



Unit 2.8

CHILDREN IN UNHCR RSD PROCEDURES



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2.8 Children in UNHCR RSD Procedures

2.8.1 General Considerations relating to Child Applicants

Children have the **right to make an independent refugee status claim**, regardless of their age or whether they are accompanied, unaccompanied or separated. Child Applicants should receive all necessary assistance and support in making their claim. Whether a child is making an individual refugee status claim¹ or applying for derivative refugee status as a dependant of a recognized refugee (for guidance on derivative refugee status see, § 5 – *Processing Claims based on the Right to Family Unity*), the principles and procedural standards set out in this section and, more broadly, the RSD Procedural Standards, must be observed. Where applicable, additional standards and recommendations relating to child Applicants are set out in other Units of the RSD Procedural Standards (see, for example, § 3.2.6 – *Registration Interview of Family Members/Dependants*, § 3.4.6 – *Child Applicants (under 18) / Unaccompanied & Separated Children*, § 4.3.7 – *Interviewing Child Applicants*, and § 5.3.2 – *Derivative Refugee Status Applications Involving Children*).

The child-specific terms used in this section and elsewhere in the RSD Procedural Standards should be understood as follows:

Definitions:

- ▶ **Child:** A person who is under 18 years of age. This term encompasses a wide range of developmental stages and levels of maturity, from early childhood to the late teens.
- ▶ **Child Applicant:** A child who makes an individual refugee status claim or who applies for derivative refugee status as the dependant of a recognized refugee.
- ▶ **Unaccompanied Child:** A child who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so. A child who is unaccompanied for the purposes of this definition may, therefore, be physically accompanied by an adult whose relationship with the child has not reached a standard of legal or customary custody of the child (see also ‘customary caregiver’ below) – for example, an acquaintance or neighbor.
- ▶ **Separated Child:** A child separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members. Where the relative in question has long been the primary caregiver of the child to the extent that they are legally or customarily considered to hold custody (see also ‘customary caregiver’ below), the child would not be considered separated.
- ▶ **Parent:** The biological or adoptive parent of the child.
- ▶ **Customary Caregiver:** A customary caregiver is a person that the community has accepted, either by tradition or common practice, to provide the daily care, protection and supervision of a child. The customary caregiver may (or may not) be related to the child. A customary caregiver is usually a person other than a parent who has cared for a child for an extended period of time in country of origin, transit or in country of asylum.

¹ All Applicants who meet the refugee criteria under the UNHCR’s mandate should be recognized as refugees in their own right even if they have applied for refugee status as part of a family rather than on individual basis (see § 5.2 – *Derivative Refugee Status*).

- ▶ **Legal caregiver:** A legal guardian or another person legally responsible for the child. For the purposes of UNHCR mandate RSD procedures, the rights and responsibilities of legal caregivers/guardians assume vis-à-vis a child are akin to those of parents.
- ▶ **Guardian:** A person designated to assist an unaccompanied and separated child in all stages of the RSD process and to ensure that the child is properly represented, that his/her views are expressed and that any decisions taken are in the child's best interests. A guardian in UNHCR mandate RSD procedures is not responsible by law for the care and general welfare of the child. The legal representative cannot undertake the role of a guardian (see § 2.8.4 (b) – *Guardians* and § 2.7 – *Legal Representation in UNHCR RSD Procedures*).
- ▶ **Support person:** A trusted adult who may accompany the child Applicant throughout the RSD process with the aim of providing moral and emotional support and encouraging the expression of the child's views and preferences (see § 2.8.4 (c) – *Support Persons*).

All aspects of RSD procedures involving child Applicants must be conducted in a child-friendly and age and gender-appropriate manner, in accordance with the best interests principle. This requires taking into account the child's level of emotional, mental and intellectual development and maturity, ability to understand the RSD process and procedures, as well as their personal and contextual circumstances, including but not limited to their age, gender, sexual orientation, gender identity and gender expression, disability, cultural and/or religious background, level of education, state of health and vulnerabilities, as well as the circumstances of flight, transit and arrival in the host country/country of asylum.

