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Accompanied children's right to be heard in international protection procedures

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Disclaimer

Explanatory note

This inform was prepared on the basis of national contributions from 26 EMN NCPs (AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, IE, IT, HR, HU, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO) collected via an EMN Ad Hoc Query developed by the EMN NCPs to ensure, to the extent possible, comparability. The information contained in this inform refers to the situation in the abovementioned EMN Member Countries and Norway up to December 2022.

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For more information

EMN website: http://ec.europa.eu/emn
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CONTENTS

1. KEY POINTS TO NOTE

This inform provides an overview of the implementation of the right of accompanied children[1] to be heard in international protection procedures in the European Migration Network (EMN)[2] Member Countries and in one Observer Country, Norway, and presents their challenges, good practices and lessons learnt in guaranteeing that right. The analysis was prepared from contributions from 25 EMN Member Countries[3] and Norway.

- Overall, EMN Member Countries and Norway have legislation and practical measures in place to guarantee the right to be heard for accompanied children in international protection procedures. However, the requirements and conditions for guaranteeing this right vary across countries. Most EMN Member Countries also allow accompanied children, in certain circumstances, to lodge an individual application for international protection either in their own name or through their parent(s) or adult(s) responsible for them.
- The possibility to carry out a personal interview with accompanied children is generally granted in EMN Member Countries and Norway. Again, the conditions and requirements vary, for example in relation to the level of maturity of the children concerned, their minimum age, parental consent, and children's consent.
- EMN Member Countries and Norway have adopted different approaches to decide whether and when accompanied children should be interviewed. In most cases, decisions are taken on a case-by-case basis, when deemed necessary by competent authorities, at the request of the child, and/or at the request of the parent/responsible adult. In some EMN Member Countries, children are only interviewed in exceptional circumstances, while in others, accompanied children are automatically invited for an interview (except, for example, where this is manifestly unnecessary or against the best interests of the child).
- EMN Member Countries and Norway have put in place a wide range of safeguards to ensure child-friendly interviews and to give due consideration to the best interests of the child. Although the number and types of safeguards implemented vary, they most commonly include the use of specialised staff to conduct the interview, adapting the language to the age and maturity of the child, interviewing the child in the parents' presence, or in their absence where this is in the best interests of the child, and ensuring confidentiality.
- Parents/responsible adults may have different and conflicting interests when applying for international protection than their children, and it is important to identify such cases to ensure that children are adequately protected. Generally, any person who is in close contact with accompanied children (e.g. personnel at reception centres, social workers, school teachers, healthcare professionals, case workers etc.) can identify and report such cases to the competent authorities. The latter may then opt to separate the child's and parent's applications for international protection, or appoint a temporary guardian or ad hoc administrator to safeguard the child's interests.
- Several EMN Member Countries and Norway have experienced challenges in ensuring accompanied children's right to express their views in international protection procedures, primarily due to minimum age requirements and the requirement for parental consent, which may prevent accompanied children from being heard, even when this may benefit their application.
- Good practices in hearing accompanied children include ensuring that staff are adequately trained to hear children, that interviews take place in child-friendly facilities, and that they use child-friendly language.

2. INTRODUCTION

2.1. Main aim and scope of the Inform

This inform provides an overview of the implementation of the right of accompanied children to be heard in international protection procedures in the European Migration Network (EMN) Member Countries and Norway. It also presents their good practices, challenges and lessons learnt in guaranteeing that right.

Only accompanied children in international protection procedures (i.e. from the making of an asylum application until the first instance decision, excluding appeal procedures) are covered. Unaccompanied children are excluded from the analysis, as are children benefiting from temporary protection in the context of the war in Ukraine.

In responding to the ad hoc queries (AHQ), EMN NCPs were asked to provide information on legislation and policies currently in force, together with any amendments envisaged. The analysis is thus based on contributions from 25 EMN Member Countries[4] and Norway.

2.2. legal and policy framework

Whether accompanied, unaccompanied or separated, all children have the right to be heard in

1 Accompanied children are those who arrive on the territory of the Member States accompanied by their parent/s or an adult responsible for them, whether by law or by the practice of the Member State concerned, and for as long as they are effectively taken into the care of such a person (European Union Agency for Asylum (EUAA), 'EASO Report on asylum procedures for children – EASO practical guide series', 2019, https://euaa.europa.eu/sites/default/files/EASO-Report-asylum-procedures-for-children-EN.pdf, last accessed on 16 December 2022.

2 EMN is a Europe-wide network providing information on migration and asylum. It consists of National Contact Points (NCPs) in the EMN Member Countries (EU Member States except Denmark) and Observer Countries (NO, GE, MD, UA, ME, AM), the European Commission, and the EMN Service Provider (ICF).

3 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, IE, IT, HR, HU, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK.

4 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, IE, IT, HR, HU, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK.

international protection procedures. This right is recognised under both international and European Union (EU) law.

The best interests of the child should be a primary consideration in all decisions concerning children, including international protection procedures. This is stated in Article 3 of the United Nations Convention on the Rights of the Child (CRC),[5] Article 24 of the Charter of Fundamental Rights of the European Union (CFR),[6] as well as in the EU asylum acquis.

Article 12 of the CRC creates an obligation for State Parties to recognise children's right to be heard. Paragraph 2 specifies that opportunities to be heard must be provided, in particular "in any judicial and administrative proceedings affecting the child".[7] This provision reflects that children hold rights in matters that directly affect them, rather than rights derived from their vulnerability (protection) or dependency on adults (provision). The same article stipulates that the child has a right not to exercise their right to be heard. Expressing views shall be a choice for the child, rather than an obligation. State Parties must ensure that children receive all necessary information and advice, in a child-friendly manner, so as to make an informed decision in favour of their own best interests.

The right to be heard is one of the four principles that are key to the interpretation and implementation of all other rights in the CRC:[8] in order to examine and decide on a child's application for international protection and to be able to make an assessment of what is in the child's best interest, children must have the opportunity to express their views freely, in accordance with their age and degree of maturity. The United Nations Committee on the Rights of the Child has interpreted Article 12 in the context of international protection procedures, stating that children who come to a country following their parents in search of work or as refugees are in a particularly vulnerable situation,[9] thus it is urgent to fully implement their right to express their views on all aspects of the immigration and asylum proceedings.

In line with the CRC, Article 24 of the CFR stipulates that children "may express their views freely" and that "such views should be taken under consideration on matters which concern them in accordance with their age and maturity."[10] Several key legislative instruments of the EU asylum acquis refer to the CRC to ensure that the best interests of the child – including in connection with the right to be heard – is a primary consideration in international protection procedures (see Annex 1). Article 14(1) of the Asylum Procedures Directive (Directive 2013/32/EU),[11] stipulates that Member States "may determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview." As per Article 15(3)(e) of the same Directive, where such interviews are conducted, those should be carried out in a child-appropriate manner. Additionally, under the Qualification Directive (Directive 2011/95/EU),[12] Member States are required to take into consideration child-specific forms of persecution when assessing international protection applications by children. Annex 1 provides a full overview of how the right of the child to be heard is covered in EU and international law.

