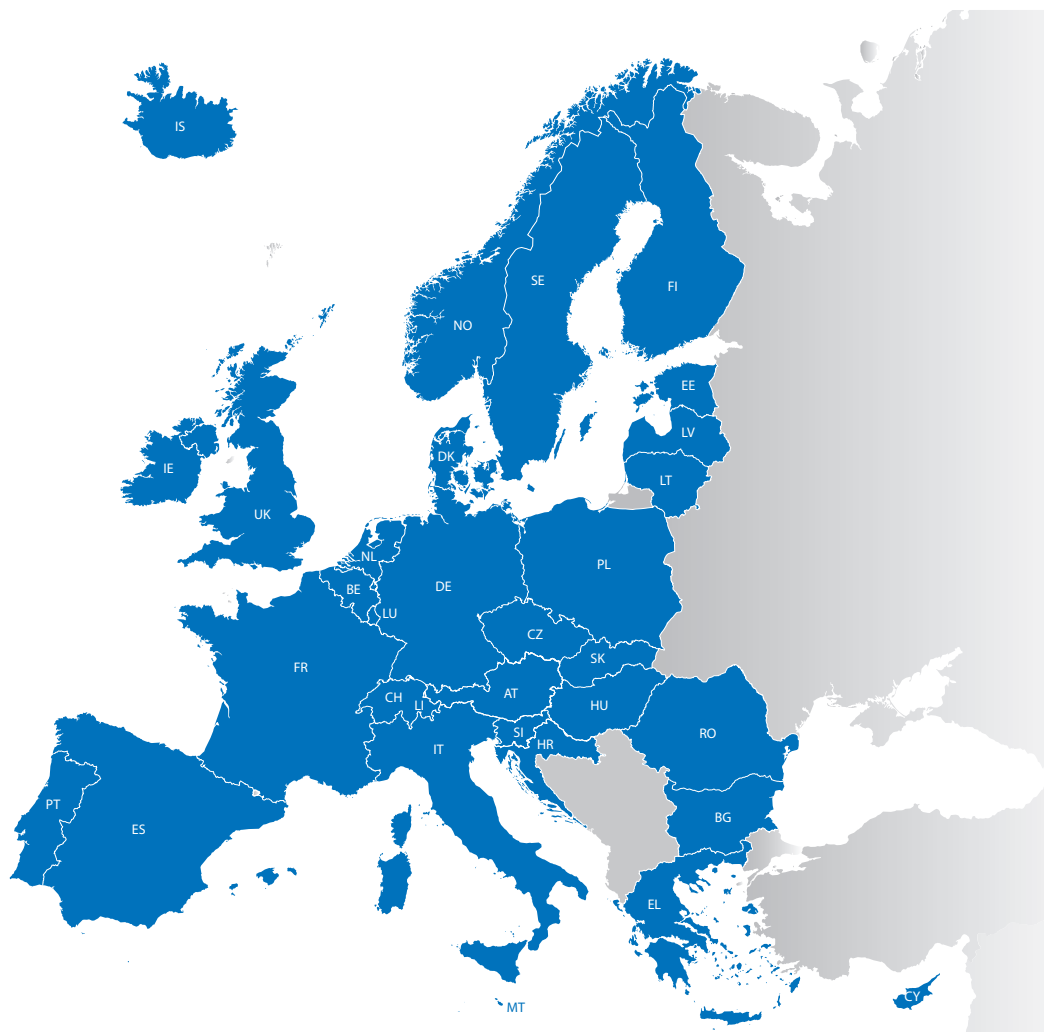
Your parents should be with you, but if they are not or if you have been separated from them on the way, you are an **'unaccompanied minor'**.

In this case, we will provide you with a 'representative', who is an adult who will help you in the course of the procedure. She or he will assist you with your application and can accompany you when you have to talk to the authorities. You can speak about your problems and fears with your representative. Your representative is there to ensure that your best interests are a primary consideration, meaning that your needs, safety, well-being, social development and your views are taken into account. Your Representative will also take account of family reunification possibilities.

