

“Not the France I Imagined”

Housing, Health, and Education for Unaccompanied
Migrant Children in Marseille

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Unaccompanied Migrant Children in Marseille

Tens of thousands of young migrants arrive in France each year on their own.⁸ While arrivals diminished in 2020 due to movement restrictions linked to the Covid-19 pandemic, the number of unaccompanied migrant children received by departments across France increased in 2021 and 2022.⁹ Marseille is no exception: in 2022, there were an estimated 950 unaccompanied migrant children registered as having entered the city, of which only 2 percent were girls, according to the nongovernmental group delegated by the Bouches-du-Rhône department to handle their reception and evaluation.¹⁰ While Marseille is a destination city for unaccompanied migrant children,¹¹ the number of unaccompanied children who travel there each year is not particularly large in absolute terms, meaning that child protection authorities should be able to make adequate arrangements for these arrivals.

Some children choose to come on their own to Marseille because they speak French and because of their sense of historic ties between their home countries and France. Others have no explicit destination in mind when they leave their home country. Many of the children Human Rights Watch spoke with ended up in Marseille by chance because of individuals who helped them on their journey, or because they encountered difficulties or discrimination in other places.

Once in Marseille, half of all unaccompanied children who undergo age assessments are denied recognition of their minority.¹² The reasons for denial often seem arbitrary, a

⁸ Ministry of Justice, Directorate for Youth Protection and Juvenile Justice (DPJJ), *Annual Activity Report 2021 – Unaccompanied Minors Mission*, 2022, p. 6, http://www.justice.gouv.fr/art_pix/Rapport_annuel_activite_MMNA_2021.pdf (accessed May 30, 2023); “Mineurs étrangers non accompagnés : un dispositif de prise en charge saturé ?,” *Vie Publique*, January 13, 2023, <https://www.vie-publique.fr/eclairage/286639-mineurs-etrange-isole-un-dispositif-de-prise-en-charge-sature> (accessed May 30, 2023).

⁹ Ibid.

¹⁰ Human Rights Watch remote interview with David Le Monnier, deputy director general of ADDAP 13, June 6, 2023; “Bilan 2022 – Prise en Charge Mineurs ASE,” Groupe ADDAP 13, pp. 14, 21, https://www.addap13.org/IMG/pdf/bilan_mna_2022_vdef.pdf (accessed May 30, 2023).

¹¹ Batiste Kolenc, “Mineurs non accompagnés : le point dans votre département,” *Le Dauphine*, September 30, 2022, <https://www.ledauphine.com/societe/2020/09/30/combien-l-etat-a-t-il-confie-de-mineurs-non-accompagnes-a-votre-departement#> (accessed August 15, 2023).

¹² “Bilan 2020 - Pôle Mineurs non accompagnés,” Groupe ADDAP 13, p. 17, https://www.addap13.org/IMG/pdf/bilan_mna_2020-2.pdf (accessed May 30, 2023); “Bilan 2021 - Pôle Mineurs non

conclusion that is reinforced by the fact that nearly 75 percent of those who appeal the decision ultimately receive formal recognition as children, according to estimates from lawyers providing legal assistance to these children.¹³ In the meantime, however, they experience protracted periods of uncertainty and remain in limbo, without access to health care, housing, and specialized child protection services.

Most unaccompanied migrant children we spoke with in Marseille were from West Africa. The most common countries of origin were Guinea, Mali, and Côte d'Ivoire, groups that work with unaccompanied children told Human Rights Watch.

The reasons children gave for leaving their country of origin varied. Many of the children Human Rights Watch spoke with described fleeing abusive family situations, particularly after the death of one or both parents. For example, Ibrahima N., a 16-year-old boy from Guinea, said, "When my father died, I had to go live with my dad's younger brother, and he was not nice to me. He had two wives and my mother refused to become his third wife and he let that anger out on me. He hurt me. Until one day my neighbor helped me leave."¹⁴

Some children said they were targeted or threatened because of their or their families' religion or perceived political views. "My dad arrived home one day, I was eating, and he said I needed to finish fast since we had to run," Kwame B., a 15-year-old Ghanaian, told us, explaining that his father was politically opposed to the local government. "He is my father, he's my everything, so when he told me to follow him, I listened."¹⁵

