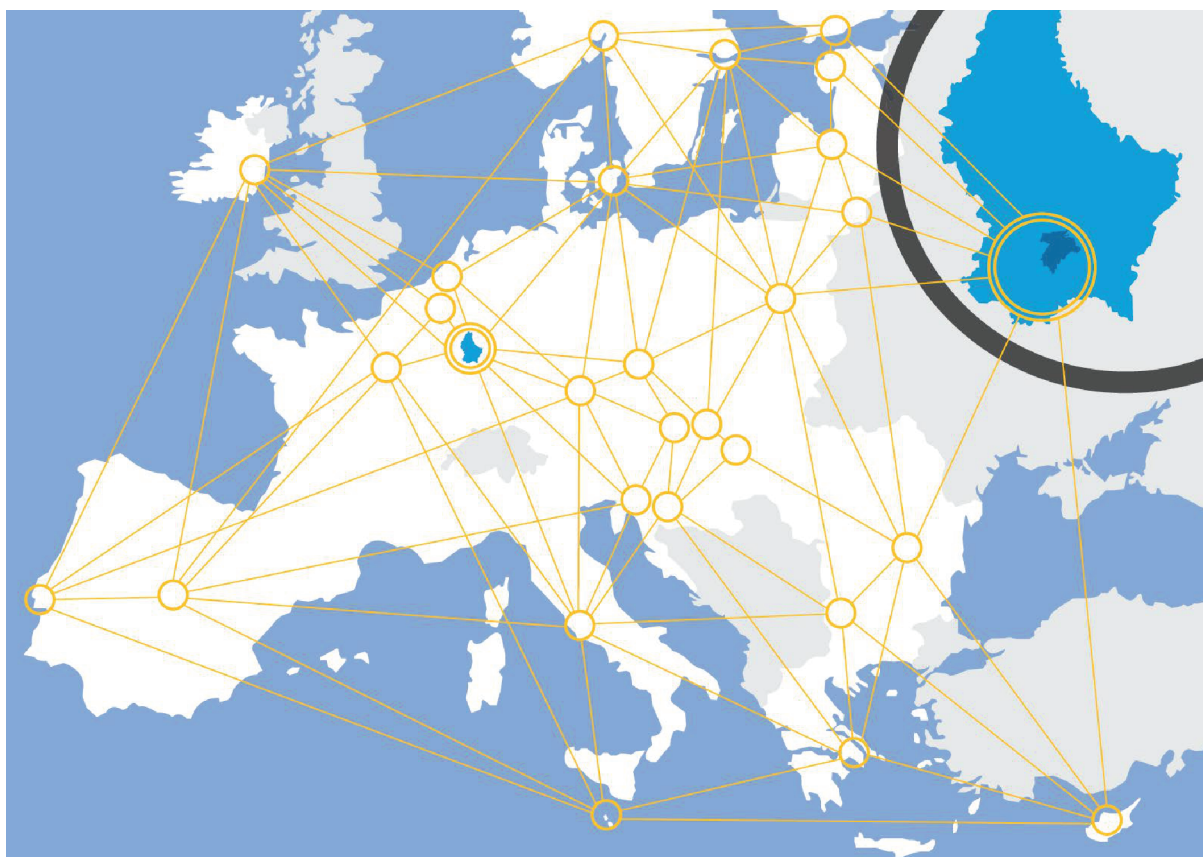




## **Monitoring Fundamental Rights of Unaccompanied Minors during the Screening Procedure**

July 2026

## CONTEXT<sup>1</sup>

- The Screening Regulation (EU) 2024/1356 applies from 12 June 2026 (hereinafter “SR”) — it is a directly applicable Regulation; Member States must designate an independent monitoring mechanism (hereinafter “IMM”) and establish operational frameworks
- Most Member States designate their general Ombudsman<sup>2</sup> or National Human Rights Institution (hereinafter “NHRI”) as IMM
- No Member State has enacted legislation formally assigning the Children’s Ombudsman as IMM or granting it screening-specific powers beyond its organic mandate
- 11 Member States have the same IMM for general applicants and unaccompanied minors<sup>3</sup> while seven MS<sup>4</sup> use different or complementary bodies (e.g. in DE the: the German Institute for Human Rights<sup>5</sup> acts (Deutsches Institut für Menschenrechte – hereinafter “DIMR”) as IMM and the Jugendamt will deal with the unaccompanied minors (hereinafter “UAM”) welfare). However, four Member States have not yet decided on their approach and are still in the process of determining the appropriate model.<sup>6</sup>
- Only four member states have formally assigned a specific role to the Children’s Ombudsman during the screening procedure.<sup>7</sup> In nine other member states the Children’s Ombudsman does not have a screening specific role,<sup>8</sup> and five member states are still pending or have not assigned any role at all.<sup>9</sup>
- In five member states<sup>10</sup> there is a formal or general mandate consultation between the IMM and the Children’s Ombudsman regarding the best interest of the child, age assessment, accommodation, information and legal aid, while in 13 member states there is no formal consultation mechanism or are still pending to take a decision.<sup>11</sup>

<sup>1</sup> DISCLAIMER: This inform is based on the responses of the contributing Member States regarding EMN ad-hoc query 2026.22. These responses have been provided primarily for the purpose of information exchange among the EMN NCPs in the framework of the EMN. Additional information was obtained from national websites. The contributing EMN NCPs have provided information that is to the best of their knowledge up-to-date, objective and reliable. However, the information provided in the present summary is produced under the exclusive responsibility of EMN Luxembourg and does not necessarily represent the official policy of an EMN NCP’s Member State nor of the European Commission.

<sup>2</sup> NOTE: In the document the term “Ombudsman” is used as it was reported by Member States. This inform is drafted with the information provided by contributing EU Member States until 1<sup>st</sup> June 2026 and the feedback provided by some of them until 22 June 2026.

<sup>3</sup> BE, CY (pending), ES, FI (pending), FR, HR, IE, LT, LU, MT and SK.

<sup>4</sup> CZ, DE, EE, LV, NL, PT and SI.

<sup>5</sup> The GEAS-Anpassungsgesetz (BT-Drs. 21/1848, 21/4321) designates the German Institute for Human Rights (DIMR —) as the IMM.