The present leaflet is for information purposes only. Its aim is to provide applicants for international protection with the relevant information with respect to the Dublin procedure. It does not create/entail in itself rights or legal obligations. The rights and obligations of States and persons under the Dublin procedure are such as set out in Regulation (EU) 604/2013.

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The Dublin countries include the 28 European Union countries (Austria (AT), Belgium (BE), Bulgaria (BG), Croatia (HR), Cyprus (CY), Czech Republic (CZ), Denmark (DK), Estonia (ET), Finland (FI), France (FR), Germany (DE), Greece (EL), Hungary (HU), Ireland (IE), Italy (IT), Latvia (LV), Lithuania (LT), Luxembourg (LU), Malta (MT), Netherlands (NL), Poland (PL), Portugal (PT), Romania (RO), Slovakia (SK), Slovenia (SI), Spain (ES), Sweden (SE), United Kingdom (UK)) as well as 4 countries “associated” to the Dublin Regulation (Norway (NO), Iceland (IS), Switzerland (CH) and Liechtenstein (LI)).



IF THERE IS SOMETHING YOU DO NOT UNDERSTAND, ASK YOUR REPRESENTATIVE OR OUR AUTHORITIES TO HELP YOU!

Although you asked for asylum in this country, it might be that another country will have to examine your request for protection.

Only one country can be responsible for considering your request for protection. That is established in a law called the **'Dublin Regulation'**. This law requires us to establish whether we are responsible for examining your application or whether another country is responsible – we call this a 'Dublin procedure'.

This law is applied throughout a geographical region which includes 32 countries¹⁾. For the purpose of this leaflet, we are calling these 32 countries 'Dublin countries'.

Do not run away from the authorities or to another Dublin country. Some people might tell you that this is the best thing for you to do. If someone tells you to run away, or that you should go away with them, tell your representative or the state authorities immediately.

Please tell the state authorities as soon as possible if:

- *You are alone, and you think that your mother, father, brother or sister, aunt²⁾, uncle³⁾, grandmother or grandfather could be present in one of the other 32 Dublin countries on the map on p. 3;*
- *If so, whether or not you want to live with them;*
- *You travelled to this country with someone else and, if so, with whom;*
- *You have already been to another one of the 32 'Dublin countries' listed;*
- *Your fingerprints were taken in another Dublin country: fingerprints are images taken from your fingers that help identifying you;*
- *You have already applied for asylum in a different Dublin country.*

IT IS VERY IMPORTANT THAT YOU COOPERATE WITH THE STATE AUTHORITIES AND THAT YOU ALWAYS TELL THEM THE TRUTH.

The Dublin system can help you if you are unaccompanied by a parent when you apply for protection.

If we have sufficient information about them, we will look for your parents or relatives in the Dublin countries. If we manage to find them, we will try to bring you together in the country where your parents or relatives are present. That country will then be responsible for examining your request for protection.

1) On page 3 you have a map of this region.
2) Your mother's sister or your father's sister
3) Your mother's brother or your father's brother

If you are alone and have no other family or relative in another Dublin country, it is very likely that your application will be examined in this country.

We may also choose to examine your application in this country, even if by law another country might be responsible. We can do so for humanitarian, family or cultural reasons.

During this procedure, **we will always act in your best interests**, and we will not send you to a country where it is established that your human rights could be violated.

What does it mean that we have to always act **in your best interests**? It means that we will have to:

- check whether it is possible to bring you together with your family in the same country;
- make sure that you will be safe and secure, especially from people that may want to treat you badly/do you harm;
- make sure that you can grow up in a safe and healthy way, and that you have food and shelter and that your social development needs are met;
- take your views into account – for example, as to whether you would like to stay with a relative or would prefer not to do so.



Your age

Persons older than 18 years are “adults”. They are treated differently than children and adolescents (“minors”).

Please tell the truth about your age.

If you have any document with you that shows your age, share it with the authorities. If the authorities question your age, it is possible that a doctor will want to examine you to see if you are younger or older than 18. You and/or your representative must first agree to this before any medical examination can take place.

