

Please cite as: EUAA, '2.6 Assessment of the child's application, recommendations on the best interests, remedy' in *EASO Practical guide on the best interests of the child in asylum procedures*, January 2022.

2.6 Assessment of the child's application, recommendations on the best interests, remedy

Assessment of the child's application

When assessing the substance of the international protection application, due attention needs to be given to the heightened risk factors to which children are exposed, and child-specific forms of persecution or serious harm (66) (for example, underage recruitment in armed forces, child trafficking, child prostitution and/or infringements of specific rights of the child, harmful traditional practices).

When the possibility of internal protection (QD (recast) Recital 25 and 27, Article 8) is considered, the best interests of the child should directly be part of the investigation.

It is important to take into consideration that children's time perception differs from that of adults in terms of past experiences and possible lack of clarity in their telling. This can have a strong impact on assessing the need for international protection.

In the examination of the protection needs of an unaccompanied or separated child, it may be necessary to give more weight to certain objective factors when examining the well-founded fear of persecution based and/or the real risk of serious harm. The benefit of doubt should be applied in the examination of the international protection needs of unaccompanied and separated children (67)

Recommendations on the best interests of the child

The competent authorities must take into account the information gathered during interviews that have been conducted with the child and the accompanying adults and/or family members, and all the relevant information in the child's file.

Giving primary consideration to the BIC in any written recommendation should be explained and should be motivated. Any recommendation should indicate clearly how it has been reached.

There should be clear standard operating procedures on how the recommendations are implemented and by whom, including provisions for the evaluation of the implementation of these recommendations whereby any changes necessary can then be incorporated into the BIC process. At the national level, different actors will be involved in implementing various recommendations.

The child should be informed of the recommendation on the BIC by the CP authority, separately from the decision on their international protection application. The child should further be provided with an explanation of what this recommendation means in practice. It should be

possible to review or revise recommendations with regard to children.

Remedy

The child and the guardian/representative should receive adequate explanation of any decisions affecting the child, including the outcome and an explanation of the underlying reasons.
This will allow for the meaningful exercise of the child's right to a remedy. This right should be exercised vis-à-vis this clear legal reasoning.
Equitable access to justice should be further ensured by allowing the child and/or representative effective access to child-friendly remedial proceedings (*).

---

(67) Separated Children in Europe Programme, Statement of Good Practice, March 2010, 4th revised edition, p. 36.

(*) For more information on child-friendly judicial proceedings see FRA, Child-friendly justice – Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States, 2017

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