Rabat Process
Euro-African Dialogue on
Migration and Development
Reference country action

Virtual Roundtable
"Asylum procedure for unaccompanied minors (UAM)"

7th July 2021
ZOOM

Outcome document

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Under the co-chairmanship of Switzerland and Chad, with the support of the Rabat Process
Secretariat and the technical support of UNHCR.

Introduction

This roundtable is the first activity of its kind, organised and initiated by two reference countries, Switzerland and Chad, on the themes of protection and asylum, Domain 3 of the Marrakesh Action Plan.

The reference country system

- ✓ **Increases partners' participation in the Rabat Process/ Marrakesh Action Plan implementation**

- ✓ **Opportunities for European and African partners to collaborate closely**

- ✓ **Strengthens Rabat Process' sustainability as a migration dialogue and cooperation platform**

- ✓ **Leads to concrete results**

The reference country system was introduced at the 2019 Senior Officials' Meeting (SOM) in Ouagadougou, in order to ensure better monitoring of the implementation of each domain of the Action Plan.

Being the first activity led by reference countries (with the support of the Rabat Process/ICMPD Secretariat and technical support from UNHCR), this activity was successful in its own right.

The last technical meeting on protection and asylum organised as part of the Rabat Process took place in Rabat in 2015. Switzerland and Chad are seeking to "reinvigorate" the dialogue around these two priority issues and put them "back on the agenda" of the Rabat Process.

This activity targeted a limited group of countries that were selected - for the first time - based on an expression of interest and their practical knowledge of protection and asylum, national policies and legislation in these areas.

The aim was to invite one 'technical' representative per country, in order to allow practitioners to discuss the implementation of migration policies in their respective countries and to exchange on good practices and difficulties. There were 37 participants: 7 European and 6 African countries, the EU as well as technical experts (ICMPD, UNHCR).

The international and regional texts (Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees, the European Commission's proposal for a new Pact on Migration and Asylum) have highlighted the need to renew the practical discussion and the legal framework related to migrant protection and asylum.

This international focus aligns with the development of asylum legislation or legislative reform, such as the introduction of a new asylum law in Chad in 2020[1] or the new procedure in force in Switzerland since 2019[2].

This activity was organised in a virtual format as a "warm-up" activity before the Geneva roundtable; the format was particularly suited to the rapidly changing travel restrictions related to the Covid19 pandemic.

Within this theme, the two co-organising countries wished to further focus discussions and ensure specialised discussions, by concentrating on the issue of unaccompanied minors (hereafter "UAMs"), which is constantly in the spotlight.

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[1]Adopted in December 2020, this law significantly advances protection practices for refugees and asylum seekers, including freedom of movement, the right to work and access to health care, education and justice (source: UNHCR).
[2]Adopted in March 2019, this law aims to speed up the procedure for people in need of protection to obtain this as quickly as possible. It brought together all those involved in the asylum process under one roof, in six federal accommodation centres across Switzerland.

This half-day round table was divided into two discussions on the theme of the protection of UAMs, namely:
1. **Protection measures and UAM assistance/support**
2. **Age determination of UAMs**

In order to prepare for the discussions, the UNHCR representative presented the context and the protection-related risks faced by UAMs. These include sexual violence, trafficking, arbitrary and prolonged detention, torture, exploitation, abduction and forced and early marriage.

Preventing or responding to these risks is not without obstacles, and there is a lack of protection services along the migration routes. This results from several factors including the issue of access to UAMs but also the lack of national refugee legislation or child-friendly asylum procedures. UNHCR shared a mapping of protection services for vulnerable persons in the Sahel and East Africa.

This document provides an **overview of the main discussions** held during the roundtable on protection and asylum. Due to the panel of participants, all of whom are practitioners in their respective countries of the application of national legislation on the given theme, the discussions focused, as the organisers wished, on the technical aspects.

During refugee status determination

The question of the use of bone tests was discussed, knowing that some countries practice them and others do not, in particular African countries. All participants emphasised that the use of this practice should be a last resort, and the possible inaccuracy of these test. The person being tested should have the benefit of the doubt, as the Spanish representative pointed out.

→ Attributes of the "person of contact" for UAM

Participants presented several protection models for UAMs. These models are defined in particular by the skills given to the reference person in charge of the protection of the UAM ("person of contact"). Despite the different names given to this person - reference person, person of contact, person of trust, guardian - their role remains that of ensuring the effective protection of the UAM. However, the attributes vary from one model to another: a simple reference person or the minor's legal representative, or the same person. Their training, method of appointment and the way they are monitored differ from one country to another, making contact between countries on this subject complex. They may also come from different administrations e.g. Ministry of the Interior, Ministry of Family and Social Action, or from different origins e.g. customary or religious authorities. All of them have the duty to report an UAM who is a victim of trafficking and/or other reprehensible activities.

→ Different types of accommodation centres

As with the diversity of profiles, skills and competences of the "person of contact" for UAM in each country, types of accommodation centre for asylum seekers and refugees differ too. Types of model include: accommodation segregated by status, accommodation centres where all UAM are grouped together, open centres, closed centres. These centres use types of assessment depending on the country: the procedure for assessing their vulnerability is carried out either by a multidisciplinary team (as in the case of Italy) or by specialists.

Finally, participants examined the nature and content of the basic services (education, health, housing, etc.) to asylum seekers have access to during the different phases the asylum claim.

After refugee status determination

→ **Different models for integration**

Once an UAM has been granted refugee status, all participants agreed on the necessity for him/her to be successfully integrated in the host country. To achieve this, integration models have been put in place by states.

Among the notable differences mentioned were accommodation arrangements, with some countries favouring integration into a host family or care by village chiefs or traditional leaders, whilst others preferred accommodation in individual/collective flats or hostels, or a mixture of the two. The importance of training and supervision of the "person of contact" or guardian was highlighted. This varies from country to country, with some being civil servants whilst others are members of civil society; some are paid whilst others are volunteers, like within the model described by the Chadian participant, where refugees are integrated into village communities.

Switzerland explained the introduction of the role of the "person of trust" for UAM; the latter is the cornerstone of the "protection arsenal" available to UAMS, set out in its new asylum law.

Some participants, such as the representative of the Netherlands, mentioned the challenges encountered, particularly in terms of effective return counselling, the risk of UAMs fleeing from accommodation structures and the identification of host families.

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