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Section 6. Unaccompanied minors and vulnerable applicants

This section provides qualitative and quantitative information on developments and challenges reported on the situation of vulnerable applicants in the asylum system, covering identification of vulnerable applicants, training initiatives, material reception conditions, case law and data on the number and profiles of unaccompanied minors in 2019. Changes in the methodology for age assessment and procedures to appoint legal guardians are presented. The section also describes developments and challenges in the provision of information and procedures at first instance covering all vulnerable applicants. Other sections of this report also cover developments not addressed in detail in this section, such as detention (Section 7.8), content of protection (Section 7.12) and return of former applicants (Section 7.13).

The term 'unaccompanied minor' refers to "a minor who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after he/she has entered the territory of the Member State".[xxxii]

Special provisions are in place in EU legislation for vulnerable groups in the asylum system, specified in the recast Asylum Procedures Directive and in the recast Reception Conditions Directive. The recast Asylum Procedures Directive, Article 2(d) defines applicants in need of special procedural guarantees as those with a limited ability to benefit from rights and fulfil the obligations granted in the directive due to individual circumstances. Recital 29 gives examples of these circumstances although it is not an exhaustive list: age; gender; sexual orientation; gender identity; disability; serious illness; mental disorders; consequences of torture, rape or other serious forms of psychological; and physical or sexual violence.

The recast Asylum Procedures Directive, Article 24 outlines the elements of special procedural guarantees for applicants in general, and Article 25 specifies the guarantees for unaccompanied minors. Member States are required to assess within a reasonable time whether there is a need to implement these guarantees for individual applicants and provide adequate support.

The recast Reception Conditions Directive defines applicants with special reception needs. It also lists examples, which are non-exhaustive, but the examples cover a slightly different scope. It explicitly mentions unaccompanied minors, single parents with minor children, victims of human trafficking and victims of female genital mutilation (FGM), but it does not refer to gender, sexual orientation or gender identity. Detailed provisions are listed in the recast Reception Conditions

Directive, Chapter IV and require Member States to take into account the specific situation of a vulnerable applicant, assess within a reasonable period whether an applicant is vulnerable and ensure that the needs are addressed. Chapter IV also lists specific provisions for minors, unaccompanied minors and victims of torture and violence. Article 11 lists the conditions for detaining vulnerable persons and applicants with special reception needs.

As in previous years, many initiatives were launched in 2019 to improve the situation of vulnerable applicants. Nevertheless, it is an aspect of the asylum process which raises many concerns and new challenges arose over the year, pointing to possible detrimental effects of newly-adopted asylum laws and policies.

[xxxii] See EMN Glossary – unaccompanied minor, as derived from the recast Qualification Directive, Article 2(l).

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