2.3. Applications for international protection for accompanied children

In 2021, the vast majority of the approximately 184 000 applications for international protection from under-18s in the EU were lodged for accompanied children (around 87%),[13] while unaccompanied children accounted for 13%.[14] However, due to the large numbers of unaccompanied minors arriving in some EU Member States in 2015 and 2016, this group, along with separated children, has received a great deal of attention, including in EMN publications, with far less research on accompanied children.[15]

Applications for international protection by accompanied children can pose specific challenges for the competent authorities involved. For example, children and parents/responsible adults may have different or even conflicting interests (e.g. in situations where children may not want to disclose certain information in front of their parent(s)/responsible adult(s), or when parent(s)/responsible adult(s) do not want the child to share information with the authorities, such as in situations of abuse). Accompanied children can also have their own asylum claim separate from their parents or responsible adults. It is therefore very important to gain a better understanding of when and under what circumstances accompanied children are heard in international protection procedures, together with an examination of its regulation, in order to address specific issues affecting these children.

5 United Nations (UN) Convention on the Rights of the Child (CRC), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child, last accessed on 13 January 2023.
6 Charter of Fundamental Rights of the European Union (CFR), OJ C 326, p. 391, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT, last accessed on 8 December 2022.
7 UN Convention on the Rights of the Child (CRC), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child, last accessed on 13 January 2023.
8 The other three key principles are: non-discrimination; best interests of the child; and the right to survival and development (UNICEF, 'Four principles of the Convention on the Rights of the Child', https://www.unicef.org/armenia/en/stories/four-principles-convention-rights-child, last accessed on 16 December 2022).
9 UN Committee on the Rights of the Child, 'General Comment No 12, The right of the child to be heard UN Doc. CRC/C/GC/12', 2009, https://www.refworld.org/docid/4ae562c52.html, last accessed on 9 December 2022.
10 Charter of Fundamental Rights of the European Union (CFR), OJ C 326, p. 391, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT, last accessed on 8 December 2022
11 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (Asylum Procedures Directive), OJ L 180, p. 60, https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32013L0032, last accessed on 3 October 2022. Ireland does not participate in this Directive.
12 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 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 (recast) (Qualification Directive), OJ L 337, p. 9, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095, last accessed on 3 October 2022. Ireland does not participate in this Directive.
13 183 610 applications for international protection for children were lodged in the EU (Eurostat data 'migr_asyappctza', last updated on 29 August 2022) with 13% (23 335) lodged by unaccompanied children (Eurostat data, 'migr_asyuuna', last updated on 1 July 2022). The share of accompanied children was calculated by deducting the number of applications by unaccompanied children from the total number of applications submitted by children.
14 Eurostat data, 'migr_asyuuna', last updated on 1 July 2022.
15 Brittle and Desmet, 'Thirty Years of Research on Children's Rights in the Context of Migration. Towards Increased Visibility and Recognition of Some Children, But Not All?' (2020), International Journal of Children's Rights, 28(1), 36, https://brill.com/view/journals/chil/28/1/article-p36_36.xml?language=en, last accessed on 3 October 2022.

Even though children arriving under the Temporary Protection Directive[16] are outside the scope here, the high number of accompanied children arriving in EMN Member and Observer Countries as a consequence of the war in Ukraine confirms the relevance and timeliness of this research. While a significant number of accompanied children from Ukraine have received temporary protection in EMN Member Countries, national asylum authorities are also receiving applications for international protection from a smaller share of this group. There is always an option for these children to apply for international protection. A mapping of existing procedures in ensuring accompanied children's right to be heard in international protection procedures thus helps to increase the knowledge base and aid countries' responses to existing challenges.

3. NATIONAL POLICY AND LEGAL FRAMEWORKS ON CHILDREN'S RIGHT TO BE HEARD IN INTERNATIONAL PROTECTION PROCEDURES

All but one[17] of the reporting EMN Member Countries[18] and Norway allow accompanied children to be heard and their views are taken into consideration in international protection procedures (at least under certain circumstances). However, the conditions and requirements under which accompanied children are heard vary considerably.

In most EMN Member Countries[19] and in Norway, accompanied children's right to be heard and to have their views taken into account is recognised under national asylum laws, which regulate – with different levels of detail – when, how and under which circumstances accompanied children can be heard. In Austria,[20] Bulgaria,[21] Latvia,[22] Lithuania,[23] Slovakia[24] and Sweden,[25] this right is (also) recognised under national child protection legislation. Sweden has adopted specific policy guidelines on how to ensure the best interests of the child (including by allowing children to express their views) and Belgium, the Netherlands and Norway on how to conduct interviews with children. In Croatia, even though the law does not specifically recognise the right to be heard for accompanied children in international protection procedures, in practice, this possibility is granted where there are reasons to believe that children may be exposed to risks within the family, or where there is a conflict of interest between children and the parent(s)/responsible adult(s). Spain's Asylum Law does not preclude the possibility to hear accompanied children, thus it is allowed in practice.

3.1. Possibility for accompanied children to lodge an individual application for international protection

In nine EMN Member Countries[26] and Norway, **accompanied children may lodge an application for international protection on their own behalf**. In most cases however, the possibility for accompanied children to lodge an application in their own name is conditional on specific age requirements. For example, in Estonia and Greece, children above 10 and 15 years, respectively, can submit an application for international protection in their own name. In three countries,[27] children **are required to do so** after a certain age. In Bulgaria, this is required for accompanied children older than 14 years,[28] while in the Netherlands and Slovenia, children aged 15 years and older are required to lodge an individual application separate from their parents or responsible adults.[29] In Belgium, on the other hand, accompanied children can lodge an application for international protection on their own behalf at any age. This is to avoid a situation where an accompanied child whose interests differ from those of their parents would have to rely on them to file an application. The decision to lodge a separate application can be taken by multiple actors, including children themselves, the parents/responsible adult, or upon a decision of the competent authorities.

16 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (Temporary Protection Directive), OJ L 212, p. 12, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001L0055&qid=1648223587338, last accessed on 3 February 2023.
17 In MT, national law does not provide for the possibility to carry out a personal interview with an accompanied minor. National law allows minors to make an application for international protection on their own behalf if they have the legal capacity to do so. However, minors in general are not considered to have legal capacity to act on their own, which means that in practice accompanied minors cannot apply on their own behalf. The parents/responsible adults can however file an individual application on their behalf.
18 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, SE, SI, SK.
19 AT, BE, CY, CZ, EE, EL, FI, FR, IT, LT, LV, NL, PT, SE, SI, SK.
20 According to Article 4 of the Federal Constitutional Act on the Rights of Children, every child has the right to appropriate participation and consideration of their opinion in all matters concerning the child in a manner appropriate to their age and development.
21 Law on Child Protection.
22 Law on the Protection of Children's Rights.
23 Law on the Fundamentals of the Protection of the Rights of the Child.
24 Family Act.
25 Act (2018:1197) on the Convention on the Rights of the Child.
26 BE, BG, CY, EE, EL, ES (no provisions in the Asylum Law prevent an accompanied child from lodging an individual application, although this is not the usual practice), NL, PT, SI.
27 BG, NL, SI.
28 With one of the parents signing to confirm that it has been lodged.
29 In NL, in principle, accompanied minors who are younger than 15 years old do not lodge an asylum application independently from their parents or responsible adults. In SI, a situation in which it is preferable to lodge a separate application could be, for example, when it is expected that the asylum application of the parents will be denied or when a minor has a personal and independent asylum motive.

In nine EMN Member Countries,[30] accompanied children (below a certain age) **cannot lodge an individual application on their own behalf**, but they can do so **through their parents/responsible adults,** or through **an appointed guardian**. In Sweden and Slovakia for example, a child's application for international protection must always be lodged by a person with legal capacity to represent that child. In the Czech Republic, the child's parents or legal representatives can lodge an application on their behalf when, for example, the parents/responsible adults do not have an international protection claim or already hold a residence permit.