<sup>6</sup> AT, BG, HU and PL. This is the situation on 5 June 2026.

<sup>7</sup> In Estonia, the Chancellor of Justice cumulates the children’s ombudsman function and is designated as IMM. In Ireland, the Children’s Ombudsman plays a statutory role and is a member of the Advisory Board. In Lithuania, it plays a complaint-based role, in Slovakia it has own-initiative powers; (proposal owned mandatory notification of each UAM is under consideration).

<sup>8</sup> BE, ES, FR, HR, LU, LV, NL, PL, and SI.

<sup>9</sup> AT, CZ, DE, FI and HU (has not mechanism).

<sup>10</sup> ES, IE, LU, LV and SK (i.e. in SK, under the Children’s Commissioner Act, there is no legal obstacle that would prevent the Commissioner from monitoring compliance with the rights of unaccompanied minors during the screening process).

<sup>11</sup> AT, BE, CZ, DE, EE, FI, FR, HR, LT, NL, PL, PT and SI.

- Unannounced visits can be conducted by the IMM or the Children’s Ombudsman in 14 member states<sup>12</sup>. In other member states it is not possible<sup>13</sup> and in two member states it is still undecided.<sup>14</sup>
- 15 member states<sup>15</sup> foresee that the Children’s Ombudsman or the designated IMM can speak privately with the child without facility staff being present.
- 14 member states provide access to the documents, files and decisions concerning UAMs either to the IMM or the Children’s Ombudsman.<sup>16</sup> In five member states neither one of them have access<sup>17</sup> and two remains undecided.<sup>18</sup>

## Background and Legal Framework

EMN Member States are required to establish an independent monitoring mechanism to monitor compliance with European Union and international law, including the Charter of Fundamental Rights of the European Union, during the screening.<sup>19</sup> This includes the protection of children and the obligation to uphold the principle of the best interests of the child,<sup>20</sup> particularly in relation to unaccompanied minors (hereinafter “UAM”) who are amongst the most vulnerable groups undergoing screening. EMN Member States need to ensure that children, accompanied or unaccompanied by a parent or any other person, receive appropriate protection and humanitarian assistance.<sup>21</sup>

During the screening procedure, child protection authorities should be involved as closely as possible to ensure that the fundamental rights of unaccompanied children are respected.<sup>22</sup>

UAMs need a representative who represents and assists them during the screening procedure. However, not all EMN Member States (hereinafter “MS”) have established an independent monitoring mechanism.

<sup>12</sup> CY, CZ, DE, EE, ES, FR, HR, LT, LU, LV, NL, PL, SI and SK.

<sup>13</sup> BE, FI, HU and IE.

<sup>14</sup> AT and MT, based on the information provided by 5 June 2026.

<sup>15</sup> CY, DE, EE, ES, FI, FR, HR, IE, LT, LU, LV, NL, PL, SI and SK. In ES and LU, the child’s consent is required. In CY, the guardian must be present. In IE the chief inspector can interview in the presence of the representative person, however the children’s ombudsman does not have this power independently.

<sup>16</sup> CZ, DE, EE, ES, FI, FR, HR, LT, LU, LV, NL, PL, SI and SK.

<sup>17</sup> BE, CY, HU, IE and PT.

<sup>18</sup> AT and MT.

<sup>19</sup> Article 10 of the Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders (hereinafter “the Screening Regulation” or “SR”) and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. URL:

<https://eur-lex.europa.eu/eli/reg/2024/1356/oj/eng>

<sup>20</sup> Article 24 (2) of the Charter of fundamental rights of the EU (CFR). URL:

[https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)

<sup>21</sup> Article 22, paragraph 1 of the United Nations Convention on the Rights of the Child (UNCRC). URL:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>22</sup> Preamble, paragraph 25 of the Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders (Screening Regulation) and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. URL: <https://eur-lex.europa.eu/eli/reg/2024/1356/oj/eng>

In Luxembourg, the national Ombudsman (Médiateur du Grand-Duché de Luxembourg) has been designated as the independent monitoring mechanism (hereinafter “IMM”) under Article 10 of the screening regulation (hereinafter “SR”) and Article 43(4) of the Asylum Procedures Regulation (hereinafter “APR”). The Luxembourg Ombudsman for Children and Adolescents (OKAJU) is not expressly assigned a role in the draft screening legislation, but by virtue of its organic law of 1 April 2020, the OKAJU retains broad powers applicable to all proceedings involving children: facility visits (including unannounced), private contact with the child (with the child’s consent), and access to documents and files. OKAJU requested this EMN ad-hoc query to gather comparative information on how other Member States have addressed the monitoring of fundamental rights of UAMs during the screening procedure, and in particular what role, if any, children’s ombudsman institutions play in the process.

This Inform presents the findings of the EMN Ad-Hoc Query 2026.22, requested by the EMN National Contact Point Luxembourg on 15 April 2026 on behalf of OKAJU. The initial compilation was finalised on 5 June 2026 with responses from 22 Member States. This revised version incorporates a full legislative verification carried out against adopted national legislation, parliamentary bills, and government proposals as of 5 June 2026.

## **EU Legal Framework**

The legal framework governing the monitoring of fundamental rights during screening is set out in two key instruments of the EU Pact on Migration and Asylum, both of which apply from 12 June 2026:

- Screening Regulation (EU) 2024/1356 (hereinafter “SR”): requires each Member State to establish an Independent Monitoring Mechanism to monitor compliance with fundamental rights during screening at external borders (Article 10).
- Asylum Procedures Regulation (EU) 2024/1348 (hereinafter “APR”): Article 43(4) requires an independent monitoring mechanism covering the border procedure, meeting the criteria of Article 10 SR.

Both instruments require independent monitoring that encompasses the best interests of the child. The Screening Regulation requires that a representative or person trained to safeguard the best interests of the minor be involved during screening of unaccompanied minors. Member States must ensure that the IMM can carry out on-the-spot and unannounced checks and has the power to issue annual recommendations. However, for the purposes of the Ad-Hoc query only the Screening regulation was considered.

