

Age assessment for unaccompanied asylum-seeking children in Egypt

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Incorrectly processing a child's asylum claim as an adult's as a result of an age assessment fails to give due weight to child-specific vulnerabilities and may affect the integrity and outcome of the RSD process.

In Egypt, UNHCR has operational responsibility for conducting refugee status determination (RSD) as part of its mandate established by a 1954 Memorandum of Understanding with the government. In early 2020 UNHCR reported that 38% of all refugees and asylum seekers in Egypt are children, of whom 4,589 are unaccompanied and separated children.¹ In mandate RSD settings, UNHCR may be responsible for conducting age assessments; however, the lack of publicly available international guidelines on UNHCR's age assessment practice and procedures means field offices have considerable autonomy in how age assessments are conducted, which may compromise the fairness of the procedure and its adherence with international standards. As procedurally flawed age assessments undermine the fairness and accuracy of the RSD process and decision, it is crucial to tackle this issue.

Age assessment is the formal procedure of assessing an individual in order to establish their age – or range of age – in order to determine if the person is or should be considered a child. The UN Convention

on the Rights of the Child (CRC) states that in the absence of evidence of age, children should not be punished by having their rights as children denied.² However, in many countries age assessments are carried out in a way that may ultimately limit children's rights, including their access to social welfare, when conducted without the relevant procedural safeguards and expertise.³

UNHCR Egypt started conducting age assessments of unaccompanied children in 2015. Between 2015 and 2019 the age assessment interview took place at any stage of the asylum application process. In early 2019, UNHCR Egypt stopped explicitly conducting age assessment interviews, and introduced a Multifunctional Protection Assessment interview. While UNHCR Egypt states that the Multifunctional Protection Assessment is meant to assess a range of vulnerabilities, many children who participate in these assessments are ultimately age assessed and processed as adults. UNHCR Egypt has not publicly shared the procedural details of these new protection assessments, other than to state they are in keeping



Syrian refugee children in Masaken Osman neighbourhood on the outskirts of Cairo, Egypt.

with relevant international guidelines; however, observations by stakeholders (including staff of Saint Andrew's Refugee Services, StARS, who subsequently assist children whose age has not been accepted by UNHCR) suggest otherwise.

Procedural concerns

As stated in the CRC, it is paramount that informed consent is sought before any age assessment takes place. Children in Egypt are not consistently informed that their age will be or has been assessed, nor warned about the implications of the decision – in contradiction of the recommendations of UNHCR's guidelines published in 2009. The shift from a distinct, explicit age assessment interview to age assessment *de facto* taking place during a broader multifunctional protection assessment arguably further confuses the nature of the assessment and its potential outcomes.

The fundamental principles that uphold the protection of children are the best interest of the child and the benefit of the doubt. Because children in Egypt are often assessed (by UNHCR) as adults prior to registration, many never reach the point of accessing a Best Interest Assessment (BIA), leaving any

children who have wrongfully been assessed as adults at heightened risk. Further, asylum-seeking children in Egypt do not have direct access to complaint or appeal mechanisms since age assessment decisions can only be disputed by partner agencies during child protection case conferences – thus limiting access to appeal mechanisms to those children who already have access to support.

A UNHCR UK report indicates that age assessment should only be carried out as a measure of last resort and only when there are serious doubts as to the individual's age.⁴ Given the absence of written reasons for decisions and the lack of data on the number of age-assessed children in Egypt, it is difficult to judge whether this is the case. Additionally, age assessments do not appear to be conducted in a way that considers both the physical appearance and the psychological maturity of the child, as UNHCR's 1997 guidelines⁵ recommend; children are often told that their appearance does not match their age. Moreover, children in Cairo also frequently report difficulty communicating with the decision-maker during age assessments, often as a result of the lack of an appropriate interpreter; this can undermine the accuracy of the

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assessment as well as the child's ability to engage with and understand the process.

Effects on unaccompanied children and outcomes

When unaccompanied asylum-seeking children first arrive in Egypt, they make their way to UNHCR's Cairo office to request registration. Unaccompanied children are not appointed guardians but instead, if they are identified as children by UNHCR, are referred for case management to one of UNHCR's implementing partners, who is then responsible for conducting a BIA.

