

# Practical guide on the best interests of the child in the framework of international protection





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**March 2026**

On 19 January 2022, the European Asylum Support Office (EASO) became the European Union Agency for Asylum (EUAA). All references to EASO, EASO products and bodies should be understood as references to the EUAA.



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# About the guide

**Why was this guide created?** The mission of the European Union Agency for Asylum (EUAA) is to facilitate and support the activities of EU Member States and Schengen associated countries (EU+ countries <sup>(1)</sup>) in the implementation of the Common European Asylum System (CEAS). In accordance with its overall aim of promoting effective implementation of the CEAS and of enabling convergence, the EUAA develops common operational standards and indicators, guidelines and practical tools.

**How was this guide developed?** This guide was created by experts from across the EUAA, with valuable input from the European Commission, the European Union Agency for Fundamental Rights (FRA), the United Nations High Commissioner for Refugees (UNHCR) and UNICEF <sup>(2)</sup>. The practical guide was drafted by the EUAA with a working group of experts, having an advisory role, from the Danish Immigration Service (Helle Andersen, Special advisor), SolidarityNow (Domniki Georgopoulou, Program Development Manager), METAdrasi (Eudokia Efcharis Grillaki, Senior Child Protection Expert), Nidos (Kaat Hogendoorn, Legal advisor), International Organization for Migration – IOM (Stylianos (Stelios) Arvanitidis, Sr. Protection Associate), Save the Children (Federica Toscano, Senior Advocacy Advisor, Children on the move). Before its finalisation, a consultation on the guide was carried out with all EU+ countries through the EUAA Vulnerability Experts Network. The guide was adopted by the EUAA Management Board in March 2026.

**Who should use this guide?** This guide is primarily intended for reception officers, AMMR officers, asylum case officers, interviewers, guardians, decision-makers and professionals working within child protection services or supporting asylum authorities. It is also relevant for policymakers within national determining authorities responsible for assessing and processing asylum claims. In addition, the guide serves as a valuable resource for quality officers, legal advisers, second-instance bodies and other professionals involved in child protection and legal representation within the EU international protection context.

**How to use this guide.** This guide is structured to provide practical, step-by-step guidance on integrating the best interests of the child into asylum procedures and reception pathways. It outlines key legal frameworks, procedural safeguards, and operational considerations to ensure rights-based and child-sensitive decision-making.

This guide can be used in conjunction with the [Best interests assessment form](#), which offers a complementary tool for assessing and safeguarding the best interests of the child in asylum and reception settings. The annexes include additional reference materials to support authorities in implementing consistent and effective child protection measures.

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<sup>(1)</sup> The 27 EU Member States, complemented by Iceland, Liechtenstein, Norway and Switzerland.

<sup>(2)</sup> Note that the finalised guide does not necessarily reflect the positions of UNHCR and UNICEF.

**How does this guide relate to national legislation and practice?** The practical guide provides generic guidance and can be used as a benchmark or source of inspiration to update and/or improve specific standard operating procedures developed for children at national level. This is a soft convergence tool.

**How does this guide relate to other EUAA tools?** The EUAA *Practical guide on the best interests of the child in the framework of international protection* should be used in conjunction with other available practical guides and tools. All EUAA practical tools are publicly available online on the EUAA website: <https://euaa.europa.eu/practical-tools-and-guides>.

#### **Disclaimer**

This guide was prepared without prejudice to the principle that only the Court of Justice of the European Union can give an authoritative interpretation of EU law.

Following an initial period of implementation of the Pact, this document may require updating, as needed.



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## List of abbreviations

Abbreviation	Definition
<b>AMMR</b>	<b>Asylum and Migration Management Regulation</b> — Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013
<b>APR</b>	<b>Asylum Procedure Regulation</b> — Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU
<b>BIA</b>	best interests assessment
<b>BIC</b>	best interests of the child
<b>CEAS</b>	Common European Asylum System
<b>COI</b>	country of origin information
<b>CRC</b>	United Nations Convention on the Rights of the Child
<b>EU</b>	European Union
<b>EU Charter</b>	Charter of Fundamental Rights of the European Union
<b>EU+ countries</b>	EU Member States plus Iceland, Liechtenstein, Norway and Switzerland
<b>EUAA</b>	European Union Agency for Asylum
<b>Member States</b>	EU Member States
<b>QR</b>	<b>Qualification Regulation</b> — Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council.
<b>RCD (2024)</b>	<b>Reception Conditions Directive</b> – Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection





Abbreviation	Definition
<b>Refugee Convention</b>	The 1951 Convention relating to the status of refugees and its 1967 Protocol (referred to in EU asylum legislation and by the CJEU as ‘the Geneva Convention’)
<b>Unaccompanied child</b>	Unaccompanied child is used as a synonym of unaccompanied minor and is defined as a child/minor who arrives in the territory of an EU+ state unaccompanied by an adult responsible for them, whether by law or by the practice of the state concerned, and for as long as they are not effectively taken into the care of such a person/ adult. It includes a child/minor who is left unaccompanied after entering the EU+ territory <sup>(3)</sup> . The term also encompasses separated children, meaning children who are accompanied by relatives or other adult family members who are not their parents or legal guardians.
<b>UNHCR</b>	United Nations High Commissioner for Refugees

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<sup>(3)</sup> Provided in Article 3(7) APR and Article 3(11) QR.





# 1. Introduction

Children, including those who arrive without a parent or customary caregiver, form an integral part of the population reaching Europe to seek international protection. The circumstances, needs and aspirations of these children vary widely. Ensuring that they are properly understood and addressed is essential for the functioning of a fair and effective asylum system.

At EU level, Article 3(3) of the Treaty on the European Union ('TEU') establishes the objective for the Union to **promote the protection of the rights of the child** <sup>(4)</sup>. This general objective is then further spelled out in lower-rank legal texts, such as for example the 2017 Commission's communication on the protection of children in migration <sup>(5)</sup> highlighting the best interests of the child (BIC). Furthermore, in 2024 the Commission formulated 'Recommendations on developing and strengthening integrated child protection systems in the best interests of the child' <sup>(6)</sup> which can be seen as relevant for the Pact implementation too.

Several EU directives and regulations, including those of the **Pact on Migration and Asylum** <sup>(7)</sup>, emphasise the safeguarding and protection of children and make the BIC principle a primary consideration for Member States.

In June 2022, the Council of the European Union adopted **conclusion on the rights of the child** <sup>(8)</sup> focussing in a particular on the **protection of children's rights in crisis** or emergency situations and calling on Member States to improve the protection of such children.

The European Union further reinforced its framework on children in migration through a range of complementary legislation, policies and initiatives, including the revised Anti-Trafficking Directive <sup>(9)</sup> adopted in May 2024, as well as broader EU policies aimed at improving child well-being and strengthening coordination among protection systems.

Beyond immediate protection and procedural safeguards, EU legislation increasingly recognises the importance of ensuring continuity of support for children throughout the asylum process and beyond. This includes facilitating their social inclusion and longer-term integration, in line with the child's best interests.

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<sup>(4)</sup> Consolidated Version of the Treaty on European Union, OJ C 326/17, 26 October 2012, Article 3, <https://link.europa.eu/xgcjkm>.

<sup>(5)</sup> Communication from the Commission to the European Parliament and the Council: The protection of children in migration, COM/2017/0211 final of 12 April 2017, <https://link.europa.eu/HD7bdY>.

<sup>(6)</sup> Commission Recommendation (EU) 2024/1238 on developing and strengthening integrated child protection systems in the best interests of the child – Specific measures to protect children in migration, paras. 55-58, <http://data.europa.eu/eli/reco/2024/1238/oj>.

<sup>(7)</sup> European Commission: Directorate-General for Migration and Home Affairs, 'Pact on Migration and Asylum', [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en).

<sup>(8)</sup> See Council of the EU, press release of 9 June 2022: 'Council adopts conclusion on the rights of the child', <https://www.consilium.europa.eu/en/press/press-releases/2022/06/09/council-adopts-conclusions-rights-child/>

<sup>(9)</sup> Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, <http://data.europa.eu/eli/dir/2024/1712/oj>.





In this context, the importance of integration measures is explicitly emphasised under recital 52 of the Reception Conditions Directive (RCD (2024) <sup>(10)</sup>, while the Action Plan on Integration and Inclusion (2021-2027) <sup>(11)</sup> further proposes concrete actions to support in overcoming integration-related challenges.

Taken together, these developments point towards the need to further strengthen **child protection systems** through an **integrated case management** system and enhanced **collaboration and coordination** among diverse stakeholders, to ensure the protection and safeguarding of all children within the Union.

To conclude, several interlinked legislative elements in the **Pact on Migration and Asylum** entering into force in June 2026, set comprehensive rules to manage migration and to establish a Common European Asylum System, with the aim to ensure a fair and more efficient way of managing migration <sup>(12)</sup>.

## 1.1. Terminology

The EU legislation on asylum and migration uses both terms ‘**child**’ and ‘**minor**’ to refer to any person **below 18 years** of age. However, the preferred term in this guide is ‘child’, after the principle of international law of the ‘best interests of the child’ stemming from the United Nations Convention on the Rights of the Child (CRC) <sup>(13)</sup>.

While asylum-seeking children might arrive with caregivers, for which the term **accompanied child** is used, children may also arrive alone. The term **unaccompanied child** means a minor who arrives on the territory of the Member State and is not accompanied by an adult responsible for them, whether by the law or practice of the Member State concerned, and for as long as such minor is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after entering the territory of a Member State <sup>(14)</sup>. In the EU asylum acquis, **separated children** fall under the unaccompanied children category.

As it relates to **family members**, the Pact focuses on the legal instruments on the nuclear family, such as the spouse or their unmarried partner (as per law or practice of the Member State) and the minor or adult dependent children of the couples <sup>(15)</sup>. For unaccompanied

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<sup>(10)</sup> Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024), <http://data.europa.eu/eli/dir/2024/1346/oj>.

<sup>(11)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action plan on Integration and Inclusion 2021-2027, COM/2020/758 final of 24 November 2020, <https://link.europa.eu/j4RGjh>.

<sup>(12)</sup> European Commission: Directorate-General for Migration and Home Affairs, ‘Questions and answers on the Pact on Migration and Asylum’, <https://link.europa.eu/ntqVbf>.

<sup>(13)</sup> UN General Assembly, *Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989, <https://www.refworld.org/legal/agreements/unga/1989/en/18815>.

<sup>(14)</sup> Article 2(11) Regulation (EU) 2024/1356 (Screening Regulation), <http://data.europa.eu/eli/reg/2024/1356/oj>; Article 3(7) Regulation (EU) 2024/1348 (APR), <http://data.europa.eu/eli/reg/2024/1348/oj>; Article 2(11) Regulation (EU) 2024/1351 (AMMR), <http://data.europa.eu/eli/reg/2024/1351/oj>; Article 2(5) RCD (2024).

<sup>(15)</sup> For more details see also: recital 9 Directive 2003/86/EC on the right to family reunification, <http://data.europa.eu/eli/dir/2003/86/oj>; Article 2(8)(a)(b)(c)(d) AMMR; Article 2(3)(a)(b) RCD (2024).





children, Member States should take appropriate action to identify any family members, siblings or relatives on the territory of Member States while protecting the best interests of the child <sup>(16)</sup>.

The UN Committee on the Rights of the Child suggests that family can include biological, adoptive or foster parents, siblings or a spouse, where applicable, and the members of the extended family or community <sup>(17)</sup>.

In this guide, the term **family** refers to the **biological parents, close relatives with parental responsibilities or persons legally entrusted** to care for a minor (e.g. adoptive parents) <sup>(18)</sup>. When referring to unaccompanied children, this includes their parents, siblings or other relatives <sup>(19)</sup>.

Every unaccompanied child has the right to a **guardian** <sup>(20)</sup> or **representative** <sup>(21)</sup>. The terms ‘representative’ and ‘guardian’ are used interchangeably in the legislative framework, to refer to the appointment of a **qualified independent individual** responsible to represent and act on behalf of a child to safeguard the child's best interests and overall well-being. For consistency, the term ‘guardian’ is used throughout this guide. Where reference is made to temporary appointments <sup>(22)</sup>, the term ‘suitable person to act temporarily as a representative’ is used instead.

The appointment of such a qualified independent individual is crucial to ensure the overall protection of a child. **A child protection system** takes the relevant measures and formulates strategies which **prevent harm** to children and, where applicable, allow for a timely, **child-**

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<sup>(16)</sup> Articles 23 and 25 AMMR.

<sup>(17)</sup> UN Committee on the Right of the Child, *General comment no. 6 (2005) – Treatment of unaccompanied and separated children outside their country of origin*, 2005, CRC/GC/2005/6, <https://digitallibrary.un.org/record/566055?v=pdf>.

<sup>(18)</sup> For more details and specifics refer also to recital 9 of the Directive 2003/86/EC, see footnote 15; Article 2(8)(a)(b)(c)(d) AMMR; Article 2(3)(a)(b) RCD (EU).

<sup>(19)</sup> See also Articles 2, 23 and 25 AMMR.

<sup>(20)</sup> In accordance with Article 3(18) QR: ‘guardian’ means a natural person or an organisation, including a public body, designated by the competent authorities to assist, represent and act on behalf of an unaccompanied minor, as applicable, in order to ensure that the unaccompanied minor can benefit from the rights and comply with the obligations under this Regulation, while safeguarding his or her best interests and general well-being.’

<sup>(21)</sup> The term ‘representative’ is used in the RCD (2024), APR, AMMR, Screening Regulation and Eurodac III Regulation. Recital 25 Screening Regulation lays down: ‘A representative should be appointed to represent and assist the unaccompanied minor during the screening or, where a representative has not been appointed, a person trained to safeguard the best interests and general wellbeing of the minor should be designated.’ Article 13 Screening Regulation further specifies: ‘The representative shall have the necessary skills and expertise, including regarding the treatment and specific needs of minors. Similar mentions occur in Article 23 APR and Article 2(13) RCD (2024): ‘representative’ means a natural person or an organisation, including a public authority, appointed by the competent authorities, with the necessary skills and expertise, including with regard to the treatment and specific needs of minors, to represent, assist and act on behalf of an unaccompanied minor, as applicable, in order to safeguard the best interests and general well-being of that unaccompanied minor.’ Article 2 AMMR defines representative as: a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary.’ The term ‘guardian’ is used in the context of the QR. According to the respective definitions, they will have the same role but different tasks. However, for the sake of ensuring the continuity of the representation of the unaccompanied minor, the guardian in the context of the QR can be the same person as the representative appointed in the context of the RCD (2024) and the APR.

<sup>(22)</sup> Article 13(3) Screening Regulation.





**centred** and **needs-based response** to children who find themselves in a challenging situation and/or have experienced neglect, exploitation and/or violence. The prevention and response mechanisms are integrated in a case management process.

A **child protection staff** is a professional working for a competent authority or other body, who engages with a child, their family members and guardians directly to uphold the best interests of the child. The role of the child protection officer is to ensure that a child's needs are assessed and addressed in a timely, child-centred and rights-based manner to ensure the child's overall protection and safety and to prevent and manage risks to the extent possible.

Depending on the national context, child protection officers may be affiliated with a dedicated child protection authority, a juvenile court, a social welfare office or another relevant administrative body tasked with safeguarding children's rights.

Other officers in contact with the children, such as community-based protection staff and those responsible for registration or refugee status determination, should also be enabled to ensure the BIC.

While the BIC principle applies throughout the entire asylum procedure and reception pathway, the **best interests assessment (BIA)** refers to a process in which all relevant elements are identified, assessed, evaluated and balanced in order to support authorities in making a decision on a specific case concerning an individual child or, where relevant, a group of children. The BIA is carried out by the decision-maker and its staff – also in a multidisciplinary team – whenever authorities make a decision that may affect the child's rights, well-being or development, including at key procedural or reception-related stages, and requires the participation of the child and the guardian <sup>(23)</sup>.

The **BIC principle**, together with the interrelated processes of the BIA and, where applicable, the best interests determination, provides a framework to ensure that all decisions affecting children in need of international protection are consistently taken in their best interests. The **best interest's determination** describes the formal process with strict procedural safeguards designed to determine the child's best interests in view of particularly **important decisions** (e.g. resettlement). A variety of factors are to be considered in the process, including the opinion of the child and other relevant decision-makers and the outcome of the BIA. The best interests determination, as it relates to decisions on durable solutions for unaccompanied and separated children, falls outside the scope of this guide <sup>(24)</sup>.

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<sup>(23)</sup> UN Committee on the Rights of the Children, *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*, 2013, CRC/C/GC/14, [https://www2.ohchr.org/english/bodies/crc/docs/gc/crc\\_c\\_gc\\_14\\_eng.pdf](https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf).

<sup>(24)</sup> See UNHCR, *Guidelines on Determining the Best Interests of the Child*, 2008, <https://www.unhcr.org/sites/default/files/legacy-pdf/4566b16b2.pdf>. See also UN Committee on the Rights of the Children, *General comment No. 14 (2013)*, see footnote 23 above, which specifies that '[t]he purpose of determining the best interests of a child or children in a vulnerable situation should not only be in relation to the full enjoyment of all the rights provided for in the Convention, but also with regard to other human rights norms related to these specific situations, such as those covered in the Convention on the Rights of Persons with Disabilities, the Convention relating to the Status of Refugees, among others.' and that 'elements that are contrary to the rights enshrined in the Convention or that would have an effect contrary to the rights under the Convention cannot be considered as valid in assessing what is best for a child or children.'



## 2. The concept of the best interests of the child

The rights of the child are protected by international law and the **United Nations Convention on the Rights of the Child (CRC)** <sup>(25)</sup>. As signatories of the CRC, Member States must respect, protect and fulfil children's rights under the Convention for every child, regardless of their nationality or residence status.

Together, the CRC and the Charter of Fundamental Rights of the European Union (EU Charter) <sup>(26)</sup> set out a range of fundamental rights to which all children are entitled, with the overarching objective of ensuring their protection and well-being. These rights are of particular relevance in the asylum context, where children may be exposed to heightened risks and vulnerabilities. Key rights include those illustrated below.



### Right to non-discrimination (Article 2 CRC and Article 21 EU Charter)

*Every person should be treated with objectivity and be individually considered. It is crucial to avoid preconceived ideas about certain nationalities, ethnicities or genders.*



### Right to identity and nationality (Articles 1, 7 and 8 CRC)

*Age is as much a part of a person's identity as their name, nationality, citizenship and family status are. It determines the rights and obligations of a person as well as the state's obligations towards the person.*



### Right to express their views freely and right to be heard (Articles 12 and 14 CRC and Articles 24 and 41 EU Charter)

*This is a fundamental right with far-reaching effects. It encompasses the child's right to express their own views freely and the right to have their views considered and given due weight in accordance with their age and maturity.*



### Right to family life (Article 9 and 10 CRC and Article 7 EU Charter)

*This right ensures that children can enjoy family life and that a child is not separated from their parents against their will, except in situations where a separation is necessary for the best interests of the child and is supported by the necessary guidance informed by a BIA conducted and with/by the competent authorities.*

<sup>(25)</sup> UN General Assembly, *Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989, <https://www.refworld.org/legal/agreements/unga/1989/en/18815>.

<sup>(26)</sup> European Union, Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02, [http://data.europa.eu/eli/treaty/char\\_2012/oj](http://data.europa.eu/eli/treaty/char_2012/oj).



Beyond these specific rights, the principle of the best interests of the child applies horizontally to all actions, decisions and procedures affecting children. In accordance with Article 3(1) CRC refers to the obligations of signatories to ensure that **in all actions concerning children, the child's best interests is a primary consideration** which is likewise pointed out in the **EU Charter** under Article 24, and clarifies that this is relevant no matter if such actions are taken by public authorities or private institutions. Both the CRC and the EU Charter apply to all children within the EU, those who are citizens, migrant children, and those seeking asylum in Europe.

The Committee on the Rights of the Child in their **General comment No. 14 (2013)** <sup>(27)</sup> in their legal analysis clarifies that the BIC is to be considered: **in all actions**, meaning:

*'... that every action relating to a child or children has to take into account their best interests as a primary consideration. The word 'action' does not only include decisions, but also all acts, conduct, proposals, services, procedures and other measures...'* <sup>(28)</sup>

The Committee also stresses that **inaction or failure to take action are also considered 'actions'** (e.g. failure by social welfare authorities to respond to needs identified).

The term 'concerning' is to be understood broadly according to the Committee and it is suggested therefore that such actions include those aimed at children (e.g. related to health, care or education), as well as actions which include children and other population groups (e.g. related to the environment, housing or transport) <sup>(29)</sup>.

As specified by the Committee <sup>(30)</sup>, the BIC is a threefold concept as indicated below.

**1. A substantive right:** the right of the child to have their best interests assessed and taken as a primary consideration when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children or children in general.

**2. A fundamental, interpretative legal principle:** if a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen.

**3. A rule of procedure:** whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned.

<sup>(27)</sup> UN Committee on the Rights of the Children, [General comment No. 14 \(2013\)](#), see footnote 23.

<sup>(28)</sup> UN Committee on the Rights of the Children, [General comment No. 14 \(2013\)](#), see footnote 23, para. 17.