## Key Concepts and Definitions

### Definitions

**Ombudsman:** an official appointed to investigate individuals' complaints against maladministration, especially that of public authorities.<sup>23</sup>

**Ombudsman for Children:** an autonomous and independent authority that promotes the realisation of the rights and best interests of children as well as ensures that the position and rights of children are taken into account in legislation and decision-making.<sup>24</sup>

**Screening procedure:** "information-gathering process within the EU's comprehensive approach to migration comprising a series of checks on third-country nationals (health check, vulnerability check, identity check, security check, etc.), designed to complement the checks carried out at the external border or compensate for the fact that those checks have not taken place when crossing the external border. (...) Screening can be carried out either at the external borders of the Member States, within 7 days (in the case of third-country nationals who have crossed the external border in an unauthorized manner, have applied for international protection during border checks, or have been disembarked after a search and rescue operation, before they are referred to the appropriate procedure) or within the territory of the Member States, within 3 days (in the case of illegally staying third-country nationals where there is no indication that they have been subject to controls at external borders, before they are referred to the appropriate procedure). At the end of the screening, all people concerned will be directed to the relevant procedure: asylum or return."<sup>25</sup>

**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.<sup>26</sup>

**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 concerned, and for as long as they are not effectively taken into the care of such a person.<sup>27</sup>

### Key concepts

**Independent Monitoring Mechanism** (hereinafter "IMM"): the national body or institution that each EU Member State must establish under the Screening Regulation to oversee that fundamental rights are respected during the screening of newly arrived third-country nationals

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<sup>23</sup> See European Union terminology (IATE) definition of ombudsman. URL: <https://iate.europa.eu/entry/result/794898/en-en>

<sup>24</sup> See European Union terminology (IATE) definition of ombudsman for children. URL: [IATE - Entry ID 3593425](https://iate.europa.eu/entry/result/3593425)

<sup>25</sup> See European Union terminology (IATE) definition of screening (domain: migration, area of freedom, security and justice). URL: <https://iate.europa.eu/entry/result/906975/en>

<sup>26</sup> EMN Asylum and Migration Glossary, separated child. URL: [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary_en)

<sup>27</sup> EMN Asylum and Migration Glossary, unaccompanied minor. URL: [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary_en)

at the external border. The IMM must be independent of the authorities conducting the screening.

Its tasks include:

- monitoring compliance with EU and international law;
- carrying out on-the-spot and unannounced checks at screening locations;
- receiving and handling complaints from screened persons; and
- issuing annual recommendations to the national authorities.

Any person undergoing screening has the right to request a private conversation with the IMM at any time.

The Screening Regulation does not prescribe which institution must serve as IMM — Member States may designate an existing institution (such as a national Ombudsman, a NHRI, or a specialised body) or create a new one, provided the independence requirement is met.

**National Human Rights Institution** (hereinafter “NHRI”): A National Human Rights Institution is an independent public body established by law at the national level to promote and protect human rights. NHRIs are mandated to work with, but independently of, the government.

They monitor the implementation of international and national human rights obligations, examine legislation and policy for human rights compliance, provide education and awareness, and handle individual complaints in some cases.<sup>28</sup>

In the context of the EU Pact on Migration and Asylum, NHRIs are explicitly identified in the Screening Regulation as key actors for the IMM.

They may be appointed as the national IMM, or they may work in close cooperation with the designated monitoring body. Examples in responding Member States include: the German Institute for Human Rights<sup>29</sup> (Deutsches Institut für Menschenrechte – hereinafter “DIMR”; designated as IMM), the Slovak National Centre for Human Rights (hereinafter “SNCHR”, Slovakia), and the Irish Human Rights and Equality Commission (hereinafter the “IHREC”, Ireland, which sits on an advisory board for the Chief Inspector of Asylum Border Procedures but is not itself the IMM).

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<sup>28</sup> United Nations, Principles relating to the Status of National Institutions (The Paris Principles), adopted by General Assembly resolution n° 48/134 of 19 December 1993. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris> The international standard for NHRIs is set out in the Paris Principles (UN General Assembly, 1993), which require that NHRIs have: a broad mandate based on a constitutional or legislative text; independence from the government; a pluralistic composition; adequate resources; and the power to investigate complaints and issue recommendations.

<sup>29</sup> The GEAS-Anpassungsgesetz (BT-Drs. 21/1848, 21/4321) designates the German Institute for Human Rights (DIMR —) as the IMM.

## Overview of the State of Implementation (1 June 2026)

The legislative verification reveals five broad categories of implementation status among the 22 responding Member States as of 1 June 2026:

| Status                               | Member States                                                                                                                                           |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Legislation enacted</b>           | Czech Republic, Estonia, Germany (GEAS-Anpassungsgesetz, Feb 2026), Ireland (International Protection Act 2026, April 2026) <sup>30</sup> , Netherlands |
| <b>Mechanism operational</b>         | Croatia (since 2022), Latvia, Slovenia                                                                                                                  |
| <b>Bill / advanced preparation</b>   | Belgium, Cyprus, Finland, France, Lithuania <sup>31</sup> , Luxembourg, Spain                                                                           |
| <b>Draft / NIP<sup>32</sup> only</b> | Austria, Bulgaria, Malta, Portugal                                                                                                                      |
| <b>Non-compliant / partial</b>       | Hungary (no NIP submitted), Poland (partial note only; asylum suspended at Belarus border)                                                              |

### 1. Same/different authority for general monitoring and for unaccompanied minors

11 responding Member States<sup>33</sup> report that the same independent authority is responsible for monitoring fundamental rights during screening for all applicants, including unaccompanied minors, without a child-specific sub-authority being separately designated. Where a single authority is designated, it is typically the general Ombudsman or an NHRI. Ireland, by contrast, has established a dedicated Office of the Chief Inspector of Asylum Border Procedures, with a statutory Advisory Board on which the Children's Ombudsman sits as an ex-officio member.<sup>34</sup>

By contrast, seven Member States<sup>35</sup> reported having assigned multiple authorities. Four Member States remain undecided or are still assessing which model to adopt.<sup>36</sup> Germany presents the most nuanced structure: the DIMR is the designated IMM for fundamental rights monitoring,

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<sup>30</sup> Ireland is not a participant in the Schengen Acquis, Ireland could not opt into Schengen-related measures of the PACT, including the Screening Regulation, the IP Act 2026 provides for the introduction of a national screening procedure which aligns appropriately with the measures in the Screen Regulation.

