Unaccompanied minors’ asylum applications: process where the kids are, say MEPs

[06-05-2015 - 14:22]

EU asylum applications for unaccompanied minors should be processed in the EU country where the child is present, even if this is not where the child first applied, said Civil Liberties Committee MEPs on Wednesday. Processing where children are present is usually in their best interests, and avoids moving them unnecessarily between member states, say the committee's amendments to the Dublin Regulation, which determines which member state should examine asylum applications.

The amendments aim to clarify Dublin Regulation rules on which member state is responsible for processing the asylum application of an unaccompanied minor. The current regulation is not clear on this point, saying that it should be where the minor has lodged his or her application, but not whether this should be the country where the minor first applied for asylum or, in cases where more than one application is made, the country where the minor is present.

"Unaccompanied minors are very vulnerable and the best interest of the child must always come first. I am extremely happy that the committee supports this view", said Parliament’s lead MEP Cecilia Wikström (ALDE, SE), adding that "The position of the European Parliament is clear: children should not be pushed around between member states".

Her position was backed by 49 votes to 3.

The amendments stipulate that it is the member state where the minor is present which should be responsible for processing the asylum application, so as to avoid unnecessary transfers of children and ensure a swift decision on the application, in line with the overriding principle of the child’s best interest. The only possible exception to this principle should be if an individual assessment shows that it would be in the best interest of the child to go to another country, MEPs say.

Next steps

The committee voted to give Mrs Wikström a mandate to start negotiations with member states, by 50 votes to 3, with no abstentions. Talks are expected to begin shortly.

Note to editors

During negotiations on the recast of the Dublin regulation in 2013, Parliament, Council and Commission failed to agree on a clarification of article 8.4 (Council said the first member state should be responsible for the application, Parliament and Commission the member state where the minor is present).

Instead the three institutions agreed to a common declaration stating that once there was a judgment from the European Court of Justice on the issue, at the time pending, the Commission should come back with a proposal that would reflect the court judgement. The ruling came in June 2013 and the Commission proposal to amend the regulation in June 2014.
The committee position voted today reflects the principles of the court ruling stressing the best interest of the child, no unnecessary transfers and quick access to the asylum procedure, and is in line with the Charter of Fundamental Rights.

Further information:


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