<sup>(29)</sup> See para. 13(b) 'Implementing child rights in early childhood' in UN Committee on the Rights of the Child, [General comment No. 7 \(2005\): Implementing Child Rights in Early Childhood](#), CRC/C/GC/7/Rev.1, 20 September 2006, <https://www.refworld.org/legal/general/crc/2006/en/40994>.

<sup>(30)</sup> UN Committee on the Rights of the Children, [General comment No. 14 \(2013\)](#), see footnote 23.

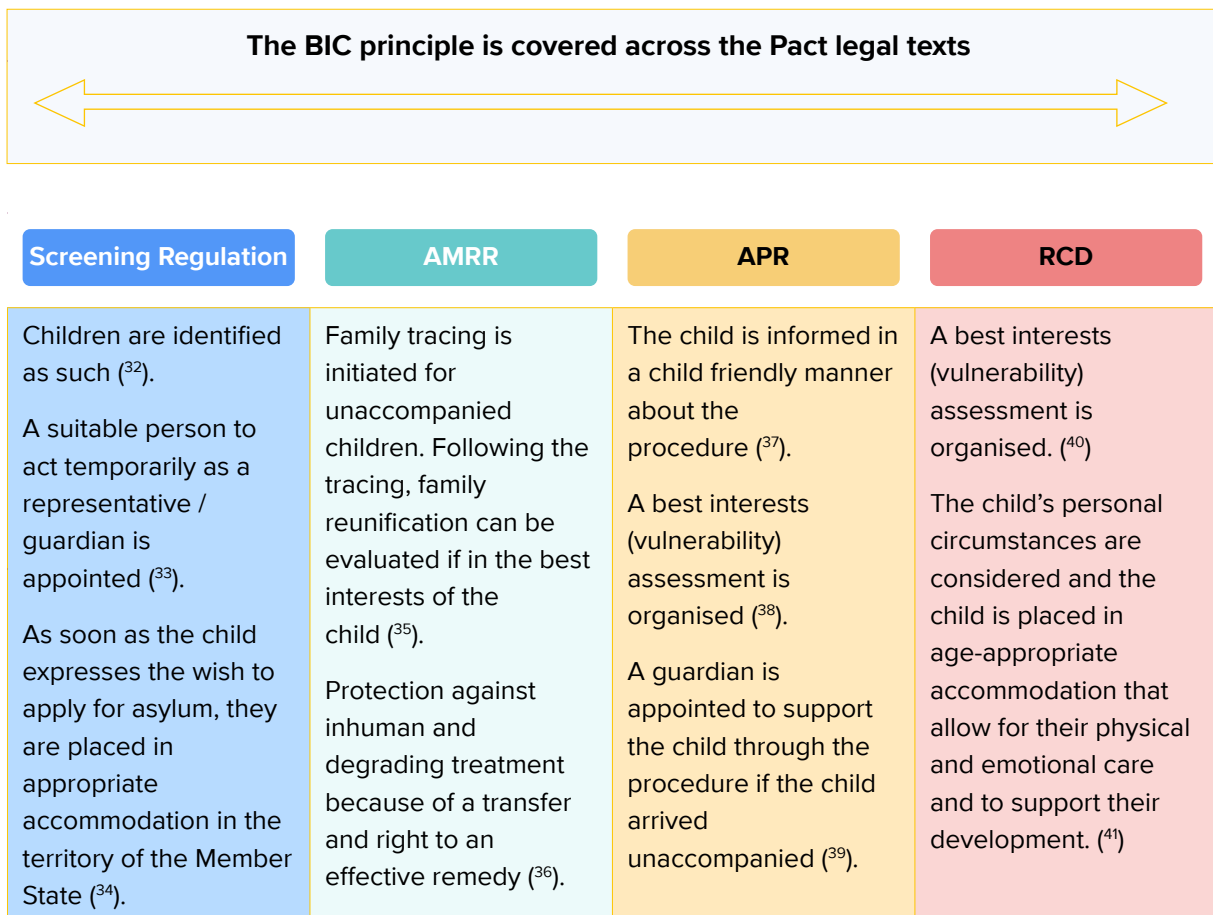


The **Committee on the Rights of the Child** also pointed out that the BIC concept, introduced under Article 3 CRC, is aimed at ‘ensuring both the full and effective enjoyment of all the rights recognised in the Convention and the holistic development of the child’ <sup>(31)</sup>.

## 2.1. The Pact and the application of the BIC

The BIC as a guiding principle must inform all actions and decisions by the authorities and those appointed to support the child throughout the asylum and reception pathway.

**Figure 1. Safeguards and guarantees for the child in the Pact**



<sup>(31)</sup> UN Committee on the Rights of the Children, *General comment No. 14 (2013)*, see footnote 23.

<sup>(32)</sup> Article 12 Screening Regulation: ‘Preliminary health checks and vulnerabilities’.

<sup>(33)</sup> Article 13(3) Screening Regulation.

<sup>(34)</sup> Article 27(9) RCD (2024).

<sup>(35)</sup> Article 23 AMMR.

<sup>(36)</sup> Recital 62 and Article 67(13) AMMR.

<sup>(37)</sup> Article 8(2f) APR.

<sup>(38)</sup> Article 20 APR.

<sup>(39)</sup> Recital 35 APR.

<sup>(40)</sup> Article 25 RCD (2024).

<sup>(41)</sup> Article 27 RCD (2024).



Screening Regulation	AMRR	APR	RCD
<p>Where age is seriously doubted, this is signalled to the relevant authorities <sup>(42)</sup>.</p> <p>Child protection services/authorities are involved during the screening <sup>(43)</sup>.</p> <p>Information provision including on the asylum procedure is provided in a child friendly manner <sup>(44)</sup>.</p> <p>The child who applies for international protection has access to an interpreter and to free legal counselling.</p>	<p>Obligation to prioritise all cases involving children <sup>(45)</sup>.</p> <p>Appoint a suitable person to act temporarily as a representative / a guardian as soon as possible and no later than 15 working days from the date the application was made. Involve the guardian throughout the asylum procedure <sup>(46)</sup>.</p> <p>Risks are assessed linked to the safety and security of the child (e.g. risk of trafficking) <sup>(47)</sup>.</p>	<p>The child has access to an interpreter and to free legal counselling <sup>(48)</sup>.</p> <p>Where the age of the applicant is doubted <sup>(49)</sup> the Member State should either dispel that doubt by proceeding with an age assessment (using the least invasive method) <sup>(50)</sup> or presume the applicant is a child <sup>(51)</sup>.</p> <p>The personal interview is conducted by a person with the qualification to engage with children <sup>(52)</sup>.</p>	<p>A suitable person to act temporarily as a representative / guardian is appointed for the unaccompanied child within 15 working days from the date the application was made <sup>(53)</sup>.</p> <p>Right to family unity <sup>(54)</sup>.</p> <p>The child has access to education, health care and psychosocial support, leisure activities <sup>(55)</sup> as well as rehabilitation <sup>(56)</sup> services where applicable and other aspects of support (non-material reception conditions).</p>

<sup>(42)</sup> Article 25 APR.

<sup>(43)</sup> Recital 25 and Article 8(9) Screening Regulation.

<sup>(44)</sup> Article 11 Screening Regulation.

<sup>(45)</sup> Article 23(1) AMMR.

<sup>(46)</sup> Article 23(2) AMMR.

<sup>(47)</sup> Recital 47 AMMR.

<sup>(48)</sup> Article 8(2d)(3)(4) APR.

<sup>(49)</sup> Article 25 APR.

<sup>(50)</sup> Article 25 APR.

<sup>(51)</sup> Only in a situation where a presumed minor fulfils the conditions for application of the **mandatory** border procedure (Article 45 APR) the applicant is placed provisionally in the border procedure while the age assessment is conducted. In such a situation, the presumed minor has to be provided with all the procedural guarantees (appointment of a guardian; completion of the age assessment within 30 days from the making of the application for protection as per Article 23(3) APR and Article 25(1) RCD (2024); provision of the necessary care and support in accordance with the RCD (2024) at the location of the border procedure). Importantly, conditions suitable for unaccompanied children as per Article 13(2)(3) RCD (2024) must be provided. These include access to leisure and recreational activities, including play according to their age, access to qualified professionals equipped to working with children and ensuring that minors are not to be accommodated with adults.

<sup>(52)</sup> Article 22(3) APR.

<sup>(53)</sup> Article 27(1b) RCD (2024).

<sup>(54)</sup> Article 26(2a) RCD (2024).

<sup>(55)</sup> Article 26(3)(4) and Article 16 RCD (2024).

<sup>(56)</sup> Article 26(4) RCD (2024).





Screening Regulation	AMRR	APR	RCD
<p>Each child has their specific needs and vulnerabilities checked <sup>(57)</sup>.</p> <p>A screening form is completed and information is shared with the relevant authorities to ensure smooth transition to reception and asylum <sup>(58)</sup>.</p>	<p>Close collaboration between Member States <sup>(59)</sup> as it relates to family reunification and/or other transfers <sup>(60)</sup> or relocation.</p> <p>The child has access to an interpreter <sup>(61)</sup> and to free legal counselling <sup>(62)</sup>.</p>	<p>The child receives free legal assistance through the appeals stage <sup>(63)</sup>.</p>	<p>The child has access to an interpreter and to free legal counselling <sup>(64)</sup>.</p> <p>Unaccompanied children, as a rule, are exempted from the border procedure <sup>(65)</sup> and should not be detained <sup>(66)</sup>. Access to information on reception. <sup>(67)</sup></p>
<p><b>Outcomes</b></p> <p><b>Positive:</b> integration efforts <sup>(68)</sup> through access to education and the labour market <sup>(69)</sup>.</p> <p><b>Negative:</b></p> <p>Right to an effective remedy <sup>(70)</sup>.</p> <p>Access to free legal assistance and representation to appeal a negative decision when in best interests of the child <sup>(71)</sup>.</p> <p>Information on (voluntary) return.</p> <p>The child/family has access to an interpreter during return procedures.</p> <p>Families with children and unaccompanied children are excluded from placement in the return hubs <sup>(72)</sup>.</p>			

Source: EUAA

<sup>(57)</sup> Article 12 Screening Regulation: 'Preliminary health checks and vulnerabilities'

<sup>(58)</sup> Article 17 Screening Regulation.

<sup>(59)</sup> Article 60(4) AMMR.

<sup>(60)</sup> Article 6 AMMR.

<sup>(61)</sup> Article 22(4) AMMR.

<sup>(62)</sup> Recital 39, Article 19(1) and Article 21 AMMR.

<sup>(63)</sup> Article 17 APR.

<sup>(64)</sup> Recital 26 RCD (2024): 'Where an applicant is held in detention, that applicant should have effective access to the necessary procedural guarantees, such as judicial review and the right to free legal assistance and representation, where applicable under this Directive.'

<sup>(65)</sup> Article 42(3)(b) and Article 53(1) APR, except where there are national security or public order concerns vis-à-vis the applicant.

<sup>(66)</sup> The RCD (2024) refers to certain expectations such as when it was established that the minor poses a security threat refer to recital 40, which states that: minors should never be detained in prison or another facility used for law enforcement purposes and Article 13(2b) RCD (2024).

<sup>(67)</sup> Article 5 RCD (2024).

<sup>(68)</sup> Recital 43 and Article 5 RCD (2024).

<sup>(69)</sup> Article 16(1)(2) and Article 17, RCD and recitals 48 and 53.

<sup>(70)</sup> Recital 91 APR.

<sup>(71)</sup> Article 17 APR.

<sup>(72)</sup> European Commission, *A New Common European System for Return*, March 2025, <https://link.europa.eu/GhRgBW>.





## In summary

The best interests of the child as regulated in the Pact

- is a continuous process,
- places the child at the centre giving primary attention to their individual situation, circumstances, perspectives and needs,
- requires a systematic and integrated approach to the protection of a child.

In particular, the latter point needs to be ensured through the actions below.

- Correct and prompt identification of the child is a cornerstone for considering the BIC. Any indication that an applicant for international protection may be a child triggers the immediate application of child-specific safeguards, including the appointment of a suitable person to act temporarily as a representative or a guardian for every unaccompanied child (even where documentary evidence of age, such as a birth certificate or identity document, is not available).
- A **child is identified** as such and their needs, vulnerabilities and potential risks are assessed without delay.
- The **BIA findings are used** to inform decisions on the appropriate support and protection measures. When possible, such measures are implemented in coordination with the parents, caregivers or guardian, with a view at safeguarding the child's safety and their physical, emotional and developmental well-being.
- Effective collaboration among the relevant ministries, authorities and stakeholders responsible for child protection is established and continuously strengthened.
- A systematic coordination of all measures related to the child's protection and well-being is ensured and maintained.
- Information sharing among relevant actors is strictly limited to what is necessary to prevent harm (including self-harm) or to enable an appropriate, needs-based response. It is carried out in full respect of the child's right to privacy, in accordance with national data protection rules and the General Data Protection Regulation <sup>(73)</sup>.
- The child's meaningful participation in decisions affecting them — particularly in the absence of parents or a primary caregiver — is actively facilitated and ensured. The role of their participation in this decision-making process should also be explained so as to manage expectations.

<sup>(73)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L119, 4.5.2016), <http://data.europa.eu/eli/reg/2016/679/oj>.

## 2.1.2. The best interests assessment

The **best interests assessment** (BIA) is a process to be undertaken when important decisions are to be made affecting an individual child. Its goal is to identify, evaluate and balance all relevant elements in order to determine the most appropriate course of action in a given situation for a specific child or group of children <sup>(74)</sup>.

Where applicable, each assessment should build on the findings and outcomes of any previous assessment <sup>(75)</sup>. This ensures consistency, avoids duplication and reflects the fact that a child's needs and circumstances evolve over time. The findings should be duly documented to avoid duplication of efforts.

### Moments when assessing children's needs is mandatory under the Pact

The individual situation of the child must be continuously monitored throughout the asylum and reception pathway, not only to address the needs identified upon arrival but also to respond to any new vulnerabilities or specific needs that may emerge at a later stage.

The Pact provides for at least three mandatory moments when an assessment of the child's specific needs and vulnerabilities must take place, with due regard to the BIC, namely:

1. the **mandatory health and vulnerability checks** during the screening, to be carried out within seven days of the child's arrival or apprehension <sup>(76)</sup>;
2. **the vulnerability assessment <sup>(77)</sup> including a best interests assessment**, within 30 days from the date when the application was made <sup>(78)</sup>.
3. when determining the Member State responsible for examining the child's application for international protection, in accordance with the AMMR <sup>(79)</sup>.

The purpose of these mandatory checks and assessments is to ensure that the information collected effectively guides the competent authorities to:

- organise a **timely and needs-based response** to address any specific and immediate needs arising from the child's personal circumstances, including decisions related to family tracing, family reunification, health-related concerns, or other protection measures, while ensuring that the child's rights and well-being are duly considered;

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<sup>(74)</sup> For further information see UNHCR/UNICEF, *Safe & Sound: What States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*, October 2014, <https://www.refworld.org/reference/regionalreport/unhcr/2014/en/101717>.

<sup>(75)</sup> See also UN Committee on the Rights of the Children, *General comment No. 14 (2013)*, see footnote 23, Chapter V, B(c) 'Time perception'.

<sup>(76)</sup> Article 5(1)(a)(b), Article 8(1), Article 12 and Article 13(1) Screening Regulation. Age assessment is considered part of the vulnerability assessment therefore it is to be conducted within the same timeline (see EUAA, *Practical Guide on Age Assessment*, November 2025, <https://www.euaa.europa.eu/publications/practical-guide-age-assessment-0>).

<sup>(77)</sup> In this guide, the term 'vulnerability assessment' is used as an umbrella term to refer to the assessment of the need for special procedural guarantees and the assessment of special reception needs, in accordance with the terminology and requirements set out in the APR and RCD (2024).

<sup>(78)</sup> Article 22(2) APR and Articles 25 and 26 RCD (2024).

<sup>(79)</sup> Article 23(3)(4)(5) AMMR.



- **mitigate specific potential risks** for the child (e.g. for unaccompanied children and possible victims of trafficking in human being or other forms of exploitation or the risk of going missing). These risks might stem from previous experiences of harm or specific vulnerabilities and could aggravate while the procedure is ongoing.

Therefore, before actually conducting a BIA the authorities need to clarify its purpose.

A BIA can serve **immediate, short** and **longer-term** needs. It may take into account both the immediate and evolving needs of the child as well as the need to prioritise certain actions. A BIA does not replace a best interests determination, which applies to decisions on durable solutions. The BIA and the best interests determination should be understood as interrelated elements of the same decision-making process, whereby the determination is based on an assessment in which all relevant elements have been identified, examined and balanced. A stand-alone BIA is not necessarily a formal prerequisite for a best interests determination. Whenever it is possible and in the best interests of the child, the parents, caregivers or guardian are to be involved in the process.

Furthermore, it is recommended that each unaccompanied or separated child benefits from coordinated support documented in an individual case file and, where appropriate, an individual case plan accessible to all relevant professionals involved in the child's protection and support.



#### **Elements to consider in a BIA** (non-exhaustive and non-hierarchical list)

- Identity and age of the child.
- Nationality or statelessness.
- Family situation and relationships.
- Views of the child based on age and maturity.
- View of the parents/caregiver/guardian.
- Care arrangements and daily life.
- Health and psychosocial well-being.
- Education and social integration.
- Safety and protection risks.
- Reception and living conditions.
- Procedural needs related to identified vulnerabilities.
- Protective factors: the child's individual resources and resiliency.

The findings of each BIA must be systematically documented and used to inform **each key procedural step**, to avoid repetitive questioning to the child. Previous assessments can also be used to **build on existing findings**. See [Annex V](#) to access the EUAA BIA form.



## Safeguards for decision-making in the absence of parents or legal caregivers

In situations where parents are absent, the authorities must ensure that:

- an independent guardian is appointed to assist the child;
- child-friendly information is provided to the child, with the support of an interpreter if necessary;
- the child's views are heard;
- due consideration is given to preservation of family unity;
- the identity of the child, including sex, gender, sexual orientation, national origin, religion and beliefs, cultural identity and personality, as well as vulnerability are considered;
- the child has access to legal counselling, legal assistance and legal representation as applicable;
- the child is taken care of (including appropriate accommodation, health and education), is protected and kept safe at all times.

As a general principle, family unity should be preserved unless there are indications that this would not be in the child's best interests. Nonetheless, a BIA may also be required when a child arrives with family members — for example if reception staff observe signs of family conflict, neglect, trafficking, exploitation or domestic violence, or if the family's living conditions in reception appear unsuitable. The assessment would help determine the safest and most appropriate steps for the child's well-being. In such situations, and in accordance with national law and standards applicable to all children, the competent national child-protection authorities should be informed and involved. The BIA in the asylum or reception context does not replace child-protection interventions, but complements them by ensuring that appropriate referrals and safeguards are in place.



### Additional considerations when conducting a BIA (non-exhaustive list)

**Sufficient time** is allocated to conduct the assessment meaningfully.

The **location** where the BIA is conducted is appropriate and the process itself is child-friendly (i.e. privacy is ensured, the location is accessible etc.).

A **suitable person to act temporarily as a representative** (e.g. a child protection officer during the screening) or a **guardian** is appointed to support the unaccompanied child in the process. Where parents are absent, efforts are undertaken to involve them in the process if possible.

**Relevant information** is provided to the child, in a manner and language accessible to the child, on why the BIA is being conducted, on its purpose and impact, and on the role of the different persons involved in the BIA. Support from a professional interpreter/cultural mediator is provided if needed.



**Vetted professionals.** Children are a diverse group and their needs can be adequately assessed only by professionals who have an expertise in matters related to child and adolescent development. As far as possible, a multidisciplinary team of professionals should be involved in assessing the child's best interests <sup>(80)</sup>.

The **child is supported** and is in a physical and mental condition that allows for effective participation, with appropriate adjustments or support measures in place where needed (e.g. breaks, simplified communication or the presence of a trusted person).

**Consent** is provided by the child/guardian in case of a referral for follow-up support, in accordance with national practice.

The child has access to **free legal counselling, legal assistance and legal representation, as applicable.**

### Balancing elements in a best interests assessment

As illustrated in Figure 2, a BIA supports the balancing of different elements as it requires authorities to weigh the **potential benefits** of a procedural decision (e.g. addressing immediate needs or clarifying essential information) against the **risks and potential harm** that the decision might pose to the child's well-being, safety, family unity and/or emotional state and development. Balancing such elements requires a holistic assessment of the child's individual circumstances. In addition, the opinion of the child is to be respected, taking into account their age and maturity <sup>(81)</sup>. Therefore, 'some elements will be used and others will not' and the elements need to 'be weighted against each other <sup>(82)</sup>'. Some elements might matter more for one child than for another, depending on their situation. This means to weigh the different elements as some of them may carry more importance than others in each case. Sometimes, these factors may be conflicting. The aim is to ensure that decisions are proportional, respectful of the child's dignity and aligned with their best interests <sup>(83)</sup>, while avoiding unnecessary distress or harm.

<sup>(80)</sup> See UN Committee on the Rights of the Children, [General comment No. 14 \(2013\)](#), see footnote 23, para. 94.