IN THE FOLLOWING LINES WE WILL TRY TO ANSWER THE MOST COMMON QUESTIONS YOU MIGHT HAVE ABOUT THE DUBLIN PROCEDURE, HOW IT CAN HELP YOU AND WHAT YOU SHOULD EXPECT TO HAPPEN:

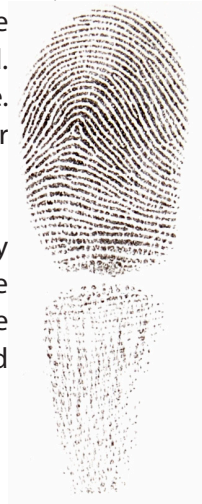
Fingerprints – What are they? Why are they taken?

When you request asylum, if you are 14 years of age or older, a picture or image of your fingers (called a “fingerprint”) will be taken and transmitted to a fingerprint database called “Eurodac”. You must cooperate in this procedure – all people that apply for asylum are obliged by law to have their fingerprints taken.

Your fingerprints might be checked at some point to see if you have ever applied for asylum before or to see if you were previously fingerprinted at a border. If it is discovered that you have already applied for asylum in another Dublin country, you may be sent to this country if it is in your best interests for you to go there. This country will then be responsible for examining your application for international protection.

Your fingerprints will be stored for 10 years. After 10 years, they will be deleted automatically from the database. If you are successful with your request for protection, your fingerprints will stay in the database until they are automatically deleted. If, later on, you become a citizen of a Dublin country, your fingerprints will be deleted. Only your fingerprints and your gender will be stored in Eurodac – your name, photograph, date of birth and nationality are not sent to the database or stored. However, these details may be stored on our national database. The data stored in Eurodac will not be shared with any other country or organisation outside the Dublin countries.

As of 20 July 2015, your fingerprints may be searched by authorities such as the police and the European police office (Europol) may search your fingerprints and request access to the Eurodac database for the purpose of preventing, detecting and investigating serious crimes and terrorism.





What information should you make sure that the state authorities know about your situation?

It is likely that you will be interviewed in order to be able to determine which country is responsible for examining your request for asylum. At this interview, our state authorities will explain to you the 'Dublin procedure' and will try to find out if it is possible to re-unite you with your family in another Dublin country.

If you know that your parents, siblings or a relative are in another Dublin country, please do not forget to mention this to the person who interviews you. Provide as much information as possible to help us find your family - names, addresses, phone numbers, etc.

During the interview, you might also be asked whether you have already been to other Dublin countries. Please tell the truth.

Your representative can accompany you to the interview, to give you help and support and to do what is best for you. If you have any reason why you do not want your representative to be there with you, you should tell the state authorities.

AT THE BEGINNING OF THE INTERVIEW, THE INTERVIEWER AND YOUR REPRESENTATIVE WILL EXPLAIN THE PROCEDURES AND YOUR RIGHTS TO YOU. IF THERE IS SOMETHING THAT YOU DO NOT UNDERSTAND, OR YOU HAVE OTHER QUESTIONS, PLEASE ASK THEM!

The interview is your right and is an important part of your application.

The interview will take place in a language that you understand. If you are not able to understand the language used, you can ask for an interpreter to help you communicate. The interpreter must only interpret what you and the interviewer are saying. The interpreter must not add his or her personal views. If you have difficulty understanding the interpreter, you must tell us and/or speak to your representative.

The interview will be confidential. This means that no information that you will provide, including the fact that you have applied for protection in our country, will be sent to persons or authorities who may harm you in any way you or harm any member of your family who is still in your home country.

IT IS IMPORTANT THAT YOU AND YOUR REPRESENTATIVE ARE AWARE OF THE TIMEFRAMES OF THE DUBLIN PROCEDURE!

How long will it take before you know if you have to go to another country or you can stay here?

What happens if another country is found responsible for examining your application?

→ *If this is your first asylum application in a Dublin country, you will be sent to another country because your mother, father, brother, sister, aunt, uncle, grandfather or grandmother is present in that country and you will join him/her/them there and stay together for the examination of your asylum application.*⁴⁾

→ *If you did not apply for asylum here but you did apply for asylum in another Dublin country in the past, you may be sent back to that country so that the authorities there can consider your asylum application.*⁵⁾

In both cases, it may take up to five months to take a decision to transfer you to another country, either from the moment you requested asylum or from the moment we become aware that you applied for international protection in another Dublin country. The authorities will inform you of this decision as soon as possible after the decision was made.

