



## EU Asylum Policy: position paper 2

### Demands of Terre des Hommes International Federation to the European Union in order to improve the situation of children entering the European Union

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Terre des Hommes International Federation  
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The EU is aiming to further harmonize the European asylum system until the year 2010. Terre des Hommes is concerned that this could lead to yet more restrictive reception conditions and fewer possibilities to enter the EU territory, especially with respect to children. But we also believe in this harmonisation process as a chance of installing a more humanitarian asylum system in Europe.

We demand that the children's best interest be granted topmost priority in all relevant decisions and therefore call upon the European decision-makers to meet the following demands:

#### 1) Opportunity to apply for asylum

##### Demands:

- Developing legal opportunities for children whose fundamental rights are violated to access the EU territory
- To grant access to the EU territory to children who are identified unaccompanied at the border and giving them the opportunity to apply for asylum or another protection status as well as to voice their needs and allow them to stay until the individual case is processed

#### 2) Deportation of minors

##### Demands:

- No minors in deportation camps
- The protection of the family must be more important than the deportation of a family member
- No deportation of unaccompanied foreign children

#### 3) Repatriation to the country of origin

#### Demands:

- Repatriation on voluntary basis and only if it is in the best interest of the child
- Involving the child in a thorough preparation – process
- Careful assessment done both in country of origin and destination in collaboration between both countries authorities and involving child rights specialist
- Repatriation only if there is a family member or another close person taking care of the child; or at least an aid agency

#### **4) Protection status for unaccompanied children who cannot return to the country of origin**

##### Demands:

- To introduce a protection status for all unaccompanied children who cannot return to the country of origin, but also have no chance for asylum. This status should guarantee at least the right to education and access to the youth welfare system and to legal guardianship.
- To pay particular attention to measures needed and willed by the children, to protect them from any form of exploitation and abuse occurring in the destination country and linked to their vulnerability as foreigners.
- To put in place measures for the development of the child: chance for a future in the country of destination.
- The fact that children lack identity documents should not work against the child within the asylum procedure, the reception process or the living conditions in the reception country.
- Consider the child first as a child and not only as a foreigner or asylum-seeker

#### **5) Integrating professionals into the reception process**

##### Demands:

- Access to therapeutical offers for unaccompanied refugee children and children in families
- Integration of paediatricians, psychologists or social workers in the reception process

#### **6) Legal guardianship**

##### Demands:

- Binding appointments of legal guardians for unaccompanied children outside their country of origin until they become 18
- Qualifying the legal guardians

#### **7) The asylum procedure**

##### Demands:

- To establish a clearing procedure preceding the asylum application
- To compile examples of best-practise to work out a standard clearing procedure
- No interviews before a legal guardian is responsible for the child
- To provide children with “understandable” information about the asylum procedure
- To establish child friendly interviews and to carefully judge whether it is necessary or an appropriate option that the child is accompanied by a legal guardian or a person of trust to the interview

## **8) Special provisions for 16-17 year old refugees**

### Demands:

- There should be no special provisions in the directives for 16-17 year old children as is currently the case, e.g. Art. 19 (2) Reception Conditions Directive or Art.17 (2a, 3) Asylum Procedures Directive
- Age determination in case of doubt to the benefit of the child

## **9) Distribution of the refugees within the EU**

### Demands:

- The child's well-being as top priority concerning all decisions of regional distribution
- Family reunification if possible
- To respect the wishes and interests of the child as well as language and cultural aspects
- Unaccompanied children should only be sent to member states that have high standards in the youth welfare system, in the system of legal guardianship and concerning access to education
- Freedom of movement after being accepted as a refugee
- Legal claim on takeover of the child, if receptive relatives are staying in another member state.
- Possibility of family reunion also in case of provisional safety
- The child should have the possibility to express his point of view and to participate in the decision of the distribution.

## **10) Access to education, vocational training and labour market**

### Demands:

- School attendance for all children
- Educational support in acquisition of language of the receiving country, as well as to maintain language of origin
- Special possibilities for education or further training measures for adolescents and young adults who had no access to education /school-leaving qualification in their country of origin
- Equal chances to access vocational training or higher education as soon as possible
- Equal access to the labour market quickest possible

## **11) Access to the public health system**

### Demands:

- Equal access to public health system
- Guaranteed access to psychological support or therapy

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