

## Information about Switzerland

# rights of children in asylum procedures

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In Switzerland children have to go to school for 9 years until they are 16. For children, who are seeking asylum in Switzerland and are under 16, schooling is compulsory. However, experiences are different. Most children start schooling shortly after they arrive in Switzerland. Once they are assigned to a canton (see “procedure”), usually children will join regular public schools. In some cases, there is also a teacher who comes to the camp to teach children there separately.

Children have the right to be treated as children in their asylum interview and decision. That means that the interviewer has to be very friendly and understanding with the child so that the child has the chance to open up and tell his/her story. If you are a child and think you had a bad interview, where you were not able to tell everything you wanted, contact legal help (see “[contacts](#)”).

In most other questions, accompanied children (these are children who are in Switzerland together with their parents) are not specifically considered in the asylum procedure and are simply considered together with their parents. Once children reach 18 years, they are no longer considered children, but normal adults.

## Unaccompanied Children in the Asylum Procedure

Unaccompanied children are children who are not accompanied by one of their parents (or another person who had the same role as a parent already back in the country of origin). They receive special protection in Swiss asylum procedures. These special rights include:



- Unaccompanied children are allowed to ask for asylum in whichever country they are in. That means that even if your fingerprints were recorded in, for example, Italy or Greece, the Swiss government will not be able to deport you back to this country. Except if your parents live in another European country, then you will be brought there (or they will be brought to Switzerland, depending on who asked for asylum first).
- Unaccompanied children get assigned a person of trust who helps them in their asylum procedure. This person should help you to prepare for your asylum interview and accompany you to the interview. Also, they should help you find a lawyer if you get a negative decision. Often, this person is a lawyer themselves. However, in some cantons unaccompanied children do not get a person of trust at all.
- If your parents are dead or untraceable, you will be assigned a legal guardian. Legal guardians have the same duty of care as parents and are responsible for you.
- The Swiss asylum office has to treat asylum requests of unaccompanied children as a priority. That means that you should get your decision within around three months. However, we have observed that it often takes much longer.
- Even if you get a negative decision as an unaccompanied child, the Swiss government cannot easily deport you back to your country of origin. In order to deport you, they would have to make sure that you have an existing support network in your country of origin. This can be hard to prove. If you are 16 or older, it is likely that the SEM will wait until you are 18 until they give you a negative decision. Sometimes this even happens to younger children.
- Unaccompanied children get special housing and care. This can vary a lot depending in which canton you are. Please consider that you cannot choose the canton you will be living by yourself. In some, unaccompanied children live in special centres with loads of activities and support, in others, they live with normal

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families and in some they do not get any specific care at all.

- Unaccompanied children have the right to be in the same canton as close relatives of theirs (like aunt or uncle).

If you are a child and do not receive any of the abovementioned rights, we advise you to contact a legal advice centre (see "[contacts](#)")

## Age Assessment

If you arrive in Switzerland and say you are a child, the State Secretary for Migration (SEM) might not believe you if you cannot show proof (like a passport or a birth certificate). In this case, they will send you to a doctor who will 'measure' your age. This is called age assessment and it happens shortly after you arrive in Switzerland. There are two different forms:

If you arrive in Switzerland and are sent to the current trial procedure to Zurich (see "procedure") than your age will be assessed by measuring three parts of your body: a) an x-ray of your left hand will be taken, b) an x-ray of your teeth will be taken and c) a doctor will assess the development of your sexual characteristics (for this you will have to take off your trousers). This procedure can feel very intrusive and has been criticized heavily. Yet, it is still being done.

If you are in a normal open reception centre, you will be usually brought to a normal doctor or a local hospital, where someone will take an x-ray of your left hand.

You should be informed beforehand in your own language about the fact that you will visit a doctor not to check your health, but

to assess your age. However, this is rarely done.

After the doctor examined your body, he/she will write a report where he/she calculate your body's age. If the age they calculate is very different from your age, then the SEM will change your age and consider you an adult.

If this happens to you and your age is changed, we advise you to seek legal aid (see "[contacts](#)"). The use of such age tests to 'measure' someone's age is known to be absolutely unscientific. However, it is quite complex to change such a decision.

## Contacts

All legal aid organisations also provide legal support to children. In addition there is the project "[Speak Out! MNA](#)" that enables unaccompanied children in the asylum procedure to meet and discuss together about their situation. Further, the "[Service Social International](#)" supports unaccompanied children to get in contact with their parents. They have an online [contact form](#). They are reachable in Geneva (Rue du Valais 9, 1202 Genève) under +41 22 731 67 00 (Monday to Friday from 8:30am-12:30pm / 2pm-5pm) and in Zurich (Hofwiesenstrasse 3, 8057 Zurich) under +41 44 366 44 77 (Monday to Friday from 9am-12pm / 2pm-4pm).