The best interests of the child must also be a primary consideration in all decisions affecting the child Applicant throughout the RSD process. This includes decisions whether to interview a child; to have a support person present during an interview; to prioritize the processing of the child's claim; or to share his/her personal data with family members, host country/country of asylum authorities and implementing partners. **When considering the best interests of the child Applicant, his/her views must be taken into account. The views of a child Applicant should be given due weight** in accordance with their age, and the level of development and maturity. In exceptional cases, where a child's level of development and maturity cannot be readily assessed, Eligibility Officers may consult with child-protection staff or partners with specialised knowledge in child protection issues.

At the earliest opportunity in the RSD process, Eligibility Officers responsible for determining the refugee status claims by child Applicants **should coordinate with other Protection staff to gather and share the information required to inform the RSD procedures and accommodate any specific protection needs and vulnerabilities of child Applicants during the RSD process.** Any protection concerns that arise during the RSD procedures and that require a protection response should be brought to the attention of the relevant Protection staff without delay. As a good practice, it is recommended that UNHCR Offices establish procedures to facilitate the coordination of protection interventions and sharing of relevant information pertaining to child Applicants between Protection staff conducting registration, RSD and child-specific protection activities.

2.8.2 Best Interests Procedures and the RSD process

Assessing the best interests of the child Applicant within the context of the RSD process generally requires that due regard is given to the child's specific situation and needs. It is not always necessary to conduct a formal or separate assessment of the child's best interests. Generally, recording on the file how the child's best interests were assessed and made a primary consideration is sufficient. A separate best interest assessment (BIA)² or a best interest determination (BID)³ may, however, be necessary in certain circumstances, such as where the decision to be taken is of particular weight. Where a BIA is needed for a protection concern, or where a BID is needed, this should be conducted by qualified Protection staff as part of the Best Interests Procedure.⁴ The outcome of this procedure should inform the RSD process to ensure that appropriate safeguards are put in place.

As a general rule, in order to ensure that the best interests of the child are a primary consideration in decisions that affect them, child Applicants' views should be sought throughout the RSD process. This may, for example, occur at the beginning of the RSD Interview, during counseling, at the registration Interview, as well as wherever the child Applicant's consent or assent is sought in respect to sharing of personal data. Information about the child Applicant, whether obtained in the course of RSD process or other protection interventions by UNHCR, or provided by family members, primary or customary caregivers, the child's legal representative, or UNHCR partners should also inform the RSD process. The use of any information regarding the child Applicant should respect the confidentiality of UNHCR procedures and data protection policies (see also § 2.8.4(d) – *Confidentiality and Data Protection*).

As a general rule, a best interests assessment (BIA)⁵ should be conducted to determine the appropriateness of interviewing for RSD a child Applicant who is of **young age**⁶ (see also §§ 4.3.8 – *Interviewing Child Applicants* and 5.3.2 – *Derivative Refugee Status Applications Involving Children*). A BIA for these purposes may exceptionally be conducted by the Eligibility Officer to whom the case is assigned or a child-protection staff member. Depending on the child Applicant's personal and contextual circumstances and the circumstances of the case, a BIA may also be conducted for other Applicants to assess whether pursuing a RSD Interview is in the child's best interests. Such a BIA can also inform the selection of an appropriate interview environment and child-friendly and age-appropriate interviewing techniques and/or recommend the presence of a support person to facilitate the child's account.

² A "best interests assessment" (BIA) is an assessment made by staff taking action with regard to individual children, except when a BID procedure is required, designed to ensure that such action gives a primary consideration to the child's best interests. The assessment can be done alone or in consultation with others by staff with the required expertise and requires the participation of the child.

³ A "best interests determination" (BID) describes the formal process with strict procedural safeguards designed to determine the child's best interests for particularly important decisions affecting the child. It should facilitate adequate child participation without discrimination, involve decision-makers with relevant areas of expertise, and balance all relevant factors in order to assess the best option.