Others left their home countries after being subjected to trafficking or forced labor. For example, Souleymane K., the 16-year-old from Côte d'Ivoire whose account appears at the beginning of this report, showed us scars on his face that he said were from a trafficking ringleader:

accompagnés," Group ADDAP 13, p. 17, https://www.addap13.org/IMG/pdf/bilan_mna_2021_bd.pdf (accessed May 30, 2023); "Bilan 2022 – Prise en Charge Mineurs ASE," Groupe ADDAP 13, p. 21, https://www.addap13.org/IMG/pdf/bilan_mna_2022_vdef.pdf (accessed May 30, 2023).

¹³ Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023.

¹⁴ Human Rights Watch interview with Ibrahima N., Marseille, June 27, 2023.

¹⁵ Human Rights Watch interview with Kwame B., Marseille, May 17, 2023.

I loved going to school, but I stopped because my mother didn't have the means to pay. Then I met a man on the street who told me to come to his house because he would find me work. I went and there were so many kids there. I stole for this man. We didn't have a choice ... I needed to do it to have food for me and my mom. If we didn't bring anything back to his home at the end of the day, he would hit and cut us.¹⁶

Most children we spoke with traveled by land to Libya, crossed the Mediterranean by inflatable boat to Italy, and then took the train or walked through the Alps to arrive in France. We heard numerous accounts of boats that ran out of fuel or broke down at sea. Sixteen-year-old Malick S. from Guinea made the crossing in the winter of 2023 in a boat that capsized. "We ran out of gas. Everyone started to get so scared, water entered the boat, and many of us jumped into the water," he said. Five hours later, a ship rescued the survivors and took them to Italy. He continued, "As soon as we were evacuated and I was in the hospital, I started to feel a lot of pain. I was so scared in the water that I didn't notice how cold my body was until I had time to realize what I was feeling."¹⁷

Several unaccompanied children described being separated from a relative, parent, another trusted adult, or friend on the journey. Kwame B., the 15-year-old Ghanaian, said, "My father and I were separated when we took different boats to leave Libya ... now I don't have a mother or a father. Where should I go?"¹⁸ Mamadou O., a 16-year-old from Guinea, watched his football trainer drown in the Mediterranean when their boat sunk. He told us, "I didn't know the way, but my trainer did ... we left him in the water, he died there. I never saw him again."¹⁹ Ibrahima N., a 16-year-old boy from Guinea, explained:

I left Guinea with my neighbor. I was with him until Tunisia but there was not enough room on the boat, so I went alone. I was very scared. I even cried. When I arrived in Italy, I called a friend to find out what happened to my neighbor. He told me that his ship had sunk and that he passed away.²⁰

¹⁶ Human Rights Watch interview with Souleymane K., Marseille, May 17, 2023.

¹⁷ Human Rights Watch interview with Malick S., Marseille, June 27, 2023.

¹⁸ Human Rights Watch interview with Kwame B., Marseille, May 17, 2023.

¹⁹ Human Rights Watch interview with Mamadou O., Marseille, May 17, 2023.

²⁰ Human Rights Watch interview with Ibrahima N., Marseille, June 27, 2023.

Arduous journeys, unstable living conditions, and lack of access to child protection have adverse consequences on unaccompanied migrant children’s physical and mental health. Psychologists, social workers, and doctors all told Human Rights Watch that children frequently arrive in Marseille in critical or vulnerable states. “When they get to France, these kids are often psychologically traumatized and in very poor health ... many arrive in a fragile and chronically exhausted state linked to lack of access to basic needs,” a social worker treating children told Human Rights Watch.²¹

The cases in this report document the harmful consequences of erroneously and arbitrarily considering unaccompanied children as adults and keeping them outside of the child protection system in Marseille. While these children wait for their case to be heard by the juvenile judge, they live a precarious existence where they are denied the right to housing, health, education, and food and deprived of essential needs, including clothing and hygiene.

