

## Administrative detention and deportation of alien minors

In October, the Ombudsman published a special report entitled "Administrative Detention and Deportation of Alien Minors". This report was drafted because of the numerous complaints that had to do with inadequate protection of unaccompanied minors who are detained by the Greek Police and are then deported.

The main finding of this special report was that being a minor – which entitles one to protection according to national law and the international obligations of this country – takes second place if one is in violation of the immigration law. In consequence, this leads to a further violation of the rights of the minor by those very services that are mandated to protect him.

The problems that were identified did not so much have to do with compliance with the law or the stance of the police officers who have the difficult task of detaining the minors. The greatest problem lies in the complete inadequacy of, on the one hand, the infrastructure, which results in particularly harsh and unsuitable conditions of detention considering the age of the detainees, and on the other, of the legislation governing issues of police checks, administrative (police) detention and deportation.



**In order to deal with the problems and protect the rights of unaccompanied alien minors, the Ombudsman proposes the following, *inter alia*:**

- ✿ Abolition of police detention for alien minors who illegally enter the country. This should be replaced by alternative measures for their housing and/or protective detention in suitable premises for the duration of the identification procedure, the investigation into the conditions of and reasons for their entry into the country, and locating their family and determining how they will be legally protected.
- ✿ Abolition of deportation for alien minors who are subject to international protection. In cases where the minors' right to residence cannot be established, deportation should be replaced by repatriation, when this is possible in such a way that their rights can be safeguarded and they can be reintegrated in the society of their country of origin. More particularly, it is recommended that all minors be protected from deportation unless they are accompanying a parent or someone with parental rights, who is being deported.
- ✿ The establishment of procedures for the systematic documentation, identification, information, legal representation and custody – guardianship of minors, as well as the protection all of their rights.