

**Paper on the General Scheme of the International Protection Bill 2025 and
Unaccompanied and Separated Children**

January 2026

The following members of the Children's Rights Alliance have come together to endorse this paper:

- Barnardos
- Early Childhood Ireland
- EPIC - Empowering People in Care
- Good Shepherd Cork
- Focus Ireland
- Immigrant Council of Ireland
- Irish Association of Social Workers
- Irish Refugee Council
- Irish Society for the Prevention of Cruelty to Children (ISPCC)
- Novas
- Safe Ireland
- Youth Advocate Programme Ireland
- Youth Work Ireland
- YMCA Dublin

The General Scheme of the International Protection Bill 2025¹ (General Scheme) provides for the legislative changes contained in the EU Pact on Migration and Asylum² (EU Pact) into which the Government has opted.³ When enacted, the EU Pact will introduce far-reaching reforms to the international protection system. The purpose of this paper is to outline the concerns in relation to unaccompanied and separated children (UASC) in the General Scheme and in the practical implementation of the EU Pact provisions. It takes into consideration the current shortcomings in the system. The paper also makes recommendations.

The paper will focus on:

1. Care and Accommodation of Unaccompanied and Separated Children
2. Accommodation for Age Disputed Young People
3. Aftercare
4. Unaccompanied and Separated Children in the Border Procedure

¹ General Scheme of the International Protection Bill 2025.

² The EU Pact on Migration and Asylum contains the Asylum and Migration Management Regulation, the Asylum Procedure Regulation, the Return Border Procedure Regulation, the Crisis and Force Majeure Regulation, the Eurodac Regulation, the Screening Regulation, the Qualification Regulation, the Revised Reception Conditions Directive and the Union Resettlement and Humanitarian Admission Framework (Union Framework) Regulation.

³ Ireland has opted into all the Regulations and Directives in the EU Pact except the Screening Regulation and the Asylum Return Border Procedure Regulation but they have committed to replicating these in national law.

1. Care and Accommodation of Unaccompanied and Separated Children

Heads 140 and 141 of the General Scheme deal with UASC.⁴ Head 141(3) states that: ‘where it appears to an officer of the Minister that a person seeking to make an application for international protection, has not attained the age of 18 years and is not accompanied by an adult who is taking responsibility for the care and protection of the person, the officer shall, as soon as practicable, notify the Child and Family Agency and, where separate, a representative organisation’.⁵

Head 141(6) states that following notification it shall be presumed that the person concerned is a child and the Child Care Acts 1991 to 2024, the Child and Family Agency Act 2013 and other enactments relating to the care and welfare of persons who have not attained the age of 18 years shall apply accordingly. This is the provision in the current legislation, the International Protection Act 2015.⁶

International Law and Best Practice

The UN Convention on the Rights of the Child (UNCRC) states that UASC temporarily or permanently deprived of their family environment have the right to special protection and assistance provided by the State.⁷ The UN Committee on the Rights of the Child (which monitors the implementation of the UNCRC) states that unaccompanied and separated children were particularly vulnerable to sexual exploitation, abuse, military recruitment, labour exploitation and detention and that they are often discriminated against and denied access to food, shelter, housing, health services and education.⁸

The Committee also states that the principle of non-discrimination prohibits any discrimination on the basis of the status of a child as being unaccompanied or separated, or as being a refugee, asylum-seeker or migrant.⁹

The Committee has outlined recommendations for state parties to follow in the reception of UASC, including that the best interests of the child ‘must be a guiding principle for determining the priority of protection needs’.¹⁰ It sets out that States have an obligation to provide care and accommodation to unaccompanied and separated children, and that when selecting the appropriate care option the particular vulnerabilities of each child should be taken into account.¹¹ This not only relates to having lost connection with their family environment, but further finding themselves outside of their country of origin and vulnerable to abuse and related trauma listed above.¹²

UNHCR, UNICEF, and Save the Children (the Separated Children in Europe Programme) developed a *Statement of Good Practice* that provides clear principles, policies and practices required to implement measures that will ensure the promotion and protection of the rights of separated

⁴ General Scheme of the International Protection Bill 2025, Head 141.

⁵ *ibid* Head 141(3).

⁶ International Protection Act 2015, s14(2).

⁷ UN Convention on the Rights of the Child, A/ RES/44/25 (20 November 1989) art 20.