⁴ In addition, the Best Interests Procedure should be followed with respect to actions relating to the overall care and protection of child Applicants with specific needs and/or significant protection concerns, regardless of their status in the RSD process.

⁵ This is not a formal process and, as a consequence, it does not require the use of the standard BIA Form.

⁶ Whether a child is too 'young' to undergo a RSD Interview will not only depend on the chronological age, but also his/her level of emotional and mental development and maturity. As such, it is not possible to provide a definitive age scale for the purposes of RSD interviewing.

In considering whether the best interests of the child are served by conducting a RSD Interview, the following and other relevant factors should be taken into account:

STANDARDS & GUIDELINES

FACTORS TO BE TAKEN INTO ACCOUNT WHEN DECIDING WHETHER A RSD INTERVIEW IS IN THE CHILD'S BEST INTERESTS:

- ▶ whether the child has made a refugee status claim in his/her own right or whether he/she has applied for derivative refugee status;
- ▶ whether the Applicant is an unaccompanied or separated child;
- ▶ the child's age;
- ▶ the child's level of psychological and mental development and maturity;
- ▶ the child's capacity to understand the RSD process and procedures and the rights and obligations it entails (and thus capacity to consent);
- ▶ whether information about the child Applicant's profile and experiences in country of origin must be gathered from the Applicant in order to determine the claim;
- ▶ relevant information already available from other sources (such as COI, family members, caregivers, etc.);
- ▶ any specific needs or vulnerabilities the child Applicant may have, including but not limited to physical and mental health issues and disabilities;
- ▶ the length of time since the child Applicant left the country of origin (this may affect ability to recall and recount events/experiences in the country of origin) and the Applicant's age at the time of departure;
- ▶ the child's views and preferences.

2.8.3 Child-friendly and Age-appropriate RSD Procedures

In order to ensure the full and effective protection of children, RSD procedures involving child Applicants must be child-friendly and age and gender-appropriate. This includes the physical environment within which the procedure is conducted, the attitudes, behaviour and skills of Eligibility Officers and other actors involved in or supporting the child through the RSD process (e.g. interpreter, guardian, etc), counselling and information provided to child Applicants about the RSD process and procedures, as well as other child-specific support measures and safeguards addressed in this Unit and elsewhere in the RSD Procedural Standards. Additional procedural safeguards may be put in place by individual UNHCR Offices, as appropriate.

Wherever possible, children should be consulted about how RSD procedures can be made more child-friendly and age and gender-appropriate, for example, through participatory assessments.

(a) Physical Environment

UNHCR Offices must ensure that all stages of the RSD process, from reception through to the RSD interview, are conducted in a child-friendly and non-threatening environment. To ensure that child Applicants are at ease and to encourage their participation in the RSD process, areas dedicated to children should feel safe, secure and welcoming. This can be done in a variety of ways, including having a separate reception/waiting area for children, displaying age-appropriate information and materials, or making available play and learning materials.

Special consideration should also be given to the interviewing environment, in particular the set-up of the room, the seating arrangements, and the materials in the room. For example, a more informal seating arrangement (such as a round table with lower chairs comfortable for both children and adults) and taking hand-written notes rather than using computers may create a less intimidating physical environment and an atmosphere of trust conducive to disclosure. Where present, the child's legal representative, guardian or support person should be sitting close to the child.

(b) Attitudes, Behaviors and Skills of RSD Staff

Wherever possible, RSD procedures involving child Applicants should be carried out by trained **staff who have the knowledge and experience** in interviewing and assisting child asylum-seekers. This includes Eligibility Officers, interpreters, as well as other Protection staff involved in or supporting RSD procedures. Eligibility Officers must be attentive to child Applicants' specific needs and vulnerabilities and be able to adapt the manner in which the interview is conducted to the child's age, level of emotional and mental development and maturity, but also gender, disability, culture, education and socio-economic background and other relevant factors. Like Eligibility Officers, Interpreters should also be sensitive to child Applicants' specific needs and vulnerabilities and be provided with specific training and guidance to enable them to work effectively with children. The Eligibility Officer's and Interpreter's gender, cultural and linguistic background should be considered when assigning an RSD case. All RSD staff, including Interpreters, should be given the opportunity to participate in child-specific training programmes.