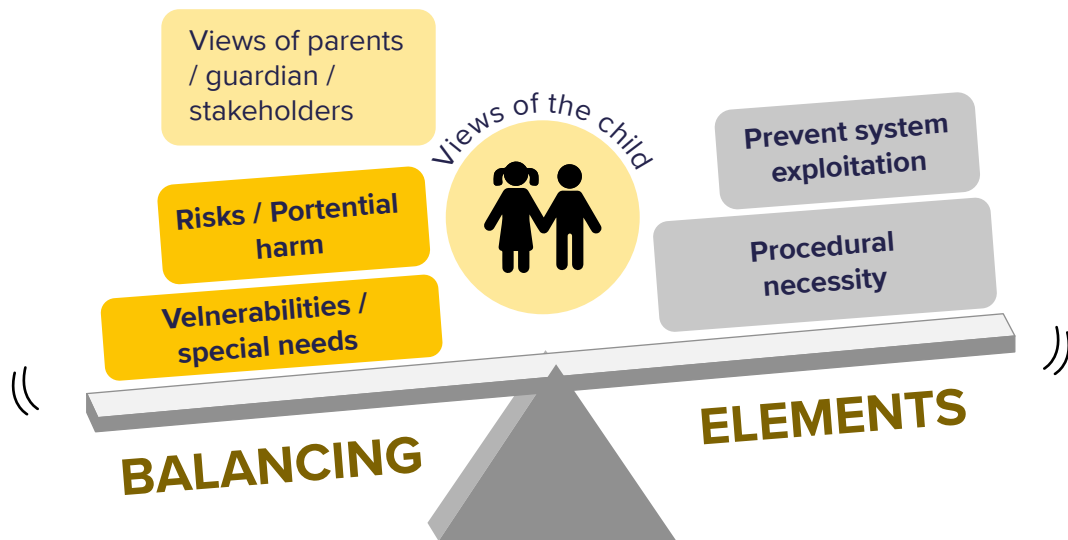
<sup>(81)</sup> The UN Committee on the Rights of the Child has developed a non-exhaustive and non-hierarchical list of elements that could be considered by any decision-maker; see [General comment No. 14 \(2013\)](#), footnote 23.

<sup>(82)</sup> UN Committee on the Rights of the Children, [General comment No. 14 \(2013\)](#), see footnote 23, p. 12.

<sup>(83)</sup> The principle of minimum intervention requires that decisions affecting a child use the least intrusive and restrictive measures, prioritising their best interests and well-being. This aligns with Article 3 CRC which emphasises the child's best interests as a primary consideration.



**Figure 2. Balancing elements when assessing the BIC in the international protection framework**



Source: EUAA



### Examples – Balancing elements

#### Family unity vs safety in reception

If a child wishes to remain with family members but there are credible indicators of harm (e.g. domestic violence reported during the screening), authorities may first ensure protective measures — such as supervised accommodation — before deciding on continued family placement. In any case, the case is also referred to the child protection authority.

#### Procedural requirement vs well-being

If a young child is exhausted or distressed after arrival, conducting a lengthy vulnerability interview immediately may cause harm or be unproductive. A short follow-up to the screening findings and postponing a more comprehensive assessment may be in the child's best interests.

#### Placement decision during reception

While placing siblings together is generally beneficial, if one sibling poses a risk to another (e.g. behavioural issues linked to trauma), temporary alternative accommodation with regular contact may be more appropriate.



## Communicating and engaging meaningfully with the children

- Respect their boundaries. Do not pressure children to discuss topics they are uncomfortable with and do not force them to talk. Do not read silence as evidence of either a lack of vulnerability or an intentional effort to hide information. A child might hide signs of previous/current experiences of harm out of fear or because they do not recognise the experience as being unusual. Building trust is a pre-requisite for any disclosure and will help to overcome these first challenges.
- Treat them with respect. Give children the same level of respect and honesty you would use with adults. Avoid making unrealistic promises.
- Be sensitive. Use a caring tone of voice and simple language that children can easily understand.
- Give your full attention. Dedicate your full attention to the child when communicating, showing them that you are present and attentive.
- Encourage self-expression. Provide opportunities for children to express themselves but avoid pressuring them to relive negative experiences if they are not willing to share.
- Encourage meaningful participation. Create opportunities for children to share their views and opinions including on issues concerning them. This nurtures self-esteem and can empower children to speak out on topics of importance to them.
- Explore their expectations. Give children the chance to explain to you what they were expecting from the current situation and what they might expect for the future.
- Be patient. Understand that expressions of frustration or anger may not be directed at you personally and be patient with their emotions. Recognise that some forms of communication and behaviour might be related to trauma responses. Take time to try and understand the sources of what could appear at first as 'disruptive behaviour.
- Promote inclusivity. Maintain communication free from stereotypes linked to age, race, religion or gender identity, treating all children with equal respect and consideration.
- Observe and identify distress. Pay attention to persistent signs of distress or concerning behaviour that may require specialised support.
- Age and cultural appropriateness. Pay attention to the age of the child. Some children may look very mature for their age but this does not mean that they do not need an age-appropriate emotional response. At the same time, the engagement will need to take the cultural background of the child equally into consideration <sup>(84)</sup>.

<sup>(84)</sup> See Section on 'Unaccompanied children' in EUAA, *Guidance on Mental Health and Well-being of Applicants for International Protection: Part II – for those working in the first line*, November 2024, <https://www.euaa.europa.eu/publications/mental-health-well-being-applicants-part-ii-first-line-officers>. See also UNHCR, *Technical Guidance: Child Friendly Procedures*, 2021 <https://www.refworld.org/policy/opguidance/unhcr/2021/en/124121>, in particular Chapter 3.





- Acknowledge protective factors. Pay attention to the way a child deals with change and stress. Encourage the child to deploy those coping strategies, and highlight their resilience in doing so while reminding them that you are there to support.

### 2.1.3. A multidisciplinary approach and integrated child protection system

The application of the best interests of the child requires the involvement of a wide range of actors, including asylum and reception authorities, screening and immigration authorities as well as health and child protection services. This underscores the importance of effective **coordination and collaboration**, as well as the need for a shared baseline of knowledge and awareness among these professionals on children's rights, the best interests of the child and the asylum framework.

In its 2024 recommendations on developing and strengthening an integrated **child protection system in the best interests of the child** <sup>(85)</sup>, the Commission highlights the need of Member States to take appropriate measures to strengthen **coordination and cooperation** of all relevant ministries and sectors and across the different levels of competence, at the local, regional and national levels and in cross-border situations. An **interdisciplinary approach** is considered essential for effective protection. The Pact promotes coordination <sup>(86)</sup> and involvement of qualified, trained professionals from the different ministries **with child protection authorities** as well as with other international organisations in the different legal frameworks. Such a coordination requires emphasis on an **integrated approach to case management** to ensure smooth coordination and follow up on those being served.

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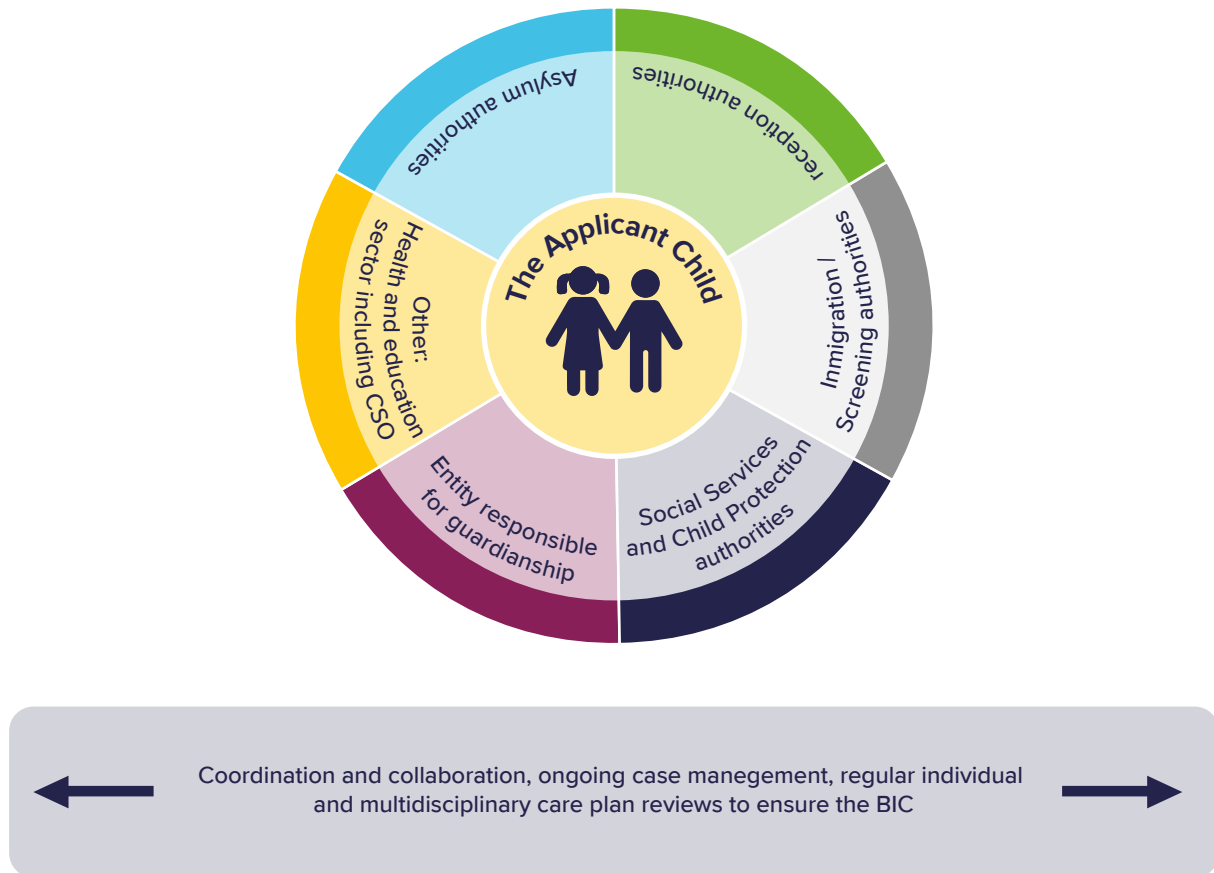
<sup>(85)</sup> [Commission Recommendation \(EU\) 2024/1238](#) on developing and strengthening integrated child protection systems in the best interests of the child, see footnote 6, paras. 19-20-21.

<sup>(86)</sup> Recitals 24 and 25 Screening Regulation; Article 60(4) AMMR; recital 65 RCD (2024).





**Figure 3. Coordination and collaboration and integrated approach to case management**



Source: EUAA

Those supporting the authorities in assessing the best interests of a child during the screening and asylum and reception pathway should have a combination of knowledge and awareness on:

- **child protection principles** and the functioning of an integrated child protection system;
- **basic awareness of children's physical and emotional well-being**, including signs that a child may need additional support;
- **basic knowledge on indicators of trafficking, exploitation, neglect and abuse** and how to respond safely to disclosure of trauma (including the knowledge of the referral pathways);
- the **legal framework under the Pact**, including safeguards for children and how BIA outcomes influence procedural steps and reception arrangements;
- **cultural sensitivity** and awareness of the impact of migration and displacement on children.





## Information sharing

Information collected in the context of a BIA must be handled with due regard to confidentiality, data protection rules and the child's right to privacy. At the same time, certain information may need to be shared, on a strictly need-to-know basis, with relevant authorities or service providers in order to ensure effective case management, address identified needs and prevent or mitigate risks to the child, including risks of harm or self-harm.

Decisions on **what information** is shared, **with whom**, and **at what stage** must be assessed on a case-by-case basis, with the BIC as a primary consideration and on a need-to-know basis only. In this regard, it is recommended that Member States:

- establish clear protocols and procedures governing the exchange and sharing of information among relevant professionals and services;
- define roles, responsibilities and safeguards to ensure that information sharing is proportionate, limited to what is strictly necessary and compliant with applicable data protection rules.

Such arrangements support effective coordination among actors while safeguarding the rights and best interests of children in need of international protection. The child and their parents, caregivers or guardian should be informed about information-sharing practices and their rights under data protection rules and, where applicable, have the opportunity to provide their views or **consent**, in accordance with national law.



## Examples – How to ensure an integrated approach to child protection

A child-centred **integrated approach** <sup>(87)</sup> to child protection is crucial to ensure that children are protected holistically and their best interests are considered meaningfully during the entire asylum and reception pathway. Such an approach also emphasises the importance of acknowledging the strengths and resources of the child and collaborating with families, caregivers, communities and religious and cultural systems <sup>(88)</sup>, where applicable, to support the child's overall well-being.

### Example 1 – Decision on safe accommodation

During the screening, a border guard notes that a 16-year-old unaccompanied girl appears fearful of a man travelling with her.

<sup>(87)</sup> Integrated child protection systems are also part of the technical support instrument established with Regulation (EU) 2021/240, <http://data.europa.eu/eli/reg/2021/240/oj>, which provides on-demand tailor-made technical expertise for designing and implementing structural reforms in the Member States. This includes the areas of education, social services, migration and border management, health and justice, for example supporting the implementation of Children's houses (see Barnahus).

<sup>(88)</sup> Paragraph 59, 'Definition of a child rights approach' in: UN Committee on the Rights of the Child (CRC), *General comment No. 13 (2011): The right of the child to freedom from all forms of violence*, CRC/C/GC/13, 2011, <https://www.refworld.org/legal/general/crc/2011/en/82269>.



- The **screening authority** flags this concern; **law enforcement** immediately acts to guarantee the safety of the girl and initiate an investigation on the case.
- The **guardian** meets with the child to ensure that she is informed of the concern in a child-appropriate manner and is given the opportunity to be heard.
- The guardian ensures access **to free legal counselling and legal assistance**, where applicable, as the child may be a potential victim of trafficking.
- The **vulnerability assessors** are informed and will carefully assess the girls' needs and potential risks, taking into account her views and individual circumstances.
- Based on the assessment and in coordination with child protection services, the **reception officer** arranges for the child's placement in safe and appropriate accommodation, e.g. a specialised reception facility for girls or a protective shelter.

### **Example 2 – Supporting a child during the asylum interview**

During the asylum interview, the case officer becomes aware that a 14-year-old unaccompanied boy is experiencing nightmares and has difficulty concentrating.

- The **case officer** records the information as a potential indicator to consider during the assessment of the claim and highlights the condition of the applicant.
- The **asylum case officer** adjusts the interview timing and pace accordingly.
- The **guardian** requests breaks and a simplified explanation of questions.
- Following the interview, the **case officer** refers the child to the vulnerability team for further assessment; the vulnerability team identifies stress-related symptoms and provides recommendations for follow-up. The case is followed up by a **vulnerability assessor** to adjust the response to the need of the child; where relevant, the BIA is updated to reflect the newly identified needs to safeguard the child's well-being throughout the procedure.
- The **reception officer** is informed of the identified needs to ensure continuity of care and appropriate adjustment of reception conditions and support measures.

### **Example 3 – Severe psychological distress during stay in reception**

A 15-year-old unaccompanied boy has been staying in a reception centre for several weeks. Staff notice he has stopped attending school activities, withdraws from peers and shows signs of insomnia.

- The **reception officer** documents these observations and alerts the **guardian, case manager and the vulnerability assessors where applicable**.
- The **guardian** meets with the child, who shares that he experiences frequent flashbacks linked to past events in his country of origin.
- The **case manager** requests a consultation with the **health unit**, which identifies anxiety and psychological distress and recommends regular sessions with psychosocial support services.



- Based on the assessment, in consultation with the guardian and case manager and, if needed, with input from child protection services, the reception authority intervenes to facilitate the management of the situation of distress, for example adjusting the child's accommodation conditions or mediating in case of conflict with peers and ensuring access to psychosocial support services.
- The **case officer**, informed of the situation, postpones a scheduled interview to prevent unnecessary stress and ensure the child can participate meaningfully once stabilised.



### Consideration

Adopting a **shared and secure digital case management system** can enhance interagency collaboration by providing secure, real-time access to relevant case information for all actors involved in the care and protection of a child. Access to such information would prevent incoherent or duplicated interventions from different actors. Such a system should integrate **robust data protection safeguards** and be used on a **need-to-know basis**, ensuring that sensitive information is accessed only by professionals who require it to fulfil their specific roles.

Information sharing through such systems should be **proportionate and purpose-limited**, with clear rules governing access, use and retention of data. Where required under national law and taking into account the child's age and maturity, the child and/or their parent, caregiver or guardian **should be informed** of data-sharing practices and, where applicable, their **consent** needs to be sought. All information-sharing arrangements must be consistent with the national legal frameworks and applicable rules on data protection, while ensuring that the BIC remains a primary consideration.



### Additional reading on the best interests of the child

Adopting a **shared and secure digital case management system** can enhance interagency collaboration by providing secure, real-time access to relevant case information for all actors involved in the care and protection of a child. Access to such information would prevent incoherent or duplicated interventions from different actors. Such a system should integrate **robust data protection safeguards** and be used on a **need-to-know basis**, ensuring that sensitive information is accessed only by professionals who require it to fulfil their specific roles.

- UNHCR, *2021 UNHCR Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child*, <https://www.refworld.org/policy/opguidance/unhcr/2021/en/122648>.
- UNHCR, *Guidelines on Assessing and Determining the Best Interests of the Child*, <https://migrationnetwork.un.org/resources/guidelines-assessing-and-determining-best-interests-child>.



- IOM Handbook on Protection and Assistance to Migrants Vulnerable to violence, exploitation and abuse, 2019; Part 6, UNICEF, *Guidance for the Protection, Care and Assistance of vulnerable Migrants*, <https://publications.iom.int/books/iom-handbook-migrants-vulnerable-violence-exploitation-and-abuse>.
- UNICEF, IOM, EU-IOM Knowledge Management Hub, *Best Interest Determination Form*, 2022, <https://migrantprotection.iom.int/system/files/training-material/attachment/3-bid-form.pdf>.
- Save the Children, *Best Interests Assessment Form for Temporary Care Arrangements & Durable Solution*, 2010, <https://resourcecentre.savethechildren.net/document/best-interest-assessment-form-temporary-care-arrangements-durable-solution>.



### 3. The best interests of the child during the screening

The **Screening Regulation** <sup>(89)</sup> requires the compulsory pre-entry screening of third-country nationals at the external border and, in certain situations, within the national territory where individuals are apprehended following unauthorised entry or presence <sup>(90)</sup>. The screening applies to persons who do not fulfil the conditions for entry into the EU.

The screening consists of a set of checks, including identity, security, health and vulnerability checks, which are carried out in a coordinated manner and without prejudice to the subsequent asylum or return procedures. These checks contribute to the effective management of the external borders while ensuring that vulnerabilities and specific needs are identified at the earliest possible stage.

The Screening Regulation stipulates that, as regards screening at the external border, it must be carried out ‘without delay and in any case completed **within seven days** <sup>(91)</sup> from the apprehension (...)’. The full screening process entails the following subsequent steps <sup>(92)</sup>:

- **preliminary health check** <sup>(93)</sup> and **vulnerability check** <sup>(94)</sup>;
- **identification or verification of identity** <sup>(95)</sup> and security check <sup>(96)</sup> which includes the **registration of biometric data** <sup>(97)</sup> if not already done;
- filling out of a **screening form** <sup>(98)</sup>, also by cross-checking of information with the applicant to allow for correction and adjustment of the information shared <sup>(99)</sup>;
- **referral** to the relevant authority <sup>(100)</sup>.

The Screening Regulation also emphasises the **need for close cooperation between the competent national authorities** responsible for the asylum procedure, the reception

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<sup>(89)</sup> Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 PE/20/2024/REV/1 (OJ L, 2024/1356, 22.5.2024), <http://data.europa.eu/eli/reg/2024/1356/oj>.

<sup>(90)</sup> Articles 5 and 7 Screening Regulation.

<sup>(91)</sup> Article 8(3) Screening Regulation.

<sup>(92)</sup> Article 5(5) Screening Regulation.

<sup>(93)</sup> Article 12 Screening Regulation.

<sup>(94)</sup> Article 12 Screening Regulation.

<sup>(95)</sup> Article 14 Screening Regulation.

<sup>(96)</sup> Articles 15 and 16 Screening Regulation.

<sup>(97)</sup> Articles 15, 22 and 24 AMMR.

<sup>(98)</sup> Article 17 Screening Regulation.

<sup>(99)</sup> Recital 32 Screening Regulation.

<sup>(100)</sup> Article 18 Screening Regulation.



of applicants, public health and child protection authorities (where applicable), return procedures <sup>(101)</sup>.

On coordination and collaboration, the Screening Regulation makes reference to the **European Border and Coast Guard Agency** (Frontex), the **European Union Agency for Law Enforcement Cooperation** (Europol), the **EUAA**, **national child protection authorities** and authorities in charge of detecting and identifying victims of trafficking in human beings <sup>(102)</sup>.

**National child protection authorities** play a role from the earliest stages of a child's arrival, particularly for unaccompanied children. Before the appointment of a guardian, they should be **the first actor that can assess immediate protection needs**, initiate care arrangements and contribute to the BIA. The involvement of the national child protection authorities in the screening, in the **initial steps of the asylum procedure (access to procedure)** and in the referral processes is essential to ensure that the **decisions made** in this phase and while in reception during the screening, are **in line with child protection principles** and EU and national standards, to ensure continuity of care and safeguard children's rights from the outset.