A controversial new immigration bill adopted in December 2023 included numerous regressive provisions,²² including restrictions on social benefits for noncitizens,²³ on birthright citizenship for children born in France to parents who are not French,²⁴ and on family reunification.²⁵ The Constitutional Council, which reviews the constitutionality of legislation, struck these provisions on procedural grounds, along with many others, in a ruling issued on January 25, 2024.²⁶

²¹ Human Rights Watch interview with social worker, Marseille, June 27, 2023.

²² See Eva Cossé, “French Lawmakers Adopt Regressive Immigration Bill,” Human Rights Watch, December 20, 2023, <https://www.hrw.org/news/2023/12/20/french-lawmakers-adopt-regressive-immigration-bill>.

²³ French National Assembly, Bill to control immigration, improve integration (Projet de loi pour contrôler l’immigration, améliorer l’intégration), adopted text n° 220 (December 19, 2023), art. 19, available at https://www.assemblee-nationale.fr/dyn/16/textes/l16to220_texte-adopte-provisoire.pdf (accessed January 19, 2024). See also Manon Romain, Adrien Sénécat, and Maxime Vaudano, “A quelles aides ont droit les étrangers en France ?,” *Le Monde*, December 20, 2023, https://www.lemonde.fr/les-decodeurs/article/2023/12/20/a-queelles-aides-ont-droit-les-etrangers-en-france_6206905_4355770.html (accessed January 19, 2024).

²⁴ Bill to control immigration, improve integration, arts. 25-26.

²⁵ *Ibid.*, art. 4.

²⁶ Décision n° 2023-863 DC du 25 janvier 2024 (Conseil constitutionnel), paras. 91-96 (relating to art. 19), 97-100 (relating to arts. 24-26), and 25-32 (relating to arts. 3 and 4), <https://www.conseil-constitutionnel.fr/decision/2024/2023863DC.htm> (accessed January 25, 2024). See also “Loi ‘immigration’: le Conseil constitutionnel censure en grande partie le texte, dont le durcissement de l’accès aux prestations sociales,” *Le Monde*, January 25, 2024, https://www.lemonde.fr/societe/article/2024/01/25/loi-immigration-le-conseil-constitutionnel-censure-en-grande-partie-le-texte-dont-le-durcissement-de-l-acces-aux-prestations-sociales_6212959_3224.html (accessed January 25, 2024).

The immigration bill also authorized the creation of a new registry of “delinquent unaccompanied minors” (*mineurs non-accompagnés délinquants*)²⁷ that authorities would presumably use in decisions on residence permits and citizenship applications made by unaccompanied youth at age 18. The Constitutional Council allowed this provision to stand.²⁸

A measure that would have abolished state medical aid (*Aide médicale de l'État*, AME) for people in irregular migration status was dropped from the bill before its adoption, although the government has committed to a reform of the health system in 2024.²⁹ The bill retained a proposal to prohibit the administrative detention of noncitizen children, initially limited to children under 16 but amended before enactment to apply to all children under 18.³⁰

It was not immediately clear how the bill’s remaining provisions would affect unaccompanied young migrants who have received a negative initial age assessment and are seeking review of their cases by the juvenile judge.

²⁷ Bill to control immigration, improve integration, art. 39.

²⁸ Décision n° 2023-863 DC du 25 janvier 2024, paras. 145-48.

²⁹ See Romain Geoffroy et al., “Loi ‘immigration’ : tout ce qui a changé entre le projet initial, la version du Sénat et de l’Assemblée et celle de la CMP,” *Le Monde*, December 19, 2023 (updated December 21, 2023), https://www.lemonde.fr/les-decodeurs/article/2023/12/19/projet-de-loi-immigration-tout-ce-qui-a-change-entre-le-projet-initial-la-version-du-senat-et-de-l-assemblee-et-celle-de-la-cmp_6205115_4355771.html (accessed January 19, 2024).

³⁰ Bill to control immigration, improve integration, art. 40. This provision applies to Mayotte beginning on January 1, 2027. *Ibid.*, art. 80(III).