Resources permitting, UNHCR Offices should consider designating a **focal point(s)** within the RSD team to provide advice and support to Eligibility Officers when adjudicating claims by child Applicants ('Children Focal Point'). The Children Focal Point may also assume responsibility for ensuring appropriate liaison with other Protection staff within the UNHCR Office to ensure the Applicant's protection needs and vulnerabilities inform the RSD procedures and are appropriately addressed within the context of RSD procedures.

Given the importance of creating an atmosphere of trust and building rapport with a child Applicant, the Eligibility Officer needs to remain alert throughout the interview to any signs of potential problems with the quality of the interpretation or the attitude and behaviour of the Interpreter, and address any concerns immediately (see § 2.5.4 – *Concerns relating to the Participation of an Interpreter*). Child Applicants and their legal representatives, guardians or support persons should be made aware of existing standard Office complaints procedures by which they are able to bring to the attention of UNHCR issues regarding the conduct and behaviour of RSD staff (see § 2.6 – *Complaints Procedure* and § 2.5.9 – *Supervision and Oversight of Interpreters*).

(c) Counselling and Information

As with any asylum-seeker who approaches UNHCR offices, children must be provided with the necessary information and support to present their refugee status claims (see Unit 1 – *Core Standards for Due Process in Mandate RSD*). Information about the RSD process and procedures must be provided as early as possible, and throughout the RSD procedures as necessary (see, for example, § 3.1.3 – *Dissemination of Information to Asylum Seekers*, § 3.1.4 – *Counselling on UNHCR RSD Procedures*, and § 7.1.2 – *Informing Applicants of the Right to Appeal*). Where applicable, information about the availability of legal aid should also be provided as early as possible in the RSD process.

In order to permit child Applicants to understand the RSD process and the rights and obligations that ensue and to assist them to present their claim, such information should be provided in a child-friendly and age-appropriate manner. It is recommended that UNHCR Offices develop information materials accessible to children of various ages, cultural backgrounds or specific needs, as well as effective and safe methods of dissemination of such information. Child Applicants and their legal representative, guardian or support person should also be provided with an opportunity to ask questions and to receive additional support and information in understanding the requirements of the RSD procedures at any point during the process.

(d) Child-friendly and Age-appropriate Interviewing Techniques

Children do not have the same communication skills and may not be able to articulate their refugee status claims in the same way as adults. A child may be too young or lack the level of maturity to evaluate what information is relevant or to recall and recount what they have witnessed or experienced. Depending on their age, background and experiences, children may need to feel rapport and a sense of trust in order to be forthcoming about their reasons for seeking protection. Children are different from adults in terms of access to memory, vocabulary, concrete/abstract thinking, suggestibility, emotions and risk-taking. As such, it is important that interviewing techniques employed are adapted to ensure they are child-friendly and age and gender-appropriate.

While older children may be able to engage with a more adult-focused approach, i.e. respond verbally to direct questions in an interview context, children of a younger age or with specific needs, may require alternative methods of communication to put them at ease and enable them to share their experiences. Drawings, role plays, games, storytelling, singing or writing can be useful communication tools with younger children in an interview (see also § 4.3.8 – *Interviewing Child Applicants*). Children may also require more time for their interview, or several RSD Interviews and more breaks during the interview.

2.8.4 Support Measures and Other Safeguards

(a) Priority and Accelerated Processing

Applications for refugee status by child Applicants may be processed on a priority basis where there is a clear protection benefit to do so, such as access to a durable solution or to rights or assistance in the host country/country of asylum. Where appropriate, Applications for refugee status by child Applicants may also be referred to accelerated procedures for processing within shorter timelines in accordance with § 4.6 – *Accelerated RSD Processing*. A decision to prioritize or accelerate the refugee status claim of a child Applicant should not be based on chronological age alone, but on a holistic assessment of a child’s specific needs and situation (see also § 2.8.4(e) – *Considerations Relating to Age*).⁷ This requires that mechanisms are put in place to identify claims by child Applicants, and any specific needs they may have, as soon as practicable. Accelerated processing should allow sufficient time for the child Applicant to understand relevant procedures and ensuing rights and obligations, and to prepare for their RSD Interview.

