

The Best Interests of the Child assessment in asylum procedures of unaccompanied minor asylum seekers

For unaccompanied asylum seeking children arriving in the host country, an assessment and determination of the best interests of the child must be carried out before a decision can be made about their request for protection. An unaccompanied asylum seeking child who asks such protection has to tell his or her life story to the migration authorities to enable them to make the decision on the child's asylum request. However, a lot of unaccompanied refugee children face difficulties with sharing their life stories. Experiences prior, during, and after the migration can cause hesitation to disclose their life.

Decision-making in a migration procedure obliges the decision-makers to gather extensive information on an unknown - recently arrived – and often, silent child. In order to safeguard the best interests of children it is important to have scientific based standards on the way the best interests of the child should be assessed. The Best Interests of the Child (BIC)-model, developed by the Study Centre for Children, Migration and Law, provides such a standard. The BIC-model consists of fourteen pedagogical environmental conditions that promote, and should safeguard, the development of the child. The right to development is closely linked to the best interests concept. Moreover, States have the obligation to ensure the right to development in the assessment of the best interests of the child (UN Committee on the Rights of the Child, 2013).

Elsa is an unaccompanied asylum seeker who came to the Netherlands at the age of 16. She failed to tell the reason for her flight in a coherent and consistent way, as the migration authorities requested. Elsa's guardian asked the Study Centre for Children, Migration and Law to conduct a diagnostic research in order to find out what happened to her, and why she was not able to tell about her life in Eritrea in a 'proper way'. We assessed the best interests of Elsa and concluded that the effect of traumatic experiences was hampering her ability to share with others the details that were needed to grant her protection.

This case study shows how the best interests of the child could be assessed in asylum procedures. It describes the topics that should be included, the instruments that can be used, and the facilitators needed for asylum seeking children to disclose their life stories. Elsa's case was one of the nine pilot cases in a PhD study about the development of a Best Interests of the Child assessment for recently arrived asylum seeking children.

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