In seven EMN Member Countries,[31] **accompanied children cannot lodge an application for international protection separately from their parents or responsible adults**. In Finland applications for international protection are individual to each person, although accompanied children's applications are usually handled with their parents' applications.[32] In Austria, even though the application for international protection for accompanied children is generally jointly lodged with their parents', a separate administrative decision is issued for each applicant. The Austrian Supreme Administrative Court and the Constitutional Court have decided that a child applicant shall not to be perceived as an annex to the parents' application but as a subject with independent interests, thus the child's specific reasons for flight must be duly considered. In Norway and Sweden, the main rule is that all children who apply for international protection will have their own separate case registered with the competent authorities, and thus have their need for protection assessed individually.

4. PERSONAL INTERVIEW

The personal interview provides applicants for international protection with an opportunity to explain the substance of their claim before the determining authority.[33] Almost all reporting EMN Member Countries and Norway allow for the possibility to carry out a personal interview with accompanied children as part of the international protection procedure.[34] However, as further described below, they have different requirements and conditions about the conditions under which such interviews can or should take place (e.g. level of maturity, age requirements, parents' consent, child's consent).

4.1. Requirements to carry out a personal interview with Accompanied children

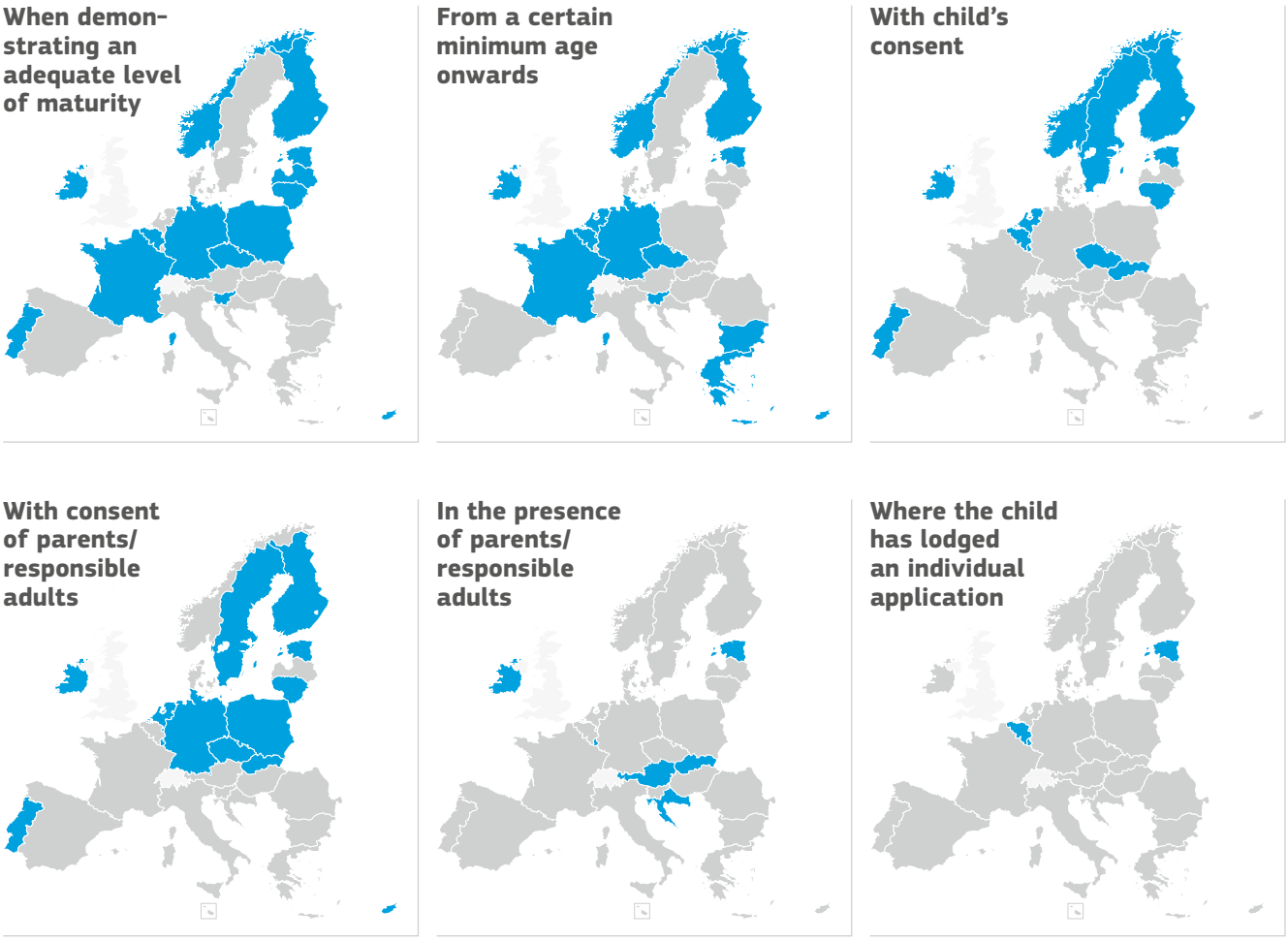
The conditions and requirements under which a personal interview with an accompanied child can and/or should be undertaken vary significantly across EMN Member Countries and Norway. In five EMN Member Countries,[35] national legislation does not impose any specific requirements to carry out a personal interview with an accompanied child.

As shown in Figure 1, the **child's consent to be interviewed** is required in several EMN Member Countries and Norway.[36] In addition, personal interviews with accompanied children can often only be undertaken **with the consent of the parents or responsible adults,**[37] and/or **in their presence**.[38] Four of the 12 EMN Member Countries[39] that require parental consent reported that if this is not obtained, the personal interview with the accompanied child cannot be conducted. In a further four of those 12,[40] as well as in Norway, there is a possibility to request the appointment of a guardian when the parents/responsible adults do not consent (particularly where there are indications of a potential conflict of interest with the parents or where the child is considered to be at risk of harm). In Finland, this possibility has proven to be difficult to realise in practice. In Croatia, a special guardian must be appointed to undertake a personal interview with accompanied children. In Lithuania and Estonia, if parents/responsible adults do not provide consent, they will be asked to explain their reasons for withholding consent. In Lithuania, if interviewing an accompanied child is deemed necessary and in their best interest, the interview can be undertaken without the parents' consent, but this has never happened in practice.

30 CZ, FR (children joining or born in FR after their parents' application and those whose parents have not applied for asylum have the possibility, if they so wish in view of their personal situation, to register an individual application through their legal representative), IT, LT, LU, MT, PL, SE, SK. In SI and NL, children younger than 15 can only lodge an individual application through their parents or responsible adults.
31 AT, DE, FI, HR, HU, IE, LV. In IE, the only situation where an individual application for an accompanied child can be lodged is where a dependent child is presented to the International Protection Office after the Ministerial Decisions Unit has issued a negative decision in respect of their parents' application.
32 The need to issue a separate decision for the child's application in Finland is made on a case-by-case basis by case workers.
33 Article 14 of the Asylum Procedure Directive states that "before a decision is taken by the determining authority, the applicant shall be given the opportunity of a personal interview on his or her application for international protection with a person competent under national law to conduct such an interview."
34 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, SE, SI, SK and NO. In MT, national law does not provide for the possibility to carry out a personal interview with an accompanied minor.
35 CZ (based on the Asylum Act, the interview is generally not conducted with accompanied children, but if necessary, can be undertaken.) ES, HR, IT, SK (the best interest of the child is always taken into account, when deciding whether to interview the child).
36 BE, CZ, EE, FI, IE, LT, LU, NL (only for accompanied children below the age of 15), PT, SE, SK (not a legal requirement but required in practice).
37 CY, CZ (parental consent not explicitly required under the Asylum Act, but is required in practice), DE, EE, FI (for children younger than 15 years old), IE, LT, LU, NL (only for accompanied children below the age of 15), PL, PT, SE, SK (including the court-appointed guardian if relevant).
38 AT, EE, HR, IE, LU, SK (including in the presence of the appointed guardian in cases of conflict of interest).
39 EE, IE, PL, PT.
40 CZ, FI, SE, SK.