The Screening Regulation also highlights the obligation incumbent on screening authorities to **provide information** in child-friendly manner <sup>(103)</sup> on the purpose and duration of the screening and on the right to ask for asylum. Once a child has expressed the intention to **apply for asylum**, they should be provided with timely and appropriate legal counselling, in line with the Asylum Procedure Regulation (APR) <sup>(104)</sup>.

Finally, the Screening Regulation emphasises the importance of **compliance with fundamental rights** <sup>(105)</sup>.



**EUAA Let's Speak Asylum portal**, <https://lsa.euaa.europa.eu/>

The Let's Speak Asylum portal offers methodological guidance and practical tools on the provision of information in the context of asylum procedures and the reception pathway.

The portal will host the information provision materials drawn up by the EUAA as per the CEAS to be completed by the authorities with country-specific information. These include the mandatory brochures for accompanied and unaccompanied children and the complementary package of picture stories, posters, flashcards and animations for vulnerable persons. The portal will also host instructions and practical tips on the use of the materials (forthcoming).

<sup>(101)</sup> Recital 24 Screening Regulation: 'In order to achieve the objectives of the screening, a stronger framework for close cooperation should be ensured between the competent national authorities referred to in the provision on implementation of control of Regulation (EU) 2016/399, the authorities responsible for asylum procedures and reception of applicants, the authorities responsible for the protection of public health and the authorities responsible for carrying out return procedures respecting Directive 2008/115/EC.'

<sup>(102)</sup> Recital 24 Screening Regulation.

<sup>(103)</sup> Article 11(1)(2) Screening Regulation.

<sup>(104)</sup> Article 15(1) APR.

<sup>(105)</sup> Article 3 Screening Regulation.





EUAA, *Practical Guide on Free Legal Counselling: Organisation of the provision of free legal counselling*, October 2025, <https://euaa.europa.eu/publications/practical-guide-free-legal-counselling>

### 3.1. Applying the BIC during the screening

The **identification** of vulnerable applicants and those with special needs (including children) is a crucial legal obligation. The identification of needs must start as soon as possible upon arrival, either at the external border or at the initial reception centre during the health and vulnerability checks. Once an applicant indicates to be a child, the BIC principle applies. A guardian should be appointed to represent and assist the unaccompanied child during the screening. Where a guardian has not been appointed, a suitable person to act temporarily as a representative should be designated <sup>(106)</sup>. Child protection authorities <sup>(107)</sup> should be involved in view of providing the child with immediate and adequate protection and support, including in relation to physical and mental health, access to emergency health care and essential treatment of illness, psychosocial support, safeguard from harm and the activation of appropriate follow-up and referral mechanisms. The officers conducting the screenings will need to be trained and knowledgeable on how to collaborate and coordinate with stakeholders to provide additional support services.



#### Examples –Considering the BIC during the screening

During the screening, and particularly at the **health and vulnerability checks**, officers might **identify specific needs and vulnerabilities** that require considerations linked to the BIC. Given that the health and vulnerability checks are preliminary checks only, authorities should provide support where there is an immediate need, while other support should be given in ensuing procedures. Below is a series of examples illustrating situations that might occur at screening stage.

##### **Example 1 – Lack of identity documents and serious doubts on the child's claimed age**

For the purposes of screening and vulnerability checks, being a child constitutes a vulnerability *per se*. The identification of children, including in cases where age is in doubt, therefore falls within the scope of the vulnerability assessment and requires specific safeguards linked to the BIC. When the child has no identity documents and serious doubts arise on their claimed age due to contradictory or inconsistent information, officers need to first verify whether these doubts can be immediately clarified (e.g. through available records, explanations or initial checks). If not, they must refer the case to the competent authority which will decide whether a formal age assessment is necessary <sup>(108)</sup>.

<sup>(106)</sup> Recital 25 Screening Regulation.

<sup>(107)</sup> Articles 8(9) and 12(4) Screening Regulation.

<sup>(108)</sup> For detailed information on age assessment, see EUAA, *Practical Guide on Age Assessment*, November 2025 <https://www.euaa.europa.eu/publications/practical-guide-age-assessment-0>.



### Example 2 – Indicators of trafficking in human beings

The detection of indicators that a child may be a victim of trafficking triggers immediate protection actions and the involvement of the competent anti trafficking authorities.

### Example 3 – Possible need for family tracing

The assessment needs to inquire on when the child last saw their parents/family members and decide if family tracing/reunification/relocation is in the BIC.

### Example 4 – Severe psychological distress

Severe psychological distress may result from trauma experienced in the country of origin or during the migration journey, including incidents such as shipwrecks or search and rescue operations involving casualties. In such cases, an assessment on the appropriate medical, psychological or psychiatric support needed to stabilise the child is required, coupled with consideration of the time required for rest and recovery before the child can meaningfully participate in the asylum or other procedures, including assessing whether there are any specific accommodation needs.

### Example 5 – Unclear family links of an accompanied child

Officers must verify whether the accompanying adult person is actually responsible for the child and be alert to any indicators of potential risks behind the adult-child relationship, particularly risks related to trafficking or sexual harm.

### Example 6 – Child living with health conditions or impairments

A specific assessment of accommodation needs (accessibility, location, safety of the accommodation place) is required in the case of children living with health conditions (including reproductive health needs) or physical, sensory, intellectual or psychosocial impairments.



### Point to remember

Unaccompanied children should not, as a general rule, be channelled into the border procedure. In the context of the screening phase, relevant elements — including identification, age assessment, vulnerability and any indications related to national security or public order — are identified and documented. While the formal decision on the applicable procedure is taken at the end of the screening, the information gathered at that stage is decisive in ensuring that unaccompanied children are not channelled to the border procedure as a general rule and that, when this is the case, it is limited **to exceptional situations where the child poses a threat to national security or public order** <sup>(109)</sup>. In any case, proper reception conditions for children and all relevant safeguards must be upheld <sup>(110)</sup>.

<sup>(109)</sup> Article 53(1) APR.

<sup>(110)</sup> Article 53(1) and Article 42(3)(b) APR, except where there are national security or public order concerns vis-à-vis the applicant. The RCD (2024) refers to certain exceptions such as when it was established that the minor poses a security threat (see recital 40 and Article 13(2)(b)).





## Examples – Applying the BIC during the screening

During the screening, and particularly at the **health and vulnerability checks**, officers might **identify specific needs and vulnerabilities** that require considerations linked to the BIC. Given that the health and vulnerability checks are preliminary checks only, authorities should provide support where there is an immediate need, while other support should be given in ensuing procedures. Below is a series of examples illustrating situations that might occur at screening stage.

### Example 1 – Identifying the need for child appropriate accommodation

During screening, officers note that a 16-year-old unaccompanied girl avoids eye contact and becomes frightened when adult men approach.

- **Screening officers** immediately consider the BIC and alert child protection services.
- The **guardian or the suitable person to act temporarily as a representative is informed** and participates closely to all the activities.
- Screening is prioritised so that the child can be immediately transferred to the appropriate procedure.
- The girl's behaviour during the **vulnerability checks** indicates possible exposure to gender-based violence. For that reason she may need a smaller, child-appropriate reception facility rather than a large centre far away from adequate health services, as well as to psychological support. Timely referral is done to specialised psychosocial and health support services.

**Application of the BIC:** ensuring early placement in a safe, age-appropriate environment and specialised support services before the asylum process begins.

### Example 2 – Decision not to allocate an accompanied child to the border procedure

A 13-year-old child arrives with her mum who refers that the child has a medical condition (severe asthma and epilepsy) requiring daily medication and periodic monitoring.

- **Health checks** reveal that the medication the child carried with her is running out.
- **Screening staff** organise an immediate medical consultation.
- Although the applicants fall under a category normally examined in the border procedure, the health and vulnerability checks identify that the child's condition cannot be safely managed in a border facility.
- **Screening officers** consult health services which confirm that the facility cannot provide the required conditions.
- **Reception authorities** are informed to place the child near a health facility capable of providing continuity of care.

As the BIC is a primary consideration, the mum is **not allocated to the border procedure either** and the case is channelled to the normal asylum procedure.

**Application of the BIC:** ensuring uninterrupted access to essential treatment and preventing medical deterioration. Safeguarding the child's health takes precedence over procedural efficiency.



## 4. The best interests of the child in the asylum procedure

The **Asylum Procedure Regulation (APR)** is a central legal instrument under the Common European Asylum System (CEAS), aiming to harmonise and improve asylum the procedure across Member States. It establishes common standards for registration, lodging, interviewing, decision-making and appeals, ensuring fairness, efficiency and the protection of fundamental rights.

The **Qualification Regulation (QR)** <sup>(111)</sup>, in turn, sets out common criteria for granting international protection and defines the rights and entitlements attached to each international protection status, such as residence permits, access to health care, education and integration measures.

The two regulations should not be treated in isolation. On the contrary, they must be applied in an **interconnected** and coherent manner. A child's experience within the asylum system does not occur in isolated procedural steps: each decision and interaction forms part of a continuous pathway. Therefore, a **holistic and child-centred approach** <sup>(112)</sup> — sensitive to the child's individual circumstances, vulnerabilities and best interests — should guide all actions taken under both regulations, including after status recognition <sup>(113)</sup>.

The APR introduces **specific safeguards for children** tailored to their vulnerabilities. These include:

- provision of child-friendly information with the assistance of an interpreter as needed;
- mandatory vulnerability assessment(s), child-sensitive interviewing techniques;
- prioritised processing of applications involving children, without compromising procedural guarantees;
- the appointment of qualified guardians for unaccompanied children.

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<sup>(111)</sup> Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (OJ L, 2024/1347, 22.5.2024), <http://data.europa.eu/eli/reg/2024/1347/oj>.

<sup>(112)</sup> A child-centred approach ensures that the BIC, their right to be heard and their safety and development are systematically taken into account in all decisions and procedures affecting them, in line with the CRC. In the asylum procedure this includes adapting procedures to the child's age and maturity, ensuring the child's right to be heard in a child-appropriate manner, providing timely information and support and guaranteeing procedural safeguards, including representation, throughout the procedure.

<sup>(113)</sup> Article 22(1) (2) APR and recital 15 QR.



## 4.1. Applying the BIC during the asylum procedure

The asylum procedure begins when a child expresses the intention to seek asylum. This may happen upon arrival, during the screening or during their stay. In all situations where children are involved, guarantees and safeguards <sup>(114)</sup> have to be duly applied <sup>(115)</sup>.

### 4.1.1. Making an application

It is essential that authorities identify at the earliest possible stage **any indications that a child may be in need of international protection**, even where the child does not explicitly express the intention to apply for asylum. This is particularly relevant for unaccompanied children and children in vulnerable situations who may be unaware of their rights or of the asylum procedure. From the first point of contact, authorities must ensure that all relevant child-specific safeguards and procedural guarantees are applied, in line with the best interests of the child (see [Figure 1](#)).

In first-contact situations, particularly at the border, a child's need for protection may be expressed only indirectly. Border guards and other first-contact officials should therefore **remain alert** to indicators such as fear or distress at the prospect of return, references to past harm or danger, avoidance of official procedures, repeated questions about safety or requests for information about remaining in the territory. Any such indication should prompt further attention and, where appropriate, referral to the asylum procedure, as the right to access international protection applies from the earliest point of contact.

In this context, first-contact officers should always bear in mind the below.

- Children may not identify themselves as children or as persons seeking asylum, also due to a lack of self-awareness or knowledge of the safeguards associated with applying for international protection. Authorities must therefore proactively identify protection needs and provide meaningful, age-appropriate information about the available options.
- Fear, trauma, experiences of abuse, trafficking or exploitation and misinformation may influence a child's behaviour and willingness to disclose information.
- Children who go missing shortly after arrival are often exposed to serious risks, requiring prompt follow-up and coordination with the relevant authorities.

Once a child indicates an intention to apply for asylum, access to the procedure must be immediate, supported and adapted to the child's needs. Unaccompanied children must be assisted without delay by a suitable person to act temporarily as a representative, designated in a timely manner, who represents and acts on behalf of the child until a guardian is appointed. A guardian must be appointed within 15 days after the application for international protection, or within 25 days in cases of a disproportionate number of applications by

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<sup>(114)</sup> Article 13 Screening Regulation.

<sup>(115)</sup> For further details on screening, the screening procedure and the safeguards during the screening, see Chapter [3. The best interests of the child during the screening](#).



unaccompanied children. Any vulnerabilities affecting the child's ability to engage with the procedure must be identified without delay. Authorities should follow up and ensure that the child's needs and vulnerabilities are noted for the provision of appropriate special procedural guarantees during the registration and subsequent stages of the asylum procedure <sup>(116)</sup>.

The child's guardian should ensure access to legal counselling.

Several **rights and obligations** are triggered when making an application for asylum, including:

- the **right to remain** in the territory of the Member State;
- the **right to information**, in a language that the child understands (with the assistance of an interpreter when necessary), on how to lodge an application for international protection and on the child's rights and obligations during the asylum procedure (for materials on information provision see the [Let's Speak Asylum box](#));
- the obligation of Member States to identify/assess within 30 days whether the child is **in need of special procedural guarantees or has additional special reception** needs;
- the obligation of Member States to provide material reception conditions as laid down in the RCD (2024), including access to education.

Every action taken with or around a child **must be in line with the BIC**.

#### 4.1.2. Registration and lodging of the asylum application

In some countries registration and lodging take place in separate moments, although Member States have the flexibility to conduct registration and lodging at the same time.

Regardless of the set-up in each Member State, **registration** is the step when authorities formally record a child's application for international protection and begin addressing their longer-term needs. As such, it is **a critical first step** in ensuring that the BIC are considered and safeguarded.

**Basic personal details** and **basic biometric data** of a child applicant should be collected prior to registration, in the screening phase. However, if this is not the case, authorities will have to collect such information during registration <sup>(117)</sup>.

During this procedural step, children are asked to share different information such as any relevant documents they may have (e.g. birth certificate, school records) <sup>(118)</sup>, details about why they left their country, the whereabouts of their family members and their migration journey.

The child enjoys certain rights at this stage and/or throughout the procedure, for example:

- the right to be supported by either a guardian or their parents or family member;

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<sup>(116)</sup> Article 4(4) and Article 20 APR.

<sup>(117)</sup> In accordance with Article 27 APR.

<sup>(118)</sup> Article 27 and Article 28(6) APR.



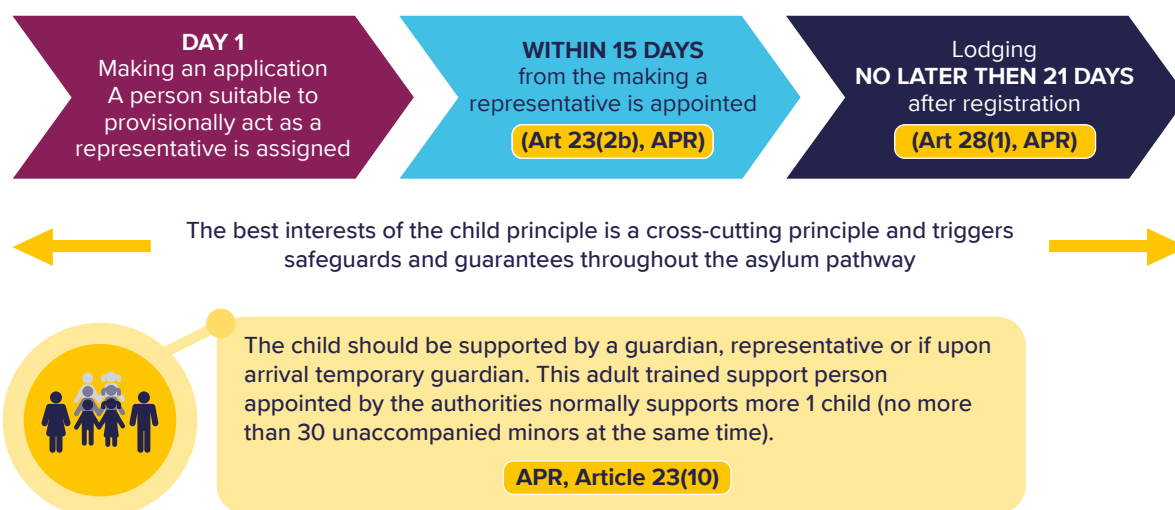
- the right to family unity <sup>(119)</sup>, which may trigger the initiation of family tracing at this stage
- the right to be assisted by an interpreter of their preferred gender, where possible <sup>(120)</sup>.

Additionally, applicants (including children) must have the opportunity to communicate with UNHCR or other organisations providing legal advice or counselling <sup>(121)</sup>. Moreover, children should have access to legal assistance to articulate their claims effectively <sup>(122)</sup>.

Data collection during registration and lodging must respect the child’s privacy and dignity. Information should be securely stored and shared only with relevant entities in accordance with EU data protection laws.

At the stage of registration of the application, the competent authorities must identify and record any initial indications that the applicant may require special procedural guarantees <sup>(123)</sup>. This initial identification should be based on visible signs, the applicant’s statements or behaviour or any relevant documents and, in the case of minors, also on statements from parents, responsible adults or guardians. Any such indications must be included in the applicant’s file and be made available to the determining authority. The **assessment** can be continued after the lodging of the application and needs to be concluded **as soon as possible and within 30 days**. This assessment aims to identify immediate needs such as medical care or psychosocial support, or risks of exploitation. If there are indications of trafficking, abuse or neglect, authorities must immediately refer the child to the appropriate protection mechanisms. Additionally, the assessment must be reviewed in the case of changes in the applicant’s circumstances or where the need for special procedural guarantees becomes apparent <sup>(124)</sup>.

**Figure 4. Important timelines for children in the regular asylum procedure**



Source: EUAA

<sup>(119)</sup> Article 23(4a) AMMR.

<sup>(120)</sup> Article 13(7) APR.

<sup>(121)</sup> Article 8(4) APR.

<sup>(122)</sup> Article 15, 16, 17 and 18 APR.

<sup>(123)</sup> Article 20(2) APR.

<sup>(124)</sup> Article 20(3) APR.



When **lodging an asylum application**, children must be supported comprehensively to ensure their **meaningful participation**. The lodging completes the phase of access to the asylum procedure. At this stage, children should not be expected to provide a full or detailed account of their asylum claim, nor should they be penalised for being unable to do so. In particular, children may not yet be ready to disclose sensitive or traumatic experiences. Information gathering at the lodging stage should therefore be limited to what is necessary to formalise the application, with the understanding that additional details may be provided at later stages of the procedure.

The **examination of the application** is the next phase of the asylum procedure. It is important to **individualise the duration of the procedure** by either prioritising the child's application <sup>(125)</sup> or by extending a rest and recovery period before setting the date of the interview, if this is in the child's best interests. The personal circumstances of the child should be the driving factor to decide how to proceed.



### Roles and responsibilities to ensure the BIC

#### Responsibilities of the case officer

- Have the **necessary knowledge** of the rights and special needs of children as well as in a child-sensitive and context-appropriate manner <sup>(126)</sup>.
- Ensure procedural safeguards (e.g. right to remain, guardian assignment, access to legal counselling, legal representation, reception).
- Ensure legal and procedural information is provided to the child to enable them to understand the asylum procedure,
- Consider family tracing and reunification under the Asylum and Migration Management Regulation (AMMR) where applicable,
- Identify special procedural guarantees as needed.
- Ensure that the guardian is in active contact with the child and provides them with support and assistance, including during the personal interview where needed.

#### Responsibilities of the guardian

- Ensure the child's access to adequate reception condition, including education, health care and support services.
- Provide support in preparation of and during the interview by clarifying questions and ensuring the child feels safe and understood.
- Assist family tracing when it aligns with the child's best interests and safety,
- Representing or assisting the child in cases where their refugee or subsidiary protection status is reviewed or withdrawn, ensuring continuity between past and future proceedings while serving as a stable focal point for the child.

<sup>(125)</sup> Article 34(5)(b) APR.

<sup>(126)</sup> Article 22(3) APR.



- To ensure fairness and transparency, **support the provision of age-appropriate explanations** about the asylum procedure, including the purpose of the interview and what to expect.
- **Support the child to access legal counselling, free legal assistance and legal representation, as well as procedural guidance**, further ensuring that the child's best interests are protected.

For more information on practical tips to conduct an interview with children, see [Annex I – The personal asylum interview with a child](#).



### Examples – Applying the BIC during registration and lodging

#### Example 1 – Data protection and dignity during registration

A 16-year-old unaccompanied boy lodges an asylum application. During registration, authorities notice that the child has several identical scars on his forearms and lower legs, and appears hesitant when asked general questions about his journey and current living arrangements.

- The **guardian** intervenes to explain that the child is not ready to discuss traumatic experiences at this stage.
- **Registration authorities** limit questioning to make sure the child feels safe and collect only information strictly necessary to formalise the application.
- The **child is reassured that detailed explanations can be provided later during the personal interview**.
- **The reception authority / case manager** are alerted and informed of a potential need of psycho-social support following the lodging of the application.
- Notes are added to the file to ensure a trauma-informed approach in subsequent stages.
- The **child** is informed of why documents, fingerprints and personal information are collected and how they will be used.
- Personal data is securely recorded and shared only with relevant authorities. Authorities remain attentive to possible intersectional vulnerabilities, gender-based harm, or sexual orientation, gender identity or expression and sex characteristics (SOGIESC), and ensure that questions and data collection are handled with heightened sensitivity and confidentiality.
- The **guardian** ensures the child understands their right to privacy and dignity as well as their rights under data protection rules.