Arbitrary Age Determination Practices

Each administrative department in France handles the reception and evaluation of unaccompanied young migrants in its own way. Some departments carry out age assessments themselves; others contract with agencies to do so. For Marseille and elsewhere in Bouches-du-Rhône, the department has designated the Association Départementale pour le Développement des Actions de Prévention des bouches-du-rhône (13) (ADDAP 13), a nongovernmental group, to evaluate the child's situation to confirm whether he or she is under the age of 18 and determine his or her unaccompanied status.

Child protection is a departmental responsibility, not a national one, meaning the department covers most of the costs related to unaccompanied migrant children who are taken into care. The care of one unaccompanied child by the child protection system (*Aide Sociale à l'Enfance*, ASE)—covering accommodation, food, education, and training—costs on average 50,000 euros per year.³¹ As Human Rights Watch has observed in its reporting on the situation of unaccompanied children elsewhere in France, this financial obligation can create an incentive to subject unaccompanied children to unnecessary and abusive age assessments.³²

While half of all unaccompanied children who undergo age assessments in Marseille are initially denied recognition of their age, nearly 75 percent of those who seek review are ultimately granted minority status by a juvenile judge.³³

³¹ Assemblée des Départements de France Politiques sociales, “Fiche Info – L'accueil et la prise en charge des Mineurs Non Accompagnés (MNA) par les Conseils départementaux,” June 2021, p. 1, <https://www.departements.fr/wp-content/uploads/2020/10/Fiche-info-MNA-juin-2021.pdf> (accessed June 5, 2023).

³² Human Rights Watch, “*Like a Lottery*”: *Arbitrary Treatment of Unaccompanied Migrant Children in Paris* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/07/04/lottery/arbitrary-treatment-unaccompanied-migrant-children-paris>; Human Rights Watch, *Subject to Whim: The Treatment of Unaccompanied Migrant Children in the French Hautes-Alpes* (New York: Human Rights Watch, 2019), <https://www.hrw.org/report/2019/09/05/subject-whim/treatment-unaccompanied-migrant-children-french-hautes-alpes>.

³³ “Bilan 2020 - Pôle Mineurs non accompagnés,” Groupe ADDAP 13, p. 17, https://www.addap13.org/IMG/pdf/bilan_mna_2020-2.pdf (accessed May 30, 2023); “Bilan 2021 - Pôle Mineurs non accompagnés,” Groupe ADDAP 13, p. 17, https://www.addap13.org/IMG/pdf/bilan_mna_2021_bd.pdf (accessed May 30, 2023); “Bilan 2022 – Prise en Charge Mineurs ASE,” Groupe ADDAP 13, p. 21, https://www.addap13.org/IMG/pdf/bilan_mna_2022_vdef.pdf (accessed May 30, 2023); Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023.

Age Assessments

The assessment is aimed at evaluating the individual’s “declarations regarding his identity, his age, his family of origin, his nationality and his unaccompanied status.”³⁴

International standards call for children undergoing age assessments to receive the presumption of minority and the benefit of the doubt “such that if there is a possibility that the individual is a child, he or she should be treated as such.”³⁵ But as Franck Ozouf, manager of the unaccompanied migrant children (MNA) project at Secours Catholique Caritas France, remarked, “The presumption of minority exists in law to a certain point but no longer exists in practice. When the department refuses to recognize a child’s minority and unaccompanied status, there is a real legal void in terms of protection. Even if the child is eventually brought before the juvenile judge, there is no emotional appeal, there is no welfare, there is no accompaniment.”³⁶

By law, the evaluation should take the form of a “multidisciplinary” interview that considers the youth’s reasons for leaving the country of origin, family background, and state of unaccompanied status.³⁷ Evaluations should also be conducted in a manner “characterized by neutrality and compassion.”³⁸ However, the age assessment process in Marseille does not appear to take into account children’s emotional and communication needs, despite the well-documented effects of post-traumatic stress disorder on memory, concentration, and the expression of emotion.

Age assessments for unaccompanied migrant children in Marseille should last between 45 minutes and one hour and a half.³⁹ Several children we spoke with said their interviews were much shorter. In addition, children said they did not always understand the purpose of the interview, the examiners’ questions, or the interpreter. “My ADDAP 13 examiner was

³⁴ Code de l’action sociale et des familles (Code on Social Action and Families), art. R.221-12, available at https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006074069/LEGISCTA000032773762/#LEGISCTA000032773762 (accessed June 21, 2023).