Figure 1. Overview of national requirements to carry out a personal interview with accompanied children

When demonstrating an adequate level of maturity	BE, CY, CZ, DE, EE, FI, FR, IE, LT, LV, PL, PT, SI and NO
From a certain minimum age onwards	BE,[41] BG, CY, CZ,[42] DE, EE, EL, FI, FR, IE, NL, SI and NO
With child's consent	BE, CZ, EE, FI, IE, LT, LU, NL,[43] PT, SE, SK[44] and NO
With consent of parents/ responsible adults	CY, CZ,[45] DE, EE, FI,[46] IE, LT,[47] LU, NL,[48] PL, PT, SE, SK[49]
In the presence of parents/ responsible adults	AT, EE, HR, IE, LU, SK[50]
Where the child has lodged an individual application	BE,[51] EE, LU



As shown in Figure 1, in half of the EMN Member Countries[52] and Norway, the possibility to carry out a personal interview with an accompanied child (and the requirements thereof) are dependent on the child's age, among other things. The **age requirements** vary significantly, with some establishing four years old as the minimum age to be interviewed and some others setting the minimum age at 16 years old (see Table 1). In addition to the minimum age requirements, the **level of maturity** of the child is (also) assessed in most EMN Member Countries and Norway to decide whether a child can be interviewed.[53]

41 Age requirements are not set in law but applied in practice.
42 There is no legal minimum age requirement to interview an accompanied child, but minimum age requirements are applied in practice.
43 Only for accompanied children below the age of 15.
44 This is not a legal requirement but is required in practice.
45 Parental consent is not explicitly required under the Asylum Act, but is required in practice.
46 Only for children under the age of 15.
47 In LT, the interview can ultimately be undertaken without parental consent when this is deemed necessary for the international protection procedure. In this case, the procedure for unaccompanied children would be applied.
48 Only for accompanied children below the age of 15.
49 Including consent from the guardian appointed by the court in case of conflict of interest.
50 Including in the presence of the appointed guardian in case of conflict of interest.
51 Children who have not lodged an individual application are heard in a 'conversation'.
52 BE, BG, CY, CZ, DE, EE, EL, FI, FR, IE, NL, SI.
53 BE, CY, CZ, DE, EE, FI, FR, IE, LT, LV, PL, PT, SI and NO. In NL, the level of maturity is always taken into account when hearing a child, but is not a requirement for children from the age of 15 onwards, as they lodge a separate asylum application in all cases and are routinely interviewed.

Table 1. Overview of minimum age requirements to carry out a personal interview with accompanied children

BE	In practice, children are normally heard from the age of **12**. If a younger child asks to be heard, it is up to the caseworker to decide whether or not to hear the child
BG	Accompanied children over **14** are required to lodge an individual application and are generally invited to an interview Accompanied children older than 10 and younger than 14 are also invited to an interview unless this is not in their best interests, in which case that would be recorded in the interview protocol An accompanied child **under the age of 14** may be interviewed if there is a need for additional clarification of facts and circumstances, depending on their level of maturity and if it is in their best interest
CY	When the child is **over 14,** the interview will be carried out with the approval of parents/responsible adults When the child is **under 10,** the interview is conducted when deemed necessary, taking into consideration the best interests of the child and with the approval of parents/responsible adults (legal guardian)
CZ	There is no legal requirement to only interview a child from a certain age onward, but in practice, the Czech authorities for child social and legal protection – including courts – have set the age of approximately **12** as the threshold for interviewing a child. Younger children can be interviewed if considered mature enough
DE	Children **younger than six** are generally not heard, as long as the matter has been sufficiently clarified Children between **6 and 13** can be heard Children **older than 14** are generally heard
EE	To submit an individual application and be interviewed during the international protection procedure, a child has to be at least **10**. Children younger than 10 can also be heard if mature enough
EL	Only accompanied children **over 15** are interviewed. Accompanied children **under 15** are generally not given the opportunity to be heard. An accompanied child under 15 may only be interviewed when they apply for international protection after their parents' interview or after a decision is issued
FI	All accompanied children **above 12** are interviewed in the presence of their parent(s), unless interviewing the child is considered manifestly unnecessary. As a general rule, **children who are or are turning 11** during the hearing procedures of the parent(s) are also heard. Interviewing **children under 11** is evaluated on a case-by-case basis. National practice in Finland also includes a 'hearing consideration' for accompanied **children aged between 4 and 10** In general, **four** is the minimum age limit for a child to be interviewed
FR	Only children who are of sufficiently mature age – i.e. above **12** – can be interviewed when it is essential for the examination of their asylum application
IE	In general, only children **above the age of 16** are interviewed
LV	There are no minimum legal age requirements but in practice, only children who are 14 and above can be heard in a personal interview.
NL	Accompanied children **who are 15** or older are required to lodge an individual application for international protection and are heard individually. In principle, accompanied children **between 12 and 15** are not interviewed individually. The Immigration and Naturalisation Service (IND) can make an exception when a personal interview is requested by those accompanied children or by their parents/responsible adults, or when the IND considers there to be good reasons to hear the accompanied minor in a personal interview (this rarely occurs in practice). Accompanied children younger than 12 are not interviewed
SI	Children who are **15 or older** are interviewed as a general rule. If deemed necessary, a personal interview may be conducted with a child younger than 15 in the presence of their parents/responsible adult
NO	Personal interviews are conducted with accompanied children **over the age of seven** (unless the child themselves is against the idea or it is considered to be obviously unnecessary) or younger, if sufficiently mature

EMN Member Countries and Norway have different **approaches to deciding whether to interview an accompanied child**. As further described below, the two main approaches adopted are: deciding whether to interview a child on a case-by-case basis (with some EMN Member Countries interviewing children only in exceptional cases); or inviting accompanied children to take part in an interview by default (unless, for example, clearly unnecessary or against their best interests).

