Please cite as: EUAA, '5.6. Children going through the asylum procedure' in *Asylum Report 2022*, mai 2022.

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icon presenting children going through the asylum procedure

The new comprehensive EU Strategy on the Rights of the Child was adopted in 2021 with specific considerations on refugee children's access to education and adequate health care, as well as their need for age-appropriate information and guidance during the asylum procedure.[1410]

The United Nations Committee on the Rights of the Child published its concluding observations on Luxembourg,[1411] Poland[1412] and Switzerland[1413] in 2021, and on the Netherlands[1414] in early 2022, mentioning concerns related to the best interests of the child in the asylum procedure and their reception conditions.

Among comprehensive national initiatives, a draft law on child protection was discussed in France and adopted by the National Assembly in July 2021,[1415] and by the Senate in December 2021.[1416] The draft includes several provisions relevant to unaccompanied children. For example, the services responsible for evaluating the child's minority and isolation will be subject to stricter regulatory measures. The redistribution scheme for unaccompanied minors will be adapted to take into account the socio-economic situation of departments and will prioritise departments that can support children with their transition into adulthood. The evaluation file will be systematically consulted to verify if the child has been assessed in another department. When a department has established the age and the fact that the child is unaccompanied, another department cannot undertake a new assessment to re-evaluate these conclusions. The law would ban accommodating children in facilities not specifically authorised for this purpose.

In addition, 17-year-old children will be interviewed as soon as possible to prepare them for the transition into adulthood. Departments will be obliged to offer support in transitioning to adulthood for youth up to the age of 21. In addition, the government's special action plan on vulnerabilities foresees several steps to facilitate unaccompanied children's access to the asylum procedure *(see Section 4.1)*, for example through a dedicated registration procedure harmonised across prefectures. Furthermore, the action plan proposes to establish an inter-ministerial working group to accelerate the designation of guardians for unaccompanied children and the amendment of the Civil Code to clarify the application of guardianship for

unaccompanied children whose parents are alive but geographically far.1417

A new national coordination board dedicated to unaccompanied children was established in Italy, with its first meeting foreseen for spring 2022. It includes stakeholders from the national coordination board on reception and the integration of beneficiaries of international protection. 1418

The prioritisation procedure was updated in Ireland, which re-confirmed that asylum interviews for unaccompanied minor applicants may be scheduled with priority.

The Austrian Federal Ministry of Justice established a Commission on the Best Interests of the Child in February 2021. The commission was tasked to review the legal framework and practices related to children in the asylum procedure.1419 Its report of July 2021 included a set of recommendations organised around 11 topics, including on the assessment of the best interests of the child in the asylum procedure, legal advice to children, age assessments, guardianship, accommodation and care for children, avoiding statelessness, improving the legal framework, data collection and monitoring children's rights.1420

The Ministry of Justice announced to follow up on these recommendations and improve processes for the guardianship of unaccompanied children and the determination of the best interests of the child. The Austrian parliament requested the federal government to undertake a more in-depth revision of these processes.1421 The Federal Ministry of the Interior conducted an internal review as well, concluding that many of the recommendations were already being applied or were on the way to implementation. As new measures, the ministry updated its guidelines on the determination of the best interests of the child, adapted other internal work documents and reinforced staff training. Prior to the publication of the Commission's report, UNHCR offered its perspective on the state-of-play in Austria and made recommendations on taking into better account the best interests of the child within the asylum procedure.1422

icon presenting data on unaccompanied minors

5.6.1 Data on unaccompanied minors

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5.6.2. Legal representation of asylum-seeking children

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5.6.6. Future perspectives for applicant children: Transitioning into adulthood and issues with residence permits

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- 1410European Commission. (2021). EU strategy on the rights of the child. https://ec.europa.eu/info/sites/default/files/ds0821040enn_002.pdf
- 1411United Nations, Committee on the Rights of the Child. (2021, June 21). Concluding observations on the combined fifth and sixth periodic reports of Luxembourg. CRC/C/LUX/CO/5-6. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%6&Lang=en
- 1412United Nations, Committee on the Rights of the Child. (2021, December 6). Concluding observations on the combined fifth and sixth periodic reports of Poland. CRC/C/POL/CO/5-6. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%6&Lang=en
- 1413United Nations, Committee on the Rights of the Child. (2021, October 22). Concluding observations on the combined fifth and sixth periodic reports of Switzerland. CRC/C/CHE/CO/5-6.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%6&Lang=en

- 1414United Nations, Committee on the Rights of the Child. (2022, March 9). Concluding observations on the combined fifth and sixth periodic reports of the Kingdom of the Netherlands. CRC/C/NLD/CO/5-6. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%6&Lang=en
- 1415Projet de loi nº 644, adopté par l'Assemblée nationale relatif à la protection des enfants [Draft Law No 644, adopted by the National Assembly, on the Protection of Children], July 8, 2021. https://www.assemblee-nationale.fr/dyn/15/textes/l15t0644_texte-adopte-seance
- 1416Projet de loi nº 54, adopté par le Sénat, relatif à la protection des enfants (procédure accélérée) [Draft Law No 54, adopted by the Senate, on the Protection of Children (accelerated procedure)], December 15, 2021. https://www.senat.fr/leg/tas21-054.pdf
- 1417Ministry of the Interior | Ministère de l'Intérieur. (May 2021). 10 actions renforcer la prise en charge des vulnérabilités des demandeurs d'asile et des réfugiés [10 actions strengthening the response to vulnerabilities of asylum seekers and refugees]. https://www.interieur.gouv.fr/content/download/127815/1021010/file/Plan-vulnerabilite-28052021.pdf
- 1418Ministry of the Interior | Ministero dell'interno. (2022, November 16). Lamorgese annuncia prossima apertura di un tavolo dedicato ai minori stranieri non accompagnati [Lamorgese announces the forthcoming establishment of a working group dedicated to unaccompanied minors]. https://www.interno.gov.it/it/notizie/lamorgese-annuncia-prossima-apertura-tavolo-dedicato-minori-stranieri-non-accompagnati
- 1419Federal Ministry of Justice | Bundesministerium für Justiz. (2022, May 3). Kindeswohlkommission [Commission on the Best Interests of the Child]. https://www.bmj.gv.at/themen/Kindeswohlkommission.html
- 1420Federal Ministry of Justice | Bundesministerium für Justiz. (2021, July 13). Bericht der unabhängigen Kommission für den Schutz der Kinderrechte und des Kindeswohls im Asyl- und Fremdenrecht [Report of the independent Commission on the Best Interests of the Child in asylum and aliens law]. https://www.bmj.gv.at/dam/jcr:0a8466e4-c24a-4fd2-bfbc-c8b11facba2f/Bericht%20der%20Kindeswohlkommission_13.%20Juli%202021%20(Langfassung).p
- 1421Parliament, Republic of Austria | Parlament, Republik Österreich. (2021). Bericht der Kindeswohl-Kommission – rasche Umsetzung der dort dargestellten Empfehlungen [Report of the Child Welfare Commission- rapid implementation of the recommendations presented]. https://www.parlament.gv.at/PAKT/VHG/XXVII/I/I_01120/index.shtml
- 1422United Nations High Commissioner for Refugees. (June 2021). Der Kindeswohlvorrang im Asylverfahrenskontext: Rechtliche Grundlagen und Empfehlungen für die Umsetzung in Österreich [The priority of the best interests of the child in the context of asylum: Legal bases and recommendations for implementation in Austria]. https://www.unhcr.org/dach/wp-content/uploads/sites/27/2021/07/AT_UNHCR_Kindeswohlbericht_Juni2021.pdf

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