

Please cite as: EUAA, '1. Background and elements of the best interests of the child' in *EASO Practical guide on the best interests of the child in asylum procedures*, January 2022.

1. Background and elements of the best interests of the child

The best interests of the child are **a right, a principle and a rule of procedure** firmly embedded in international and European law, and given more prominence in recast proposals under the CEAS ([27]) Article 24 of the Charter of Fundamental Rights of the EU states that 'In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration'([28]) and Article 3 of the CRC states that 'In all actions concerning children … the best interests of the child shall be a primary consideration'([29]). The obligation to ensure the best interests of the child as a primary consideration has been reiterated in EU asylum acquis ([30])

> Giving primary consideration to the BIC is a continuous process that requires assessment before any important administrative decision is made. The BIC processes should start before the asylum procedure and continue after it. While the child is in the asylum procedure, assessing the BIC remains an obligation of child protection (CP) and asylum authorities as well as other actors.
> - CP authorities will be carrying out a best-interests assessment (BIA) for multiple purposes (reception, education, custody, etc.);
> - At the same time, the asylum authorities are also responsible for giving primary consideration to the BIC at all stages of the asylum procedure. These assessments should feed each other, so that all processes may benefit from the necessary synergies and avoid overlaps

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Findings of the EASO mapping on asylum procedures for children

According to the EASO 2017 validated mapping findings, the assessment of the BIC may take place at different moments, in some cases before starting the asylum procedure (IE and SK ([31])), or at one specific stage of the procedure, for example the child has applied for international protection as in BG and EL (when the prosecutor is duly informed ([32])). In PL, the assessment is carried out when making a decision on international protection.

However, most respondents stated that the assessment might take place at all stages of the asylum procedure. This is the case in 16 EU+ States (AT, BE, CH, CY, DE, DK, EE, ES, FI, FR (33), IT, LV, NO, SE, SI and SK). More particularly, in ES and FI, the assessment of the BIC also takes place at the reception centres.

([27]) European Commission, Child-specific provisions in the Common European Asylum Package, an extract

of child-specific provisions in the current CEAS and in the proposals for its reform of 4 May and 13 July 2016.

([28]) European Union, Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02.

([29]) United Nations, Convention of the Rights of the Child (CRC), 20 November 1989.

([30]) See policy and guidance documents (Annex II).

([31]) The BIC assessment starts from the moment a child is found/identified.

([32]) In the case where the prosecutor is not duly informed, the assessment takes place during the interview.

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