Overall, even when the existing requirements are fulfilled (or non-existent), most EMN Member Countries and Norway opt to carry out personal interviews with accompanied children where this is **considered necessary by the competent authorities** (i.e. case workers),[54] or at the **specific request of the child**[55] or their **parents/responsible adults**.[56] The decision to interview is thus generally taken on a case-by-case basis, for example when considered to be indispensable for acting in the best interests of the child, or where the interview with the child is relevant for the application of the parents/responsible adults. In Cyprus, for example, the asylum service carries out an individual assessment of each case to decide whether an accompanied child should be interviewed and accompanied children themselves can also request to be heard. In Ireland, where case workers conducting the personal interview consider it necessary, they can interview children included in a family application. In Lithuania, accompanied children can be interviewed when the case worker considers that the information received during the interview with the child may influence the assessment of the information provided by the parents or adults responsible for them, or where the child has their own claim. In Portugal, the personal interview is primarily conducted at the child's request.[57]

In several EMN Member Countries,[58] accompanied children are usually not interviewed, although some exceptions may apply and are decided on a case-by-case basis. This is the case in Hungary, where accompanied children are generally not heard in the procedure but can be interviewed if this is considered essential to ascertain relevant facts of the case.[59] In Germany, accompanied children are not usually interviewed. However, there is the possibility to conduct a personal interview if the parents consider it necessary (e.g. because the child has a claim of their own) or at the express request of the child, with the consent of the parents, where the interview is necessary for complete clarification of the facts. Similarly, in Luxembourg, accompanied children are, in principle, represented by their parents or responsible adults and are only interviewed where necessary for the examination of the application, or, if they arrived later than their parents and that earlier application is already closed. In Croatia, a personal interview with an accompanied child is only undertaken where there are indications that the child might be facing risks of harm from their parents or responsible adults. In the Czech Republic and France, the competent authorities only interview accompanied children if their statements might add important facts to the case, or if some facts of the claim are related to the child rather than the parents.

Box 1. Belgium – requirements to carry out a personal interview with accompanied children

A personal interview (within the meaning of Article 14 of the Asylum Procedure Directive) is only carried out with those children who have submitted an application for international protection on their own behalf, and who are considered to have sufficient maturity. If that is not the case, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) can invite the parents/responsible adults to explain, on behalf of the child, the elements of their application for international protection.

When accompanied children do not submit an individual application (but are included in their parents' application), they can inform the CGRS of their wish to be heard up to five days before the personal interview with the parents/responsible adults. As these are accompanied children who have not themselves lodged an application for international protection, they are heard during a 'conversation' rather than a formal personal interview. The CGRS can also invite the accompanied child for a conversation if it feels it is in the best interests of the child (e.g. when they are informed that there might be a conflict of interest between the child and the parents). It has not been decided to systematically summon the accompanied child for an interview, as this would create excessive pressure on a child who has a right, rather than an obligation, to be heard.

Depending on the situation, in some EMN Member Countries and Norway,[60] **accompanied children (of a certain age) are automatically invited to an interview**, unless, for example, this is deemed manifestly unnecessary or against their best interests. For example, in Greece[61] and Slovenia,[62] children above the age of 15 are generally invited to an interview. Similarly, in the Netherlands, accompanied children aged 15 years and above are always heard in a personal interview (they lodge a separate asylum application). In Finland, all children above 12 years are interviewed in the presence of their parents, unless manifestly unnecessary (i.e. when the parents have been comprehensively heard or where the child does not want to be heard). In Norway, an interview is conducted with all accompanied children older than seven years old, unless the child does not consent or the interview is considered clearly unnecessary. In Belgium, when accompanied children file an individual application for international protection on their own behalf, they will be interviewed, unless they are not considered to have sufficient maturity. In Sweden, the main premise is that all children in international protection procedures have the opportunity to be heard.

54 BG, CY, CZ, DE, EE, ES, FI (for children younger than 11), FR, HR, HU, IE, LT, LU, NL (for children between 12 and 15), SI (for children younger than 15), SK.
55 CY, CZ, DE, EE (above the age of 10, or younger if mature enough), FI (for children younger than 11), LT, PT, PL, SK, NL (for accompanied minors between the ages of 12 and 15) and NO.
56 DE, FI (for children younger than 11), NL (for accompanied children between the age of 12 and 15), SK.
57 Taking into account minimum age requirements, depending on the maturity level of the child.
58 CZ, DE, ES, FR, HR, HU, IE, LU, SK.
59 Children older than 14 years old.
60 BE (where the accompanied child has submitted an application on their own behalf and has enough maturity), BG (children older than 14), CY, EL, FI, LV, SE, SI, NL (for children aged 15+).
61 Unless they are considered unfit or unable to be interviewed, or to avoid the psychological consequences of narrating traumatic experiences.
62 Children under 15 years old are only interviewed in exceptional circumstances.

Box 2. Alternative means to ensure children's right to be heard

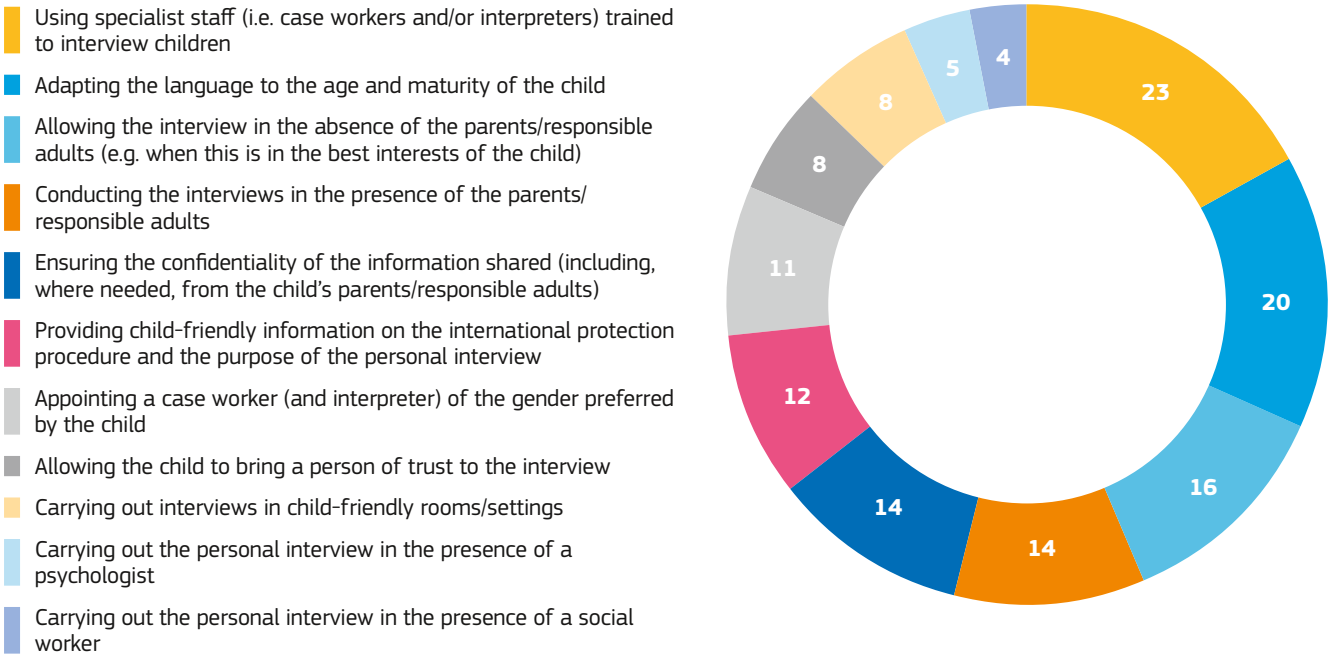
Several EMN Member Countries[63] and Norway gather the views of accompanied children through other means (i.e. at other points in the international protection procedure). In Sweden, for example, the child's views are also gathered during short interviews with children and parents that take place at the time when the application for international protection is made. In Norway, during the initial registration of the application for international protection, the National Police Immigration Service asks accompanied children if they want to have their own registration interview. In Belgium, accompanied children who have not submitted an individual application for international protection are not heard in a 'personal interview' in a strict sense, but rather in a 'conversation', either at their own request or suggested by the CGRS (see Box 1).