In Egypt, when an asylum seeker first registers their asylum claim, if they possess an identity document they will be given an asylum seeker registration card; otherwise, they will be given an asylum seeker certificate. Registration cards provide access to residency permits, while certificates do not. UNHCR Egypt does not issue certificates to unaccompanied children. Therefore, concerns arise when children are incorrectly processed as adults and are given a certificate, which denies them access to a residency permit and therefore exposes them to a higher risk of detention and harassment from authorities.

Moreover, a child applicant who is incorrectly processed as an adult cannot access a BIA or a Best Interest Determination (BID) and is thus denied access to services allocated to children, such as educational grants, as well as to financial assistance. Many are therefore obliged to accept jobs where they are at high risk of exploitation and abuse by employers. Additionally, because a BID is a pre-requisite for an unaccompanied child to access resettlement opportunities, children who have been incorrectly assessed as adults are unable to be referred for resettlement.

The CRC declares that States should respect the right of the child to preserve his or her identity. Interviews and feedback indicate that children feel that any dispute regarding their age is something that questions their identity. This denial of a core part of a child's identity has negative implications for their emotional and psychological well-being.

UNHCR states that the process of examining an unaccompanied asylum-

seeking child's claim should be expedited and child-appropriate, and a liberal application of the benefit of the doubt is recommended in RSD procedures that involve unaccompanied children. Disregarding child-sensitive interviewing techniques and questioning credibility in age assessments may influence the trust (and willingness to disclose information) of the asylum seeker in their RSD interview, and indeed the perception of the Eligibility Officer, leaving the child at heightened risk of rejection.

In Egypt, if a child is incorrectly processed as an adult, they are also denied access to automatic priority processing of their claim. Instead, for those belonging to particular nationalities they then proceed to a Merged Registration-RSD interview, which UNHCR does not consider appropriate for children, while others continue to a regular RSD interview. In both interviews, the expected burden of proof is higher for adults than for children.

Drawing on the UK example

The European Asylum Support Office age assessment guidance cites the UK's policy guidance as setting out a commendable age assessment framework (although evidence indicates some gaps in implementation).⁶ The UK, like Egypt, is a country with a large number of unaccompanied asylum-seeking children. However, unlike Egypt, the UK has specific guidelines and instructions on conducting age assessments and these are available publicly.⁷ In the UK, child applicants are informed about the reasons, method, consequences and results of the assessment. Only applicants whose physical appearance and demeanour strongly suggest them to be 25 years or older are considered adults; at least two trained officers have to determine that this is clearly indicated, and in the absence of this two trained social workers must conduct a full Merton-compliant age assessment.⁸ Under the Merton age assessment, children have the opportunity to have an independent, appropriate adult present. Importantly, in the UK children also have access to complaint mechanisms and appeal reviews.

In order to ensure that age assessments in mandate RSD contexts are conducted in a way that does not increase the vulnerability of asylum-seeking children nor affect the fairness and accuracy of their RSD process, the following safeguards should be implemented:

- Develop and publish international procedural guidelines for age assessments, reflecting holistic and child rights-based guidelines, such as upholding the benefit of the doubt, seeking informed consent of children, and providing children with an effective and accessible appeal mechanism.
- Increase transparency of age assessment practices and decisions, including sharing written reasons for decisions with actors in the field and the children themselves.
- Conduct age assessment interviews as standalone interviews, rather than as part of protection, registration or other interviews, in order to ensure that the purpose of the interview is clear and transparent, and so that children are informed of the interview ahead of time and understand the process and possible outcomes.
- Allow appropriate adults, such as legal representatives, to attend age assessment interviews.
- Conduct age assessments only as a matter of last resort, rather than routine practice.
- Implement an accessible and transparent appeals mechanism, upholding the key principle of the CRC for the right of the child to be heard and to participate in processes that affect them.

Funding and associated capacity constraints are indeed a challenge for UNHCR Egypt's response to the number of unaccompanied children in the country. However, some of the key age assessment guidelines could be implemented without requiring significant additional resources. For instance, informing children about the assessment and its implications, assuring the benefit of the doubt, having two officers attend age assessment sessions, notifying children

about the decisions made in their cases and the reasons supporting them, and allowing adults or legal representatives to attend age assessments are all fundamental elements of fairer international models that do not require significant additional resources but are nonetheless essential to ensuring a fair, thorough and transparent process.

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StARS www.stars-egypt.org

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