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Section 9. Safeguards for children and applicants with special needs

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vulnerability

EU legislation contains provisions to address the special needs of applicants who may be considered particularly vulnerable in the asylum system. These provisions ensure that vulnerable applicants receive adequate support to benefit from their rights and comply with the obligations which are defined under CEAS so that they can be on an equal footing with other applicants.

The concept of vulnerability is present across the legislative pieces under the Pact, obliging authorities in Member States to swiftly identify and follow up on potential special procedural and reception needs. Vulnerability assessments must start as soon as possible and an applicant's situation is to be monitored throughout the international protection procedure. The assessment is individualised and undertaken by staff who must be qualified, specialised and continuously trained, with the assistance of an interpreter.

The best interests of the child must be the primary consideration of national authorities when applying the Pact instruments. Applicants receive information on their specific rights and obligation as applicants with special needs, which must also be available in a child-friendly manner. A representative is appointed as soon as possible for unaccompanied children for the entire procedure. The representative is a natural person who must be qualified and trained, may be in charge of a maximum number of children and has specific tasks identified under each piece of legislation. As a rule, children are not detained, and when detention would put an applicant's physical or mental health at serious risk, they should not be detained either.

icon presenting comprehensive approaches to identify and support children and applicants with special

Prior to their displacement and during their journey, applicants for international protection may be subjected to abuse, exploitation and violence.388 Among them, numerous women, girls and boys have experienced extreme forms of violence, including sexual violence.389 National

authorities noted that perpetrators often film these acts and use this to blackmail their victims for further exploitation. Against this background, the successful application of the additional safeguards under the Pact is key, including the measures for swifter identification and fast follow-up for vulnerabilities and special procedural and reception needs.[390]

National authorities highlighted their commitment to meet these new requirements, but they also expressed that this area was one of the most challenging. Civil society organisations across several EU+ countries also assessed that one of the major issues was the lack of sufficient resources for swift identification, age assessments, legal guardians and follow-up services, such as mental healthcare.[391] To support the process, the EUAA has developed a Guidance on Vulnerability in Asylum and Reception.[392]

As the pressure continued on asylum and reception authorities in 2024 (see Sections 4 and 5), there was reduced capacity to provide adequate follow-up for physical and mental health issues, including trauma.[393] For example in Ireland, resources dedicated to vulnerability assessments were redirected to vulnerability triage for all single men whom the International Protection Accommodation Services could not accommodate. The vulnerability assessment programme for all families recommenced in November 2024 with further plans to extend to single women and couples in 2025. The vulnerability triage remains operational due to the ongoing shortage of accommodation for single men. The distribution procedure resumed in July 2024 in Berlin, Germany, after it was suspended due to the high arrival of unaccompanied children in 2022 and 2023.

icon presenting identifying and supporting survivors of human trafficking

The EU's revised Anti-Trafficking Directive was adopted in May 2024, expanding its scope to include forced marriage, illegal adoption and the exploitation of surrogacy as crimes. The directive also obliges Member States to implement more rigorous tools to investigate and prosecute new forms of exploitation and provide a higher level of support services to victims of trafficking. Several EU+ countries drafted or updated their national anti-trafficking action plans based on the new rules. For the practical implementation of the plans, initiatives varied from staff training to the development of multilingual information tools, which were typically implemented in cooperation with civil society organisations and local authorities. Stakeholders observed with concern the rapidly-evolving and growing use of new technologies for trafficking and exploitation and underlined the need for harmonised data collection to better understand the phenomenon and prepare more adequate counter-measures.[394]

icon presenting children going through the asylum procedure

In 2024, 32,000 asylum applications were lodged by self-claimed unaccompanied minors, approximately 16% less than in 2023. Although experiencing a slight decline, Germany continued to be the top receiving country accounting for 30% of the total, with 9,600 applications (*see Figure 18*). Among the top receiving countries, Austria had the most significant drop in applications by unaccompanied minors, with 1,000 applications representing an 80% decrease.

In contrast, Greece received an unprecedented number of applications by unaccompanied minors. The 46% increase (3,900 applications) was primarily due to many more Egyptians. Although at lower levels, applications by unaccompanied minors increased by over a quarter in Cyprus (650 to the second-highest number on record.

Figure 18. Top EU+ countries receiving applications by self-claimed unaccompanied minors, 2024 compared to 2023 and share of applications lodged by the main citizenship of unaccompanied minors, 2024

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Note: Data on applications by unaccompanied minors were not available for France and Czechia and were partially unavailable for Switzerland.
Source: EUAA EPS data as of 3 February 2025

Almost one-half of unaccompanied minor applicants in the EU+ were either Syrians (10,000 applications) or Afghans (4,500). While both decreased, applications by Afghans dropped sharply to their lowest level since 2019. In contrast, record numbers of applications were lodged by unaccompanied minors from Egypt (2,900 applications, almost all of them in Greece and Bulgaria), Ukraine and Peru. In addition, applications by unaccompanied minors from Guinea, The Gambia, Mali and Senegal spiked to the highest levels since at least 2018.