Several EMN Member Countries and Norway reported that accompanied children's views can be gathered throughout the entire international protection procedure (where needed), including, for example, information provided to social workers, teachers, family counsellors and lawyers,[64] as well as through the submission of written statements.[65]

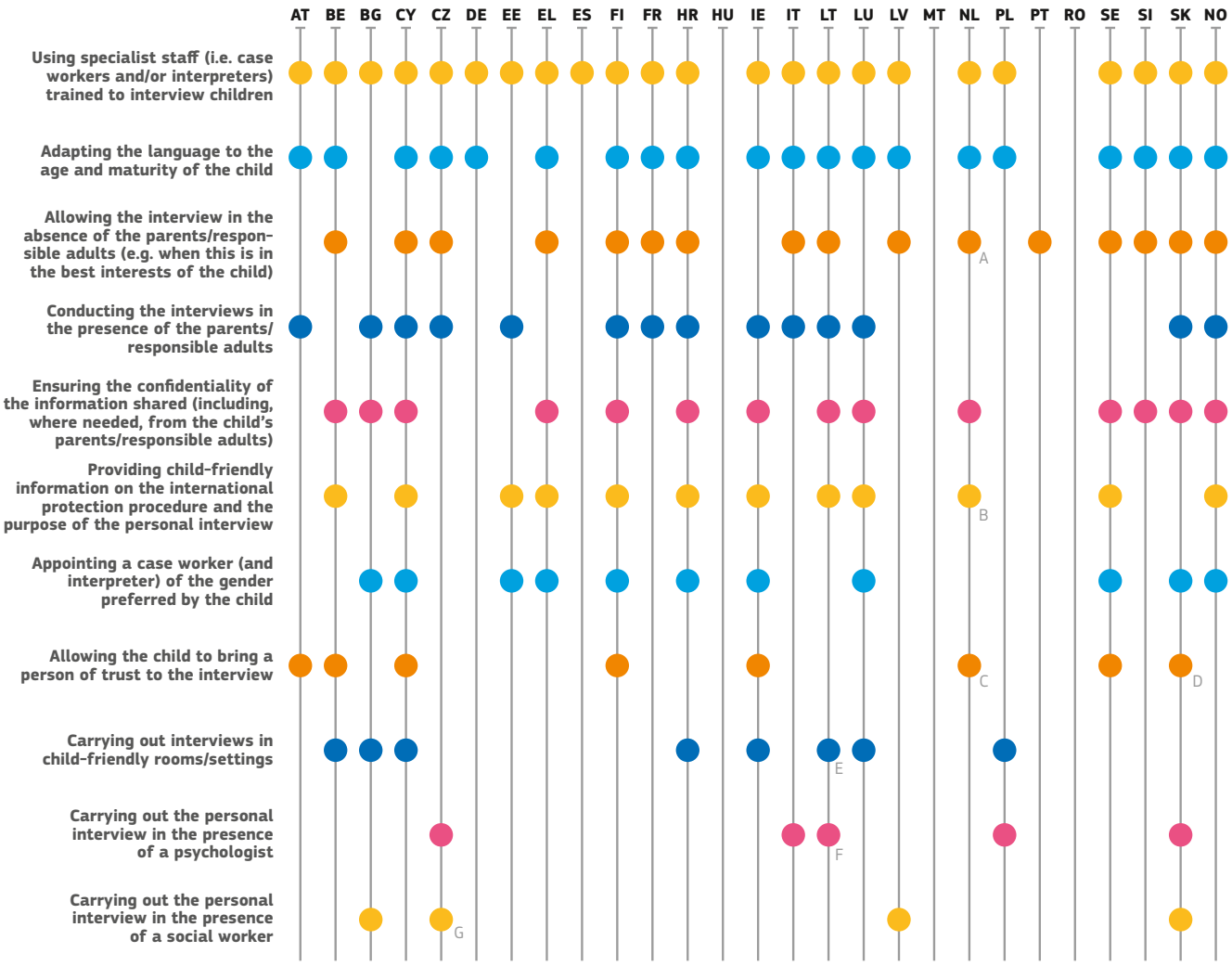
4.2. guarantees and Safeguards to ensure the best interests of the child and a child-friendly interview

As required by Article 15 of the Asylum Procedures Directive,[66] EMN Member Countries, as well as Norway, have put in place a wide range of safeguards to ensure a child-friendly interview and to give due consideration to the best interests of the child during that interview. However, the level of safeguards varies considerably. The types of safeguards also differ across the reporting countries. For example, while practically all EMN Member Countries and Norway use specialised staff to conduct interviews with accompanied children and most adapt the language used to the age and maturity of the child, only a few countries carry out the personal interview in child-friendly settings and/or foresee the possibility to interview the child in the presence of a psychologist or a social worker (see Figure 2).

Figure 2. Overview of safeguards to ensure the best interests of the child and a child-friendly personal interview



63 CZ, BE, BG, DE, FI, IT, LT, LV, PL, SE, SI, SK.
64 CZ, DE, FI, LT, LU, LV, PL, SE, SI, SK and NO.
65 BE, CZ (accompanied children may provide written statements or documentation, although this has never happened in practice), IT, PL, SE and NO.
66 Ireland applies the International Protection Act 2015, as amended, instead of this Directive.



A In NL, accompanied children who are interviewed are generally interviewed separately from their parents.
B Usually done by the Dutch Council of Refugees (VWN) and the legal representative.
C A representative of VWN may attend the interview. The legal representative may also be present.
D Based on the individual case assessment.
E In LT, this is recommended, although not required by law.
F The presence of a psychologist or social worker is recommended, although not required by law.
G Where necessary.

In most EMN Member Countries and Norway, the interview with accompanied children is carried out by **specialist staff** (**case workers and/or interpreters) trained to interview children.**[67] The training provided to case workers interviewing accompanied children includes the European Union Agency for Asylum (EUAA) training module, 'Interviewing children',[68] as well as specific national training courses covering aspects related to child interviewing techniques, how to detect vulnerabilities, how to identify conflicts of interest, guardianship laws, etc. In Belgium, in addition to basic training, case workers interviewing children are required to have at least two years of experience interviewing adults. In Finland, a senior adviser specialised in issues concerning children provides support to the case worker.

Several EMN Member Countries and Norway report that during personal interviews with accompanied children, case workers are required to use **language that is adapted to the age and maturity of the child.**[69] In Lithuania, case workers are encouraged to use non-verbal ways of communication during the personal interview with children, including playing, drawing, writing, acting, storytelling and singing. Taking frequent breaks[70] and/or spreading the interview over multiple days[71] to allow children to express their views at their own pace are some of the other safeguards. Some EMN Member Countries, as well as Norway, also provide **child-friendly information on the international protection procedure and the purpose of the personal interview** to ensure that children are aware and understand their rights.[72] Norway

67 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK and NO.
68 BE, CY, EE, EL, FI, LT, SK.
69 AT, BE, CY, CZ, DE, EL, FI, FR, HR, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK and NO.
70 DE, EL.
71 EE.
72 BE, CY, EE, EL, FI, HR, IE, LT, LU, NL (primarily through VWN), SE and NO.

has a specific website with child-friendly information (including videos) on the procedure for international protection and the personal interview, which is available in 16 different languages.[73]

In several EMN Member Countries, personal interviews are carried out in **child-friendly rooms/settings**.[74] In Belgium, the conversation (or personal interview) takes place in a room with an informal setting (no desk, but a sofa and a coffee table). Pencils, paper and puppets are also present in the room to help children explain their claim.