³⁵ UN Committee on the Rights of the Child, General Comment No. 6, para. 31(i).

³⁶ Human Rights Watch remote interview with Franck Ozouf, manager of the unaccompanied migrant children (MNA) project at Secours Catholique – Caritas France, April 12, 2023.

³⁷ Code de l’action sociale et des familles (Code on Social Action and Families), art. R.221-11, https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000038748455 (accessed June 21, 2023).

³⁸ Order [Arrêté] of November 17, 2016, Implementing Decree No. 2016-840 of June 24, 2016, art. 3, available at <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000033420352> (accessed June 5, 2023).

³⁹ Human Rights Watch remote interview with David Le Monnier, deputy director general of ADDAP 13, June 6, 2023.

Senegalese, and we didn't speak the same language ... she didn't understand me, and I didn't understand her. I didn't know French, so I spoke in Susu and that was it. The evaluation was about a half hour and then they told me I wasn't a minor," Salimatou A., a 17-year-old boy from Guinea, told us.⁴⁰

Upon completing the age assessment, the child is either recognized as a minor and taken into care by the child protection system (ASE) or declared an adult and thus disqualified from any material benefits afforded to children or eligibility for residence permits upon adulthood.

According to lawyers in Marseille, until a year ago, children waited several months to undergo age assessments, but now ADDAP 13 evaluates children within one week of arrival.⁴¹ Volunteers, lawyers, and doctors told us that while the shorter time frame is a positive development in the sense that youth are not waiting for protracted periods without having the opportunity to begin the age assessment process, it also means that those who receive negative age assessments are stripped of accommodation and protection more rapidly.

A doctor who treats unaccompanied migrant children in Marseille commented that “[t]he institutions are completely saturated and conduct quicker age assessments ... children are therefore placed in shelters to be assessed, often after several weeks of waiting, then for some, quickly put back on the street without being granted any rights.”⁴² This is consistent with statistics provided by ADDAP 13 showing that the number of unaccompanied migrant children in Marseille who were formally recognized and taken into care by the child protection system in 2022 was nearly 25 percent lower than what was recorded in 2021.⁴³

Frequent reasons listed for denying children in Marseille formal recognition as children were “physical appearance,” “stress,” “confusion and inconsistency of speech,” and “too

⁴⁰ Human Rights Watch interview with Salimatou A., Marseille, June 27, 2023.

⁴¹ Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023.

⁴² Human Rights Watch remote interview with general practitioner, June 6, 2023.

⁴³ “Bilan 2021 – Pôle Mineurs non accompagnés,” Group ADDAP 13, p. 17, https://www.addap13.org/IMG/pdf/bilan_mna_2021_bd.pdf (accessed May 30, 2023); “Bilan 2022 – Prise en Charge Mineurs ASE,” Groupe ADDAP 13, p. 21, https://www.addap13.org/IMG/pdf/bilan_mna_2022_vdef.pdf (accessed May 30, 2023).

much confidence,” lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association told Human Rights Watch. Such grounds and the lawyers’ observations during interviews suggest that examiners are evaluating children too soon after their arrival in Marseille, before they have recovered from their journey, and not adequately taking into account the impact of children’s time in transit. “They are presented an ‘initial contact form’ which has [the child’s] photo on it ... a photo taken when the child had just arrived in France after an arduous journey and has slept on the street for several nights,” lawyers with the Marseille Bar Association’s Unaccompanied Minors Commission said.⁴⁴

Human Rights Watch reviewed case files that suggest other arbitrary grounds on which authorities have rejected children’s claims to be underage. In one case, a boy received a negative age assessment based in part on his decision to call his lawyer to ask for help with a health condition. On his denial letter, it stated “when he has concerns, he prefers to refer to his lawyer.”⁴⁵

In fact, lawyers with the Marseille Bar Association’s Unaccompanied Minors Commission said, “From the documents we are presented when taking on cases, it seems to us that there are many ADDAP 13 evaluators making their decision [regarding the child’s minority] before they even meet them in person.”⁴⁶

