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### The Best Interests of the Child assessment in asylum procedures of unaccompanied minor asylum seekers

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# The Best Interests of the Child assessment in asylum procedures of unaccompanied minor asylum seekers

**Oviedo – 15 September 2016 - EUSARF 2016 – ‘Shaping the Future’**

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## Best Interests of the Child assessment Programme

1. Numbers on the refugee's crisis; one of them: Elsa
2. Diagnostic research with *recently* arrived refugee children
3. Recently arrived refugee children: *what* do we know?
4. Finding keys: *how* to facilitate the disclosure of life stories?
5. The Best Interests of the Child (BIC)-model
6. The best interests of Elsa



## Numbers

People on the move for violence, numbers:  
20 million refugees; 34 million idp's

*UNHCR June 2015*





## Elsa

### ➤ Introduction

- Elsa came from Eritrea to the NL at the age of 16
- Unaccompanied minor
- Inconsistencies in her asylum story
- Draft negative decision on her asylum request
- Guardian thinks that Elsa could not tell her real story
- Guardian asks the Study Centre to conduct a best interests of the child assessment



## Best Interests of the Child assessment recently arrived refugee children

- **BIC-assessment** → decision making in the asylum procedure
- **Diagnostic questions**
  1. **To what extent is the child particularly vulnerable and what protective factors are present?**
  2. To what extent were the conditions for development within the family and society in the country of origin fulfilled before departure?
  3. What is expected on the fulfilment of the conditions for development in the country of origin upon their return?



## Knowledge on unknown children: recently arrived minor refugees

### ➤ **Stressful life events**

Exposure to violence, war and persecution, separation from and loss of family member, extreme poverty, dangerous flight

### ➤ **Mental health problems**

Anxiety, trauma related stress, depression

### ➤ **Risk factors for mental health**

- Number, duration and severity of stressful life events
- Exposure to violence
- Loss of close family member
- Experience of danger during the flight, duration of the flight.



## Vulnerability - Elsa

### ➤ **Stressful Life Events (SLE)**

- ✓ 8 out of 13
- ✓ e.g. abuse, detention, witness of murder, separation, violence

### ➤ **Reactions of Adolescents on Traumatic Stress (RATS)**

- ✓ Total score: very high
- ✓ Intrusion: very high
- ✓ Avoidance: very high
- ✓ Hyper arousal: very high

### ➤ **Strengths and Difficulties Questionnaire (SDQ)**

- ✓ Emotional problems: very high





## Disclosure of refugee's life stories

- **Importance of disclosure**
- **Barriers for disclosure**
  - *Mistrust*
  - *Self protection*
  - *Culture of disbelief*
- **Facilitators for disclosure**
  - *A positive and respectful attitude of the interviewer*
  - *Taking time to build trust*
  - *Providing agency*
  - *Non-verbal methods*
  - *Skilled interpreter*



## Disclosure – Elsa

### ➤ Procedure

- Elsa chooses a confidential mediator
- Elsa chooses time and place
- Taking time to build trust
- Attention for ‘when life was good’
- Elsa has agency on the timing of subjects
- Elsa draws traumatic experiences schematically



## Best Interests of the Child assessment recently arrived refugee children

- **BIC-assessment** → decision making in the asylum procedure
- **Diagnostic questions**
  1. To what extent is the child particularly vulnerable and what protective factors are present?
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  3. **What is expected on the fulfilment of the conditions for development in the country of origin upon their return?**



## The Best Interests of the Child-model

### Family: current situation

1. Adequate physical care
2. Safe direct physical environment
3. Affective atmosphere
4. Supporting, flexible childrearing structure
5. Adequate examples by parents
6. Interest

### Family: future and past

7. Continuity in upbringing conditions, future perspective

### Society: current situation

8. Safe wider physical environment
9. Respect
10. Social network
11. Education
12. Contact with peers
13. Adequate examples in society

### Society: future and past

14. Stability in life circumstances, future perspective



## The Best Interests of Elsa

### ➤ Conclusion

- Elsa is extremely vulnerable
- Elsa has serious psychological problems
- Elsa faces difficulties telling her life story in a coherent and chronological way
- Elsa faces difficulties recalling details in the periphery of the traumatic events
- Elsa is very sensitive for treatment, positive attitude is crucial
- Conditions for development in society were and are inadequate

### ➤ Advice

### ➤ Result



# Questions

<http://www.rug.nl/research/study-centre-for-children-migration-and-law/>

Contact: [e.c.c.van.os@rug.nl](mailto:e.c.c.van.os@rug.nl)



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