<sup>31</sup> The fundamental rights monitor has not been selected yet, the functions of the Seimas Ombudsmen do not yet include participation in the screening procedure (this requires legislation that has not yet been passed) etc.

<sup>32</sup> National Implementation Plan submitted to the European Commission. In the case of Austria, the NIP was submitted but the implementation of the IMM is still pending. See AIDA, Austria Report 2025, updated in May 2026. URL: [https://asylumineurope.org/wp-content/uploads/2026/05/AIDA-AT\\_2025-Update.pdf](https://asylumineurope.org/wp-content/uploads/2026/05/AIDA-AT_2025-Update.pdf)

<sup>33</sup> BE, CY, CZ, ES, FI, FR, HR, IE, LU, MT, and SK.

<sup>34</sup> International Protection Act 2026, Section 266. URL:

<https://www.irishstatutebook.ie/eli/2026/act/9/enacted/en/print#sec266>

<sup>35</sup> DE, EE, LT, LV, NL, PT and SI.

<sup>36</sup> AT, BG, HU and PL.

while the Jugendamt (Youth Welfare Office) takes UAMs into temporary guardianship during the screening procedure for child-welfare purposes — the two roles are complementary and deliberately separated. The table below identifies, for each responding Member State, the authority designated to monitor the compliance with the fundamental rights during the screening procedure, the authority charged with guaranteeing the fundamental rights of unaccompanied minors, and whether these are the same authority.

| <b>Member State</b>   | <b>Same authority?</b> | <b>Authority responsible for fundamental rights monitoring during screening</b>                                                                        | <b>Authority guaranteeing fundamental rights of unaccompanied minors</b>                                                                            |
|-----------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Austria</b>        | <b>TBD</b>             | Not yet determined; final arrangement pending.                                                                                                         | Framework unresolved                                                                                                                                |
| <b>Belgium</b>        | <b>YES</b>             | Federal Ombudsman, in cooperation with the Standing Police Monitoring Committee (Committee P).                                                         | Federal Ombudsman may cooperate with the Flemish Kinderrechtencommissariaat and the French Délégué général aux droits de l'enfant.                  |
| <b>Bulgaria</b>       | <b>TBD</b>             | Ombudsman of the Republic of Bulgaria (legislative amendments initiated, not yet adopted).                                                             | Role not yet specified under pending legislative proposals.                                                                                         |
| <b>Croatia</b>        | <b>YES</b>             | Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (mechanism under amendments to the Aliens Act). | Best interests of minors explicitly included in the mechanism's remit.                                                                              |
| <b>Cyprus</b>         | <b>YES</b>             | Commissioner of Administration and the Protection of Human Rights (appointment in progress).                                                           | Same Commissioner; the Children's Commissioner retains ad-hoc intervention rights.                                                                  |
| <b>Czech Republic</b> | <b>YES</b>             | National ombudsman will monitor (monitors) the fundamental rights of all applicants/irregular migrants including unaccompanied minors.                 | Children's Ombudsman; involvement foreseen via the national ombudsman office. Dedicated facility under the Ministry of Education, Youth and Sports. |

|                |            |                                                                                                                                                                                                                             |                                                                                                                                                                                  |
|----------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Estonia</b> | <b>YES</b> | Chancellor of Justice (serves simultaneously as ombudsman, NHRI, children's ombudsman, and National Preventive Mechanism (hereinafter "NPM")) <sup>37</sup> .                                                               | The Chancellor of Justice monitors compliance with EU and international law and with the best interests of the child.                                                            |
| <b>Finland</b> | <b>YES</b> | Non-Discrimination Ombudsman (government proposal concerning the EU regulation <sup>38</sup> is pending parliamentary approval).                                                                                            | Same authority.<br><br>Temporary representative appointed by the reception centre or municipal social services for each unaccompanied minor.                                     |
| <b>France</b>  | <b>YES</b> | Defender of Rights (Défenseur des droits) and Controller General of Places of Deprivation of Liberty (Contrôleur général des lieux de privation de liberté) (both competent within their respective mandates) <sup>39</sup> | Same authority; additionally, the Attorney General of the Republic (Procureur de la République) appoints an ad-hoc administrator as representative for each unaccompanied minor. |
| <b>Germany</b> | <b>NO</b>  | German Institute for Human Rights (Deutsches Institut für Menschenrechte – hereinafter „DIMR“)                                                                                                                              | No. Youth welfare offices (Jugendämter): assume temporary guardianship and accompany/represent the unaccompanied minor throughout the screening procedure.                       |

<sup>37</sup> The National Preventive Mechanism against torture (NPM) is an independent organ for the prevention of torture and ill treatment at a national level. See European Union terminology (IATE), definition of national preventive mechanism against torture. URL: <https://iate.europa.eu/entry/slideshow/1780498975168/3566789/en>

<sup>38</sup> See Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union (hereinafter "Asylum Procedure Regulation" or "APR") and repealing Directive 2013/32/EU. URL: <https://eur-lex.europa.eu/eli/reg/2024/1348/oj/eng>

See Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders (hereinafter "the Screening Regulation" or "SR") and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. URL: <https://eur-lex.europa.eu/eli/reg/2024/1356/oj/eng>

<sup>39</sup> The "Défenseur des droits" is essential in preventing rights violation and promoting fundamental rights, particularly those of children. The "Contrôleur général des lieux de privation de liberté" verifies that persons deprived of their liberty are treated humanely and with full respect of their dignity. Both can receive complaints, conduct investigations and recommend corrective measures.

