



FRANCE  
TERRE  
D'ASILE

France terre d'asile's Alternative Report on the France's final report for the  
Committee on the Rights of the Child (71<sup>st</sup> session)  
Summary

## Special measures for the protection of children - an overview of the unaccompanied children care in France

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The association France terre d'asile was founded in December 1970 to promote and defend the right to asylum. In the 1990s, France terre d'asile developed its action towards unaccompanied foreign minors, with a structure specialized for unaccompanied children seeking asylum (CAOMIDA). Nowadays, the association can count on five structures to improve the provision of care, accommodation and assistance of these youngsters.

In order to contribute to ongoing national efforts for the unaccompanied children described in the French Report at the CRC, France terre d'asile has made a series of recommendations in its alternative reports which are summed up in this overview.

### **I. Admission to the territory**

#### **1) The placement of a minor in the waiting area**

France terre d'asile recommends the French Government to forbid the detention of unaccompanied children arriving in the waiting area and to look at alternative solutions such as accommodation in a suitable structure for this vulnerable public or looking for family links on the territory.

The association points out that the contesting of the confinement measure should be effective; too many young people don't have access to the information for their rights. The *ad hoc* administrators appointed to deal with unaccompanied children during this period should be trained for a greater assistance.

#### **2) The minor's representation by the *ad hoc* administrator**

France terre d'asile urges the French Government not to take any decision regarding unaccompanied children before the effective and automatic presence of an *ad hoc* administrator. No juvenile should be turned back to the border before having seen this agent. Again, the *ad hoc* administrator should be trained to the right of aliens and foreign minors to carry out their mission properly.

#### **3) The conditions of confinement: psychological assistance and protection from exploitation**

The majority of unaccompanied children arrive at Roissy-Charles de Gaulle Airport (Paris). A specific accommodation for minors, separated from the adults, is provided for this purpose. However, spaces are limited and the flows of youngsters are too substantial to be managed.

France terre d'asile recommends the French Government to set out a reception structure that could welcome all the unaccompanied children under decent conditions, separated from the adults, supervised by qualified staff to give the youngsters access to their rights. The structure must be adapted to the minors' specific needs: psychological assistance, skilled staff, a secure and protective environment.

#### **4) The principle of non-refoulement**

Although the principle of non-refoulement is a landmark of Geneva Convention of 1951 for refugees, signed by France, it is not fully applied. Young foreigners are set back to their country without an effective examination communicated by French authorities of the situation there.

France terre d'asile recommends the French Government to set in motion a real examination procedure of conditions in the country of origin to ensure the unaccompanied children a real protection waiting for entry the French territory, especially for those in need of international protection.

### **II. Taking over and accessing to rights for unaccompanied children in France**

The number of unaccompanied children is very difficult to determine since there is no centralization of the data concerning this public by public authorities, which is contrary to the CRC's recommendations. Approximately, 8.000 unaccompanied children would be located in the French territory. These young people suffer from the ambiguity of their status: between the child welfare services and the right of aliens. Thus, they encounter obstacles regarding basic needs: accessing health care and information, protection, education and regularization when they reach the age of majority.

#### **1) The age determination**

France terre d'asile recommends the French Government to diversify the age assessment methods. The physiological examination, the quasi-systematic use for age assessment, is roundly decried by medical and human rights experts and should be forbidden or used in last resort.

Moreover, the presumption of authenticity should prevail for civil status documents and be regarded in the best interest of the child's principle.

France terre d'asile urges the French Government to use the social assessment, which consists in gathering informations about the minor from his life's story and his migratory path. This evaluation should be multidisciplinary and plural, and should take into account the best interest of the child.

#### **2) The application for asylum**

The right to asylum is guaranteed in France on national, European and international scale. Only a few unaccompanied children apply for asylum. It may be more widespread considering their life's story but they face various issues in the asylum procedure.

In France, the institution in charge of receiving asylum application is the Ofpra<sup>1</sup> and legal remedies are claimed before the CNDA<sup>2</sup>. However, the recognition rates for refugees have continually decreased in each institution.

France terre d'asile urges the French Government to have a better acknowledgement of the refugee status and to take into account the important annulment decision taken at the CNDA towards OFPRA's results.

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<sup>1</sup> Office français de protection des réfugiés et apatrides

<sup>2</sup> Cour nationale du droit d'asile

France terre d’asile recommends the French Government to set up a specific procedure for the foreign unaccompanied children applying for asylum during all the process (Prefecture, Ofpra, CNDA), which take into account their vulnerability and their isolation. More specifically, France terre d’asile claims for the creation of an unaccompanied children’s section at the Ofpra, with specialized agents.

### **3) Accessing to emergency protection for foreign unaccompanied children**

There is an inequality of treatment for the receiving and the caring of foreign unaccompanied children in France, depending on the territory. Indeed, the local authority (the “Département” – a local public institution) is responsible for the foreign unaccompanied children since it is in charge of Child protection system. However, the age assessment, the emergency accommodation measures and the timelines for protection are not harmonized and create inequality for the minors.

France terre d’asile recommends the French Government to adopt a common legal framework with a reporting protocol, emergency accommodation measures and timelines for the same receiving and caring of foreign unaccompanied children on all the territory. The age assessment protocol should be described and harmonized for all the local departments.

### **4) Accessing to a protective status**

#### *a. Accessing to civil status/documents*

France terre d’asile recommends the French Government to improve the procedures for civil documents’ restitution and to remind French courts their abilities in this field.

#### *b. Accessing to guardianship*

France terre d’asile recommends the French Government to give the unaccompanied children, cared in the framework of Child protection system, access to legal representation. France terre d’asile urges the French government to set up an emergency seizure of the guardianship judge.

### **5) Accessing to education and vocational training**

France terre d’asile recommends the French Government to give all the children under 18 the possibility to attend school and vocational training, regardless of nationality. Specifically, it means that unaccompanied children should be delivered automatically work permits when they need it during the vocational training.