Please cite as: EUAA, '5.6.4. Applicant children’s right to be heard' in *Asylum Report 2022*, Μάιος 2022.

5.6.4. Applicant children’s right to be heard

5.6.4. Applicant children’s right to be heard

icon presenting applicant children’s right to be heard

Following a pilot in 2020, the CGRS in Belgium started preparations to ensure that recording asylum interviews with children will become a standard practice. The tender procedure for technical equipment was launched. Due to COVID-19 measures, the special interview rooms for children could not be used, and interviews were held in larger regular interview rooms without toys and other child-friendly materials. During an evaluation of video hearings in the Netherlands, some unaccompanied minors commented that they preferred this method of interviewing which allowed them to stay together with their guardian at the place that they knew.1437

The United Nations Committee on the Rights of the Child held that Finland violated its international obligations when it rejected the asylum application of a child who had been harassed, bullied and received threats in his home country due to his parents’ sexual orientation when national legislation was adopted prohibiting “the promotion of non-traditional sexual relationships”. The committee underlined that the Finnish authorities failed to take into account the applicant’s young age and the permanent impact that bullying and stigmatisation could have on him. The Finnish government was ordered to provide adequate compensation for the applicant and to take all necessary measures to prevent similar violations in the future, in particular ensuring that the bests interests of the child are taken into account effectively and systematically in the asylum procedure and that children are systematically heard.

Subsequently, the Finnish Immigration Service requested UNHCR’s opinion on the meaning and implications of the committees’ views to understand their correct interpretation. The views also prompted the Finnish Immigration Service to draft a memorandum analysing the adopted views and made accessible to officials handling asylum applications. Additionally, by request of the Finnish Immigration Service, UNHCR is currently carrying out a quality control report and reviewing the extent to which the best interests of the child have been considered in asylum decisions made by the Finnish Immigration Service.

As a follow-up, the Finnish Immigration Service initiated a new practice which allows applicant children younger than
12 years old to be heard more frequently. The authority can organise a hearing on its own

initiative or based on a request from the minor, the parents or the legal counsel. Children aged 12 years and older have already been systematically heard in the asylum procedure following earlier law amendments. Inspired by the Committee's decision, the Non-Discrimination Ombudsperson analysed the legal framework, practice and jurisprudence related to the best interests of the child, focusing on family reunification of children who are beneficiaries of international protection.1438

The Committee on the Rights of the Child published its observations on the fifth and sixth combined reports for Poland and urged the authorities to ensure that applicant children's views are duly taken into account during administrative procedures and that the right of the child to be heard is effectively and consistently implemented.1439

The Swedish Migration Agency issued a new legal position on statements by children in which it clarified the circumstances when and the ways in which children should be heard during the asylum procedure.1440 In addition, the agency developed a digital notebook for case officers to guide them in assessing a child's best interests in the procedures for an asylum application, for the extension of a temporary permit, for a Dublin return or when deciding on detention or alternatives to detention.

The Swiss Council for Refugees published a legal analysis on children's right to be heard in the asylum procedure and suggested that all accompanied children older than 6 years are systematically heard, unless this is against their best interests, as it was already suggested by the Swiss Federal Court in family law matters.1441

In Malta, the IPA issued instructions that children between 2 and 10 years old could not accompany their parents to the personal interview at the IPA's premises. The authority observed that parents could not focus on the process with their children present, which had an impact on the quality of the interview and, ultimately, on their chances of being recognised swiftly.

Amendments to the Slovak Asylum Act were discussed in 2021 to ensure that the best interests of the child are better taken into account throughout the asylum procedure.

- 1437Immigration and Naturalisation Service | Immigratie- en Naturalisatiedienst, Central Agency for the Reception of Asylum Seekers | Centraal Orgaan opvang asielzoekers, & Repatriation and Departure Service | Dienst Terugkeer en Vertrek. (2021, April 7). Evaluatie telehoren: overwegend positieve reacties [Evaluation of telehearings: Mostly positive reactions]. VreemdelingenVisie (No 29). https://www.vreemdelingenvisie.nl/vreemdelingenvisie/2021/04/evaluatie-telehoren
- 1438Non-discrimination Ombudsman. (2021, August 4). Finland has room for improvement in protecting the best interests of the child in immigration policies. https://syrjinta.fi/en/-/finland-has-room-for-improvement-in-protecting-the-best-interests-of-the-child-in-immigration-policies
- 1439United Nations Committee on the Rights of the Child. (2021, December 6). Concluding observations on the combined fifth and sixth periodic reports of Poland. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%6&Lang=en

- 1440Swedish Migration Agency | Migrationsverket. (July 2021). Rättsligt ställningstagande. Att höra barn - RS/010/2020 (version 2.0) [Legal position. Hearing children - RS/010/2020 (version 2.0)]. https://lifos.migrationsverket.se/dokument?documentSummaryId=44520
- 1441Swiss Refugee Council | Schweizerische Flüchtlingshilfe | Organisation suisse d'aide aux réfugiés. (March 2021). Le droit d'être entendu des mineurs en procédure d'asile [The right to be heard for minors in the asylum procedure]. https://www.osar.ch/fileadmin/user_upload/Publikationen/Juristische_Themenpapiere/210329_SFH_

© European Union Agency for Asylum 2026 | Email: info@euaa.europa.eu