While a child’s specific needs, vulnerabilities and circumstances may warrant a referral to accelerated processing, a careful assessment of the appropriateness of accelerated procedures must be conducted in every case. A child Applicant’s personal and contextual circumstances may, for instance, require longer processing timeframes to allow for other protection interventions, which may render accelerated processing inappropriate. Similarly, several RSD Interviews may be necessary to facilitate a meaningful participation of the child in the RSD process and a correct determination of his/her claim.

As a general rule, where the claim of a child Applicant is related to the claims of accompanying family members, including where the child is applying for derivative refugee status, it will not be necessary or appropriate to process the child’s application on a priority and/or accelerated basis, unless the family members’ applications are also processed on a priority/accelerated basis or unless there are compelling reasons to do so. Referral of such cases for priority and/or accelerated processing should be made on a case-by-case basis, considering the individual vulnerability or special needs of the child.

(b) Guardians

Wherever appropriate and insofar as possible, a **guardian may be designated for unaccompanied and separated child Applicants** through established **national frameworks for guardianship in the host country/country of asylum** to assist the child in all stages of the RSD process and to ensure that the child is properly represented, that his/her views are expressed, and that any decisions taken are in his/her best interests.⁸ The appointment of a guardian for the purposes of UNHCR RSD procedures must be in the child’s best interests and not compromise the integrity and confidentiality of UNHCR RSD procedures. While UNHCR Offices must ensure that child Applicants receive age and gender appropriate information and, where needed, counselling regarding UNHCR RSD process and procedures, there is no requirement that UNHCR Offices appoint a guardian for unaccompanied and separated children outside a State guardianship scheme.

⁷ A more holistic approach to prioritization of claims has the advantage of preventing the chronological age from becoming a contested issue necessitating significant time and human resources to assess it, as well as of mitigating incentives for age-related fraud.

⁸ For the purposes of UNHCR mandate RSD procedures, the term “guardian” should be distinguished from the concept of “legal guardian” and, more generally, from other persons legally responsible for the child. Children who are accompanied by legal guardians are neither “unaccompanied” nor “separated” and, as such, will not need a guardian to assist them in UNHCR RSD procedures.

STANDARDS & GUIDELINES

CORE ROLES AND RESPONSIBILITIES OF GUARDIANS IN UNHCR RSD PROCEDURES:

- ▶ Assist and guide the child throughout the RSD procedures, including by providing information about the RSD process and procedures and by assisting in gathering and submitting relevant information in support of the claim. This should be done in coordination with the child's legal representative where there is one appointed;
- ▶ Advocate for all decisions affecting the child to be taken in his or her best interests;
- ▶ Provide information about the various stages of the RSD process and procedures and support the child to navigate these;
- ▶ Respect the confidentiality and integrity of UNHCR RSD procedures and abide by existing data protection policies.

It is recommended that, where appointed, guardians have **sufficient knowledge and understanding of the various aspects of the UNHCR RSD process and procedures, and experience in working with children. The views of the child should be solicited and given due weight in relation to the selection and appointment of a guardian.** To enable the child Applicant to form a view in this regard, the role and responsibilities of the guardian should be explained to him/her in a manner and a language that he/she understands.

In the case of unaccompanied or separated child Applicants, the role of a guardian cannot be assumed by the child's legal representative, where one is appointed, unless there are compelling reasons to exceptionally allow it (see § 2.7.2 – *Right to Legal Representation*). Guardians must at all times respect the confidentiality of UNHCR RSD procedures. All guardians must sign an undertaking of confidentiality.

(c) Support Persons

Child Applicants should be given the option to be accompanied throughout the RSD process by an adult support person, such as a parent, older sibling or a professional working with them whom they trust. Unaccompanied or separated children who have an appointed guardian may also be assisted in the process by a support person.