Some EMN Member Countries require that the personal interview with the accompanied child shall be undertaken **in the presence of the parents or responsible adults**, as this is generally considered to be in their best interest.[75] However, **exceptions may apply**. In Italy, even though the parents' presence in the interview is generally required, the determining authority can decide to interview the child again without their parents if this appears to be in the best interests of the child (e.g. where there are reasons to believe that there are aspects of the child's experience/claim that they have difficulty sharing in the presence of their parents, e.g. lesbian, gay, bisexual, transgender, queer (LGBTQ+) claims, family violence, trafficking in human beings). Similarly in France, where parents are also generally required to be present, the interview can be undertaken in their absence where it is reasonable to believe that parents were not aware of the child's reasons for applying for international protection, or where they could be involved in violence against the child. In Lithuania, accompanied children can be interviewed without their parents where there are grounds to believe that information received during the interview with the child may influence the assessment of the data provided during their parents' personal interview, or when the child may be at risk of persecution or harm. In Finland, as a general rule, accompanied children should be heard in the presence of at least one parent. Nevertheless, the responsible authorities should also seek opportunities to hear every accompanied child without their parents/responsible adults.

In several other EMN Member Countries and Norway, the personal interview with the accompanied child can generally be undertaken **without the parents/responsible adults**, especially where this is considered to be in the best interests of the child[76] (e.g. in cases of conflict of interests, when the child is not comfortable sharing information in front of their parents, when there are reasons to believe that the child is at risk).

In some EMN Member Countries[77] and Norway, whenever parents are not permitted to be present during the personal interview, a temporary guardian can be appointed to guarantee the best interests of the child during the personal interview (see section 5).

In several EMN Member Countries, the best interests of the child are guaranteed during the personal interview by ensuring the **confidentiality of the information shared**,[78] including from the child's parents or responsible adults, if necessary. In Finland and Greece, if there is something that the child does not want their parents to know, or sharing that information would be against their own best interests, that information is presented in a separate transcript/decision.

Other safeguards include **appointing a case worker (and interpreter) of the gender preferred by the child**,[79] and allowing the child to **bring a person of trust** to the interview.[80] Several EMN Member Countries also foresee the possibility to carry out the personal interview in the presence of a psychologist[81] and/or a social worker.[82] In Bulgaria, for instance, the presence of a social worker during interviews with accompanied children is mandatory.

5. IDENTIFYING AND HANDLING POTENTIAL CONFLICTS OF INTEREST

In the international protection procedure, children and parents/responsible adults may have different or conflicting interests (e.g. in situations where children may not want to disclose certain information in front of their parents/responsible adults, when the latter do not want the child to share information with the authorities, situations of abuse or risk of harm).

In general, any person who is in close contact with accompanied children can identify a potential conflict of interest between them and their parents/responsible adults in the context of the international protection procedure in the EMN Member Countries and Norway. Those most frequently mentioned include **personnel at reception centres and non-governmental organisations (NGOs)** working with the child,[83] **social workers**,[84] **schoolteachers**,[85] **healthcare professionals (including psychologists)**,[86] and **legal advisers**.[87] Where children are heard as part of the international protection procedure, conflict of interest can also be identified by the **competent asylum authorities, specifically by**

73 See: www.asylbarn.no.
74 BE, BG, CY, HR, IE, LT (recommended, but not required by law), LU, PL.
75 AT, BG, CY, CZ, EE, FI, FR, HR (only in the presence of the legal guardian), IE, IT, LT, LU, SI, SK.
76 BE, EL, LV, NL (this is always the case), PT, SE.
77 CZ, FI, HR, SI, SK and NO.
78 BE, BG, CY, EL, FI, HR, IE, LT, LU, NL, SE, SI, SK and NO.
79 BG, CY, EE, EL, FI, HR, IE, LU, SE, SK and NO.
80 AT, BE, CY, FI, IE, NL (a representative of the Dutch Council for Refugees (VWN) may attend the interview. The legal representative may also be present), SE, SK (based on the individual case assessment).
81 CZ, IT, LT (the presence of a psychologist or social worker is recommended although not required by law), PL, SK.
82 BG (the presence of a social worker during the interview is mandatory), CZ, LV, SK.
83 BE, BG, CY, EE, FI, HR, LT, LU, NL, PL, SE, SI, SK, NO.
84 BE, BG, CY, DE, FI, FR, HR, LT, LU, SE, SI, SK and NO.
85 BE, DE, EE, FI, LT, LU, PL, SE, SI, SK.
86 BG, CY, DE, EE, FI, FR, HR, IT, LT, LU, PL, SE, SI, SK.
87 CY, DE, EE, FI, FR, LU, NL, SE, SI, SK.

case workers.[88] In Finland, for example, case workers receive specific training on identifying potential conflicts of interest in family applications.

Where a conflict of interest is identified, it is handled in various ways, depending on the type of conflict of interest, its gravity, and how it may impact the best interests of the child. Some of the measures adopted by EMN Member Countries and Norway to handle cases of conflict of interest include:

- **Separating the child's application for international protection from that of their parents, or issuing a separate decision**.[89] In Belgium, a separate decision is issued when the child makes a claim on the grounds of female genital mutilation (FGM) or forced marriage. In Greece and Latvia, a separate decision can be issued if, for example, the child's claim is based on persecution related to sexual orientation and/or gender identity and the child does not want to reveal this information to their parents. In Germany, where there is a conflict of interest, the applications of the parents and the child can be separated and assessed independently.
- Appointing a **temporary guardian/ad hoc administrator** to represent the child's interests in the international protection procedure.[90] In Slovakia, in cases of conflict of interest, the court appoints a conflict/collision guardian (under-tutor) to represent the child in the international protection procedure. In Croatia and Slovenia, if there is conflict of interest, a guardian will be appointed to be present in the personal interview. Similarly in Norway, if a conflict of interest is identified before the personal interview, the Norwegian Directorate of Immigration (UDI) will ask the County Governor to appoint a temporary guardian to be present during the interview in order to ensure that the child can express themselves freely. In France, the public prosecutor can appoint an ad hoc administrator to represent the interests of the child in the international protection procedure.
- **A lawyer who is not shared with the child's parents is assigned** to advise and represent the legal interests of the child in the international protection procedure.[91]
- In cases of serious conflicts of interest (e.g. where children may be at risk of harm), the child could be **removed from the family and a guardian could be appointed upon a family court decision**.[92]

Box 3. The Netherlands – handling cases where children may be at risk of harm.

The Netherlands has several procedures and protocols to use when it is suspected that a third-country national child (including accompanied children) may be at risk of harm. For example, employees of the Central Agency for the Reception of Asylum Seekers (COA) or the VWN may refer such cases to their manager (VWN) or a special contact person for domestic and child abuse (COA),[93] in accordance with the Reporting Code for Domestic Violence and Child Abuse. The manager/contact person can take the necessary follow-up actions, including alerting 'Veilig Thuis' (*safe home*), the national contact point for domestic and child abuse. Similarly, asylum case workers at the IND may contact their in-house 'best interests of the child' contact points, who can then guide case workers on how to proceed. The 'best interests of the child' contacts have a direct relationship with other relevant organisations, such as the Return and Repatriation Service, the Dutch Child Welfare Council, youth welfare services, etc.

6. CHALLENGES AND GOOD PRACTICES IN ENSURING ACCOMPANIED CHILDREN'S RIGHT TO BE HEARD

6.1. Challenges

Several EMN Member Countries[94] and Norway reported challenges in guaranteeing the right of accompanied children to express their views and to have them taken into consideration in the international protection procedure.