Such accounts and the case files Human Rights Watch reviewed are similar to those we saw in Paris and the Hautes-Alpes, where some youths requesting protection from the child protection system received negative assessments based on appearance alone, and others were rejected on other clearly arbitrary grounds, including work in countries of origin or transit, irritation in the face of repeated questions, or responses that are consistent with trauma.⁴⁷

ADDAP 13 included the following points in its written reply to Human Rights Watch’s request for comment:

⁴⁴ Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Human Rights Watch, *“Like a Lottery”: Arbitrary Treatment of Unaccompanied Migrant Children in Paris*; Human Rights Watch, *Subject to Whim: The Treatment of Unaccompanied Migrant Children in the French Hautes-Alpes*.

Our assessments are carried out by a multidisciplinary team made up of legal experts and specialized educators. The framework and objectives of the assessment mission are clearly formalized for both professionals and individuals presenting themselves as minors.

....

Interviews are systematically conducted by a legal expert from our team, with the assistance of an interpreter whenever necessary to ensure legality and fairness. At the end of the interview, a meeting is organized with the multidisciplinary team to reach either a clear minority/majority decision or, in case of doubt, a request for further information.

When they are admitted to the shelter, young people are taken into care by the educational team and systematically asked in which language they would like the interview to be conducted. Interpreters are physically present, except when there is no interpreter in the area for the language requested. In this case, we use a telephone service. At the start of the interview, the young person is systematically asked to confirm that he or she understands the information exchanged with the interpreter. The young person can ask the evaluators to change interpreters at any time. In this case, the interview is stopped and postponed until a suitable interpreter meeting the needs of the young person can be found.

....

If the young person's emotional, physical, or psychological state prevents him/her from expressing him/herself or answering questions, the interview will be postponed.... If several interviews are necessary, they must be at least 24 hours apart, and if necessary, other professionals must be called in.

Throughout the interview, the evaluators check with the young person to make sure they understand the exchanges. If there are any notable inconsistencies in the story, the evaluators point this out so that the young person can go back over his or her explanations if he or she so wishes. In accordance with the decree of November 20, 2019, the topics addressed in the context of gathering the young person's views are identical for all interviews: the person's identity; specific elements if a civil status or

identity document is presented; family situation; living conditions in the country of origin; reasons for leaving, stages and conditions of the migratory journey; conditions of entry and life in France; plans; overview of human rights, asylum, and human trafficking.

. . . .

There are no instructions given to evaluators *‘on the relevance of assessing age on the basis of elements such as traveling alone, working during migration, and speaking French or other languages that are not the native language.’* They are asked to apply the regulatory provisions as well as the recommendations for good professional practice, which are published by the French National Authority for Health (*haute autorité de santé*, HAS) and worked on as a team. Furthermore, as already indicated, our teams do not assess the age of the people they interview, but rather their isolation and minority status.⁴⁸

The Appeals Process

With the help of volunteers from several humanitarian groups, youth who are faced with denial of age recognition are connected to a lawyer to help them seek review of adverse age assessments before a juvenile judge.⁴⁹ A lawyer from the Unaccompanied Minors Commission of the Marseille Bar Association told us:

Each week, we receive 15 requests ... this doesn't mean we necessarily take on 15 new cases because some [children] may choose to continue on to a different department. But I would say we take on about 10 new cases each week.⁵⁰

The juvenile judge is not bound by any timeline to review cases. According to lawyers, the process takes on average three to six months but can last as long as a year. Omar J., an 18-year-old Gambian boy, was 16-and-a-half when he began his appeals process.⁵¹ He was

⁴⁸ Letter from David Le Monnier, deputy director general of ADDAP 13, to Bénédicte Jeannerod, France director, Human Rights Watch, October 27, 2023, p. 3 (on file with Human Rights Watch).

⁴⁹ French Civil Code, art. 375.

⁵⁰ Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023.