⁸ Committee on the Rights of the Child General Comment No. 6 (2005) regarding the treatment of unaccompanied and separated children outside of their country of origin CRC/GC/2005/6 para 3.

⁹ *ibid* para 18.

¹⁰ *ibid* para 31.

¹¹ *ibid* para 40.

¹² *ibid* para 40.

children in Europe.¹³ The *Statement* advises that all separated children are entitled to the same treatment and rights as national children and that all considerations relating to their immigration status must be secondary and anchored in the principle of child welfare.¹⁴ It states that separated children need suitable accommodation as soon as possible after arrival or identification, that care authorities should conduct a careful assessment of their needs, and that regular reviews of interim care arrangements should be carried out.¹⁵

The *Statement* further notes that separated children over 16 years of age who are not placed within families should be found appropriate residential placements and must not be treated as ‘de facto’ adults and placed in an adult reception centre settings.¹⁶ It goes on to state that in consultation with the child, a long-term placement in the community should be arranged which could be a continuation of the interim care placement and that is generally desirable that children under 16 years of age be cared for in a foster family reflecting their own culture. Older children/young people may prefer and benefit from a placement in a small group home environment.¹⁷

Commentary on the General Scheme

It is welcome that the provisions for the care of UASC shall be the responsibility of Tusla – the Child and Family Agency (Tusla) as designated in the Child Care Acts 1991 to 2024 and the Child and Family Agency Act 2013 in the General Scheme, as is currently provided for in the 2015 Act. The Child Care Act 1991 and the Child and Family Agency Act 2013 do not make any reference to the special situation of UASC. Instead, Tusla responds to their needs using the existing child care legislation. Such children may meet the threshold for admission to care under:

- section 4 (voluntary care arrangements),
- section 13 (Emergency Care Order),
- section 17 (Interim Care Order),
- or section 18 (Care Order) of the 1991 Act.¹⁸

When Tusla wants to seek an Emergency Care Order, Interim Care Order, or Full Care Order, it must seek judicial approval. When a child is in voluntary care under section 4 and where Care Orders are granted under the Act, Tusla is required to carry out two-month, six-month and annual reviews.¹⁹

For UASC, it is generally Tusla practice to seek an Interim Care Order or a full Care Order where a child is under the age of 15 years or, if required, based on an assessment of the needs and risks a young person may be exposed to. Ordinarily, it will rely upon section 4 (voluntary care) which requires Tusla to admit a child into its care where the child appears to be lost, abandoned or where the child’s parent is missing. Section 4 can also apply where the parents provide consent.²⁰ Tusla may decide not to take a child into care and may instead provide accommodation to the child under

¹³ Separated Children in Europe Programme, *SCEP Statement of Good Practice 4th Revised Edition* (SCEP 2009) 7 <bit.ly/49aaQLb> accessed 1 December 2025.

¹⁴ *ibid.*

¹⁵ *ibid.*

¹⁶ *Ibid.*

¹⁷ *ibid* 38.

¹⁸ Child Care Act, 1991

¹⁹ Childcare (Placement of Children in Foster Care) Regulations 1995, SI 260/1995 art 18 (1).

²⁰ This for example is currently used in the situation of many Beneficiaries of Temporary Protection from Ukraine.

Section 5 (accommodation for homeless children). Unlike sections 4 (voluntary care), 17 (interim care), and 18 (full care), which require the development of a care plan and allocated social worker, section 5 only obliges Tusla to provide accommodation, an assigned Tusla staff member (not required to be a social worker), and a placement plan. Usually older young people (16- and 17-year-olds) are responded to through section 5.

Tusla has stated that Section 5 is the legal basis under which the State provides residential interventions with this cohort of young people upon first presentation. They go on to state the equity of care principle applies to separated children, which is designed to afford them the same standard of care provision as any other child in care.²¹

There is concern, given the significant rowing back of rights for those seeking international protection in other aspects of the General Scheme, there may be changes to the provision of care for UASC in the Draft International Protection Bill 2025 which is due to be published shortly. This could lead to abandonment of the principle of equity of care between UASC seeking international protection and Irish resident children in the care system.