The role of the support person is mainly to provide moral and emotional support to the child and encourage the expression of the child's views and preferences at various stages of the RSD procedure. The presence of a support person may instil a feeling of comfort in the child, and can be particularly critical at the beginning of the RSD Interview, for example, to help foster an environment of trust for the child and encourage the building of a rapport between the Eligibility Officer and the child during the Interview. The support person should not testify on the child's behalf nor otherwise intervene in a manner that it is disruptive or otherwise undermines the objectives of the interview.

The Eligibility Officer should explain the role and responsibilities of the support person and obtain the consent of the child Applicant to the participation of the support person, which should be duly recorded on the file. Where the child Applicant cannot provide free and informed consent, the Eligibility Officer should seek the child Applicant's views regarding the participation of the support person in the Interview before determining whether the presence of such person is appropriate in a particular case. The Eligibility Officer should verify the identity of the support person and keep a copy of the relevant identity documents

and contact details on file, as well as explain to the support person the confidentiality of UNHCR RSD procedures.

In some circumstances, Eligibility Officers may, however, decide that the presence of the support person in the RSD Interview is not appropriate. In assessing the appropriateness of the participation of a support person in the interview, Eligibility Officers should consider any specific needs and vulnerabilities of the child Applicant, the nature of the relationship between the child Applicant and the support person, as well as any factors indicating that the attendance of the support person would be likely to promote or undermine the objectives of the RSD Interview (for more guidance on the participation of a support person in a RSD Interview, see § 4.3.4 – *Attendance by Third Parties other than Legal Representative*).

(d) Legal Representation

All child Applicants, whether making a refugee status claim in their own right or applying for derivative refugee status, have the right to engage the services of qualified legal representatives at their own cost or on a *pro bono* basis where such services are available. Child Applicants should be informed of this right as soon as practicable and UNHCR Offices should facilitate a child Applicant's ability to exercise this right, wherever possible, with the support and involvement of any other actors supporting the child (for further guidance on legal representation see § 2.7 – *Legal Representation in UNHCR RSD Procedures*).

Where children are legally represented in RSD procedures, Eligibility Officers should communicate with the child's legal representative at the earliest opportunity or, at least, at the beginning of the RSD Interview in order to obtain any relevant information regarding the child's specific needs, including needs relating to interpretation, access to premises, physical or mental health, in order to make the necessary accommodations.

(e) Considerations Relating to Age

A child Applicant's age may be relevant to the determination of their refugee claim, particularly where they have international protection needs in their own right. Age may be relevant in the determination of a claim for refugee status insofar as it gives rise to child-related manifestations of persecution and/or child-specific forms of persecution. In certain circumstances, young adults of 18 years of age or slightly older may also exceptionally face similar risks upon return as children.⁹

Where age is a relevant consideration in the determination of an Applicant's refugee status claim, it should be examined in the same way as any other material element of the Applicant's claim.

(f) Confidentiality and Data Protection

Like all asylum-seekers, children have the right to confidentiality in UNHCR RSD procedures and to the protection of their personal data and should be informed of these rights (see also § 2.1 – *Confidentiality and Data Protection in UNHCR RSD Procedures*). As a general rule, child Applicants require specific protection as they may be less aware of the risks and consequences, as well as safeguards and rights, related to the confidentiality of procedures and the processing of their personal data.

⁹ For guidance on child-specific forms and manifestations of persecution, please see UN High Commissioner for Refugees (UNHCR), *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, available at: <http://www.refworld.org/docid/4b2f4f6d2.html>.

Based on an assessment of their evolving capacity, including their age, level of maturity and development, and/or other factors, children can in certain circumstances provide **free and informed consent** to data processing. **A child's ability to consent depends on his/her capacity to understand the process and its ensuing rights and obligations, and is determined on a case-by-case basis.** For children who are not able to give consent, for example due to young age, but can understand and agree to participate in the RSD process, the child's informed assent should be sought. **Assent is the expressed willingness and views of a child to participate in the RSD process,** for example to be accompanied by a support person during the RSD Interview or to have a guardian appointed.