**Application of the BIC:** respecting the child's dignity and privacy while ensuring lawful and proportionate data collection.



### Example 2 – Rest and recovery period before the personal interview

A 17-year-old unaccompanied boy lodges his asylum application shortly after arrival but shows signs of extreme fatigue following a long and dangerous journey.

- During lodging, the **child and guardian** inform authorities that the child has not slept properly for several days.
- **The reception authority / case manager** are informed and have prioritised the meeting with the child to assess their needs and establish the right support and follow-up.
- The lodging of the application is **completed** to secure access to rights and reception conditions.
- **The case officer** is informed and, based on the findings of the vulnerability assessor, decides that immediate scheduling of the personal interview would negatively affect the child's ability to participate. A **rest and recovery** period is granted before setting the interview date.
- The **child is informed**, in an age-appropriate manner, about the next steps and the expected timeline.

**Application of the BIC:** ensuring that the child can effectively participate in the asylum procedure and that the examination of the claim is fair and child-sensitive.

### Example 3 – Safeguards in case of risk of going missing after lodging

A 15-year-old unaccompanied boy lodges an asylum application but indicates that acquaintances are urging him to leave the reception facility.

- **Lodging authorities** document the risk of the child going missing.
- **Child protection services, reception authorities, the case manager** and the **guardian** are alerted immediately.
- **Reception arrangements** are adapted to provide closer supervision and support.
- The child is informed about the **risks and consequences of leaving the facility/ system**, and the available protection.
- **Follow-up measures** are put in place to monitor the child's situation.

**Application of the BIC:** preventing disappearance and protecting the child from potential exploitation or harm following the lodging of the application.



#### Related EUAA publications

- *Practical guide on the registration and lodging of applications for international protection*, December 2025, <https://www.euaa.europa.eu/publications/practical-guide-registration-lodging>.
- *Practical Guide on the Asylum Border Procedure*, March 2026, <https://www.euaa.europa.eu/publications/practical-guide-asylum-border-procedure>.



- *Practical Guide on Age Assessment*, November 2025, <https://www.euaa.europa.eu/publications/practical-guide-age-assessment-0>.
- *Guidelines on Alternatives to Detention*, December 2024, <https://www.euaa.europa.eu/publications/guidelines-alternatives-detention>.
- *Practical Guide on the Accelerated Examination Procedure*, 2026, <https://www.euaa.europa.eu/publications/practical-guide-accelerated-examination-procedure>.
- EUAA-Frontex, *Toolkit on Access to the Asylum Procedure*, March 2026, <https://www.euaa.europa.eu/practical-tools-first-contact-officials-access-asylum-procedure>.



#### Related EUAA tools

- **IPSN Tool**: an interactive online solution that allows the user to identify potential special needs in the context of the asylum procedure and reception.
- **SNVA Tool**: a tool to support Member State authorities in the assessment of the special needs of persons in a situation of vulnerability.



#### Additional readings on guardianship

- EGN, *Standards for Guardianship Translated*, 2021, <https://www.egnetwork.eu/news-item/egn-standards-for-guardianship-translated/>.
- FRA, *Guardianship systems for children deprived of parental care in the European Union – Summary*, 2018, <https://fra.europa.eu/en/publication/2018/guardianship-systems-children-deprived-parental-care-european-union-summary>.
- FRA, *Guardianship for children deprived of parental care*, 2014, <https://fra.europa.eu/en/publication/2014/guardianship-children-deprived-parental-care>.
- FRA, *Guardianship for unaccompanied children - A manual for trainers of guardians*, 2023, <https://fra.europa.eu/en/publication/2023/guardianship-unaccompanied-children-trainers-manual>.

### 4.1.3. The personal interview and the examination of the application

Once the lodging of the application for international protection is finalised, the authorities proceed to examine the application. The goal of this phase is to determine whether the applicant qualifies for international protection, be it refugee status or subsidiary protection. Under the APR, the examination must be concluded as soon as possible, generally within six months of the lodging of the application or of the applicant's transfer to the Member State responsible <sup>(127)</sup>. The examination phase consists of key steps, including the personal interviews, decision-making and notification.

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<sup>(127)</sup> Article 35(4) APR.



For children, this stage must involve a thorough review of their personal circumstances. This should be conducted in a child-sensitive and age-appropriate manner, to gather detailed insights into the **child's protection needs**.

An **interpreter** must be made available for the personal interviews, to ensure clear and accurate communication between the applicant and the interviewer.

Member States should give preference to **interpreters and/or cultural mediators who have received specialised training**, including on working with children and on international protection procedures, concepts and terminology <sup>(128)</sup>. Communication should take place in the language preferred by the child and meaningful participation of the child supported by the guardian is to be ensured <sup>(129)</sup>.

The child has a right to **express their views and opinions**, either personally or via their guardian. Any interviews with the child should always be conducted in a safe, confidential, comfortable and child-friendly environment, suitable to build trust with the child. The views expressed by the child must be duly taken into consideration and given appropriate weight in accordance with the child's age, maturity and personal circumstances.

The child should be given the opportunity of a **personal interview**, except if this is not in their best interests. In the latter case, the determining authority will need to justify their decision <sup>(130)</sup>. When a child is interviewed, the adult responsible for them or the guardian as well as their legal adviser if applicable, should be present.

For accompanied children, conducting a personal interview without the presence of the adult responsible should occur only where it is determined to be in the child's best interests, based on justified grounds. In such cases, the determining authority must ensure the assistance of a person with the necessary skills and expertise <sup>(131)</sup>.

The asylum interview is a **critical step** in assessing a child's application for international protection. **Procedural safeguards** <sup>(132)</sup> applicable to the asylum interview include the provision of a child-appropriate and supportive interview environment, ensuring that children are able to express themselves freely and can communicate in a language in which they feel comfortable and can be properly understood. Indeed, as part of the procedural safeguards applicable to the asylum interview, child-friendly interviewing techniques should be applied. Before formally starting the interview, interviewers should create a welcoming and supportive atmosphere, for example by asking simple introductory questions such as whether the child needs water, how they are feeling, or whether the child has any questions before the interview begins. This helps establish trust and a basic rapport.

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<sup>(128)</sup> Article 13(5) APR with reference to Article 8(4)(m) EUAA Founding Regulation : Regulation (EU) 2021/2303, <http://data.europa.eu/eli/reg/2021/2303/oj>.

<sup>(129)</sup> Article 13(5) APR.

<sup>(130)</sup> Article 22(3) APR.

<sup>(131)</sup> Article 22(4) APR.

<sup>(132)</sup> Articles 22 and 23 APR.



Given that younger children may lack the vocabulary or cognitive ability to express fears and experiences in the same way as adults, interviews should be conducted using clear, simplified and child-appropriate language. A child's level of maturity influences how they process information and articulate their thoughts; interviewers must therefore adapt their questioning to ensure that the child understands the purpose of the interview and feels comfortable responding.

**Open-ended questions** should be used wherever possible, allowing the child to narrate their experiences in their own words, with clarifications sought only where necessary.

During the interview, attention should be paid to any vulnerabilities that may make it difficult for the child to talk about what happened to them, or what they feared might happen, with the child's best interests in mind. The child might also experience specific difficulties in disclosing sensitive information, despite having been prepared for the interview and been informed of their rights. Therefore, officers should remain alert to any indicators of grounds of asylum and prompt further attention to these during the interview. The child must be given **the opportunity to confirm** the information collected during the asylum procedure, and this must be documented in their file <sup>(133)</sup>.

Decision-making must be based on an assessment of all relevant evidence available and **guided by the BIC principle**. Decisions should be communicated clearly and in a manner that the child can understand.

**Notification of the decision** must be given in writing, and be notified to the applicant as soon as possible in accordance with national law. Considering that notification may not always take place in the presence of the guardian or legal representative, guardians and legal representatives should be informed without delay so that they can explain the substance and implications of the decision to the child in an age-appropriate and child-friendly manner, and provide the necessary support. **The reasons** for the decision must also be explained in writing, ensuring the child can understand how and why the decision was made.



### **Child-sensitive application of admissibility procedures first country of asylum, safe third country and the internal protection alternative**

Under the APR, the concepts of the 'first country of asylum' and 'safe third country' allow Member States to examine the **admissibility** of an application for international protection and potentially redirect an applicant to a non-EU country provided that specific legal conditions are met.

**The first country of asylum** applies when an asylum seeker has already been granted protection in another country or otherwise enjoys sufficient protection there, and can be readmitted without facing persecution, *refoulement*, or serious harm <sup>(134)</sup>.

<sup>(133)</sup> Should the child refuse, a note to that effect is recorded, Article 8(2) APR.

<sup>(134)</sup> Article 58 APR.



**The safe third country concept** <sup>(135)</sup> applies when an asylum seeker could safely remain in or return to a non-EU country that ensures compliance with international refugee protection standards, including access to fair asylum procedures and effective protection.

For unaccompanied children, these concepts can only be applied if they align with their best interests and the receiving country provides assurances of providing effective protection and care. This means ensuring safety, permission to remain in the territory, access to means of subsistence to maintain an adequate standard of living, access to health care and education, and effective protection until a durable solution is found <sup>(136)</sup>. In the case of such a decision, the authorities have to conduct a thorough BIA before the transfer is implemented, concluding that it would indeed not negatively impact the well-being of the child, and ensure their best interests. The BIC should always guide the decision.

### **Applicability of the internal protection alternative**

When assessing the applicability of the internal protection alternative <sup>(137)</sup>, particular attention must be given to **the BIC**, especially in cases involving unaccompanied children. In line with the APR, apart from the regular evaluation for the internal protection alternative, this entails an additional, comprehensive evaluation of whether sustainable and appropriate care and custodial arrangements are available in the proposed area of relocation. Beyond safety and legal admissibility, the assessment must consider the child's age, maturity and well-being access to essential services such as health care and education, and a standard of living adequate for their development.

The BIC must be a primary consideration in determining whether an internal protection alternative within the country of origin is a viable and lawful option for the child.



## **Child-sensitive communication of decisions and access to appeal**

When a **decision is communicated to a child** it is important to:

- ensure the **presence of a guardian** or trusted adult;
- provide access to free legal assistance and legal representation to ensure an effective remedy;
- provide access to **psychosocial support** <sup>(138)</sup> and **legal counselling** to explain the substance of the decision, its implications and available next steps (such as appeal but also information on return and how support can be provided during both stages);
- provide **tailored child-friendly and age-appropriate support** with careful attention to the child's emotional well-being and evolving needs throughout the appeals process.

<sup>(135)</sup> Article 59 APR.

<sup>(136)</sup> Articles 58(3) and 59(6) APR.

<sup>(137)</sup> Article 8 QR.

<sup>(138)</sup> Psychosocial support is also advised once international protection has been granted. Emotions to have legal status might be overwhelming also when a positive decision is received. The child might realise that they have protection now but might not be able to return to their country for the time being.



The appeal process should be carried out mindful of the BIC as a primary consideration, ensuring timely access to free legal counselling and legal assistance and the opportunity for children to present new evidence in support of their case <sup>(139)</sup>.



## Examples – Applying the BIC during the asylum interview

### Example 1 – Inconsistencies linked to trauma

A 17-year-old unaccompanied boy provides an account during the interview that differs in some details from information recorded earlier.

- The **case officer** identifies that the inconsistencies relate to dates and sequencing of traumatic events.
- The **child** is not confronted in an accusatory manner.
- The **guardian** explains that the child has experienced prolonged stress and trauma.
- The **determining authority** considers the child's age, maturity, and trauma-related memory gaps when assessing credibility.
- The examination focuses on the core elements of the protection claim.

**Application of the BIC:** preventing unfair credibility assessments and ensuring a child-sensitive evaluation of the evidence.

### Example 2 – Interview conducted in the presence of a trusted friend or trusted third party upon the child's request

A 16-year-old unaccompanied child requests that a close friend, who arrived in the same group and resides in the same reception facility, be present during the personal asylum interview to feel safer and less anxious.

- The **case officer and guardian** assess the request and determine that the presence of the friend supports the child's emotional well-being and does not undermine the confidentiality or integrity of the interview. Safety risks are also considered.
- The **child** is informed that the friend may be present for support but will not answer questions on the child's behalf.
- **Consent** is recorded in the file, and the roles of all persons present are clearly explained to the child before the interview starts.
- The interview is conducted in a child-friendly setting, with the guardian present and breaks offered as needed.
- The **case officer** remains attentive to the child's comfort and pauses the interview if signs of distress appear.

**Application of the BIC:** respecting the child's expressed views and supporting emotional safety during the interview, while safeguarding the fairness and integrity of the asylum procedure. This practice is not required under the APR but may be applied on a case-by-

<sup>(139)</sup> Article 17 APR.



case basis, at the discretion of the authority, where it serves the child's best interests. This is also applicable for a trusted third party, for example a reception officer, case officer, social worker or a representative of a non-governmental organisation.

#### 4.1.4. Appeal against a negative decision

Given the potentially significant emotional impact of a rejection decision on a child, apart from the procedural aspects linked with the **right to appeal** it is recommended to have in place appropriate support systems to help the child understand and cope with the negative decision. A child applicant, just as adults, has the right to appeal a decision granting subsidiary protection (as this constitutes a rejection of refugee status) and any negative, or return decisions issued at first-instance <sup>(140)</sup>, including:

- **rejections**, where the determining authority finds no substantial grounds in the child's story to grant refugee status or subsidiary protection;
- **exclusion decisions**, which occur if authorities conclude that a child – who has reached the minimum age for criminal responsibility – has committed acts such as war crimes or serious non-political crimes <sup>(141)</sup> outside the country of asylum, or constitutes a danger to the community or national security in the case of subsidiary protection;
- **inadmissibility decisions**, where applications are deemed inadmissible under the specific criteria established in the APR <sup>(142)</sup>.

An **effective remedy** must be provided in the form of an appeal before a court or tribunal. Appeals must be submitted within reasonable time limits, as defined by national law, and the decision must contain clear, written instructions on how to initiate the appeal process. Appeals must allow for a comprehensive review of both the facts and law, including the applicant's need for international protection.

The general rule in the **asylum border procedure** is that **negative decisions** on asylum applications **do not automatically have a suspensive effect**. This means that, in most cases, an applicant may be removed or transferred from the Member State even while the appeal is ongoing, unless they specifically request a suspension of the removal or transfer as part of the appeal.

Safeguards outlined in the APR require that for the remedy to be effective, the applicant has access to detailed records of the personal interviews and written asylum decisions. Decision-makers should rely on a thorough assessment of the (child) applicant's statements, supporting documents, country of origin information and any available expert reports.

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<sup>(140)</sup> Article 67 APR.

<sup>(141)</sup> Articles 12 and 17 QR.

<sup>(142)</sup> Article 38 APR.





## Appeal procedures in the border context

### Unaccompanied child in the border procedure

In the **exceptional circumstances** where unaccompanied children may be subjected to the border procedure, **they are exempt** from the general rule regarding the non-automatic suspensive effect of negative decisions. Therefore, a negative decision on their application **automatically carries a suspensive effect**, meaning that removal or transfer cannot take place until the appeal has been decided upon <sup>(143)</sup>.

This ensures that **a child cannot be removed or transferred** from the Member State until the appeal process has been concluded, providing an essential safeguard to protect their rights and ensure that any decision aligns with their best interests.

### Appeal hearing

Appeal hearings must be child-sensitive and prioritise the child's right to be heard. Member States must ensure that free legal assistance and representation are available upon request during the appeal process, as outlined in the APR. Additionally, the decision to appeal must be communicated to the child in a child-friendly manner, with the involvement of their guardian or legal representative. The **notification of the appeal decision** must be provided in a language the child understands or can reasonably be expected to understand.



## Child-specific safeguards during the appeal stage

Those providing legal support to the child, in coordination with the guardian, should ensure the following.

- Any **risk of removal** during the pendency of the appeal is assessed, including whether the appeal has automatic suspensive effect.
- Where risks are identified, appropriate safeguards are in place, including the request for temporary protection measures or **the suspension of removal**, where necessary.
- The child has **received child-friendly information** in a manner appropriate to their age, maturity and level of understanding.
- The child has had the opportunity to **consult with a legal counsellor** as well as with their guardian and legal representative / legal adviser.
- The child has been duly informed of the negative decision, the reasons for it and the **legal remedies and options available**, including protection measures where relevant.
- The child has access to **psychosocial support** throughout the appeals process.
- Any new vulnerabilities or special needs identified during the appeals stage are documented and addressed, including the **updating of the BIA form and the case file**, and follow-up actions are taken to adapt the appeal procedure accordingly.

<sup>(143)</sup> Article 68(3)(a)(ii) and Article 68(3)(a)(b) APR.



- In the event of an unsuccessful appeal, **alternative legal pathways** (such as humanitarian residence permits or resettlement options) are explored.
- Where the appeal is successful, the child is referred to **an appropriate best interests determination** procedure and to longer-term reception, protection and integration support.

The **BIC must remain the guiding principle throughout the appeals stage**, ensuring that the process is fair, transparent, and aligned with international and EU legal standards <sup>(144)</sup>.



### Examples – Applying the BIC during an appeal

#### Example 1 – Child-sensitive support during appeal of a negative decision

A 15-year-old unaccompanied child receives a negative first-instance decision on the asylum application and becomes visibly distressed, expressing fear of being returned.

- The decision is communicated in the presence of the **guardian**, who explains the outcome using simple, age-appropriate language.
- **The child** is clearly informed that they have the right to appeal and that they cannot be returned while the appeal is pending.
- **Free legal assistance** is arranged immediately to assess the decision and prepare the appeal within the applicable time limits.
- **The guardian and legal adviser** explain the appeal process step-by-step, including what information can be added and what the possible outcomes are.
- **The child** is given the opportunity to express their views and to provide additional information or evidence that was not previously considered.
- Psychosocial support services are offered to address the child's anxiety and fear following the negative decision.
- **Reception arrangements** are reviewed to ensure continuity of care, stability, and access to education during the appeal.

**Application of the BIC:** ensuring that the child's right to an effective remedy is real and accessible, while safeguarding emotional well-being, procedural fairness and continuity of protection during the appeal process. The determining authority considers the child's age, maturity and trauma-related memory gaps when assessing credibility.

#### Example 2 – Appeal prioritised due to risk of serious harm upon return

A 12-year-old child receives a negative asylum decision together with her parents. During the notification of the decision, the child discloses to the officer a fear of being subjected

<sup>(144)</sup> Fair and public hearing must be guaranteed, as established under Article 47 EU Charter and Article 6 of Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, <https://www.refworld.org/docid/3ae6b3b04.html>.



to harmful traditional practices if returned, including practices potentially involving family members.

- The **competent authority** starts to investigate as there are indications that the parents may be involved in or unable to prevent the feared harm; **child protection services are informed** and appropriate safeguards are put in place to ensure the child's independent protection.
- Following collection of elements, a guardian is nominated and the legal custody is suspended.
- The **competent authority and the guardian** identify that the child may have individual protection needs that were not fully assessed at first instance, due to the emergence of new child-specific elements.
- The decision and its implications are explained to the child in age-appropriate language and, where necessary to safeguard the child's right to be heard and to ensure her safety, **separately from the parents**.
- **Free legal assistance** is mobilised immediately to lodge an appeal within the prescribed time limits.
- New child-specific evidence is submitted, including country of origin information on practices affecting children and expert opinions.
- The **appeal authority prioritises** the case due to the child's age and risk of irreparable harm.
- **Psychosocial support** is offered to support the child throughout the appeal proceedings.
- **Reception and education** arrangements are re-assessed for the protection of the child to ensure stability during the appeal.

**Application of the BIC:** ensuring that child-specific risks are fully examined, preventing exposure to serious harm and guaranteeing an effective remedy tailored to the child's individual protection needs.



**EUAA/FRA, *The Asylum Procedure: Practical tool for guardians*, October 2023**

<https://www.euaa.europa.eu/publications/asylum-procedure>

The tool supports guardians assigned to children in their daily tasks and responsibilities throughout the asylum procedure. It includes an overview of the asylum procedure with a specific focus on children, the guarantees for children and the role of the guardian in the different phases of the asylum process. It also covers what the guardian should do if something unexpected happens or if the age is disputed and explains how to guarantee a durable solution for the child.



## 5. The best interests of the child as part of asylum migration management

### 5.1. A common framework for migration management

The AMMR establishes a common framework for determining which EU+ country is responsible for examining an application for international protection, with **reinforced procedural safeguards for children** particularly where **family-related criteria** apply.

As a general rule, persons seeking international protection must register their application in the first EU+ country of entry and be present there until a decision on responsibility has been taken. Part III of the AMMR sets out the procedure for determining the Member State responsible, ensuring that **each application is examined by a single EU+ country**, thereby avoiding parallel or successive procedures <sup>(145)</sup>.