During the initial influx of UASC into the State from the mid to late 1990's onwards they received a lower standard of care than children in the mainstream care system.²² The vast majority of UASC were placed in privately contracted hostels that were unregistered, profit-making and not governed by the National Standards for Children's Residential Centres nor inspected by the Health Information and Quality Authority (HIQA)²³ with no requirement that staff working in the hostels be appropriately trained and no dedicated social worker assigned to each child.²⁴ Large numbers of these children went missing and concerns were raised that the children were being exploited and trafficked. This led to an action in the implementation plan of the seminal Ryan Report to accommodate UASC in mainstream care, on a par with other children in the care system²⁵ and the eventual introduction of equity of care in practice. This was codified in law in the International Protection Act 2015.²⁶ As Tusla advised, even when section 5 is used to accommodate UASC the principle of equity of care is currently used in practice.²⁷

Any consideration of returning to a two-tier care system would be regressive and very concerning. The UN Committee on the Rights of the Child prohibits any discrimination on the basis of the status of a child as being unaccompanied or separated. This includes how they are treated in the care system. Further the *Statement of Good Practice* notes that all separated children are entitled to the same treatment and rights as national children.²⁸ It also states that separate children should be placed in appropriate residential placements, including for children aged over 16 in small group

²¹ Tusla, the Child and Family Agency, *Registration of Supported Care Accommodation for Young People Seeking International Protection* (Tusla 2025) 7.

²² Ombudsman for Children's Office, *Separated children living in Ireland* (Ombudsman for Children, November 2009)

²³ *ibid* 41.

²⁴ *ibid*.

²⁵ Report of the Commission to Inquire into Child Abuse 2009 Implementation Plan, *First Progress Report* (Commission to Inquire into Child Abuse 2009, July 2010) Action 22.

²⁶ International Protection Act 2015, s14(2).

²⁷ Tusla, the Child and Family Agency, *Registration of Supported Care Accommodation for Young People Seeking International Protection* (Tusla 2025) 7.

²⁸ Separated Children in Europe Programme, *SCEP Statement of Good Practice 4th Revised Edition* (SCEP 2009) 7 <bit.ly/49aaQLb> accessed 1 December 2025.

home environments, and that they must not be treated as ‘de facto’ adults and placed in adult reception centre settings.²⁹

There is a current lack of registered residential placements for both UASC³⁰ and for Irish resident children in the care system.³¹ This is due to many reasons. One of these is the increase in numbers of UASC entering the State since 2022, both those seeking international protection and beneficiaries of temporary protection from Ukraine. In 2024, 570 children were taken into care or accommodated by Tusla’s Separated Children seeking International Protection (SCSIP) service, a 32 percent increase from 2023.³² There was in turn a 55 percent increase from 2022.³³ There is also a shortage of social workers and social care workers across the whole care system.³⁴ This has led to a proliferation in the use of Special Emergency Arrangements (SEA’s).³⁵ SEA’s are a care placement in a setting that is not regulated or formally inspected.³⁶ Tusla has referred to them as emergency settings where a child/young person is accommodated in a non-statutory or non-procured placement such as a hotel, B&B, or privately leased property, amongst other options.³⁷ HIQA considers the continued reliance of the SCSIP service on SEA’s for placements to be a high risk to the service.³⁸ The lack of social workers has also led to many UASC not been allocated a social worker at all or in a timely manner.³⁹

Some of these young people, particularly older teenagers, do not require the same level of care as others who are more vulnerable. A spectrum of care options is required depending on the needs of the young person. Given this and the serious concerns with the current system consideration should be given to developing a new model of residential care for older UASC, following a vulnerability assessment or assessment of need. This model could allow for a higher child to staff ratio, a bedroom for each UASC and for a care worker with a relevant social care qualification to be onsite. It would be more akin to semi-independent accommodation and under the supervision of Tusla. Each young person would also be allocated a social worker or social care worker.

UASC deemed to be vulnerable following a vulnerability assessment or an assessment of need would be cared for by Tusla separately. This new model of residential centre should be governed by appropriate national standards and be registered and inspected by the Health Information and

²⁹ *ibid.*

³⁰ Health Information and Quality Authority, *Regulation Directorate monitoring inspection of Child Protection and Welfare Services, Separated Children seeking International Protection* (June 2025) 24.

³¹ Health Information and Quality Authority, *10 Years of Regulating and Monitoring Children’s Social Care Services 2014-2024* (HIQA 2024) 13.

³² Tusla, *2024 Annual Report and Financial Statements* (Tusla 2025) 40.

³³ Tusla, *2023 Annual Report and Financial Statements* (Tusla 2024) 8.

³⁴ Child Law Project, *Falling Through the Cracks: Child Law Project – An Analysis of Child Care Proceedings from 2021 to 2024* (Child Law Project 2024) 87.

