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4.10. Vulnerable applicants

The recast version of the Asylum Procedures Directive (APD) expanded the previously limited [626] concept of vulnerable applicants by putting in place the notion of applicants in need of special procedural guarantees, outlined mainly in Article 24 of the recast APD. The core elements of the new framework are the need to identify applicants who are in need of special procedural guarantees (including as a result of torture, rape, or any other form of psychological, physical, or sexual violence) and to provide them with adequate support so that the procedure can be tailored to these applicants' needs. [627] In terms of reception conditions, the current version of the Reception Conditions Directive (RCD) includes provisions for persons with special needs and the principle of taking into account the specific situation of vulnerable persons. The recast RCD introduces a category of 'applicants with special reception needs' [628] and Chapter 4 comprises a set of provisions concerning this category, including provisions on assessment of the special reception needs of vulnerable persons, minors, unaccompanied minors, and victims of torture and violence.

Failure to properly identify cases of vulnerability at an early stage of the asylum process may result in erroneous decisions on their application for international protection. In particular, asylum process for unaccompanied minors raises a number of complex legal, psychological and social issues, including among others age assessment, where needed, appointment of a guardian, ensuring best interests of the child, family tracing, conducting the process in a child-friendly manner, and ensuring suitable reception. The following sections present developments pertaining to these areas in EU+ countries over the course of 2018. This section is divided between a presentation of developments concerning unaccompanied minors and developments related to other vulnerable groups. This is followed by a reference to key jurisprudence concerning vulnerable persons, while at the end of this section UNCHR and civil society perspectives are offered.

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626 The pre-recast version of the Asylum Procedure Directive specifically mentioned one group of applicants who require additional guarantees, i.e. unaccompanied minors, whose situation was regulated in Article 17.

627 Article 22 RCD2 provides that: 'Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant

women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical, or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive'. This provision is referred to in Article 24 APD2 as well. The category listed here is thus only one subcategory of vulnerable persons.

628 Article 2(k) of the recast Reception Conditions Directive: ' "applicant with special reception needs": means a vulnerable person, in accordance with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive'.

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