The EU+ country in which the application is registered is responsible for conducting the responsibility determination procedure, including identifying potential links to other Member States. To this end, the AMMR lays down the criteria and mechanisms for determining the Member State responsible for examining an application for international protection.

Moreover, the AMMR sets out a common framework for migration management that is applicable to EU+ countries <sup>(146)</sup>. Along with a mandatory mechanism of solidarity which lays down the steps that are needed to ensure that EU+ countries receive the necessary solidarity measures. EU+ countries can choose the type of solidarity measures that they are willing to provide, which can be relocation of applicants or beneficiaries, financial contributions, alternative solidarity measures. Should relocation pledges not be sufficient, the so-called ‘responsibility offsets’ – which consists of a take charge of examination of applications - will also be a tool to guarantee effective support to Member States in need.

### 5.2. Clear rules on determining the Member State responsible

When determining the Member State responsible, **family-related criteria must be examined first**, in line with the AMMR. These criteria are applied based on the definitions of family

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<sup>(145)</sup> In accordance with Article 17 AMMR, applicants are required to be present in: (a) the Member State of first entry or the Member State that issued a residence document, pending the determination of the Member State responsible and, where applicable, the implementation of a transfer procedure; (b) the Member State responsible; or (c) the Member State of relocation following a transfer pursuant to Article 67(11) AMMR.

<sup>(146)</sup> Denmark and the Schengen associated countries are not bound by the solidarity framework established in the AMMR.



member <sup>(147)</sup> and relative <sup>(148)</sup> as set out in that regulation. In this guide, references to ‘family reunification’ should be understood as encompassing situations in which responsibility is determined through a take charge request and, where applicable, a take back notification — thereby operationalising the preservation of family unity through the relevant responsibility procedures in line with the AMMR.

**For accompanied children** whose applications are examined together with the family members accompanying them, the general responsibility criteria apply in full to the family unit, as the child’s application is processed together with that of the accompanying adult(s). Where no family links of the accompanying adult(s) are identified in another EU+ country, the determining authorities assess the other responsibility criteria applicable to the accompanying adult(s). These criteria also apply indirectly to accompanied children, insofar as the child’s application is examined together with that of the accompanying adult(s), and responsibility is determined on the basis of the criteria applicable to the adult(s), with due regard to the best interests of the child, including:

- possession of a visa or residence document issued by an EU+ country <sup>(149)</sup>;
- possession of a diploma or qualification issued less than 6 years ago by an educational institution in an EU+ country <sup>(150)</sup>;
- if the person has visa-required entry <sup>(151)</sup>;
- lodging of the application in an international transit area of an EU+ airport <sup>(152)</sup>;
- irregular entry into the EU+ territory <sup>(153)</sup>.

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<sup>(147)</sup> ‘Family member’ means, insofar as the family already existed before the applicant or the family member arrived on the territory of the Member States, the following members of the applicant’s family who are present on the territory of a Member State: a) the spouse of the applicant or the applicant’s unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals; b) a minor child of couples referred to in point a) or of the applicant, provided that that child is unmarried and regardless of whether that child was born in or out of wedlock or adopted as defined under national law; c) where the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present; d) where the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for that beneficiary, whether by law or by the practice of the Member State where the beneficiary is present.

<sup>(148)</sup> ‘Relative’ means the applicant’s adult aunt, uncle or grandparent who is present in the territory of a Member State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law.

<sup>(149)</sup> Article 29 AMMR.

<sup>(150)</sup> Article 30 AMMR.

<sup>(151)</sup> Article 31 AMMR. Not all Member States apply the same visa requirements for third-country nationals. Consequently, a person might enter a Member State visa free but still require a visa to enter another one.

<sup>(152)</sup> Article 32 AMMR.

<sup>(153)</sup> Article 33 AMMR.



## The Eurodac Regulation

The Eurodac Regulation <sup>(154)</sup> supports the implementation of the AMMR by establishing an interoperable asylum and migration database. Eurodac contains fingerprints, facial images, identity data and copies of identity or travel documents of applicants for international protection. All applicants for international protection who are **6 years old or above** will have their fingerprints taken together with the collection of biometric data.

Where the EU+ country conducting the determination of responsibility considers that, based on one of the above criteria, another EU+ country should be responsible for examining the person's application for international protection, it sends a request to that country and asks that the country takes charge of examining the person's application for international protection. Any transfer decision should be in line with the best interests of the child, that should be assessed before the decision is made. Indeed, the BIC must be a primary consideration for Member States with respect to all procedures provided for in the regulation <sup>(155)</sup>. If the request is accepted, the person is transferred to the responsible country.

The take-charge criteria listed above **do not apply to unaccompanied children**, as the AMMR establishes specific responsibility rules for unaccompanied minors, that prioritise family links and the best interests of the child over migration-related criteria applicable to adults.

**For unaccompanied children**, only the family related responsibility criteria of Chapter II of the AMMR 'Criteria for determining the Member State responsible' apply. In accordance with Article 25(2) AMMR, where the applicant is an unaccompanied child, the Member State responsible is the Member State in which a family member or a sibling is legally present, unless it is demonstrated that this would not be in the child's best interests.

Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the responsible Member State is the one where the **father, mother**, other adult responsible for the minor — whether by law or by the practice of that Member State — or a **sibling** is legally present, unless this is not in the child's best interests.

Where no family member or sibling is legally present, the AMMR allows responsibility to be assigned to the Member State where a **relative** is legally present, provided that an individual examination establishes that the relative is able to take care of the unaccompanied child and that such a transfer serves the child's best interests <sup>(156)</sup>.

<sup>(154)</sup> Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council. (OJ L, 2024/1358, 22.5.2024), <http://data.europa.eu/eli/reg/2024/1358/oj>.

<sup>(155)</sup> Article 23(1) AMMR.

<sup>(156)</sup> Article 25(3) AMMR.



These provisions establish a clear **hierarchy of responsibility criteria** for unaccompanied children, ensuring that family unity and the BIC remain primary considerations throughout the determination process.

An unaccompanied child who does not have any family members or relatives in the EU+ can **only be transferred** to the first country of registration <sup>(157)</sup> or relocated to the Member State of relocation always **if the transfer/relocation is their best interests**. Although not included in Chapter II of the AMMR, **a situation of dependency** <sup>(158)</sup> (under the conditions defined in Article 37 AMMR) between an applicant for international protection and their child, sibling or parent legally residing in a Member State should be a binding responsibility criterion. In addition, the AMMR allows Member States to apply **discretionary clauses** <sup>(159)</sup> on humanitarian grounds, in particular to bring together any family relations based on meaningful family, social or cultural links. Where none of the responsibility criteria apply, and neither dependency nor discretionary clauses are used, the EU+ country in which the application was first registered becomes responsible for examining the application.



### Applying the BIC in the determination of responsibility or relocation

Any **decision to transfer or relocate** a child should be made based on a **holistic evaluation of the evidence, underpinned by child's best interests**.

This is important since such a process may have three different outcomes:

- Where there are indications that a family member or relative is present in another EU+ country, the authorities may decide, on family grounds, to request that other EU+ country to take charge of examining the child's application for international protection. If accepted, the unaccompanied child will be transferred to the EU+ country where the family member or relative resides whilst their application is examined.
- Where there are no family member or relatives in EU+ but information from Eurodac confirms that the child has already applied for asylum in another EU+ country or has been present in a Member State different than the one that has been indicated as responsible, the authorities may notify that EU+ country to **take back** the child, **granted this is in the child's best interest**. If the EU+ country where the application was first registered accepts the take back request or does not object to the notification within the period set in AMMR, a transfer decision will be issued.
- If there are indications that there are other family relations in another EU+ country, and there are humanitarian considerations based on family, social or cultural considerations, authorities may decide to request that EU+ country to take charge of examining the application for international application. This is called a '**discretionary request**' but may result *de facto* in family reunification.
- If the EU+ country is under particular migratory pressure and can benefit from the solidarity measure of relocation, the child might be issued a **decision to be**

<sup>(157)</sup> Article 25(5) AMMR.

<sup>(158)</sup> Article 34 AMMR.

<sup>(159)</sup> Article 35 AMMR.



**relocated** <sup>(160)</sup> to another Member State which will examine the application for international protection. If accepted, a transfer decision will be issued.

In terms of safeguards, the decision is to be shared with the child in a language and in a way that **they can understand** and with the presence of a **guardian or legal representative** who can explain the decisions more in detail. Their right to remedy should also be explained <sup>(161)</sup>.

### 5.3. Relevant procedural safeguards in the AMMR

The AMMR sets out specific provisions related to children. The key elements include the below.

#### 1. Prioritisation

All procedures involving children must be prioritised <sup>(162)</sup>. This applies to all exchanges, requests, replies and decisions between EU+ countries <sup>(163)</sup>. Prioritisation aims to minimise uncertainty, prevent prolonged separation and reduce the risk of harm. Prioritisation of cases of children means that any procedures linked to children must be treated with urgency both in the EU+ country where the child is and in the country where the child's family member or relative is or where the child might be transferred or relocated to. By the time the child registers their asylum claim, as for every applicant, they should have been duly informed of the provisions relating to family reunification <sup>(164)</sup>.

#### 2. Deadlines for requests involving family reunification

Whilst all cases of children should be prioritised, the AMMR introduces a provision that protects unaccompanied children from consequences where the EU+ country was not able to send a take charge request or a take back notification in time. While the time limits for sending a request for taking charge to another EU+ country are binding, Article 39(1)(4) specifies that the EU+ country can, at any time before a first decision regarding the substance, continue the procedure and request another Member State to take charge of the applicant, even after the expiry of the time limits laid down, **provided it is in the best interests of the child**. This derogation does not extend to the time limits for replying to a take charge request which remain governed by Article 40 AMMR <sup>(165)</sup>.

<sup>(160)</sup> See also, FRA, *Relocating unaccompanied children: applying good practices to future schemes*, 2020, <https://fra.europa.eu/en/publication/2020/relocation-unaccompanied-children>.

<sup>(161)</sup> Article 43 AMMR.

<sup>(162)</sup> Article 23(1) AMMR.

<sup>(163)</sup> Articles 39 and 40 AMMR.

<sup>(164)</sup> Article 19(1(f)) AMMR.

<sup>(165)</sup> Article 40(1)(2) AMMR.



### 3. Effective representation

Guardians should receive appropriate training and be in possession of the necessary qualifications to be able to ensure that the BIC are taken into consideration during the procedures carried out under the AMMR. The guardian must be appropriately trained and involved throughout the procedure for determining the Member State responsible, and must have access to the content of the relevant documents in the applicant's file. The guardian must keep the unaccompanied minor informed about the progress of the procedures under the AMMR. The guardian is also required to support the unaccompanied child with age-appropriate information and to assist them in providing information and contributing to the BIA.

### 4. Primary consideration of the child's best interests

EU+ countries must always act in accordance with the BIC during the determination of the Member State responsible for the examination of the application<sup>(166)</sup>. Transfers or relocations (including to another EU+ country) of unaccompanied children may only take place where it is demonstrated that this is in the best interests of the child.



#### Balancing the child's views, safety and well-being in AMMR family reunification

While the child's views and wishes must be listened to and given due weight, authorities must also assess broader factors affecting the child's safety, protection and short-, medium- and long-term well-being and social development. These include:

- the quality and safety of care arrangements in the Member State deemed responsible;
- protection from violence, exploitation or neglect;
- emotional stability and continuity of care;
- access to education, health care and social services.

#### The principle of mutual trust and its limits

The responsibility system is founded on the principle of mutual trust, meaning that Member States generally presume that all participating states comply with fundamental rights, provide adequate reception conditions and ensure appropriate safeguards for applicants for international protection. This presumption allows for transfers to take place without a systematic verification of each Member State's asylum system and is essential for the effective functioning of the responsibility framework.

However, authorities must exert due diligence and assess whether, in the individual case, a transfer would expose the applicant to a real risk of fundamental rights violations or to conditions incompatible with their specific needs — particularly when the person is an unaccompanied child or is in another situation of vulnerability. Where credible indications of such risks exist, Member States are required to go beyond presumptions and verify that

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<sup>(166)</sup> Article 23(1) AMMR.



adequate safeguards are in place upon transfer and in the responsible Member State <sup>(167)</sup>. This may include seeking individual guarantees, especially with regard to reception arrangements, guardianship, medical care or protection needs. Therefore, while mutual trust remains the starting point, it does not relieve authorities of their obligation to conduct an individual, evidence-based and forward-looking assessment. In practice, this requires balancing the effectiveness of the responsibility system with the duty to ensure a level of protection appropriate to the applicant's vulnerability, giving primary consideration to the BIC where relevant. Transfers should not proceed where substantial grounds indicate that the person would face foreseeable harm that cannot be sufficiently mitigated.

#### **Financial capacity, care and considerations on the BIC**

When examining whether a relative can take care of an unaccompanied child <sup>(168)</sup>, the relative's capacity to care for the child should be assessed holistically based on a broad spectrum of factors, including their capacity to protect the child's safety from harm and to meet the child's essential needs while promoting their development. Financial means may be taken into account as **one of the several relevant elements** considered when assessing the capacity to provide appropriate care and support, but they **should not be considered in isolation** nor be a determining factor in family reunification decisions. Indeed, the responsibility for ensuring reception conditions remains with the EU+ country.



**EUAA, Recommendations on Family Reunification Within the Dublin Procedure, 2023**, <https://euaa.europa.eu/publications/recommendations-family-reunification-within-dublin-procedure>

### **5.3.1. The purpose of the BIA in the context of the AMMR**

The BIA in the context of the AMMR should focus on ensuring that:

- the child has **effective access to the asylum procedure** as soon as possible;
- the child's guardian participates in the assessment and assists the unaccompanied child in providing information relevant to this assessment;
- where relevant, family tracing is initiated early in the process and if a family member, sibling or relative is found in another EU+ country, the child is informed of the possibility to be reunited with them and is then **reunited** with them as soon as possible (unless reunification is not in their best interests);
- if more than one family member, sibling or relative are found in several EU+ countries, the child is **reunited with the one that best serves the child's best interests**;

<sup>(167)</sup> See Judgment of the Court of 16 February 2017, *CK and others v Slovenia*, C-578/16, ECLI:EU:C:2017:127, para. 65, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62016CJ0578> where the Court refers extensively also to the applicable jurisprudence of the European Court of Human Rights. Summary available in the EUAA Case Law Database, <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=37>.

<sup>(168)</sup> Article 25(3) AMMR.



- the child is **transferred** to the responsible EU+ country **only if it is in their best interests**;
- the child is only **relocated** to a Member State **if it is in their best interests**.



### Key factors for assessing the BIC under the AMMR

In line with Article 23(4) AMMR, the assessment must consider, inter alia:

- family reunification possibilities;
- safety and security;
- well-being and social development in the short-, medium- and long-term;
- the child's views;
- information from the guardian or suitable person to act temporarily as a representative;
- any other relevant factors.

The assessment must balance these elements in light of the specific conditions in both the requesting and requested Member States in the individual situation. The factors described should not be regarded as an exhaustive list. There may be other elements to take into account as well. The BIA for responsibility determination or relocation of an unaccompanied child should include all relevant elements of the child's best interests, the weight attributed to each element being dependent on its relation to the others.

When assessing which option is in the best interests of the child, namely

- a) to be transferred to the EU+ country where their family member, sibling or relative resides,
- b) to be relocated to another EU+ country, or
- c) to be returned to the EU+ country where their application was first registered,

it is important for the assessor to consider these factors in the specific context of both the country of residence and the country of relocation / first entry where relevant, and to evaluate and balance the elements <sup>(169)</sup>, including the potential risks that the decision could have on the child. These elements should be assessed in relation to the child's individual and specific circumstances and not imply a general assessment of the reception or protection systems of the receiving Member State, which are presumed to comply with fundamental rights in accordance with the AMMR. The assessor should consider these factors and their impact on the child both in the short-term and in the mid to long term of their development. Only where individualised and substantiated indications suggest that a transfer would not be in the child's best interests, a transfer should not be implemented.

In some cases, decisions on the responsible Member State based on family related criteria leading to family reunification may be assessed as being in the child's best interests despite the child's initial reluctance. Such reluctance must always be taken seriously and assessed

<sup>(169)</sup> See [Figure 2. Balancing elements when assessing the BIC](#).



by qualified professionals, particularly where it may stem from past abuse, neglect or coercion. Examples could be a previous situation of family violence or threats by traffickers to refuse re-unification.

When assessing the responsibility, trained officers are to be involved and all interviews are to be conducted in a child-friendly manner. **Family links** are to be explored and information on the presence of family members, siblings or relatives, their relationship and contacts are to be collected.

As part of this process, parents and other family members should be identified and traced both within EU+ countries and in third countries. Once family has been traced and before organising a transfer, it should be assessed if reunification is indeed in the best interests of the child.

The personal interview should serve as an opportunity for the case officer to gather further relevant information building upon the information collected in the family tracing template. This should take place with the involvement and collaboration of the child and guardian.

If the unaccompanied child does not have a family member, sibling or relative in EU+ countries as defined in the AMMR, other types of family relations within EU+ countries should be explored.

To identify whether it would be in a child's best interest to be relocated to another EU+ country, a child can be asked about their journey to Europe. How long they spent in specific EU+ countries and meaningful links based on family, social or cultural considerations to any EU+ countries are also explored to identify if the discretionary clauses are applicable, or if the child could be relocated to another EU+ country. In the case of unaccompanied minors, the child's views must be heard and duly considered in the context of the BIA, including where the child expresses opposition to the proposed relocation.



### Examples – Applying the BIC in the context of the AMMR

#### Example 1 – BIA in a family reunification case under the AMMR

A 15-year-old unaccompanied child applies for asylum. During the responsibility determination procedure, authorities identify via the family tracing form that an aunt — qualifying as a relative within the meaning of Article 25(3) AMMR — is legally residing in another Member State. For unaccompanied children, the AMMR establishes a hierarchy of responsibility criteria, prioritising family members and siblings (Article 25(2)), followed by relatives, provided that an individual examination confirms that the relative can take care of the child (Article 25(3)). Where these conditions are fulfilled, the Member State in which the relative resides is the Member State responsible, unless it is demonstrated that such responsibility would not be in the child's best interests.

- **The competent authority** receives the family tracing form and informs the child, in an age-appropriate manner, about the procedure and possible outcomes.



- The child is granted access to **free legal counselling**, including: (a) guidance on and explanations of the criteria and procedures for determining the Member State responsible, as well as information on rights and obligations at all stages of the procedure; and (b) guidance on and assistance with providing information that may help determine the Member State responsible.
- A BIA is initiated to determine whether family tracing and a potential transfer for the purpose of reunification with the aunt is in the child's best interests.
- **Authorities** assess the existence of a family link and ascertain that the aunt is indeed legally present in the territory of another Member State.
- **Authorities** assess the quality and stability of the relationship and the aunt's willingness and capacity to provide care and support.
- The **child's** views are actively sought, with the support of the **guardian**, and given due weight according to age and maturity.
- Safeguards are applied in light of the child's individual circumstances and the aunt's specific caregiving situation to ensure that the child's safety, well-being, access to education, health care and short-, medium- and long-term development would be ensured in the Member State deemed responsible.
- The **guardian** participates throughout the process and ensures that the child understands each step and is supported emotionally.
- While awaiting the decision, the child continues to be supported by the guardian or suitable person to act temporarily as a representative and other child protection professionals, ensuring continued access to their rights in the requesting EU+ country and that the BIC remain a primary consideration.
- Based on the assessment, authorities conclude that reunification with the aunt provides stable care and serves the child's long-term welfare.
- The transfer decision is taken in line with the AMMR provisions on preserving the family unity.

**Application of the BIC:** ensuring that family reunification decisions prioritise the child's safety, stability, emotional ties and long-term development, rather than relying solely on formal family links or procedural considerations.

**Example 2 – Family reunification refused following a BIA under the AMMR**

A 16-year-old unaccompanied child applies for asylum. While filling in the family tracing form, the child highlights their willingness to be reunited with the father residing in another Member State. While Article 25(2) AMMR establishes a presumption that reunification with a parent is in the child's best interests, as part of the BIA authorities must assess whether, in the individual case, there are indications that such a transfer would expose the child to harm

- The **competent authority** registers the family reunification request and initiates a BIA.



- The **child's** views are collected with the support of the guardian; the child expresses past experiences of fear due to past neglect and exposure to violence. But he has hope that the father has changed.
- Authorities assess the quality of the parent–child relationship, including past caregiving arrangements and emotional bonds.
- Information from **child protection authorities** indicates that the father has limited capacity to provide care; he also has a criminal record in the receiving Member State, and contact with the child has been sporadic.
- Based on the father's individual circumstances and available information from competent authorities, the assessment considers whether the Member State deemed responsible can ensure:
  - safe and stable accommodation for the child,
  - effective adult care and supervision,
  - access to education and health care,
  - protection from violence or neglect, and
  - emotional stability and continuity of care.
- It is established that the proposed reunification would expose the child to a risk of harm and instability and disrupt the child's current supportive reception environment. This conclusion is based on individualised and substantiated elements specific to the child and the proposed reunification arrangement.
- The **guardian** is involved throughout the process and supports the child in understanding the assessment and its outcome.
- While awaiting the decision, the child continues to be supported by the guardian or suitable person to act temporarily as a representative and other child protection professionals, ensuring continued access to their rights in the requesting EU+ country and that the BIC remain a primary consideration.
- The request for family reunification is refused, with the decision duly reasoned in writing and explicitly referencing the BIA. Restoration of contact between the child and the father is recommended and the guardian is requested to ensure appropriate follow-up.