³⁵ Health Information and Quality Authority, *10 Years of Regulating and Monitoring Children’s Social Care Services 2014-2024* (HIQA 2024) and Health Information and Quality Authority, *Regulation Directorate monitoring inspection of Child Protection and Welfare Services, Separated Children seeking International Protection* (June 2025) 15.

³⁶ Child Law Project, *Falling Through the Cracks: Child Law Project – An Analysis of Child Care Proceedings from 2021 to 2024* (Child Law Project 2024) 4.

³⁷ Muireann Ní Raghallaigh, Joanne Kelleher and Professor Prospera Tedam, *Be strong, there’s so many problems waiting – The Experiences of Separated Children Seeking International Protection in Ireland* (EPIC October 2025) 19.

³⁸ Health Information and Quality Authority, *Regulation Directorate monitoring inspection of Child Protection and Welfare Services, Separated Children seeking International Protection* (June 2025) 24.

³⁹ *Ibid* 25.

Quality Authority (HIQA). HIQA currently inspect Tusla run Separated Children seeking International Protection residential centres.⁴⁰

Recommendations

- Retain the provisions in Head 141(3) and 141(6) of the General Scheme in the Draft International Protection Bill 2025.
- Continue the principle of equity of care between unaccompanied children seeking international protection and Irish resident children.
- Develop a new model of residential care to provide care and accommodation to older UASC following a vulnerability assessment or assessment of need, with the allocation of a social worker or social care worker and under the supervision of Tusla. This model could allow for a higher child to staff ratio, a bedroom for each UASC and for a care worker with a relevant social care qualification to be onsite.

⁴⁰ HIQA is authorised under section 8(1)(c) of the Health Act 2007 to monitor the quality of service provided by the Child and Family Agency to protect children and to promote the welfare of children.

2. Accommodation for Age Disputed Young People

The General Scheme does not deal with the process of age assessments for age disputed young people seeking international protection, but a placeholder (Head YY) has been inserted where age assessments are referenced,⁴¹ and it is assumed it will be dealt with in the next iteration of the Bill due to be published shortly. The General Scheme or the EU Pact do not mention accommodation for age-disputed young people. There are, however, concerns about this in the current system and an opportunity now exists to resolve it under the implementation of the EU Pact.

In the current system there are concerns among organisations providing assistance to international protection applicants that UASC (those under 18 years old) are being incorrectly accommodated with adults in International Protection Accommodation Service (IPAS) centres.⁴² The applicants may have not asserted they were under 18 and ended up in an IPAS centre or, the applicants were not deemed to be eligible for services under the Child Care Act 1991 after undergoing Tusla's eligibility for services assessment.⁴³ This means that some unaccompanied children are likely not under the care or accommodation of Tusla with all the support that provides, including assistance with their international protection application and family tracing. Child protection and safeguarding risks also arise when accommodated in IPAS centres as young people/UASC will be sharing a bedroom with adults. The Joint Committee on Children, Equality, Disability, Youth and Integration *Report on Refugees and Integration* recommended that anyone who may later turn out to be a minor should not be housed in adult accommodation.⁴⁴

There is also a concern that young people age 18 and over can inadvertently be accommodated in Tusla run or supervised residential centres with under 18's.⁴⁵ This could arise if a young person claims incorrectly, they are under 18. This also has potentially serious child protection and safeguarding implications for UASC sharing accommodation with an adult. Neither Tusla's SCSIP service nor IPAS centres are therefore appropriate accommodation settings for age disputed young people.

One potential solution under the implementation of the EU Pact could be for IPAS to develop child appropriate accommodation for age-disputed young people seeking international protection to stay until their age assessment and appeal (if applicable) are complete and a correct designation of their care and accommodation is determined. These young people should be provided with accommodation in an appropriate residential setting with the support of a worker with a relevant social care qualification. Standards based on *the National Standards for the Protection and Welfare of Children*⁴⁶ could be developed to ensure appropriate safeguards are put in place when accommodating this cohort of vulnerable young people. All age disputed young people, including those awaiting appeal should be accommodated in this new residential setting and not moved to

⁴¹ General Scheme of the International Protection Bill 2025, Head 110(10)(b) and Head 141(10)(f).

⁴² Muireann Ní Raghallaigh, Joanne Kelleher and Professor Prospera Tedam, *Be strong, there's so many problems waiting – The Experiences of Separated Children Seeking International Protection in Ireland* (EPIC October 2025) 48, 49.