|                   |            |                                                                                     |                                                                                                                                                                                                 |
|-------------------|------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Hungary</b>    | <b>TBD</b> | No decision yet on the implementation of the Regulation.                            | No decision yet.                                                                                                                                                                                |
| <b>Ireland</b>    | <b>YES</b> | Chief Inspector of Asylum Border Procedures <sup>40</sup>                           | The Minister is responsible for appointing a (provisional) representative person or representative organisation. The representative organisation in Ireland is not yet confirmed. <sup>41</sup> |
| <b>Latvia</b>     | <b>NO</b>  | Ombudsman's Office (no separate children's ombudsman institution exists in Latvia). | Guardian appointed by the Orphan's and Custody Court, or a designated representative.                                                                                                           |
| <b>Lithuania</b>  | <b>NO</b>  | Fundamental Rights Monitor <sup>42</sup>                                            | Multiple authorities: dedicated fundamental rights monitor, with the participation of the Office of the Seimas Ombudsmen of the Republic of Lithuania.                                          |
| <b>Luxembourg</b> | <b>YES</b> | Ombudsman (Médiateur du Grand-Duché de Luxembourg).                                 | Same Ombudsman (general mandate). OKAJU plays an important complementary role in the protection of children's rights but has not been designated as the monitoring authority.                   |

<sup>40</sup> Among its functions, the Chief Inspector can carry out regular investigations of designated border facilities as well as formal investigation of complaints and allegations of breaches of fundamental rights in a designated asylum border facility. Moreover, they are the authority charged to guarantee the fundamental rights of all applicants during the screening procedure in Ireland, including UAMs.

<sup>41</sup> The Minister for Justice, Home Affairs and Migration has to ensure that a provisional representative person, representative person or an employee of, or other person appointed by, the Child and Family Agency, is appointed for the UAM for the duration of the screening procedures. A (provisional) representative person is responsible for assisting and acting on behalf of an UAM through the international protection process. A representative organization needs to appoint as soon as possible a specific individual to act as the (provisional) representative for an UAM and the UAM must be informed about that appointment. Section 46 of the International Protection Act provides for the designation of a (provisional) representative and the appointment of the representative. (URL: <https://www.irishstatutebook.ie/eli/2026/act/9/enacted/en/print#sec46>)

The Minister is responsible for informing the UAM that a (provisional) representative person is nominated for them as well as the Child and Family Agency. Finally, they are responsible for informing the (provisional) representative of any relevant facts related to the UAM. (Section 49 of the International Protection Act 2026 on the consequences of appointment of provisional representative person or representative person. URL: <https://www.irishstatutebook.ie/eli/2026/act/9/enacted/en/print#sec49>)

<sup>42</sup> Monitoring of fundamental rights during screening and border procedures will be carried out by a dedicated fundamental rights monitor, with the participation of the Office of the Seimas Ombudsmen of the Republic of Lithuania. He will be independent of the authorities conducting screening under the SR and applying border procedure under the SR and the APR.

|                    |            |                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                  |
|--------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Malta</b>       | <b>YES</b> | Monitoring Board (same board for all applicants).                                                                                                                                                                    | Agency for the Welfare of Asylum Seekers (AWAS) <sup>43</sup> ; Child Protection Services and the Law Courts (care orders and appointment of representatives) <sup>44</sup> ; Commissioner for Children (advisory/advocacy role). <sup>45</sup> No dedicated Children's Ombudsman in Malta.                                      |
| <b>Netherlands</b> | <b>NO</b>  | Inspectorate of Justice and Security (Inspectie Justitie en Veiligheid) and the Netherlands Institute for Human Rights (College voor de Rechten van de Mens), together forming the independent monitoring mechanism. | Immigration and Naturalisation Service (hereinafter "IND") and the Royal Netherlands Marechaussee (screening authorities); Nidos Foundation (guardian for all unaccompanied minors); assigned lawyer.                                                                                                                            |
| <b>Poland</b>      | <b>TBD</b> | No formal mechanism yet established. The Commissioner for Human Rights and the Ombudsman for Children conduct external monitoring on an ad-hoc basis.                                                                | Ombudsperson for Children (complaint-based or own-initiative interventions); no automatic notification by public authorities when an unaccompanied minor enters the screening procedure. <sup>46</sup>                                                                                                                           |
| <b>Portugal</b>    | <b>NO</b>  | Ombudsman's Office (mechanism under development; Portugal has no dedicated children's ombudsman).                                                                                                                    | Guardian (role being finalised); National Commission for the Promotion of the Rights and Protection of Children and Young People (CNPDPJ); committees for the protection of children and young people (Law 147/99 on the Protection of Children and Young People at risk); Public Prosecution Service (acts as a mandatory legal |

<sup>43</sup> AWAS is responsible for age assessment, accommodation, care, and representation of UAMs during asylum procedures.

<sup>44</sup> In Malta, the Child Protection Services and the Law Courts issue the care orders and appoint the representatives.

<sup>45</sup> The Commissioner for Children has a general advisory and advocacy role concerning children's rights in Malta.

<sup>46</sup> The Ombudsperson for children does not participate in every case of the screening of an UAM by default. Usually, the process begins when civil society organizations or other third parties inform the Ombudsperson about specific cases. As soon as he gets such information, he will initiate actions ex officio, which include requesting information or documentation, intervening with the relevant authorities to ensure the best interests of the child and conducting inspections of the facilities where the children are held.

|                 |            |                                                                                                                                                |                                                                                                                                                                                                                                                    |
|-----------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 |            |                                                                                                                                                | representative of minors in judicial proceedings). <sup>47</sup>                                                                                                                                                                                   |
| <b>Slovakia</b> | <b>YES</b> | The Ombudsman (Public Defender of Rights).                                                                                                     | Same Ombudsman; the Commissioner for Children may also monitor under the Children's Commissioner Act; the police contacts the authority for the social and legal protection of children for each unaccompanied minor during the screening process. |
| <b>Slovenia</b> | <b>NO</b>  | Human Rights Ombudsman (who also performs the children's ombudsman role (part of their mandate) and will lead the monitoring mechanism).       | Local Centre for Social Work (notified by police under a cooperation protocol; accompanies the minor during police procedures). <sup>48</sup>                                                                                                      |
| <b>Spain</b>    | <b>YES</b> | Ombudsman (Defensor del Pueblo) also serving as NHRI; no single officially designated screening monitoring authority has been formally named). | Same Ombudsman; a deputy is permanently assigned to matters related to minors under Organic Law 1/1996 on the Legal Protection of Minors. <sup>49</sup>                                                                                            |

Source: EMN Ad-Hoc Query 2026.22, compiled 5 June 2026

## 2. Role of the Children's Ombudsman during the screening procedure of UAMs

In only four responding member states<sup>50</sup>, the Children's Ombudsman has a formally assigned role. In the case of Estonia, the Chancellor of Justice fulfils the children's ombudsman function and has been designated as the IMM. In Ireland, the Children's ombudsman is an ex-officio member of

<sup>47</sup> In Portugal, the guarantee of fundamental rights for UAMs identified during the screening procedure is governed by child protection law, in instance the Portuguese Law 147/99 on the Protection of Children and Young People at Risk<sup>47</sup> and not by immigration law.