→ *If you did not ask for asylum in this country and your previous asylum application in another country was rejected after being fully examined, we have to either ask the other country to take you back, or to proceed with your return to your country of origin or of permanent residence or to a safe third country.*

If we decide that another country is responsible for your asylum application, when the country which is asked to take responsibility for you accepts to do so, you will be officially informed of the fact that we will not examine your request for international protection and instead we will transfer you to the responsible country.

4) You might hear people referring to this as 'take charge'.

5) You might hear people referring to this as 'take back'.

Your transfer will take place within six months from the moment the other country accepted responsibility for you, or of the final decision on an appeal or review, if you don't agree and decide to challenge this decision (see section below which explains what this means!). This time limit can be extended to one year if you are imprisoned, or up to 18 months if you flee or run away.



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What happens if you don't want to go to another country?

TALK TO YOUR REPRESENTATIVE ABOUT THIS!

If we decide that you should go to another country to have your application examined there and you disagree with that, you have the possibility to challenge a transfer decision. We call this an 'appeal' or 'review'.

Once you have received the decision from the authorities you have **14 days** to submit an appeal to Vilnius Regional Administrative Court. It is very important that you submit an appeal within that timeframe. Your representative should help you with this.

- You have **14 days** to request that your transfer is suspended while your appeal is examined (request shall be submitted along with the appeal). A court or tribunal will shortly decide on this request. If it denies you the suspension, you will be given the reasons for that.
- The back of this leaflet contains information on which authority to contact in order to appeal a decision in this country.
- During the 'appeal' procedure you will be given access to legal assistance and, if necessary, linguistic assistance from an interpreter or translator. You may ask to have legal assistance for free if you do not have money for it. The back of this leaflet contains contact details for organisations that provide legal assistance and can help you with your appeal.

Detention

People who are not free to travel where they like and are housed in a closed building that they cannot leave are said to be in “detention”.

If you are an unaccompanied minor you may be living in accommodation where there are rules so that you must stay inside at night or when it is dark outside or rules that mean you have to tell the people looking after you if you are going outside and when you will be coming back. These rules are to protect your safety. This does not mean that you are in a place of detention.

CHILDREN ARE ALMOST NEVER DETAINED!

Are you in detention? If you are not sure if you are detained please ask the authorities, your representative or your legal adviser⁶⁾ as soon as possible. You can then talk to them about your situation and if you are in detention about the possibility to challenge the detention decision!

There is a risk that you will find yourself in detention during the Dublin procedure. Most of the time, this happens when the state authorities do not believe that you are below 18 and fear that you might run away or hide from them because you are afraid you could be sent to another country.

You have the right to be informed in writing of the reasons why you are being detained, and about how you can challenge the detention order. You also have the right to legal assistance if you wish to challenge the detention order, so speak to your representative or legal adviser if you are unhappy.

If you are detained during the Dublin procedure, the timeframe of the

6) **A person who is recognised by the authorities as representing your interests in front of the law. Your representative and/or the authorities should advise you if you need one, but you may also ask them to instruct one on your behalf. See the back of this leaflet for organisations that can provide you with legal representation.**

procedure for you will be the following: we will have to ask another country to take responsibility for you within **one month** of the submission of your asylum application. The requested country should give a reply within **two weeks** after that. Finally, if you remain in detention, your transfer should be carried out within **six weeks** of the acceptance of the request by the responsible country.

If you decide to challenge the transfer decision while you are in detention, the state authorities do not have an obligation to transfer you within six weeks. The state authorities will inform you then of your options.

If the state authorities do not comply with the timeframes for asking another country to take responsibility for you, or do not carry out your transfer on time, your detention for the purpose of transfer under the Dublin Regulation will be ended. In that case, the normal time limits presented on page 11 will apply.





What are your rights during the period in which we decide who is responsible for you?

You have the right to remain in this country if we are responsible for examining your asylum request, or, where another country is responsible, until you are transferred there. If the country where you are now present is responsible for examining your asylum request, you have the right to remain here at least until a first decision is taken on your asylum application. You are also entitled to benefit from material reception conditions, e.g. accommodation, food, etc., as well as basic medical care and emergency medical assistance. You are also entitled to go to school.