⁴³ Tusla, the Child and Family Agency, *Procedural Guidance and Assessment Framework for the determination of eligibility for services under the Child Care Act 1991 for separated children seeking international protection* (Tusla 2023).

⁴⁴ Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth, *Report on Refugees and Integration* (28 November 2023) 81 < bit.ly/3w7T5NT > accessed 1 December 2025.

⁴⁵ Muireann Ní Raghallaigh, Joanne Kelleher and Professor Prospera Tedam, *Be strong, there's so many problems waiting – The Experiences of Separated Children Seeking International Protection in Ireland* (EPIC October 2025) 49.

⁴⁶ Health Information and Quality Authority, *National Standards for the Protection and Welfare of Children* (HIQA 2012).

accommodation in the border procedure. A specific provision should be added to the General Scheme to ensure that age disputed young people are excluded from the border procedure pending the outcome of an appeal.

Recommendations

- Develop child appropriate accommodation for age disputed young people seeking international protection to stay until their age assessment and appeal (if applicable) are complete and a correct designation of their care and accommodation is determined.
- Provide age disputed young people with accommodation in an appropriate residential setting with the support of a worker with a relevant social care qualification.
- Develop standards based on the *National Standards for the Protection and Welfare of Children* to ensure appropriate safeguards are put in place in the accommodation of age disputed young people.
- Add a specific provision to the General Scheme to ensure that age disputed young people are excluded from the border procedure pending the outcome of an appeal.

3. Aftercare

The Committee on the Rights of the Child notes that States should provide adequate follow-up, support and transition measure for children as they approach 18 years of age, particularly those leaving a care context, including by ensuring access to long term regular migration status and reasonable opportunities for completing education, access to decent jobs and integrating into the society they live in.⁴⁷ The child should be adequately prepared for independent living during this transition period, and competent authorities shall ensure adequate follow-up of the individual's situation. The Committee additionally encourage States to take protective and support measures beyond the age of 18 years.⁴⁸

The *Statement of Good Practice* notes that separated children who become adults during the course of the determination process, sometimes referred to as 'aged-out', should continue to benefit from the same special determination procedures as those who are under 18 years of age.⁴⁹ However States should eliminate unnecessary delays that can result in a child reaching the age of majority during the process.⁵⁰ It also notes that individuals who arrived as children and were allowed to remain for humanitarian or compassionate reasons, or who received any other kind of temporary status expiring at the age of 18, should be treated in a generous manner when they reach the age of majority, and full regard should be given to their potential vulnerability. They should not receive lesser treatment than national children leaving care and should be offered support via an after-care programme to assist them in their transition to living independently.⁵¹

Currently aftercare services are provided to eligible unaccompanied young people on turning 18. Aftercare supports to those that are eligible include accommodation in independent living or supported lodging, the allocation of an aftercare worker, an aftercare plan, an allowance and support from a family support practitioner.⁵² To be eligible they must have been in care for 12 months between their thirteenth and eighteenth birthday.⁵³ Being accommodated under section 5⁵⁴ can be considered as part of the 12-month criteria; however, the young person must have had spent some time in care.⁵⁵ Many UASC transitioning from Tusla services into adulthood are not eligible for an aftercare service. This is because they have been accommodated under section 5 for under 12 months and have not spent any time in care. This has created a gap in service provision and supports for this vulnerable group of young adults.

⁴⁷ Committee on the Rights of the Child and Committee on the Protection of the Rights of all Migrant Workers Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return CMW/C/GC/4-CRC/C/GC/23 para 3.

⁴⁸ *ibid.*

⁴⁹ Separated Children in Europe Programme, *SCEP Statement of Good Practice 4th Revised Edition* (SCEP 2009) 33 <bit.ly/49aaQLb> accessed 1 December 2025.

⁵⁰ *ibid.*

⁵¹ *ibid.* 39.

⁵² Tusla Model of Care SCSIP Team presentation (October 2024).

⁵³ Child Care (amendment) Act 2015 S2.

⁵⁴ Section 5 obliges Tusla to provide accommodation, an assigned Tusla staff member (not required to be a social worker) and a placement plan.

⁵⁵ Child Care (amendment) Act 2015 S2.

