

ASYLUM-SEEKING, REFUGEE AND MIGRANT CHILDREN

SUMMARY OF KEY ISSUES FROM PREVIOUS CYCLES

There were no previous recommendations in the former UPR related to guaranteeing the best interests of the child in asylum and migration procedures. This is however an important consideration for an asylum procedure compliant with the UN Convention on the Rights of the Child.

In March 2022, the UN Committee on the Rights of the Child recommended the Netherlands in its [Concluding Observations](#) to ensure child-friendly asylum procedures and that the best interests of children are given primary consideration. And to prohibit and prevent the separation of children from parents and the detention and/or deportation of children across all constituent countries, including Aruba and Curacao, due to their parents' migration status; To remove the barriers faced by asylum-seeking and refugee children in Aruba and Curaçao in accessing education, health, housing, and other essential services; And to prioritize the immediate transfer of children from emergency shelters to safe and stable locations where they can stay during their asylum procedure, and to invest in improving and expanding child-friendly reception centers.

Unaccompanied minors sometimes have to wait years for a decision on their asylum request. The Netherlands' Ombudsman for Children has repeatedly asked the Immigration and Naturalization Service (IND) to process asylum applications of unaccompanied minors with priority.

NATIONAL FRAMEWORK

The government states in its coalition agreement (2021-2025) that the best interests of the child will be considered more thoroughly in the asylum procedure, taking into account international jurisprudence and policy in neighbouring countries.

There is some progress: unaccompanied minors with a residence status can now get extended foster care until they are 21 years old. On the other hand, however, due to shortages, some unaccompanied minors currently have to move to adult shelters when they were only 17,5 years old.

Prioritize the immediate transfer of children to safe locations

CHALLENGES

1 According to Article 16 of the UN Convention on the Rights of the Child, children have the right to protection against interference with their private and family life and home.

2 Article 31 of the UN Convention on the Rights of the Child states that every child has the right to rest and leisure.

IMPACTS

In many emergency shelters, families need to share facilities, there is nuisance, a lack of privacy and families are repeatedly relocated. Children suffer from serious developmental damage as they eat and sleep poorly, receive little or no guidance and frequent relocations interfere with the continuity of care and education.

Both in emergency shelters and regular reception facilities, not every child has access to adequate guidance, age-appropriate children's games and recreational activities. Stable (long-term) financing of such activities is lacking. Without guidance and activities for children, mental health problems and harmful situations are less likely to be quickly identified or prevented.

CHALLENGES

3 According to Article 14(2) of the EU Reception Directive (2013/33), children must have access to education within three months of submitting their asylum application.

4 Children must be able to grow up healthy and have the right to good health care, as stated in Article 24 of the UN Convention on the Rights of the Child.

IMPACTS

Not all children in emergency shelters go to school within three months. This also applies to special education. Students with special, external educational needs have to wait too long for appropriate educational support. Good education provides children with opportunities for the future. They make friends, get to know themselves better and they develop. Lack of good education brings uncertainty and it limits the development of children.

In emergency shelters, access to healthcare is often limited, access to specialist care for children is insufficient and there is a lack of psychosocial support. Mental healthcare and psychosocial support are of great importance for children living in asylum-seekers centers. Because of their specific vulnerability as children on the move, the risk of developing mental health problems increases. Not only the often traumatic situation in the country of origin, but also adapting to a new culture and language, the feeling of being displaced and long stays in reception centers on arrival in the Netherlands are often not conducive to their well-being.

RECOMMENDATIONS

- Incorporate the best interests of the child principle into immigration law by adding the proposed amendment (private member's bill, 2016) into the Aliens Act 2000.
- Prevent relocations of children between reception centers and realize well-functioning, small-scale and permanent communal locations in line with the principle of the best interests of the child.
- Incorporate the best interest of the child principle into the Uitvoeringsagenda Flexibiliseren Asielketen (Implementation Agenda Flexibility Asylum Chain).
- Implement Article 5(5) of the Family Reunification Directive, which states that Member States should have due regard for the best interests of the child in family reunification procedures.

QUESTIONS

- To what extent will/ how will the state of the Netherlands include the best interest of the child in asylum and migration procedures and reception centers in law and policy?

Prevent relocations of children between reception centers

Sources

- [Joint Submission to the Human Rights Council by the Dutch NGO Coalition on Children's Rights \(2022\)](#)
- [Fifth NGO report of the Dutch NGO Coalition for Children's Rights to the UN Committee on the Rights of the Child \(2021\)](#)

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