**Application of the BIC:** determining that the child's best interests consist of safety from harm, stable and appropriate care, emotional well-being, continuity of support and access to essential services. These considerations outweigh the formal existence of a family link under the AMMR.



## 6. The best interests of the child in reception

Meeting children's needs is crucial for their psychosocial well-being, especially in situations when they are affected by forced migration.

Placing children in accommodation that is appropriate to their needs and sustain their holistic development is therefore fundamental. Authorities should plan allocation carefully and take several factors into account, in particular family unity and full access to health and education, in line with the BIC.

Additionally, community-based care and support for unaccompanied children is eminent since children arriving in Europe often experience a range of adverse challenges and circumstances <sup>(170)</sup>.

To promote stability, changes in the residence of any child should be an exception rather than a norm, unless it is in the BIC. A stable residence and daily routines help the child, especially if unaccompanied, to build trust with the caregivers, guardian, legal representatives and case managers, creating an environment where they feel safe to share sensitive or traumatic experiences during their asylum interview where applicable. Additionally familiar habits help children regain a sense of normalcy, predictability and control over their lives – key elements for emotional security and psychological resilience.

### 6.1. The concept of the best interests of the child in the RCD (2024)

The RCD (2024) lays down standards for the reception of applicants for international protection aiming at harmonising reception conditions across the EU+ and ensuring that all EU+ countries provide adequate living conditions for those seeking international protection. While leaving Member States flexibility in defining how to implement these standards, the directive strengthens safeguards for applicants with specific reception needs, including children. It explicitly requires that both special reception needs and the BIC are taken into account when ensuring an adequate standard of living in line with Union law, including the EU Charter, and international obligations <sup>(171)</sup>.

As to applicants with special reception needs, Member States must ensure that, following early identification and assessment, individual reception needs are continuously addressed throughout the duration of the procedure by specialised staff <sup>(172)</sup>.

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<sup>(170)</sup> See Section on 'Unaccompanied children' in EUAA, *Guidance on Mental Health and Well-being of Applicants for International Protection: Part II*, 2024, see footnote 84, <https://www.euaa.europa.eu/publications/mental-health-well-being-applicants-part-ii-first-line-officers>.

<sup>(171)</sup> Recital 62 RCD (2024).

<sup>(172)</sup> Article 25 RCD (2024).



The RCD (2024) reiterates that the BIC must be a primary consideration for Member States when implementing its provisions <sup>(173)</sup> and recalls the obligation to ensure a standard of living that is adequate for the child’s physical, mental, spiritual, moral and social development <sup>(174)</sup>. This means that decisions affecting a child — such as residence and living conditions, safety, health care, education and family life — must be assessed through a best interests lens, with attention to both immediate protection needs and longer-term development. The directive also strengthens child safeguarding in reception by requiring that persons working with children go through background checks and receive initial and continuous training on children’s rights, needs and safeguarding standards, and compliance with confidentiality rules <sup>(175)</sup>.

When assessing the BIC, the directive highlights four key factors <sup>(176)</sup>:

- **family unity and reunification possibilities**, alongside the obligation to preserve the family unity <sup>(177)</sup>;
- **well-being and social development**, including the child’s background and the need for stability and **continuity of care**;
- **safety and security**, especially where there is a risk of violence, abuse or exploitation (including trafficking);
- **the child’s views**, in accordance with their age and maturity.

## 6.2. Applying the BIC in reception

The RCD (2024) requires Member States to ensure that children receive safe and appropriate accommodation and the necessary support services <sup>(178)</sup>. In practice, this includes not only suitable housing but also effective access to health care, education and information provided in an age-appropriate manner and recreational activities. The directive takes a proactive approach: reception systems should not merely ‘host’ children, but they should actively support their well-being and development. Reception conditions must be adapted to the child’s situation and needs, with particular attention to safety (including protection from sexual and gender-based violence) and physical and emotional care, while also enabling learning, playing, social participation and development <sup>(179)</sup>.

**Stability in placement and accommodation** is another important point to consider when applying the BIC. The child may have formed social connections or started school, training activities or work, all of which positively support their continued integration and pursuit of educational and employment opportunities.

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<sup>(173)</sup> Recital 38 RCD (2024).

<sup>(174)</sup> Article 26(1) RCD (2024).

<sup>(175)</sup> Article 26(6) RCD (2024).

<sup>(176)</sup> Article 26(2) RCD (2024).

<sup>(177)</sup> Recital 38 RCD (2024).

<sup>(178)</sup> Recital 41 RCD (2024).

<sup>(179)</sup> Recital 39 RCD (2024).





A sudden change in accommodation, often involving relocation, risks forcing the child to start over and may delay or hinder the integration process.

It is therefore advised to allow for flexibility within accommodation facilities, for example by having a number of rooms available in the facility for young applicants who have just transitioned into adulthood<sup>(180)</sup>. A final decision on placement should preferably be discussed with the applicant and their guardian before a potential transfer, taking the applicant's personal circumstances into account.

Where a Member State provides housing to families, it must take appropriate measures, seeking the applicant's consent to the largest extent possible, to maintain family unity for family members present on its territory<sup>(181)</sup>.

Even where national systems envisage the possibility of reducing or withdrawing material reception conditions in certain circumstances, Member States must always ensure a standard of living that takes account of applicants with special reception needs and the BIC<sup>(182)</sup>.

Building blocks 9 and 10 of the European Commission's Common Implementation Plan for the Pact on Migration and Asylum<sup>(183)</sup> stress the importance of increased monitoring of fundamental rights to ensure effective procedures while protecting human dignity and a genuine and effective right to asylum including for the most vulnerable, such as children, but also Member States' efforts for the integration and inclusion of this population.

The RCD (2024) also recalls the Commission's Communication on the protection of children in migration<sup>(184)</sup> which reiterates that children are exposed to higher risks when travelling unaccompanied or sharing overcrowded facilities with unrelated adults. The Communication stresses the need for clear protocols to prevent and respond to children going missing, including prompt reporting to the police. Protecting children in migration is a core obligation rooted in EU values and EU law, including the EU Charter and international child rights standards.

Lastly, when allocating a child to accommodation, authorities should assess factors such as family unity, language and communication needs, school availability, age and maturity, disability or impairments, and medical requirements (e.g. proximity to treatment for chronic illness). The objective is to support adjustment, safety, and continuity of care.

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<sup>(180)</sup> See EUAA, *Mapping Report on Transitioning into Adulthood: Improving the transition experience for applicants for international protection*, February 2026, <https://www.euaa.europa.eu/publications/mapping-report-transitioning-adulthood>.

<sup>(181)</sup> Article 14 RCD (2024).

<sup>(182)</sup> These circumstances may include situations where the applicant does not cooperate with the competent authorities, does not comply with established procedural requirements, has seriously or repeatedly breached the rules of the accommodation centre, or has behaved in a violent or threatening manner within the accommodation centre. (recital 62 RCD (2024)).

<sup>(183)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Common Implementation Plan for the Pact on Migration and Asylum, COM/2024/251 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2024%3A251%3AFIN>.

<sup>(184)</sup> European Commission, '[The protection of children in migration](#)', see footnote 5.





### 6.2.1. Housing, health and education

The principles of the **BIC** and of family unit should guide the **housing arrangement** for children <sup>(185)</sup>. When it is in their best interests and they consent, a child should be accommodated with their parents, the adult responsible for them or their unmarried minor siblings <sup>(186)</sup>.

Facilities should be adapted to children's needs and support both physical and emotional care. Children should have access **to open-air activities** and **age-appropriate** leisure, play and recreational activities <sup>(187)</sup>. Where children are accommodated in mixed centres with adults, additional safeguards are required, including safe spaces and appropriate sanitary arrangements to protect children and mothers <sup>(188)</sup>.

Children must receive the same type of health care as provided to national children <sup>(189)</sup>. For children who have experienced abuse, neglect, exploitation, torture or armed conflict, Member States must ensure timely access to rehabilitation services, appropriate mental health care and qualified counselling. This requires availability of appropriately specialised practitioners so that support is effective and tailored <sup>(190)</sup>.

The **health and well-being of children is multilayered** and should be understood holistically, including emotional well-being, social participation and belonging, and development of skills and functioning. This underlines the importance of education, peer interaction and child-friendly spaces <sup>(191)</sup>.

The RCD (2024) also highlights the **child's right to education**. Education for children within the reception system should be:

- provided under the same conditions as to Member State's own nationals;
- integrated with that of Member State's own nationals;
- of the same quality as the one provided to Member State's own nationals;
- continuous (until an expulsion measure is enforced, if applicable) <sup>(192)</sup>.

Access to education for children must comply with the provisions below.

- Be granted as soon as possible, and not later than two months from the date on which the application for international protection was lodged.
- Be provided within the general education system. As a temporary measure and for a maximum period of one month, Member States may provide education outside the general education system, where access to the general education system is not

<sup>(185)</sup> Recital 35 RCD (2024).

<sup>(186)</sup> Article 7(3), Article 14, and Article 26(5) RCD (2024).

<sup>(187)</sup> Article 26(3) RCD (2024).

<sup>(188)</sup> Recital 41 and Article 20(5) RCD (2024).

<sup>(189)</sup> Article 22(2) RCD (2024).

<sup>(190)</sup> Article 26(4) RCD (2024).

<sup>(191)</sup> See Section on 'Unaccompanied children' in EUAA, [Guidance on Mental Health and Well-being of Applicants for International Protection: Part II](#), 2024, see footnote [84](#).

<sup>(192)</sup> Recital 48 and Article 16(1) RCD (2024).





immediately possible due to the specific circumstances in the Member State or the specific situation of the child <sup>(193)</sup>.

- Offer preparatory classes, including language classes, where it is necessary to facilitate children's access to and participation in the general education system <sup>(194)</sup>.
- Include access to school materials <sup>(195)</sup>.

### 6.3. Additional safeguards for unaccompanied children in reception

The BIC in the EU territory are guaranteed by the authorities, supported by the guardian that represents and assists the child and — where relevant — can also acts on their behalf <sup>(196)</sup>.

In line with other instruments of the Pact <sup>(197)</sup>, the RCD (2024) lays out that when an unaccompanied child applies for international protection, Member States are requested to designate a suitable person to act temporarily as a representative of the minor <sup>(198)</sup>, until the guardian is appointed. This person could be an employee of an accommodation centre, of a child-care facility, of social services, or of another relevant organisation designated to carry out the tasks of a representative <sup>(199)</sup>, if they meet the requirements explained below.

The child must also be informed that such a person has been appointed, and the suitable person to act temporarily as a representative must be informed of relevant facts related to the child <sup>(200)</sup>.

A guardian must be appointed within 15 working days, with a 10-day delay possible in exceptional circumstances <sup>(201)</sup>. The suitable person to act temporarily as a representative and the guardian may be the same person <sup>(202)</sup>.

The suitable person to act temporarily as a representative must respect the same criteria and conditions established by the RCD (2024) for the permanent guardian, namely:

- be a natural person, regardless of that fact that an organisation may have been formally appointed <sup>(203)</sup>;
- not have a record of child-related crimes or offences that lead to serious doubts about their ability to assume a role of responsibility with regard to minors <sup>(204)</sup>;

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<sup>(193)</sup> Article 16(2)(3) RCD (2024).

<sup>(194)</sup> Article 16(2) RCD (2024).

<sup>(195)</sup> Article 26(3) RCD (2024).

<sup>(196)</sup> Recital 43 RCD (2024).

<sup>(197)</sup> Article 23(2) APR.

<sup>(198)</sup> Article 27(1) RCD (2024).

<sup>(199)</sup> Recital 45 RCD (2024).

<sup>(200)</sup> Article 27(2) RCD (2024).

<sup>(201)</sup> Article 27(1) RCD (2024).

<sup>(202)</sup> Recital 25 Screening Regulation.

<sup>(203)</sup> Articles 27(3) and 27(7) RCD (2024).

<sup>(204)</sup> Article 26(6) RCD (2024).





- have the necessary skills and expertise – including regarding the treatment and specific needs of minors – to represent, assist and act on behalf of an unaccompanied child, with the aim to safeguard the best interests and general well-being of that child <sup>(205)</sup>;
- receive initial and continuous appropriate training about the rights and needs of minors, including those relating to any applicable child safeguarding standards <sup>(206)</sup>;
- be able to perform their tasks effectively <sup>(207)</sup>, which requires being assigned a proportionate and limited number of unaccompanied children (up to 30 in regular circumstances <sup>(208)</sup>, extended to 50 in case of disproportionate applications made by unaccompanied children <sup>(209)</sup>;
- be bound by the confidentiality rules <sup>(210)</sup>;
- not have a conflict of interests with the interests of the assigned child <sup>(211)</sup>.

By supporting, representing and acting on behalf of the child and in accordance with national law, the guardian (or suitable person to act temporarily as a representative) ensures that the child can benefit from the rights to which they are entitled, which consequently ensures the BIC <sup>(212)</sup>.

The guardian (or suitable person to act temporarily as a representative) is also required to <sup>(213)</sup>:

- be present when the child is provided with information (no later than 3 days from the making of the application) regarding reception conditions, organisations/groups that provide legal assistance and representation, organisations that might be able to help or inform the child about available reception conditions, including health care <sup>(214)</sup>, so to be able to explain the information provided to the unaccompanied minor <sup>(215)</sup>;
- liaise with the competent authorities to ensure immediate access for the unaccompanied minor to suitable material reception conditions and health care <sup>(216)</sup>;
- contribute to the identification of special reception needs of the child during the individual assessment of the special needs performed by the Member State <sup>(217)</sup>.

<sup>(205)</sup> Article 2(13) RCD (2024).

<sup>(206)</sup> Article 26(6) RCD (2024).

<sup>(207)</sup> See also Council of Europe, *Recommendation CM/Rec(2019)11 of the Committee of Ministers to member States on effective guardianship for unaccompanied and separated children in the context of migration*, 2019, <https://rm.coe.int/09000001680993db7>, which emphasises that guardians should be assigned a manageable number of cases in order to effectively safeguard the best interests of the child.

<sup>(208)</sup> Article 27(7) RCD (2024).

<sup>(209)</sup> Article 27(1) RCD (2024).

<sup>(210)</sup> Article 26(6) RCD (2024).

<sup>(211)</sup> Articles 27(2) and 27(6) RCD (2024).

<sup>(212)</sup> Recital 43, RCD (2024).

<sup>(213)</sup> For more information see upcoming updated version of FRA's *Guardianship Handbook* (current version available at <https://fra.europa.eu/en/publication/2018/guardianship-systems-children-deprived-parental-care-european-union-summary>).

<sup>(214)</sup> Article 5(2) RCD (2024).

<sup>(215)</sup> Recital 43 RCD (2024).

<sup>(216)</sup> Recital 43 RCD (2024).

<sup>(217)</sup> Article 25(1) RCD (2024).



In addition, the RCD (2024) states that the best interests of the unaccompanied child are to be taken into consideration during the placement of the child <sup>(218)</sup>. An unaccompanied minor could be accommodated with an adult relative, with a foster family, in accommodation centres specialised in child's services, or in other accommodation facilities tailored to the child's needs. There might be exceptional situations where unaccompanied children above the age of 16 are placed in accommodations centres for adults <sup>(219)</sup>. Considering the high risks of placing children in facility for adults, in the case of such a decision, the authorities have to conduct a thorough assessment before the placement is implemented, concluding that it would indeed not negatively affect the well-being of the child and ensure their best interests.

Changes of residence should be minimised <sup>(220)</sup> in line with the principles of stability and continuity of care <sup>(221)</sup>. The guardian should be involved in any allocation and re-allocation decisions, including keeping siblings together where this is in the child's best interests. Guardians are subject to supervision and regular checks <sup>(222)</sup> and children have the right to lodge complaints where representation is inadequate <sup>(223)</sup>. Changes of guardians should remain limited but must occur where necessary, particularly if tasks are not performed appropriately <sup>(224)</sup>.



### Examples – Applying the BIC in reception

#### Example 1 – Alternative education arrangements pending access to mainstream schooling

A 13-year-old child living in a reception facility cannot immediately enrol in the general education system due to significant gaps in schooling and limited knowledge of the host country's language.

- Reception and education authorities assess the child's educational background and learning needs.
- Temporary alternative education arrangements are put in place, including preparatory classes and language support for a maximum period of one month.
- Where appropriate, accelerated learning or bridging programmes are offered to address gaps in the child's education and may continue beyond the initial one-month period. In any case, enrolment in the general education system is ensured no later than one month after arrival, in parallel with the continued support measures. The child is provided with learning materials and supported to participate in educational activities suitable to their age.
- Progress is monitored regularly, with the aim of transitioning the child to the general education system as soon as possible.

<sup>(218)</sup> Recital 35 RCD (2024).

<sup>(219)</sup> Article 27(9) RCD (2024).

<sup>(220)</sup> Article 27(9) RCD (2024).

<sup>(221)</sup> Article 26(2) RCD (2024).

<sup>(222)</sup> Article 27(8) RCD (2024).

<sup>(223)</sup> Article 27(8) RCD (2024).

<sup>(224)</sup> Article 27(6) RCD (2024).



**Application of the BIC:** ensuring continuity of learning, supporting the child’s cognitive and social development and preventing long-term educational exclusion while facilitating timely integration into mainstream education.

**Example 2 – Involvement of the guardian in the change of the child’s accommodation**

A 16-year-old unaccompanied child has been living in a reception facility for several months. Authorities consider transferring the child to another centre due to capacity constraints.

- Before any decision is taken, the guardian is consulted and involved in the assessment.
- The child’s views are sought in an age-appropriate manner and given due weight.
- The potential impact of the move on the child’s well-being, education, health care and existing support networks is assessed.
- It is identified that the child is attending school and receiving psychosocial support near the current facility.
- Authorities conclude that a transfer would disrupt the child’s stability and continuity of care.
- The child remains in the current placement and alternative capacity solutions are explored.

**Application of the BIC:** prioritising stability, continuity of care, and the child’s emotional well-being over administrative convenience, ensuring that decisions affecting reception conditions support the child’s long-term development.



In its communication on **the protection of children in migration** <sup>(225)</sup>, the European Commission also encourages Member States to:

- ensure that individual gender- and age-sensitive vulnerability and needs assessments of children are carried out upon arrival and taken into account in all subsequent procedures;
- ensure that all children have timely access to health care (including preventive care) and psychosocial support, as well as to inclusive formal education, regardless of the status of the child and/or of their parents;
- ensure that a range of alternative care options for unaccompanied children, including foster/family-based care are provided;
- integrate child protection policies in all reception facilities hosting children, including by appointing a person responsible for child protection;
- ensure and monitor the availability and accessibility of a viable range of alternatives to the administrative detention of children in migration;

<sup>(225)</sup> European Commission, ‘[The protection of children in migration](#)’, see footnote 5.



- ensure that an appropriate and effective monitoring system is in place with regard to reception of children in migration.



**EUAA, Operational Standards and Indicators on Reception including Vulnerability-related Aspects, March 2026, <https://www.euaa.europa.eu/publications/operational-standards-indicators-reception-including-vulnerability-aspects>**

## 6.4. Detention and alternatives to detention

According to the EUAA Asylum Report 2025 <sup>(226)</sup>, the detention of children remains a matter of serious concern in EU+ countries. EU legislation clearly establishes that, as a rule, **children must not be detained** <sup>(227)</sup>. Detention of children is permissible only when it has been assessed to be in their best interests and as a **measure of last resort**, in exceptional circumstances, for the shortest possible period of time and when other less coercive alternative measures cannot be applied effectively <sup>(228)</sup>.

Additionally, the RCD (2024) highlights the need for Member States to take into account the guidance of the UN Committee on the Rights of the Child when addressing situations involving children <sup>(229)</sup>. The legal framework emphasises that children should always be accommodated in **suitable, child-appropriate settings**, preferably through **non-custodial and community-based arrangements**. Member States are required to ensure that a **range of effective and accessible alternatives to detention** is available and accessible for children, including for unaccompanied children and for families with children <sup>(230)</sup>.

Where detention is to be applied, **the preferred approach is to accommodate the family together**, while ensuring that all safeguards provided for under the RCD (2024) are fully respected for both the child and their family member. **Where joint accommodation is not possible**, and alternatives to detention for the family cannot be applied, **regular and meaningful contact between the detained family member and the child must be ensured**, including through regular visits in non-detention settings.

<sup>(226)</sup> EUAA, *Asylum Report 2025: Executive summary*, June 2025, <https://www.euaa.europa.eu/publications/asylum-report-2025-executive-summary>.

<sup>(227)</sup> There is broad international consensus (e.g. Committee on the Rights of the Child, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the UN Working Group on Arbitrary Detention) on the fact that children should not be detained for immigration-related purposes, irrespective of their own or their parents' legal/migratory status, and that detention is never in their best interests. The detrimental effects of detention upon children are well documented and indisputable. Regardless of the duration and conditions in which children are held, detention can have a profound and negative impact on the child health's and development.