Most challenges related to existing **national requirements** to hear accompanied children. For example, several EMN Member Countries refer to challenges concerning the **age limit requirements.**[95] Finland finds it difficult to determine the cases in which children under 12 years old should be heard, and this is decided on a case-by-case basis. Although case workers have guidelines to take this decision, there is little practical experience. Academic research in the Netherlands found that children under 15 years old are not systematically heard, often because their parents were not aware of possible independent claims, or were unwilling to disclose those to the authorities, which could put accompanied children in a disadvantaged position in the international protection procedure. However, research also shows that hearing (accompanied) children below a certain age can be particularly burdensome on the child and is not always desirable. Therefore, the government decided to not introduce systematic hearing of children below the age of 15. Similarly, Greece reports a challenge in the fact that children under 15

88 AT, BE, EE, EL, ES, FI, FR, HR, IE, IT, LT, LU, NL, SE, SI, SK and NO.
89 BE, CY, DE, EL, FI, LV, NL (in extraordinary circumstances this can be done for children younger than 15), SE, SI and NO.
90 CY, FI, FR, HR, LUSE, SI, SK and NO.
91 BE, CY, FI, LU, SE.
92 CY, CZ, EL, HR, IE, LT, LU, NL, SE, SI.
93 Each COA location has certified domestic violence and child abuse contact people, who have completed a five-day certified training course and are trained to recognise signals. They are in charge of the reporting code.
94 BE, CY, DE, EL, ES, FI, LT, NL, SE, SI.
95 FI, EL, NL, SI.

years old were not usually given the opportunity to be heard.

Two EMN Member Countries[96] report challenges related to national requirements for **parents or responsible adults to provide consent** for the child to be interviewed, or for them **to be present during the personal interview**. In Sweden, when parents/responsible adults do not provide consent for the accompanied child to be interviewed, the Migration Agency does not have a legal base to perform the interview, hindering the child's possibility to be heard, even when this could be beneficial for their application. In Germany, one challenge is assessing whether a child is speaking openly when the parents are required to be present in the interview.

Other challenges reported by some EMN Member Countries include the **lack of sufficiently trained staff** to hear accompanied children and/or a **lack of resources to train staff**.[97] In Finland, the high turnover of personnel and case workers at the Finnish Immigration Service poses a challenge for training and the development of experience. In Lithuania, there is a lack of training for staff working with accompanied children and there is no mandatory methodology on interviewing accompanied children for competent authorities or translators. Similarly in Slovakia, the lack of staff with experience in interviewing accompanied children and identifying potential conflicts of interest also constitutes a challenge.

Belgium reports a challenge in the need to handle situations where children may be 'instrumentalised' by their parents, who ask for them to be interviewed without this being in their best interests. In Norway, not having sufficient resources for a child-friendly environment and facilities for interviewing children is also noted as an issue.

6.2. Good practices

Good practices put forward by the EMN Member Countries and Norway in relation to hearing accompanied children include:

- Ensuring that adequately trained staff hear the child[98] and that interviews take place in child-friendly facilities, using child-friendly language;[99]
- Allowing children to use different means to inform authorities that they want to be interviewed (e.g. letter, email, telephone, in person, through a teacher, a social worker);[100]
- Offering children the possibility to receive any communication (e.g. an invitation for an interview, interview report) at an address other than their parents' address;[101]
- Ensuring accompanied children's right to be heard during the screening and/or registration process before the beginning of the actual examination phase;[102]
- Providing NGO-run spaces for (accompanied) children at reception centres or schools where they are informed in a child-friendly manner about the international protection procedure and children's rights, and where possible conflicts of interest (e.g. independent asylum motives) are identified;[103]
- Allowing case workers to decide whether a child should be heard on a case-by-case basis, and with due regard for the individual circumstances of the child;[104]
- Informing children and their families of the child's right to be heard early in the procedure;[105]
- Including information on accompanied children's right to be heard in all levels of policy documents and guidelines.[106]

Box 4. Sweden – Legal position paper on how to handle conflicts of interest[107]

The Swedish Migration Agency has adopted a legal position paper on conflicts of interest between children in international protection procedures, their legal guardian, legal counsel, and parents.

This legal position paper supports case officers facing situations of conflicts of interest between child applicants for international protection and their guardians, legal counsel, and parents. It provides guidance on how to handle the situation and the measures to take (e.g. under which circumstances the child shall be appointed a separate legal counsel, or cases where the social services can take action in accordance with laws on child protection to protect the child, for example separating the child from the parents and appointing a legal guardian).

This position paper also ensures that conflicts of interests are handled correctly and consistently.

96 FI, SE.
97 FI, LT, SK and NO.
98 CY, DE, FI, FR, IE, LU, NL and NO.
99 CY, IE, LU.
100 BE.
101 BE.
102 CY and NO.
103 NL: Time4You is run by the VWN. It also conducts a separate flight story analysis (Vluchtverhaal analyse, VVA) for accompanied children of 15 years or older, and during the VVA for families with children below the age of 15, special attention is given to possible independent asylum motives. The communication lines between the VVA and the 'Time4You' sessions are important.
104 FR, IE.
105 SE and NO.
106 SE.
107 Legal position: disagreements between asylum-seeking children, guardians, public counsel and guardians - RS/060/202 [only in Swedish], Documents - Lifo's external (migrationsverket.se), last accessed on 3 February 2023.

ANNEX 1. REFERENCES TO THE RIGHT TO BE HEARD IN EU AND INTERNATIONAL LAW

Legal instrument and article	Relevant text
United Nations Convention on the Rights of the Child (CRC)[108] (Article 3(1))	"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."
CRC (Article 12)	"1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."
Charter of Fundamental Rights of the European Union (CFR)[109] (Article 24)	"1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity. 2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration."
Asylum Procedures Directive (Directive 2013/32/EU)[110]	"(33 preamble) The best interests of the child should be a primary consideration of Member States when applying this Directive, in accordance with the Charter of Fundamental Rights of the European Union (the Charter) and the 1989 United Nations Convention on the Rights of the Child. In assessing the best interest of the child, Member States should in particular take due account of the minor's well-being and social development, including his or her background."
Asylum Procedures Directive (Directive 2013/32/EU) (Article 14)	"1. [...] Member States may determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview."
Asylum Procedures Directive (Directive 2013/32/EU) (Article 15)	"1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present [...] 3. Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall: [...] (e) ensure that interviews with minors are conducted in a child appropriate manner."
Dublin Regulation (Regulation (EU) No 604/2013)[111]	"(13) In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States when applying this Regulation."
Dublin Regulation (Regulation (EU) No 604/2013) (Article 6)	"1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation [...] 3. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors: (a) family reunification possibilities; (b) the minor's well-being and social development; (c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking; (d) the views of the minor, in accordance with his or her age and maturity."

108 United Nations (UN) Convention on the Rights of the Child (CRC), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child, last accessed on 7 December 2022.
109 Charter of Fundamental Rights of the European Union (CFR), OJ C 326, P. 391, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT , last accessed on 7 December 2022.
110 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on Common procedures for granting and withdrawing international protection (recast) (Asylum Procedures Directive), OJ L 180, p. 60, https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32013L0032, last accessed on 7 December 2022.
111 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L 180, p. 31, https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0604, last accessed on 7 December 2022.

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Finland www.emn.fi/in_english
France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2
Germany https://www.bamf.de/EN/Themen/EMN/emn-node.html
Greece http://emn.immigration.gov.gr/en/
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Slovenia https://emm.si/en/
Sweden http://www.emnsweden.se/
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