



## SESSION 4 (Thursday, 1 July, 11:30 - 13:15, BST)

### 4A - Vulnerability II: Children in Refugee Status Determination

**Chair:** Fabrice Langrognnet (University of Oxford)

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#### Effective participation of children in asylum procedures: Asylum interviews with school-aged children seeking asylum in the Netherlands

**Stephanie Rap**

*Assistant Professor (Law)*

Leiden University, Netherlands

Child migrants are often not recognised and respected as rights holders and thus as active agents in asylum procedures. However, a one-sided view of these children as vulnerable objects is not in coherence with international children's rights law and standards, including among others the UN Convention on the Rights of the Child, that see all children as autonomous subjects and full bearers of rights. Recent studies suggest that the right to participation and information is insufficiently safeguarded for children involved in asylum procedures.

Asylum application procedures are highly complex administrative procedures that are often not adapted to the capacities and level of maturity of children. Unaccompanied children seeking asylum as young as six years of age have to go through the asylum procedure in the Netherlands. Efforts have been put in making this procedure more child-friendly, by designing a child-friendly interview room and training immigration officers. The question is, however, whether the goal of the asylum interview – determining if the child is in need of international protection and truth-finding – can be achieved for children below the age of twelve through an interview that is compliant with the child's right to be heard (article 12 CRC). This will be addressed by presenting the findings of observations conducted of thirteen asylum interviews with school-aged children (aged 7 to 11). The results show that child-friendly conversation techniques and tools are used to some extent, however, immigration officers should be trained more extensively in order to enhance the effective participation of young children.

**Keywords:** Refugee and migrant children, asylum procedure, conversation techniques, child-friendly justice, Netherlands

**Rap, Stephanie**

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Dr. Stephanie Rap (she/her/hers) is Assistant Professor at the Department of Child Law at Leiden University, Netherlands. Her academic interest lies in the field of effective participation of children in (legal) procedures. She conducts a post-doc research on the participation of refugee and migrant children funded by the Dutch Research Council. Stephanie employs an interdisciplinary approach, combining international children's rights and child law with knowledge and insights from social sciences. She lectures in the Advanced Studies in International Children's Rights. Stephanie is a member of the editorial boards of the Flemish Journal on Youth and Children's Rights and the Chronicle of International Association of Youth and Family Judges and Magistrates (AIMJF).

### **Separated children and the operationalisation of credibility assessment in appeal decision-making in the Republic of Ireland**

**Diego Castillo  
Goncalves**

*PhD candidate (Law)*

Trinity College Dublin, Ireland

This paper explores how the credibility assessment of separated children seeking international protection is being operationalised in the Republic of Ireland through looking at how these children's agency is manifested or suppressed at the appeal level. It does so through mapping credibility outcomes for children in light of data available in the International Protection Appeals Tribunal decision archive.

I start by conceptualising what I mean by operationalisation within the Irish asylum context. I then consider 57 decisions regarding the status determination of separated children from 2016 to 2019, including those where credibility was not decisive at first instance. I proceed by analysing, through these decisions, how procedural issues arise out of credibility decisions concerning children. This includes identifying emerging sub-themes, such as the over-use of inconsistencies as reasons for rejection, the use of stereotypes to question children's ability to make their own decisions, and the heavy reliance on age to establish overall credibility. Additionally, I attempt to outline how children's rights are currently placed within this assessment of credibility at the Appeals tribunal, noting that the United Nations Convention on the Rights of the Child is only occasionally paid attention to.

I conclude by arguing that, the image of the child which emerges is one where children's agency is at times conflated with opportunism, where the disengagement with children's rights leads to the demonstration of children's agency being seen as a problematic feature.

**Keywords:** Decision-making, credibility assessment, separated children, vulnerability, Ireland

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Mr. Diego Castillo Goncalves (he/him/his) is a doctoral researcher in the School of Law, Trinity College Dublin (TCD). Prior to undertaking his PhD, Diego worked as a Legal Advisor with Asylum Access Malaysia, and as the Children and Young Persons Officer with the Irish Refugee Council. He is currently engaged as a Project Leader with Safe Haven Ireland, an Irish non-profit Organisation focusing on migrant and refugee youth integration. Diego's research interests include asylum, migration, ethics, and children's rights.

### **Children and their rights in appellate asylum procedures in Belgium: Methodological challenges in legal-ethnographic research**

**Sara Lembrechts**

*PhD candidate (Migration Law)*

Ghent University, Belgium

The question guiding my research is how children's rights are, could and should be perceived, mobilised and practiced by the key actors involved in the adjudication of Belgian asylum cases in appeal before the Council for Alien Law Litigation (CALL). Adopting a legal-ethnographic perspective, the project combines different actors (legal and non-legal professionals and children, young people and families in migration), disciplines (law, childhood studies and anthropology) and corresponding research methods (case law analysis, -participant- observations, interviews, focus group discussions and co-creative workshops). In the early stages of the PhD, this presentation aims to critically reflect about some of the methodological challenges I face in researching the role of children's rights in CALL-cases involving children, young people and families. In particular, I will address selected topics in relation to case selection, negotiating field access, using participatory methods and research ethics.

**Keywords:** Children's rights, appellate asylum proceedings, methodology Belgium

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Ms. Sara Lembrechts (she/her/hers) pursues a PhD at the Migration Law Research Group of Ghent University, supervised by Prof. Ellen Desmet. Using a legal ethnographic approach, she studies children's rights in appellate asylum proceedings in Belgium. Sara has a Master in Children's Rights and Childhood Studies (Berlin, 2013), an LLM in International Laws (Maastricht, 2011), and a Bachelor in European Studies (Maastricht, 2009). Before starting her PhD, she worked as a researcher and policy advisor for the Children's Rights Knowledge Centre (KeKi, 2012-2020). In addition, she was involved in various research projects about children's rights and child abduction (University of Antwerp, 2016-2021).