



ECRE Annual General Conference 2024

World Refugee Day

Global Displacement; European Anxiety

Thursday 20 June 2024

Thon Hotel EU, Rue de la Loi / Wetstraat 75, 1040 Brussels, Belgium

Workshop Number: 6

Room: Netherlands I + II

Time: 14.00 – 16.00

Title	Improving standards and safeguards before, during and after age assessment procedures
Organiser	Kids in Need of Defense (KIND)
Objectives	<ol style="list-style-type: none"> 1. Raise awareness of the importance of standards and safeguards (including specialised legal assistance) before, during and after any age assessment procedure 2. Exchange recent national developments with a view to identifying and documenting good practices and concerns 3. Examine the current and potential EU role and consider potential joint advocacy 4. Capture lessons learned from recent strategic litigation
Facilitator	<ul style="list-style-type: none"> • Jyothi Kanics – Director of Policy and Advocacy for Europe, KIND
Speakers	N/A
Format	<ul style="list-style-type: none"> • Introduction • World Café <ul style="list-style-type: none"> ○ Table 1: National developments (Host: European Lawyers in Lesvos (ELIL)) ○ Table 2: The EU's role in promoting standards and safeguards in age assessment procedures (Host: KIND) ○ Table 3: Legal remedies (Host: European Council on Refugees and Exiles (ECRE)) • Debrief and discussion of next steps

Description	<p>Background</p> <ul style="list-style-type: none"> • The vast majority of unaccompanied children arriving in the EU are adolescents. Many of these individuals are age-disputed. • The EU Procedures Directive provided that Member States (MS) could use medical examinations to determine the age of unaccompanied minor and included guarantees in such instances. Article 25 of the Asylum Procedure Regulation (Regulation 2024/1348) now provides that MS may undertake a multi-disciplinary assessment to determine an applicant’s age and that medical examinations may be used as a measure of last resort where there are still doubts following such an initial assessment. It includes safeguards such as the provision of information, informed consent and the appointment of a representative (Article 23). • To date, MS practices have varied greatly. Significant divergences in MS practices include factors such as: whether consent is necessary before the age assessment procedure; whether the individual is supported by an independent person such as a guardian; the consequences of refusal; whether a legal remedy is available to the applicant; and whether they can access free specialist legal assistance to make an appeal. • Regarding legal remedies, the EU Agency for Asylum (EUAA) has reported that eight states offer the possibility to challenge the age assessment decision separately and nine others offer the possibility to challenge the age assessment decision as part of the international protection decision or simultaneously. Two do not offer any legal remedies to applicants. <p>Why focus on this now?</p> <ul style="list-style-type: none"> • While such treatment may affect a small number of international protection applicants, the impact on these individuals is likely to be severe – challenging their personal identity, negatively affecting credibility assessment, subjecting them to poor reception conditions, including homelessness, and, for many, denying them the support and assistance to which they are entitled as children. • National governments continue to develop and to adapt age assessment methods. In some national contexts, age assessment is arguably used to address perceived abuse in the asylum system and to avoid the expense of caring properly for children and other young vulnerable applicants. Actors involved in requesting and carrying out age assessments may often have a conflict of interest (e.g. if they decide an applicant is an adult, it will save their agency funds). • The EUAA will launch a new dedicated training module on age assessment in 2024. It will also be updating its ‘Practical Guide on Age Assessment’ to bring it in line with the provisions of the New Pact on Migration and Asylum. • Promotion of standards by the EUAA, the Council of Europe, the UN Committee on the Rights of the Child and civil society. • There has been successful strategic litigation and there is an opportunity to exchange more about related strategies and developments.
Contact	For more information about this workshop, please contact Jyothi Kanics (KIND).