<sup>48</sup> In Slovenia, a cooperation protocol signed between the Slovenian Police and the Association of Social Work Centers states that whenever a self-declared UAM or a person presumed to be a minor is involved in police procedures due to illegal entry into the country, the local Centre for Social Work is notified. After this notification, a representative is required to go to the police station and accompany the minor during the police procedures.

<sup>49</sup> In Spain, by its organic law of 6 April 1981 and its organic law 1/1996 of 15 January 1996 on the Legal Protection of minors, the Spanish Ombudsman has the obligation to ensure the protection of the rights of minors who may file complaints to the Ombudsman. Therefore, one of the Ombudsman's deputies will be permanently assigned to handle matters related to minors, to facilitate their access to appropriate mechanisms and to guarantee their confidentiality.

<sup>50</sup> EE, IE, LT and SK.

the Advisory Board to the Chief Inspector of Asylum Border Procedures.<sup>51</sup> In Lithuania, the Office of the Ombudsperson for Child's Rights (Vaiko teisių apsaugos kontrolieriaus įstaiga) is in charge of the supervision and control of compliance with children's rights and it examines complaints related to alleged violations of children's rights. It does not participate directly in the screening procedure but may become involved in the process when there are grounds to believe that a child's rights or legitimate interests are being violated (role is complaint-based). Finally, in Slovakia, according to the legislation<sup>52</sup> the Commissioner for Children does not have a special role in protecting children's rights during the screening process. Nevertheless, the Commissioner can act on its own initiative and may decide to conduct a review of the screening process.<sup>53</sup>

In most member states, the Children's ombudsman has only a general mandate but not a specific screening role.<sup>54</sup> There has not been any enacted law in any Member State which grants the Children's ombudsman screening specific powers beyond its mandate.

In four member states<sup>55</sup> there is no dedicated children's ombudsman, and its role is absorbed either by the general ombudsman or by the NHRI.

Germany has excluded the Children's ombudsman from the screening procedure. In the Czech Republic, the Children's ombudsman has not been assigned any role in the screening procedure. At the moment, Austria is still in the process of reaching a final arrangement while Hungary has not yet established an IMM.

### **3. Consultation on best interests, age assessment, accommodation, information, legal assistance**

Formal consultation with the Children's Ombudsman on substantive issues during the screening procedure is generally not required. No responding Member State has enacted legislation establishing a formal consultation obligation beyond the requirements set out in the Screening Regulation. Thirteen Member States explicitly report that no formal consultation mechanism exists.<sup>56</sup> It is important to mention that in the case of Austria a final arrangement has yet to be reached.

Cyprus, the Netherlands, Portugal and Slovenia have no mechanism in place that consults the Children's Ombudsman on such matters.

In Estonia, it is a legal guardian that ensures the best interests of the child and not the Ombudsman. In France, it is the ad-hoc administrator ("administrateur ad hoc"), who is appointed by the Attorney General ("Procureur général") upon being notified of the screening procedure of a UAM. The administrator will then represent the child throughout the procedure and non-governmental organizations can be present as well to support the UAM on such matters.

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<sup>51</sup> International Protection Act 2026, Part 15.

<sup>52</sup> Act on International Protection.

<sup>53</sup> This is based on the Children's Commissioner Act.

<sup>54</sup> BE, CY, ES, FI, FR, HR, LU, LV, NL, PL and SI.

<sup>55</sup> LV, MT, PT and SI.

<sup>56</sup> AT, BE, CZ, DE, EE, FI, FR, HR, LT, NL, PL, PT and SI.

In Ireland, the Ombudsman for Children is the member of the Advisory Board to the Chief Inspector. The Advisory Board consults with and guides the Chief Inspector in the performance of his or her functions in relation to the listed issues.<sup>57</sup>

In four member states<sup>58</sup> the Children's Ombudsman either formally or through their general mandate can be consulted during the screening procedure.

#### 4. Unannounced visits to screening facilities

The Screening Regulation explicitly requires the IMM to be able to carry out unannounced checks.<sup>59</sup> (Article 10(1)).

Article 10, point 2, paragraph 6 of the Screening Regulation EU 2024/1356<sup>60</sup> on the monitoring of fundamental rights sets out that Member States should "provide the independent monitoring mechanism with the access to all relevant locations, including reception and detention facilities, individuals and documents, insofar as such access is necessary to allow the independent monitoring mechanisms to fulfil the obligations set out in this Article." It adds that "access to relevant locations or classified information shall be granted only to persons acting on behalf of the independent monitoring mechanisms and having received the appropriate security clearance issued by a competent authority in accordance with national law."

The majority of responding member states<sup>61</sup> confirmed that the IMM or Children's Ombudsman has the right to conduct unannounced visits. The power to conduct unannounced visits is one of the more broadly recognised powers, often flowing from the general mandate of the Ombudsman or NHRI even where specific screening legislation is silent.

In the case of Portugal, the Children's Ombudsman can only perform an unannounced visit triggered by a complaint made to the IMM. In Ireland, the Chief Inspector, which is an independent authority, has the power to enter a screening facility at any time, but the Children's Ombudsman does not. In the case of Finland, under the government proposal the Non-Discrimination Ombudsman (designated IMM) will have unannounced visit powers but the Children's Ombudsman will not.

Although Bulgaria has no monitoring mechanism set in place yet, the participation of the Ombudsman throughout the entire screening procedure is envisaged as principle. Therefore, the Ombudsman should be able to make visits to screening facilities.

In Croatia, the Act on the Ombudsman for Children allows him to access the premises and inspect how care is provided to children who are temporarily or permanently placed with natural or legal

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<sup>57</sup> Section 265 (2) (a) of the International Protection Act 2026. URL: <https://www.irishstatutebook.ie/eli/2026/act/9/enacted/en/print#sec265>

<sup>58</sup> ES, IE, LV and LU and SK:

<sup>59</sup> Article 10 (1) SR.