Any limits to confidentiality or data protection should be explained to the child Applicant in a manner that they understand. As a general rule, consent to personal data collection and/or sharing should be obtained from the child's parent, family member with parental responsibility, or legal or customary caregiver, in addition to the consent or assent of the child him/herself obtaining the consent of the parent or legal or customary caregiver is neither necessary nor appropriate where it is not in the best interests of the child to share information with the child's parents and/or caregiver or in situations where the parent or caregiver is not reachable. For example, information provided by a child that apparently contradicts information material to a family member's refugee status claim should not be disclosed without the child's consent or assent and, in any case, not if it is not in the best interests of the child. In exceptional circumstances, where it is determined to be in the best interests of the child, disclosure of personal data may be done without the consent/assent of the child Applicant or the consent of his/her parent or legal or customary caregiver (for further guidance see § 4.3.14 – *Interview of Family Members or other Dependents*).

2.8.5 Unaccompanied and Separated Children

While the principles and procedural standards set out in this Unit apply to all child Applicants, some additional safeguards and procedures are required for Applicants who are unaccompanied and separated children.

Because they are separated from both parents or from their previous legal or customary primary caregiver,¹⁰ unaccompanied and separated children should be identified as early as possible in the RSD process. Identification should be facilitated where the child-friendly and age-appropriate procedures set out below are in place.

Reception and registration processes should be adjusted for this category of children to facilitate the collection of information necessary to assess the child's assistance and protection needs, including the need to initiate tracing or family unity measures, make appropriate care arrangements, designate a guardian, and decide on appropriate procedures for processing the child's claim¹¹ (see § 3.2.4 – *Distribution and Completion of the RSD Application Form*, § 3.2.5 – *The Registration Interview*, and § 3.4.1 – *General Procedures for Applicants with Special Needs*). Where appropriate, UNHCR should ensure that such processes and measures are integrated with the existing national child protection systems of the host country.

¹⁰ Separated children may, nevertheless, be accompanied by other relatives. See § 2.8.1 – *General Considerations relating to Child Applicants*.

¹¹ Unaccompanied and separated children should complete the full RSD application form as well as the registration family tracing form designed for this group of children – see Annex 3.2 – *Registration Form for Unaccompanied and Separated Children*. They should also receive an individual registration interview.

An RSD interview of an unaccompanied or separated child, including Family Unity Interviews (See § 5.3 – *Family Unity Procedures*), may be conducted in the presence of the child’s guardian, where one has been appointed, if the child so wishes (see §§ 2.8.4(b) – *Guardians* and 4.3.8 – *Interviewing Child Applicants*). Unaccompanied children in particular should have access to a support person, if they so desire, and it may be necessary to provide additional support to ensure that children have access to legal aid or other support provisions.

Claims by unaccompanied or separated children applying for derivative refugee status as a dependant of a recognized mandate refugee in another host country/country of asylum should generally be processed on an accelerated basis to facilitate and expedite family reunification.

Finally, when notifying unaccompanied and separated children of RSD decisions, specific considerations must be made regarding direct notification and the child’s guardian and legal representative, where one exists, should also be notified (see § 6.3 – *Notification of RSD Decisions to Third Parties*).

Wherever possible, UNHCR staff members who provide assistance and counselling to unaccompanied and separated children should have experience with child Applicants, training in interviewing children, as well as knowledge of the laws in the host community regarding children’s rights and the available resources for the care and guardianship of children.

Annex: List of Additional Resources

Notice: The list below highlights the UNHCR policy resources and guidelines that are relevant to Children in UNHCR RSD Procedures. All Protection staff members who are responsible for RSD should have access to and be familiar with these documents. Managers should ensure that documents are disseminated to staff who are responsible for their implementation, and that the directions in these documents are reflected in the RSD procedures and practice in the UNHCR Office concerned.

UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html>

UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, available at: <http://www.refworld.org/docid/4b2f4f6d2.html>

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