⁵¹ Human Rights Watch interview with Omar J., Marseille, June 27, 2023.

recognized as a minor by the juvenile judge two weeks before his eighteenth birthday, a considerable delay that was consistent with other cases reported to us.⁵²

Human Rights Watch also heard of cases where delays were so long that hearings were set to take place after the child's eighteenth birthday. Such instances can affect children's eligibility for residence permits and French nationality.

Arbitrary Requirements for or Rejection of Identity Documents

The age determination process has become increasingly difficult because evaluators and some judges require children to produce specific documents even though the applicable regulations call for a holistic assessment based on the child's account and other available evidence. Since many children either leave their country of origin without their identity documents or lose them in transit, the de facto requirement to produce documents frequently leads to delays in considering cases.

Mamadou O., a 16-year-old from Guinea, arrived in Marseille after making a crossing to Italy in a boat that held more than 40 people and capsized. He told Human Rights Watch that he was surprised to receive an initial negative age assessment. He said, "They told me that without my paperwork, they couldn't say I was a minor. But I came on a boat, I didn't have the documents in my pocket. My mother had them [in Guinea] and she passed away once I arrived in France."⁵³

Kwame B., a 15-year-old Ghanaian who was denied his minority in September 2022 and by January 2024 had still been waiting for a judge to review his case, said, "There are a lot of problems with my papers. In December 2022, I went to Paris to do my passport because the lawyer said I had to. Seven months have passed and nothing."⁵⁴

Children who do have documents are also frequently rejected. Despite the presumption in French law that foreign documents are valid⁵⁵—and international standards noting that

⁵² Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 28, 2023.

⁵³ Human Rights Watch interview with Mamadou O., Marseille, May 17, 2023.

⁵⁴ Human Rights Watch interview with Kwame B., Marseille, May 17, 2023.

⁵⁵ French Civil Code, art. 47; Order [Arrêté] of November 17, 2016, Implementing Decree No. 2016-840 of June 24, 2016, art. 6(l) ("The evaluator applies the presumption of authenticity of civil status records issued by foreign authorities as provided

“documents that are available should be considered genuine unless there is proof to the contrary”⁵⁶—child protection officials regularly ask for documents such as birth certificates or passports to be authenticated by embassies. Volunteers, lawyers, and children themselves said that this process is costly and can take months.

Children seeking review of adverse age assessments also face obstacles as judges increasingly exclude their identity documents from consideration. According to the Unaccompanied Minors Commission of the Marseille Bar Association, there are now more judges requiring a procedure known as a *jugement supplétif*, or “supplementary judgement,” which typically requires the production of witnesses in a court in the country of origin who can attest to a child’s birth and parentage.⁵⁷ Drissa K., a 16-year-old boy from Côte d’Ivoire, expressed anxiety at the time of our interview because his mother didn’t have the money to travel from his hometown to the capital to obtain a supplementary judgement on his behalf.⁵⁸

Even when children have certified documents issued by a judge in the country of origin, French officials often refuse to consider them. “I don’t know what more they want from me. I’ve filed my paperwork; I have my certified consular document with a supplementary judgment ... now my lawyers tell me that I need a passport. But I don’t have the means to go to Paris alone to get it, so I’m stuck,” Seydou K., a 15-year-old boy from Burkina Faso, told Human Rights Watch.⁵⁹

by the terms of article 47 of the Civil Code.”). See also France Terre d’Asile, *L’accueil et la prise en charge des mineurs isolés étrangers en France* (Paris: France Terre d’Asile, 2017), p. 11 (noting that article 47 of the Civil Code includes a presumption of authenticity for documents relating to civil status that are issued by another country).

⁵⁶ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and UN Committee on the Rights of the Child, Joint General Comment No. 4 (Committee on Migrant Workers) and No. 23 (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, U.N. Doc. CMW/C/GC/4-CRC/C/GC/23 (November 16, 2017), para. 4.