<sup>60</sup> Article 10 of the Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders (hereinafter "the Screening Regulation") and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. URL: <https://eur-lex.europa.eu/eli/reg/2024/1356/oj/eng>

<sup>61</sup> CY, CZ, DE, EE, ES, FI, FR, HR, LT, LU, LV, NL, PL, SI and SK.

persons and other legal entities based on special regulations. The same applies to Cyprus, Estonia and France.

In the Czech Republic, no provision grants the Children's Ombudsman a specific right to access screening procedures or facilities. However, the Children's Ombudsman may monitor screening facilities where unaccompanied minors or separated children are accommodated, as these facilities fall under the responsibility of the Ministry of Education, Youth and Sports. In this capacity, the Ombudsman may inspect, observe, and assess the operation of such facilities.

In Latvia, the general Ombudsman (there is no separate Children's Ombudsman) has the right to carry out unannounced visits in places or institutions of restriction of liberty as well as the right to move freely within the territory of the premises and to meet alone with persons that are held therein.

In Lithuania, the Fundamental Rights Monitor has the right to carry out random and unannounced inspections, to access all locations where screening procedures and border procedures may take place, which includes reception and detention facilities. Moreover, he has the right to obtain all documents and data from state and municipal institutions and bodies as well as the right to conduct confidential interviews with third-country nationals or stateless people.

In Luxembourg the Children's Ombudsman (OKAJU) may visit facilities and access relevant premises unannounced and documents under an organic law. In Spain, the Spanish Ombudsman can carry out unannounced visits to screening facilities.

In the Netherlands, the Children's Ombudsman can carry out unannounced on-site investigations at screening facilities but under the condition that this investigation is necessary for the performance of their duties. However, if they want to access a dwelling, they will need the consent of the occupant.

In Poland, the law grants the Ombudsperson for Children the right to investigate every case on the spot, even without notice.<sup>62</sup> In Slovakia,<sup>63</sup> the Act allows the Commissioner for Children to carry out systematic unannounced visits to other places. In other places, reference is made to places where children may be or where children are restricted in their freedom by public authorities or as a result of dependence on the provision of care.

In Slovenia, the general Ombudsman is responsible for the monitoring mechanism and is therefore allowed to carry out unannounced and announced visits to all locations where screening is conducted.

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<sup>62</sup> PL: Article 10, section 1, point 1 of the Act of 6 January 2000 on the Ombudsman for Children: "1. The Ombudsman can: 1) investigate, even without notice, every case on the spot; (...)"; URL: [https://stary-bip.brpd.gov.pl/sites/default/files/ustawa\\_o\\_rpd\\_wesja\\_ang.pdf](https://stary-bip.brpd.gov.pl/sites/default/files/ustawa_o_rpd_wesja_ang.pdf)

<sup>63</sup> Article 4 (2), (b.) of the Act 176/2015 Coll. on the Commissioner for Children and the Commissioner for People with Disabilities and on changes and amendments to certain acts. URL: [https://www.employment.gov.sk/files/slovensky/ministerstvo/konzultacne-organy/rada-vlady-sr-ludske-prava-narodnostne-mensiny-rodovu-rovnost/vybor-osoby-so-zdravotnym-postihnutim/35454a\\_zakon-176\\_2015-kom-deti-kom-ozp\\_en.pdf](https://www.employment.gov.sk/files/slovensky/ministerstvo/konzultacne-organy/rada-vlady-sr-ludske-prava-narodnostne-mensiny-rodovu-rovnost/vybor-osoby-so-zdravotnym-postihnutim/35454a_zakon-176_2015-kom-deti-kom-ozp_en.pdf)

However, in Belgium, Finland and Germany, the Ombudsman for Children does not have the authority to carry out unannounced visits to screening facilities. In Belgium, although the two regional children's rights bodies have powers to investigate complaints, they are not permitted to carry out unannounced inspections of such facilities. In Finland, this limitation could be addressed if the current government proposal under consideration at the Parliament gets adopted. According to this proposal, the Non-Discrimination Ombudsman may monitor fundamental rights in the screening procedure and conduct inspections at locations where border and screening procedures are implemented.

## **5. Private contact with the child (without the presence of facility authorities)**

Where unannounced visits are possible, the right to speak privately with the child is generally recognised, subject to procedural safeguards. The SR guarantees that persons undergoing screening may at any time request to speak in private with the designated monitoring body.<sup>64</sup>

17 Member States confirmed that private contact with the UAM is possible, whether conducted by the IMM or by the Children's Ombudsman.<sup>65</sup> In Luxembourg, the Ombudsman and the OKAJU can have private contact with the UAM, but the child's consent is required. The same applies to Latvia, and Spain. In Lithuania, the Ombudsperson for Child's Rights may communicate directly with the child without representatives of the institutions concerned where this is necessary to safeguard the best interests of the child. The child's consent is not necessary.

In the case of Slovenia, the authorization of the parent or the social worker of the child is required. In Cyprus and in France the presence of the guardian is required.

Estonia, the Netherlands, Poland and Slovakia allow their Children's Ombudsman to speak to minors privately without the presence of authorities of the screening facility.

Bulgaria, Croatia and the Czech Republic reported no specific rules on whether the screening authorities must be present during private discussions between the Children's Ombudsman and the minor. Whereas Croatia and the Czech Republic only stated that such discussion is possible in private (e.g. no presence of the screening authority).

Belgium and Germany stated that their Children's Ombudsman cannot speak in private with children in the screening facilities. In Belgium, the two regional children's rights bodies only have complaint-investigation powers and cannot even visit screening facilities.

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<sup>64</sup> Article 10 (3) of the Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders (hereinafter "the Screening Regulation") and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. URL: <https://eur-lex.europa.eu/eli/reg/2024/1356/oj/eng>

<sup>65</sup> CY, CZ, DE, EE, ES, FI, FR, HR, IE (through the Chief Inspector, in the presence of the child's representative person), LT, LU, LV, NL, PT, PL, SI and SK.

