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# 4.6.4. Rights of the child during the asylum procedure

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FRA and the Council of Europe published guidance for border officials and other authorities on protecting children at Europe's borders.1082 A report by Eurochild summarises the needs of children across European countries, including that of children in migration and child applicants and beneficiaries of international protection.1083

The Finnish Non-Discrimination Ombudsperson recommended for the new government to undertake a comprehensive reform of the Aliens Act. The recommendations suggested, for example, to clearly define in law that the best interests of the child should be prioritised and which processes should be followed. The Ombudsperson highlighted again that the income requirement for family reunification has a negative impact on children who are beneficiaries of international protection.1084

The Icelandic Law on Foreigners now specifies that authorities are obliged to take into account the minority of an applicant in the assessment of an application for international protection if the child turned 18 after arriving in the country.1085

In Greece, the General Secretariat of Vulnerable Citizens and Institutional Protection was established within the Ministry of Migration and Asylum, while the Special Secretariat for the Protection of Unaccompanied Minors was abolished.1086 Among other tasks, the General Secretariat contributes to the identification of minors at risk and is responsible for their protection and care. For example, the secretariat launched a new toolkit on best interest procedures, as part of a project implemented with the EUAA and UNHCR.1087 In addition, the multistakeholder National Emergency Response Mechanism continued to operate throughout 2023, and authorities highlighted some of the success stories of support among the several thousands of cases in which the mechanism contributed to the identification and accommodation of unaccompanied children living in precarious conditions.1088 The Network for Children's Rights observed that the online platform of the Asylum Service was often difficult for unaccompanied minors to use and navigate, and it resulted in missing important deadlines and appointments, risking to lose their reception rights.1089

The Romanian CNRR noted that authorities were not always able to prioritise applications by unaccompanied children, as foreseen in the legislation, due to the increasing number of cases overall and a lack of staff.1090 In Lithuania, the Red Cross Society identified only one case where the best interests of the child were not immediately ensured, but overall the organisation assessed that inter-institutional cooperation to address the needs of minor applicants was improved throughout 2023.1091

The CGRS in Belgium planned to increase the number of training sessions on minors for protection officers in 2024. In addition, as part of a reform package on migration, the Belgian Council of Ministers approved the creation of a separate residence right for parents when their children qualify for international protection but they themselves not. These parents currently rely on a humanitarian stay, but this form of residence was not created for this purpose.1092

The Tribunal of Rome condemned the national authorities in the case of a minor who was not given access to the asylum procedure and was detained in Italy, before being informally readmitted to Greece. The ECtHR concluded that a 16-year-old was subjected to collective expulsion from Hungary to Serbia in 2017, even though he expressed his wish to apply for international protection.

The Tribunal of Naples granted refugee status to a Senegalese minor on the ground of membership of a particular social group of abandoned children who are victims of persecution due to their personal condition.

The CNDA in France confirmed in a series of cases that parents could submit an asylum application for a child born after the parents' request for international protection, while the application was still being examined, and invoke specific fears for the child – such as the risk of being subjected to FGM/C. The court noted that an additional interview needs to be arranged if the child-specific reasons could not be raised during the interview for the original request. Parents can also invoke the child's fears in support of their own appeal.1093

The UN CRC published its concluding observations on Finland,1094 France,1095 Ireland1096 and Sweden1097 and made recommendations on improving asylum procedures for children.

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- 1091Lithuanian Red Cross Society | Lietuvos Raudonojo Kryziaus. Input to the Aslyum Report 2024.

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- 1095United Nations Convention on the Rights of the Child. (2023, December 4). *Concluding observations on the combined sixth and seventh periodic reports of France*.

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- 1097United Nations Convention on the Rights of the Child. (2023, March 7). *Concluding observations on the combined sixth and seventh periodic reports of Sweden: CRC/C/SWE/CO/6-7*.

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