It is extremely challenging for young people transitioning out of the care of Tusla to suddenly not have any of the supports the care system affords.⁵⁶ For UASC who do not have any family safety net in Ireland, the absence of a structured aftercare service significantly increases the risk of homelessness and long-term exclusion. Those that have been recognised as a refugee, on turning 18, who are not eligible for aftercare must find accommodation themselves which is extremely challenging in the current rental market.⁵⁷ In addition it is financially very problematic if the young person is still in education with no or limited time to work.⁵⁸ For those whose international protection applications are still being assessed they are transferred to adult accommodation in IPAS. They have to move, often with little or no notice, to an adult IPAS centre in any location around the country away from the community, school and support networks they have built up.⁵⁹

UASC who have turned 18 without being allocated an aftercare worker are also accessing emergency homeless accommodation. Others may have been allocated accommodation, but without access to any supports are struggling. Some who had applied for family reunification before turning 18 are in homeless accommodation waiting a long time for the application to be processed.⁶⁰ UASC who have turned 18 also experience significant disruption to schooling, many of whom are still in fifth and sixth year in secondary school.⁶¹ Some then find it difficult to access a new school in their new location.⁶²

Given these significant challenges faced by UASC and the changes taking place with the implementation of the EU Pact consideration should also now be given to the extension of aftercare services to include UASC in care for periods shorter than 12 months. This would likely require legislative change. If the eligibility is amended consideration will also need to be given to expanding the Tusla aftercare team to meet the demands of this new eligibility. A clear statutory duty to prevent homelessness amongst UASC leaving the care or support of Tusla, including those previously accommodated under section 5, is also required. Such a duty should explicitly state that discharge into rough sleeping, tented accommodation or adult emergency homeless accommodation is not an acceptable outcome for UASC. Aftercare and accommodation planning should be consistent, with consideration given to continuity of education and access to community supports including when UASC are being transferred to an IPAS centre.

Recommendations

- Extend aftercare services to include UASC in care or who are supported by Tusla for periods shorter than 12 months.
- Consider expanding the Tusla aftercare team to meet the demands of this new eligibility.
- Introduce a clear statutory duty to prevent homelessness amongst UASC leaving the care or support of Tusla, including those previously accommodated under section 5.

⁵⁶ Muireann Ní Raghallaigh, Joanne Kelleher and Professor Prospera Tadam, *Be strong, there's so many problems waiting – The Experiences of Separated Children Seeking International Protection in Ireland* (EPIC October 2025) 106.

⁵⁷ *ibid.*

⁵⁸ *ibid* 109.

⁵⁹ *ibid* 111.

⁶⁰ Communication received by the Children's Rights Alliance from EPIC – Empowering People in Care on 12 December 2025.

⁶¹ Muireann Ní Raghallaigh, Joanne Kelleher and Professor Prospera Tadam, *Be strong, there's so many problems waiting – The Experiences of Separated Children Seeking International Protection in Ireland* (EPIC October 2025) 111.

⁶² Communication received by the Children's Rights Alliance from EPIC – Empowering People in Care on 12 December 2025.

- Consider continuity of education and access to community supports when planning for aftercare and onward accommodation, including when UASC are being transferred to an IPAS centre.

4. Unaccompanied and Separated Children in the Border Procedure

The General Scheme states that the Border Procedure will only apply to unaccompanied minors when there are reasonable grounds to consider the applicant is a danger to the national security or public order of the State.⁶³ The International Commission of Jurists (ICJ) stated in a legal opinion that should this be invoked it must:

- *be strictly exceptional and based on clearly articulated, reasonable, and non-discriminatory grounds demonstrating a present risk;*
- *follow an individual assessment of whether “reasonable grounds” exist, with the best interests of the child as a primary consideration;*
- *be subject to an effective right of appeal before an independent and impartial court;*
- *apply the presumption of minority and afford the benefit of the doubt to any individual claiming to be a child unless and until proven otherwise;*
- *ensure that any age assessment is prompt, multidisciplinary, guided by the best interests of the child, and accompanied by full procedural guarantees.*⁶⁴

Recommendations

- Insert safeguards into the General Scheme if unaccompanied minors are placed in the border procedure when there are reasonable grounds to consider the applicant is a danger to the national security or public order of the State.

⁶³ General Scheme of the International Protection Bill 2025, Head 110 (1)(a) and Head 63 (3)(a)(ii).

⁶⁴ International Commission of Jurists, Save the Children, and Kids in Need of Defense, *Legal considerations around the application of the asylum border procedure to unaccompanied children* (December 2025).