The majority of initiatives by national authorities in 2024 focused on supporting minors, especially unaccompanied children. Greece continued to host a large number of unaccompanied children, many of them in precarious living conditions or homeless and trapped in addiction and crime.[395] To assist, the EU provided essential funding for the National Emergency Response Mechanism (NERM), which was launched by Greek authorities in 2021. Since its creation, the mechanism has contributed to the early detection and safe accommodation of almost 5,000 migrant children.[396]

Another significant change took place in Slovenia, where a new regulation entered into force on measures to ensure adequate accommodation, care and treatment for unaccompanied minors.[397] A new regulation in Italy revised the template for the entry interview that reception facility operators conduct with unaccompanied children, aiming to harmonise approaches in identification and follow-up.[398] Improvements in the care for unaccompanied children were prompted by recommendations of the Commissioner for Children's Rights and the Commissioner for Human Rights in Poland[399] and legislative amendments,[400] while Croatian authorities embarked on the harmonisation of the protocol for unaccompanied minors in light of the Pact. The Norwegian UDI and UNE prepared amendments to their procedures based on the findings of a study that analysed their practices in the assessment of the best interests of the child.[401] The study found that at times considerations of immigration regulations overshadowed the consideration of the best interests of the child. The Austrian Federal Administrative Court updated its guidance for judges on the best interests of the child in asylum and immigration procedures.[402]

Practices in age assessments were finetuned in several countries, following developments in medical and legal standards, for example in Ireland, Malta[403] and Sweden. Civil society organisations noted that this area still needed improvement in several EU+ countries and highlighted the need for a multidisciplinary approach going beyond medical assessments.[404]

Several AMIF projects were running in 2024 to better support minors. For example, one project aimed to establish systematic sport activities for young adults in COA facilities[405] in the Netherlands, while another focused on the child-friendliness of reception centres in Belgium.[406]

A worrying phenomenon continued with the detention of children across EU+ countries, as documented in court judgments (including at the level of the ECtHR),[407] and reports from international and civil society organisations.[408] The recast RCD 2024 now states that minors cannot be detained "as a rule", and for example, Belgium and France amended legislation in 2024 to spell this out.[409]

Another area of focus was the protection of female applicants, marked by several CJEU landmark judgments, C-621/21,[410] C-646/21[411] and C-608/22 and C-609/22.[412] With these judgments, the court established that:

- gender is an innate characteristic fulfilling the first criteria for membership of a social group and women as a whole may qualify for international protection, as well as groups of women who share an additional common characteristic;
- women, including minors, who identify with the fundamental value of equality between women and men during their stay in a Member State may belong to particular social group which can face persecution in their country of origin;
- an individual risk assessment is not necessary when discriminatory state measures amount to acts of persecution, and that refugee protection may be granted after establishing only gender and nationality.[413]

Court rulings in the national context highlighted that asylum authorities must provide an adequate investigation and reasoning, using reliable and up-to date COI to assess the situation in the applicants' country and area of origin, with a particular focus on gender-based violence and harm. They also overturned decisions by asylum authorities for failure to assess the need for special procedural guarantees for vulnerable women who were victims of gender-based violence.[414]

icon showing women and girls in the context of asylum

Two national authorities reported important changes that aimed to strengthen safeguards for victims of sexual violence and female genital mutilation/ cutting (FGM/C). In France, a new decree was adopted on the medical examination of FGM/C cases[415] and a new webpage was launched for healthcare professionals with a section devoted to the issuance of medical certificates related to FGM/C cases.[416] The Belgian CGRS adopted new internal guidelines on the handling of applications for international protection based on the ground of sexual violence.

The policy on follow-up to FGM/C cases was also changed after serious considerations: girls who were granted international protection for fear of FGM/C must undergo a medical check every 3 years, instead of every year. The authority made this change noting the difficulty for some girls to participate in the yearly checks and the psychological impact of the checks. These measures were accompanied by civil society initiatives, for example the EU-funded END FGM E-Campus project which is implemented by a group of universities and civil society organisations.417

icon presenting applicants with disabilities and special health needs

Amid the scarcity of information available on applicants with disabilities, the EUAA published two comprehensive reports which provide an overview of policies, practices, legislation and diverse initiatives for asylum applicants and displaced Ukrainians with temporary protection. The reports also describe the challenges in EU+ countries.418 Throughout 2024, only a few developments followed at the national level. For example, Belgium continued with a project to strengthen the approach of the CGRS on the participation of applicants with physical or mental disabilities in the asylum procedure and the substantive assessment of their cases.419 At the same time, country reports published by the Commission for the Rights of Persons with Disability (CRPD) highlighted the difficulties applicants with disabilities faced in accessing support services.420 For example, the timely access to psychological support starting from initial reception remained a concern.421

A request for a preliminary ruling was pending with the CJEU on the possibility of courts to directly order the national authority to refer an applicant for a medical examination as part of the right to an effective medical remedy.422ECRE argued for strategic litigation to clarify the scope of guarantees for applicants with disabilities, based on the EU Charter of Fundamental Rights and the CRPD.423

icon for sexual orientation and special needs

The daily life of applicants with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) remained marked with different challenges.424 According to a FRA report, while reporting of incidents was low in general, asylum applicants with SOGIESC reported more frequently than their non-applicant peers about discrimination and hate-motivated violence.425 In order to support EU+ countries in the correct and effective implementation of the relevant EU rules, the EUAA developed a guide on SOGIESC in asylum, covering aspects related to reception, the examination procedure and cross-cutting elements of these two fields, accompanied by an information note on SOGIESC-related concepts and terms.426

Court decisions in 2024 indicated several gaps in the adequate assessment of SOGIESC claims,427 and research efforts continued to address systemic stereotypes that lead to incorrect decisions.428 Among national developments, only the Danish Immigration Service highlighted a new guide which was launched to raise awareness among reception staff on the specific needs and support measures for applicants with diverse SOGIESC.429

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