<sup>(228)</sup> Recital 40 and Article 13(2) RCD (2024).

<sup>(229)</sup> Recital 40 RCD (2024) states that '[...] Member States are to take into account the New York Declaration for Refugees and Migrants of 19 September 2016, relevant authoritative guidance by the United Nations' treaty body on the 1989 United Nations Convention on the Rights of the Child and relevant case-law.'

<sup>(230)</sup> Recital 40 RCD (2024).



Any deprivation of liberty involving children, whether through joint accommodation or otherwise, must be applied **only as a measure of last resort**, for the **shortest period possible**, and in strict compliance with the **best interests of the child**.

Where detention is applied, unaccompanied children must be accommodated in facilities specifically adapted for children, separated from adults and staffed by qualified personnel capable of safeguarding children's rights and responding to their specific needs <sup>(231)</sup>. All safeguards applicable to detained applicants and to children in detention apply equally to unaccompanied children <sup>(232)</sup>.

If these safeguards cannot be provided in detention, children should not be detained or should be **released immediately** and placed in appropriate accommodation.

### The role of the best interests assessment, necessity, and proportionality

Any decision concerning the detention of a child must be based on an individualised BIA. The BIA does not replace the legal tests of necessity and proportionality, but informs and complements them, ensuring that the child's well-being is a primary consideration in determining whether detention is lawful and justified in the individual case.

The **necessity test** requires authorities to assess whether detention is absolutely indispensable and whether the intended objectives cannot be achieved through less restrictive measures. Authorities must establish that no viable alternatives — such as community-based accommodation or other non-custodial solutions — are available.

The **proportionality test** requires an assessment of whether the harm caused by detention outweighs any potential benefit. This includes evaluating the likely impact of detention on the child's physical health, psychological well-being, emotional development and overall welfare. Where the same objectives can be achieved through less harmful means, detention cannot be considered proportionate and should be avoided.



**EUAA, Guidelines on Alternatives to Detention, 2024**, <https://www.euaa.europa.eu/publications/guidelines-alternatives-detention>

The guide contains guidelines on defining, establishing, deciding, implementing, reviewing and ending alternatives to detention, with specific considerations regarding their applicability in the context of a **border procedure**.

The provisions governing the allocation of applicants to a geographical area and the restrictions of freedom of movement are envisaged in Articles 8 and 9 RCD (2024). These provisions are **not** directly linked to detention. Rather, they describe a modality through which Member States manage their reception systems. While there could be in

<sup>(231)</sup> Article 13(3) RCD (2024).

<sup>(232)</sup> Article 12 and Article 13 RCD (2024), namely: shortest possible period of time, no prison facilities, access to open air, special attention to their health and mental health, right to education, leisure activities appropriate for their age, separation between males and females, possibility to meet with UNHCR representatives, family members, legal advisors and NGOs with respect of privacy, effective access to legal remedy.



practice some overlapping between alternatives to detention and restrictions of freedom of movement as per Article 9 RCD (2024), the key criteria to take into account is that **alternatives to detention apply only if there is a legitimate ground for detention** (see Guideline 1).

**Restrictions** of freedom of movement under Article 9 RCD (2024) are **autonomous measures** and not an alternative to detention. Although there is no need for a detention ground, an **individual decision** is still **required** when applying restrictions of freedom of movement.



### Points to remember

Before proceeding to place a child into detention, authorities **must** always follow a structured and rights-based assessment process, carrying out the steps below.

- **Verify the existence of lawful grounds for detention** <sup>(233)</sup>, in accordance with applicable legal standards.
- **Assess all non-custodial alternatives first** (e.g. community-based placements, family reunification, foster care, designated reception centres). If alternatives are a viable solution, detention should **not** be applied.
- Ensure that detention is used only as **a last resort**. **Assess whether detention is indeed necessary** or less restrictive alternatives (e.g. community-based placements, foster care, guardianship) can be used, and whether detention would cause harm outweighing its intended benefits. When alternatives are applied, these should also be necessary and proportionate and take into account the impact of the cumulative measures on the child.
- In a situation where detention is applied, it must be **strictly necessary, proportionate** and for the shortest possible duration, while ensuring the child's well-being.
- **Identify risks** such as trafficking, violence, exploitation, disability, severe mental health issues and self-harm, which will need additional attention and support.
- **Identify medical conditions, mental health concerns**, trauma-related distress, and ensure access to mental health care, trauma support and medical services is accessible.
- **Assess the type of accommodation**, overcrowding, hygiene, accessibility and whether the facility is adapted for children, separate from adults and per gender, and staffed by trained professionals.
- **Ensure that the child has a guardian**, legal representative and **access to information** about their rights.

<sup>(233)</sup> For children, detention may be applied: (a) in the case of accompanied minors, where the minor's parent or primary care-giver is detained; or (b) in the case of unaccompanied minors, where detention safeguards the minor (Article 13 RCD (2024)).



- Regularly **review the necessity of continued detention or alternative to detention**, documenting its impact. Continue the evaluation of the application of **possible alternatives to detention**. Particularly when vulnerabilities and other specific needs are identified, e.g. trafficking risks, medical needs or psychological concerns, the placement needs than are to be **adjusted** accordingly and the applicant is to be placed in appropriate accomodation.
- Ensure the child **understands their right to challenge detention and alternatives to detention**.
- Ensure **judicial oversight and access to free legal assistance and representation** for the child.
- Provide **continuous psychological and medical support** to mitigate harm.
- Ensure **access to education, health care, and recreational activities** within the facility.
- As soon as the **grounds for detention no longer apply, release the child immediately** to a **safe, non-custodial environment**. In the case of an **alternative to detention**, evaluate what is in the best interests of the child and if a change of residential setting is needed.
- Monitor the child's **well-being post-detention / alternative to detention** to mitigate long-term harm.
- Provide **psychosocial support and reintegration services** post-release as appropriate. **Update the [BIA Form](#)** periodically as conditions change.



## Annexes

### Annex I – The personal asylum interview with a child



#### How to conduct the personal interview while considering the BIC <sup>(234)</sup>

**Preparing for the interview:** preparation is essential to ensure that the asylum interview process is accessible, respectful and aligned with the BIC. In line with the information obligations under the APR, children should be informed, in a manner they can understand, about the purpose of the personal interview, the steps involved and the roles of the persons present. Guardians and, where applicable, legal counsellors and legal advisers / lawyers play an important role in informing and preparing the child for the interview, including by explaining the procedure, the child's rights and obligations and what to expect during the interview using age-appropriate and culturally sensitive language. Information may be conveyed, where appropriate, through pre-interview briefings, group information sessions, or legal counselling sessions. As good practice, before starting the personal interview, the determining authority should verify that the child has been duly informed and has understood the purpose of the interview as well as their rights and obligations. This information may be provided prior to the interview or at the beginning of the personal interview itself. Guardians should be involved throughout the process to support the child, facilitate effective participation and ensure that the child's rights and best interests are safeguarded.

**Creating a safe and supportive environment:** the physical and emotional environment of the interview can significantly affect the child's ability to participate effectively. Interviews should take place in a non-intimidating, child-friendly setting <sup>(235)</sup> designed to reduce anxiety and foster a sense of security. Breaks should be offered regularly to accommodate the child's emotional and physical needs, ensuring that the length of the interview does not overwhelm the child.

**Adapting communication:** effective communication is central to a child-sensitive interview. Authorities must use simple, clear language that avoids legal jargon or complex terminology. Alternative methods of expression, such as drawings or storytelling, can help younger children articulate their experiences more comfortably. Interpreters must be trained in child-friendly communication and cultural sensitivity to bridge language barriers effectively. Ensuring that the child understands the questions and feels heard is critical to upholding their rights.

<sup>(234)</sup> For detailed information see UNHCR, *Technical Guide: Child Friendly procedures*, 2021 <https://www.refworld.org/policy/opguidance/unhcr/2021/en/124121>, especially Chapter 3.

<sup>(235)</sup> For more information see Chapter 7 of IOM, *Working with migrant children at the borders of the European union, Iceland, Norway, Switzerland and the United Kingdom – A toolkit for front-line workers*, 2023, <https://eca.iom.int/sites/g/files/tmzbdl6666/files/documents/2023-11/pub2022-040-el-working-with-migrant-children.pdf>.



**Addressing emotional and psychological needs:** children may have experienced trauma or distressing events that affect their ability to recall information consistently. Interviewers should be aware of the impact of trauma on memory and communication, adopting a supportive approach to avoid re-traumatisation. Contact with psychologists or child protection experts can provide additional insight into the child's needs and emotional state, ensuring that the interview process supports their overall well-being.





## Annex II – Safeguards and accountability

Safeguards and accountability mechanisms are essential to ensure the fairness, transparency and effectiveness of asylum and reception systems. They protect the rights of individuals, particularly vulnerable groups such as children, while promoting trust in the processes. Clear standards, independent oversight and regular monitoring help prevent abuses, ensure consistency and maintain the integrity of decisions affecting people's lives. Transparent decision-making, supported by clear documentation and mechanisms for review, ensures that actions are consistent and ethical.

Independent oversight and monitoring help uphold compliance with legal standards, while child-centred approaches ensure that their best interests are prioritised.

Additionally, accessible mechanisms for feedback and redress provide individuals with the opportunity to challenge decisions and maintain trust in the system.

Continuous capacity-building efforts for professionals further reinforce adherence to safeguards and accountability measures.



**Table 1. Overview of the main roles and key actions to enhance accountability**

Actor	Role	Key actions
<b>Asylum authorities</b>	Process the child's application for international protection. Make decisions on the child's application for international protection.	<p>Make sure that asylum procedures are child-friendly.</p> <p>Ensure the child's best interests are prioritised during registration, interviews and decision-making; conduct child-sensitive interviews; collaborate with guardians, child protection services and the child; rely on evidence that addresses the child's needs and vulnerabilities.</p> <p>Use a holistic approach in assessing evidence; ensure that the BIC are a primary consideration in all decisions; provide timely, written notifications that are age-appropriate and adapted to the child's level of maturity; use child-friendly formats when communicating decisions; coordinate with relevant authorities to incorporate multidisciplinary perspectives.</p> <p>Proactively collaborate with other authorities to integrate multidisciplinary input.</p>
<b>Child protection services or social services</b>	Assess and address the child needs, including preventing risks and situations of abuse, exploitation or neglect.	<p>Provide immediate support; ensure safe housing; address children's needs; coordinate an integrated child protection approach <sup>(236)</sup>.</p> <p>Conduct regular case reviews and follow-up to individual case plan.</p>

<sup>(236)</sup> See [Commission Recommendation \(EU\) 2024/1238](#) on developing and strengthening integrated child protection systems in the best interests of the child, see footnote 6.



Actor	Role	Key actions
<b>Guardian / suitable person to act temporarily as a representative</b>	Support and advocate for unaccompanied children; ensure their rights are protected.	Support the child during the asylum process; ensure that child's views and maturity are considered.  Safeguard the BIC.  Attend training programmes for guardians <sup>(237)</sup> .
<b>Legal advisers / lawyers</b>	Support children in navigating the asylum process.	Provide legal counselling, legal assistance and representation.  Provide ongoing legal assistance to the child and the guardian during appeals and follow up on any gaps in the child's protection or care.  Ensure the child's rights are protected, their voice is heard, and their case is effectively presented.  Provide free legal assistance.  Collaborate with guardians to ensure decisions align with the child's best interests; offer child-specific expertise at all stages of the process.

<sup>(237)</sup> For more information on enhancing accountability, see European Guardian Network, *7 Standards of Guardianship*, <https://www.egnetwork.eu/wp-content/uploads/2022/12/7-standards-of-guardianship-Infographic.pdf>.



Actor	Role	Key actions
<b>Legal counsellor</b>	Provide guidance and support to children in understanding the asylum procedure and reception pathways, including their rights, obligations and possible outcomes, to enable informed participation and decision-making.	<p>Deliver clear, age-appropriate information to the child about the asylum procedure, including the child’s rights in it, procedural stages and the implications of decisions.</p> <p>Support the child and guardian during the various steps of the asylum procedure.</p> <p>Ensure that the child’s consent is provided as required.</p> <p>Provide free-of-charge individual or group legal counselling sessions.</p> <p>Collaborate with guardians, child protection services and other service providers.</p>
<b>Health care providers</b>	Address physical and mental health needs of children.	<p>Provide comprehensive health care, including mental health support and trauma care.</p> <p>Conduct medical evaluations to support asylum claims; ensure access to vaccinations and specialised treatments</p> <p>Create partnerships with local health care providers.</p>
<b>Authorities in charge for education</b>	Facilitate the child’s education, development and integration.	Guarantee access to inclusive education; offer language support, psychosocial assistance, and tailored learning plans; address gaps in prior education.



Actor	Role	Key actions
<b>Reception authorities</b>	Provide daily support, including housing and other material and non-material needs with respective safeguards in place.	<p>Assist with housing, material assistance, and integration programmes.</p> <p>Coordinate provision of non-material reception conditions through support service, provide specialised support for unaccompanied children to transition into stable living environments; participate in multidisciplinary assessments.</p>
<b>International organisations and civil society</b>	Advocate for and safeguard the rights of children in the asylum process.	<p>Provide technical support to Member States; monitor compliance with international and EU standards.</p> <p>Offer legal counselling, capacity building and awareness programmes for children and their guardians; ensure access to specialised resources.</p>
<b>Public prosecutors</b>	Ensuring the child's safety.	<p>In some EU+ countries, public prosecutors oversee the appointment of guardians.</p> <p>Public prosecutors also have a strong role investigating crimes against or affecting children, including applicants for international protection. Their key responsibility is to ensure that decisions affecting children are made in accordance with the BIC.</p>



Actor	Role	Key actions
<p><b>Police</b></p>	<p>Ensure the child's security, considering age, gender and diversity of those arriving. Provide information on access to procedure and refer those manifesting the wish to apply for asylum.</p>	<p>Ensure that the BIC is considered throughout the four checks: security, identity, health and vulnerability checks.</p> <p>Refer the child for prompt assistance, ensuring the presence of qualified staff with a background in child protection to conduct the checks.</p> <p>Use child-friendly language and make a referral to the relevant authorities once specific needs or intersecting vulnerabilities are identified.</p> <p>Additionally, the police can support the BIA with security-related information in cases of family reunification. If there are security risks concerning the person with whom the child would be reunited, this information can be flagged by the police. The police is usually involved when a transfer to the responsible EU+ country or the country of relocation is organised. The police is informed about the date and time of the transfer, and may facilitate the child's access to the airport, or, in rare cases, may accompany the child during the transfer if this is needed for any particular reason. It is usually recommended that the child is accompanied by the guardian during the transfer.</p>



## Annex III – A best interests approach to age assessment

The primary purpose of this exercise is to evaluate how an age assessment has to be conducted to align with the child's best interests. To this end, authorities should:

- gather basic information such as available documentation, personal statements and observations, to build an understanding of the child's situation including age; and
- consider potential findings of the vulnerability checks, when age assessment is conducted during the screening phase.



### Key considerations for a child-sensitive age assessment

**Risk of misclassification.** Assess the likelihood of misidentifying a child as an adult or vice versa and the consequences for the child's access to rights and protection.

**Timing of the age assessment.** Age assessment is a necessary step where substantiated doubts regarding age exist. Authorities must nevertheless assess the most appropriate timing of the procedure, taking into account whether the child is physically and emotionally able to undergo it. In cases of very recent distressing experiences (e.g. a shipwreck), authorities should first ensure that the child receives any necessary medical and psychological support, while preparing the age assessment. This approach ensures that the assessment is carried out as soon as possible – within the 30-day time limits – in a manner that safeguards the child's best interests and minimises the risk of harm.

**Additional support services.** To mitigate stress or anxiety, psychosocial support before, during and after the age assessment process can help to not only nurture the child's well-being but also to support the willingness to cooperate.

**Use of alternative evidence.** Determine whether the information sought through the age assessment process is indeed critical and if alternative evidence (such as documents or credible statements by other persons such as relatives, parents, friends or co-travellers) could suffice.

**Procedural necessity.** When deciding on the necessity of an age assessment, authorities should evaluate whether the situation requires immediate clarification of the child's age. This includes cases where critical decisions, such as placement in appropriate accommodation fit for a child/presumed child or eligibility for family reunification, are pending, or where delays could negatively affect the child's well-being or legal status. Consider also operational feasibility, including timing and the possibility to get inconclusive results.

- If the risks to the child outweigh the procedural benefits, the decision may be deferred, and the person should be treated as a child.
- If no age assessment is conducted, the child should be treated as a child, with access to all associated safeguards and benefits under the asylum system.

**Child-centred approach.** When an age assessment is deemed necessary the authorities have the obligation to ensure that the process is organised and conducted in a child sensitive manner. Further, based on the balancing of risks in the BIA for the purpose of



age assessment, authorities should tailor their approach to the individual circumstances of the child. Decisions should reflect the principle of minimum intervention, ensuring that the chosen method(s) to assess the child's age is proportional and respectful to the child's dignity (e.g. examinations involving nudity or genital checks should not be permitted).

**Information provision.** The guardian, legal counsellor and assessors have to ensure that information on the process is provided to the child in a clear and age-appropriate manner. The child should understand the purpose, methods used and potential outcomes of the assessment, including as it relates to the asylum application and how to appeal a decision.

**Documentation.** Maintain transparency in the decision-making process, allow for review of the decision should new information or circumstances arise.

**Appeal.** The authorities ensure that the applicant child supported by the guardian has access to legal representation and has the opportunity to challenge the outcome of the assessment, according to national practice.

**Effectivity and efficiency.** Occasionally, adult applicants may falsely claim to be children to benefit from child-specific safeguards. Conversely, some children may declare themselves as adults, for example when they are victims of trafficking and have been misinformed by those exploiting them or simply because they feel that, as adults, they could easier access the labour market (this is an important factor due to pressure from families back home to contribute to the family income). This underscores the importance of an accurate and fair age assessment process to maintain the system's integrity and prevent exploitation while ensuring genuine child applicants receive the support they need. This also requires that officers working in the first line, including those part of the vulnerability and health checks (at screening stage), are enabled / have the necessary expertise to work with children and to read vulnerability indicators.



**EUAA, *Practical Guide on Age Assessment*, December 2025** <https://www.euaa.europa.eu/publications/practical-guide-age-assessment-0>





## Annex IV – Examples of tailored support to children in reception under the best interests framework

- **Tailored assessments:** conduct thorough individual assessments to understand each child's unique needs, circumstances and preferences, and identify possible additional special needs.
- **Personalised support plans:** develop and implement personalised support plans based on the assessments, ensuring that all aspects of the child's well-being are addressed.
- **Care and response plan for children in vulnerable situations and with very specific needs:** ensure that intersecting vulnerabilities are not only assessed but can actually be addressed, especially those exposing children to high risks (e.g. victims of trafficking, gender-based violence) or in the case of children with diverse sexual orientation, gender identity or expression and sex characteristics (SOGIESC).
- **Child participation:** ensure that children are actively involved in decisions affecting them, considering their age and maturity.
- **Safe housing and child-friendly spaces:** provide safe, secure, and child-appropriate accommodation that meets the specific needs of children; it is important to have child-friendly spaces to allow for playful and safe learning and socialising <sup>(238)</sup>.
- **Educational support:** provide language classes to help children integrate into the local education system and communicate effectively; support the enrolment of older children to school, including vocational training courses.
- **Special education needs:** offer specialised support to children with special learning needs.
- **Mental health and psychosocial support:** facilitate access to counselling and psychological services for children <sup>(239)</sup> who have experienced trauma or stress.
- **Medical care:** ensure that children with chronic illnesses or specific medical conditions receive appropriate continuous medical care.
- **Social and recreational activities:** organise sports, arts and other recreational activities to support the child's social development and well-being.
- **Case management:** assign case managers specialised in child protection to oversee the child's needs and coordinate support services.
- **Rights awareness:** inform children in age-appropriate language and channels and their families about their rights and the available support services.

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<sup>(238)</sup> See 'Child-friendly spaces and safe spaces for women and girls', Chapter 5, in EUAA, *Guidance on Mental Health and Well-being of Applicants for International Protection: Part III*, 2024. <https://www.euaa.europa.eu/publications/mental-health-well-being-applicants-part-iii-toolbox>.

<sup>(239)</sup> See also EUAA, *Guidance on Mental Health and Well-being of Applicants for International Protection: Part II*, 2024, see footnote 84.





- **Free legal counselling, legal assistance and legal representation:** the child should have access to free legal counselling and free legal aid where applicable.
- **Cultural sensitivity:** provide support that respects and incorporates the child's cultural and religious background and practices.
- **Regular monitoring:** conduct regular reviews of the child's situation to adapt support as their needs change over time.
- **Feedback mechanisms:** establish channels for children to express their views and feedback on the support they receive, ensuring their voices are heard and considered.
- **Specialised training for staff:** provide training for all staff involved in the reception process, including social workers, legal advisors, and health care providers, focusing on the specific needs of children and their safeguards.



## Annex V – Best interests assessment form

The BIA form is a new EUAA tool designed to support Member States in the implementation of child-specific requirements stemming from the Pact. The form may be subject to modifications following the piloting phase.



Best Interest  
Assessment form  
PDF, 0,8 MB





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