You will be given the opportunity to provide us with information about your situation and the presence of family members on the territory of the Dublin countries orally and/or in writing and, when doing so, to use your mother tongue or another language that you speak well (or to have an interpreter, if needed). You will also receive a written copy of the decision to transfer you to another country. You are also entitled to contact us for more information and/or to contact the office of the United Nations High Commissioner for Refugees (UNHCR) in this country.

Your representative and the state authorities will explain more about your rights!

What will happen to the personal information that you provide? How do you know that it will not be used for the wrong purposes?

The authorities of Dublin countries can exchange the information you are providing to them during the Dublin procedure only to fulfil their obligations under the Dublin Regulation.

You will have a right of access:

- To information relating to you. You have the right to request that such data be changed if not correct or true, or be deleted if unlawfully processed;
- To the information explaining how to request that your data are corrected or deleted, including the contact details of specific competent authorities identified as responsible for your Dublin procedure, and of the national data protection authorities responsible for hearing requests concerning the protection of personal data.

Where can you turn for help

Identity and contact details of the national asylum and Dublin procedure authority / Eurodac controller:

Migration Department under the Ministry of the Interior

L. Sapiegos str. 1, 10312 Vilnius

Tel: +370 5 271 7112

Email: md.rastine@vrm.lt

<http://www.migracija.lt>

Identity and contact details of organisations providing representation for unaccompanied minors:

Refugees Reception Centre

Karaliaus Mindaugo str. 18,

55283 Rukla, Jonava district

Tel: +370 3 497 3377, +370 698 48776

Email: centras@rppc.lt

<http://www.rppc.lt>

Identity and contact details of the national authority in charge of child protection:

Institution of the Ombudsman for Children Rights of the Republic of Lithuania

Plačioji str. 10, 01308 Vilnius

Tel: +370 5 2107176

Email: vaikams@lrs.lt

<http://vaikams.lrs.lt>

State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour

A. Vivulskio str. 13, 03221 Vilnius

Tel: +370 5 231 0928

Email: info@vaikoteises.lt

<http://www.vaikoteises.lt>

Identity and contact details of the National Supervisory Authority:

State Data Protection Inspectorate

A. Juozapavičiaus str. 6, 09310 Vilnius

Tel: +370 5 271 2804, +370 5 279 1445

Email: ada@ada.lt

<https://www.ada.lt/>

Contact details of the local UNHCR office and its role:

Office of the United Nations High Commissioner for Refugees (UNHCR) representative in Lithuania

A. Jakšto str. 12, 01105 Vilnius

Tel: +370 5 210 7416

Email: kules@unhcr.org

<http://www.unhcr.se/lt/home.html>

UNHCR provides information and advice concerning asylum procedures and assistance available to asylum seekers and refugees in Lithuania.

Contact details of the local IOM office and its role:

Vilnius office of the International Organization for Migration (IOM)

A. Jakšto str. 12, 01105 Vilnius

Tel: +370 5 261 0115

Email: iomvilnius@iom.lt

<http://www.iom.lt/>

IOM provides assistance in voluntary return, which is exercised in conformity with the needs of a minor and guarantees safe journey back home. IOM also provides reintegration assistance to minors who need help settling down in their countries of origin.

Contact details of the local Red Cross Society and its role:

Lithuanian Red Cross Society

A. Juozapavičiaus str. 10A,

09316 Vilnius

Tel: +370 5 212 7322, +370 686 30 050

Email: info@redcross.lt

<http://www.redcross.lt>

Lithuanian Red Cross Society provides legal and humanitarian aid as well as assistance in tracing family members.

Contact details of the refugee/child supporting organisations:

Caritas of the Archdiocese of Vilnius

Odminių str. 12, 01122 Vilnius

Tel: +370 5 261 1014

Email: info@vilnius.caritas.lt

<http://www.vilnius.caritas.lt>

If you want to challenge a decision and cannot afford the costs of legal assistance, please contact Migration Department under the Ministry of the Interior.