## 6. Access to documents, files and decisions

Access to documents for the designated IMM is broadly recognized. The SR requires the IMM to have access to all relevant information.

In accordance with article 10 of the Screening Regulation,<sup>66</sup> a large majority of the MS<sup>67</sup> stated that their Children's Ombudsman can access documents, files and decisions concerning UAMs or separated children during the screening procedure.

This is the main position of 15 member states.<sup>68</sup>

In Bulgaria, the participation of the Ombudsman throughout the entire screening procedure is established as a general principle which should include the right for him to access all kinds of documents in relation to the screening procedure of UAMs or separated children.

In Croatia, Czech Republic, France, Luxembourg, the Netherlands and Spain this right to access documentation derives from the general mandate of the Children's Ombudsman. In the Czech Republic, the Children's Ombudsman's primary mandate is to protect children's rights which is applicable through all proceedings involving UAMs. The involvement of the Children's Ombudsman is foreseen in their monitoring mechanism in accordance with the SR. In Croatia the Act on the Ombudsman for Children confers general powers on him. The same applies to Luxembourg and Spain, where the OKAJU and the Spanish general ombudsman have access to all documents relevant to the exercise of its mandate, including those concerning the screening procedure of UAMs. In France, the two independent administrative authorities, the Defender of Rights (Défenseur des droits) and the Controller General of Places of Deprivation of Liberty (Contrôleur général des lieux de privation de liberté), when exercising their investigative powers can request access to all documents, files and administrative decisions, since this access enables them to fulfil their mandate effectively.

In Estonia, the Chancellor of Justice who also acts as a Children's Ombudsman, has unrestricted access to the information that he requires for the verification of whether the principles of observance of the fundamental rights and freedoms and good administration are respected.

In Latvia, the Ombudsman Law confers him the right to request information from the institutions and obtain documents that are necessary to consider a private individual's application or to assess a possible human rights violation from the institutions in the context of an inspection. Moreover, he has the right to receive all information that is relevant to the treatment of persons residing in places of restriction of liberty, including personal data of special categories. As well as information on the conditions of residence, number and location of these persons.

The same applies in Lithuania but with the obligation of the institutions to provide the Ombudsperson for Child's rights with all the information, documents and decisions related to

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<sup>66</sup> Article 10 of the Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders (hereinafter "the Screening Regulation") and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. URL: <https://eur-lex.europa.eu/eli/reg/2024/1356/oj/eng>

<sup>67</sup> BG, CZ, DE, EE, ES, FI, FR, HR, LT, LU, LV, NL, PL, SI and SK

<sup>68</sup> BG, CZ, DE, EE, ES, FI, FR, HR, LT, LU, LV, NL, PL, SI and SK.

UAMs. As set out in the Law,<sup>69</sup> the institutions as well as non-state institutions, other natural or legal persons and enterprises without the rights of a legal person are under the obligation to provide this right to access in a timely manner. In addition, they need to implement and to report their implementation of the decisions of the Ombudsperson for Child's Rights. Finally, the fundamental rights monitor has the right to access all information, documents and data held by state, municipal institutions and bodies as well as the right to access all locations and to conduct confidential interviews.

In Finland the IMM (the Non-Discrimination Ombudsman) has been assigned this specific role in the context of the Screening Regulation but the Children's Ombudsman mandate covers the access to documents, files and decisions as long as it is necessary to perform their duties.)

In the Netherlands, the Children's Ombudsman mandate covers the access to documents, files and decisions as long as it is necessary to perform their duties. Nevertheless, there is no link between the monitoring mechanism and the authority of the Children's Ombudsman to have access to these files.

In Poland, no monitoring mechanism has been established yet. However, the Ombudsperson for Children has the authorization to access documents, files and decisions concerning UAMs or separated children during the screening procedure. According to the general mandate the Ombudsperson for Children,<sup>70</sup> can demand all information including those containing personal data, from public authorities, organizations or institutions. Nevertheless, an exception applies in Poland, since border guard authorities can refuse to provide information to the Ombudsperson for Children unless personal identifiers such as the name, surname or document number are supplied.

In Slovakia, though the monitoring mechanism is not carried out by the Commissioner for Children, the Public Defender of Rights and the Commissioner have the right to familiarize themselves with the documentation or file related to their research. Only one exception applies to documents classified on account of sensitive information.

In Slovenia, the general Ombudsman has the right to access all Police documents and to hold discussions with any person involved in police procedures, including a child.

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<sup>69</sup> Article 31 on the Obligation to Fulfil the Requirements of the Controller for Protection of the Rights of the Child to Provide Information and Carry Out His Decisions, of the Law of the Republic of Lithuania on the Ombudsman for Children, adopted on 25 May 2000: 1. The state and municipal institutions or organizations, non-governmental institutions, as well as other natural and legal persons, enterprises without the rights of the legal person must provide the requested information in due time to the controller for protection of the rights of the child, allow to get familiarized with the required documents, as well as fulfil decisions adopted by him and inform on the fulfilment of decisions in due time to the controller for protection of the rights of the child. 2. The information requested by the controller for protection of the rights of the child must be submitted within 10 working days. 3. Persons hindering the controller for protection of the rights of the child to fulfil his official duties shall be responsible in the procedure established by the laws.; URL: <https://archive.crin.org/en/library/legal-database/lithuania-law-establishing-ombudsman-2000.html>

<sup>70</sup> Article 10, section 1, point 2 of the Act of 6 January 2000 on the Ombudsman for Children: "1. The Ombudsman can:(...) 2) demand from public authorities, organisations or institutions to provide explanations, information or access to files and documents, including those containing personal data, also for inspection at the Office of the Ombudsman for Children; (...)

In Belgium the regional bodies lack this power. In Ireland the Advisory Board does not have access to individual case files and a separate complaint procedure is available. In Poland, the border guard authorities have at times refused to provide the Commissioner with information unless personal data identifiers (e.g. name, document number) are supplied, which causes some difficulties. Finally, in Portugal this access to documents, files and decisions is based on a complaint-based system.

Cyprus is the only MS where the Children's Ombudsman has no right to access any documents, files or decisions concerning UAMs or separated children during the screening procedure. In Cyprus, such legislation is not applicable.

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