



- **Unaccompanied minor**

In case an unaccompanied minor declared to the Border Guard his or her willingness to apply for international protection, the institution which received the declaration: protocols this activity, registers the declaration of willingness to apply for international protection in the registry, immediately requests the guardianship court having jurisdiction over the minor's place of residence to appoint a guardian to represent the minor in the international protection procedure, considers transferring to another Member State based on 604/2013 regulation, granting social assistance and granting assistance in voluntary return.

When the application for international protection is submitted on behalf of an unaccompanied minor by the guardian, as well as a by the representative of international organization or NGO dealing with assisting the foreigners, including providing legal assistance, as well as in case of transferring an unaccompanied minor without an appointed guardian by another Member State based on 604/2013 regulation, an appropriate Border Guard, taking into account the place of stay of an unaccompanied minor, is responsible for receiving and registering it.

The Border Guard immediately requests the guardianship court having jurisdiction over the minor's place of residence to place the minor in an educational care facility.

Until the court's judgment is not issued, the minor stays in a professional foster family functioning as a family emergency or in an educational care facility.

The Head of the Office for Foreigners immediately after receiving the application for international protection from a minor takes appropriate steps in order to find his or her relatives.

If the fact that the applicant is an unaccompanied minor comes to light during the proceedings, the request is submitted by the Head of the Office for Foreigners.

The Head of the Office notifies the guardian of an unaccompanied minor of the place and date of the hearing, and before the hearing informs an unaccompanied minor about the facts of the case and legal circumstances that may affect the proceedings, as well as the option to request that the hearing be conducted in the presence of an adult chosen by the minor. The hearing is conducted in a language comprehensible to an unaccompanied minor in a way that is suited to the minor's age, maturity and mental development, with due consideration to the fact that the minor may have limited knowledge of the actual situation in their country of origin. An unaccompanied minor is heard in the presence of the guardian, an adult indicated by the minor and, if it does not hinder the hearing, a psychologist or a pedagogue, who drafts an opinion on the physical and mental state of the minor.

In the event of doubt as to their age, foreigners who claim to be minors, may, with their consent or the consent of a legal representative, undergo a medical examination to determine their actual age. A foreigner who claims to be a minor is considered an adult if he or she refuses to undergo a medical examination.

As far as feasible, the Head of the Office takes action to find relatives of the unaccompanied minor.

- **Individuals who require special treatment**

If the international protection application concerns a person who may require special treatment, especially a person who is: under aged, disabled, senior, pregnant woman, single parent, human trafficking victim, bedridden, a person with mental disorders, who was subject to tortures, victim of psychological or physical violence including sexual violence, as well as because of his or her sex, sexual orientation and gender identity – the Head of the Office for Foreigners determines if this person requires special treatment in the international protection procedure or in the social assistance related matters.

An Applicant or a person on behalf of whom the applicant is acting, is considered an individual who require special treatment as far as social assistance is concerned in case there is a need to: provide an accommodation in the facility adjusted to the needs of disabled persons, ensure a single room, ensure a room in the facility intended only for women or women with children, provide an accommodation in a therapeutic care facility, nursing care facility, hospice or foster family adjusted to their psychophysical situation or adjusting the diet to their health condition.

In order to assess if the person requires special treatment, he or she may undergo medical or psychological examinations, and either the Head of the Office for Foreigners or the foreigner will cover their cost. A person who does not agree to undergo medical or psychological examinations is considered a person who does not require special treatment. The Head of the Office for Foreigners makes an assessment according to paragraph 1, immediately after applying for the international protection and at any time during the procedure, in case new circumstances, concerning the applicant or a person on behalf of whom he or she is acting, arise.

If medical or psychological examination confirms that the foreigners have suffered violence or are disabled, the steps in the international protection proceedings are performed:

- in conditions that grant the foreigners freedom of expression, in a particularly tactful manner and adapted to their mental and physical state;
- at a time adjusted to their physical and mental state determined with due consideration to the times of enjoying medical care services by the foreigners,
- with the participation of a psychologist or a doctor and, where necessary, of an interpreter of a gender indicated by the foreigners.

Upon request of the foreigner who requires special treatment, in justified cases, the steps in the international protection proceeding are performed by the person of the same sex and/or in the presence of a psychologist, physician or interpreter of the sex indicated by the foreigner.