⁵⁷ Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023; See, for example, Immigration and Refugee Board of Canada, “Mali: Requirements and Procedures to Obtain a National Identity Card, a Birth Certificate and a Certificate of Nationality; Characteristics of Each of These Identity Documents, Including Physical Features (2012-February 2015),” March 3, 2015, MLI105098.FE, section 2.2, available at <https://www.refworld.org/docid/550c37do4.html> (accessed November 29, 2023); Immigration and Refugee Board of Canada, “Guinea: Requirements and Procedure to Obtain a Birth Certificate Extract, Including from Abroad; Information Indicated on the Document; Incorrect or Fraudulent Birth Certificate Extracts (2009-September 2016), August 22, 2016, GIN105613.FE, section 3.1, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=5821dfba4> (accessed July 20, 2023); Mirna Adjami, *Statelessness and Nationality in Côte d’Ivoire: A Study for UNHCR* (Geneva: United Nations High Commissioner for Refugees, 2016), p. 35.

⁵⁸ Human Rights Watch interview with Drissa K., Marseille, June 27, 2023.

⁵⁹ Human Rights Watch interview with Seydou K., Marseille, June 27, 2023.

These accounts are not uncommon. According to a volunteer from the association Soutien 59 Saint-Just that helps unaccompanied migrant children gather and authenticate documentary evidence of age, providing supplementary documents does not necessarily guarantee that a child will receive an audience in front of a juvenile judge: “I’ve helped children who got very attached to the idea of their biometric passport arriving, only to later be refused an audience with the judge,” he told us.⁶⁰ This is not unique to Marseille: in March 2023, a Pakistani teenager was denied recognition of his minority in Lyon despite providing original copies of his birth certificate and identity card to the juvenile judge.⁶¹

ADDAP 13 included the following in its written reply to Human Rights Watch’s request for comment:

With regard to identity documents presented during the assessment interview, please note that the possibility of having civil status documents has no direct bearing on the assessment. If the young person has such documents and wishes to present them to the evaluator, the latter will ask him/her whether he/she wishes to entrust them to the service or have them photocopied. If the young person's response is positive, the documents will be secured by a procedure whereby they are placed in a safe by a department manager on the administrative premises, with access strictly limited and controlled. A register will be kept, and a receipt for the deposit of the document will be given to the young person, together with a copy of the deed. At this point, the evaluators explain to the young person the risks to which he or she may be exposed in the event of presenting false papers or declarations. If the young person accepts, the service will forward the document to the Departmental Council, which will have the option of submitting it to the border police for documentary examination if there is any doubt as to the young person’s minority.⁶²

⁶⁰ Human Rights Watch interview with Soutien 59 Saint-Just volunteer, Marseille, March 9, 2023.

⁶¹ UN Committee on the Rights of the Child, Views, Communication No. 130/2020, U.N. Doc. CRC/C/92/D/130/2020 (March 6, 2023), para. 2.5.

⁶² Letter from David Le Monnier, deputy director general of ADDAP 13, to Bénédicte Jeannerod, France director, Human Rights Watch, October 27, 2023, p. 4 (on file with Human Rights Watch).

Lack of Access to Housing

Half of all unaccompanied migrant children entering Marseille receive a negative age assessment. As an immediate consequence, within 48 hours of an adverse age determination, children who are deemed to be adults are evicted from emergency accommodation provided by ADDAP 13,⁶³ even though many will eventually receive formal recognition of their minority when a judge reviews their cases. These children find themselves uniquely disadvantaged—they are unable to access the protections afforded to children yet remain ineligible for accommodation in adult reception centers because their identity documents indicate they are under 18.

The failure of the department to provide adequate alternative accommodation means these children must fend for themselves or seek assistance from ordinary citizens or nongovernmental organizations in Marseille to find shelter.

Temporary Emergency Accommodation

Once children present themselves as unaccompanied to ADDAP 13, they are entitled to temporary emergency accommodation (*accueil provisoire d'urgence*, APU) while they wait for an age assessment.⁶⁴ Despite this legal obligation, there have historically been delays of up to four months for children to receive this temporary accommodation.⁶⁵ In the meantime, many find themselves living on the streets.

When we asked ADDAP 13 about these delays, its staff initially stated that there are only 150 temporary emergency accommodation spots available in their facilities. Deputy Director David Le Monnier told Human Rights Watch that during the first six months of 2023, the agency had initial contact with about 800 youth in Marseille seeking to enter the

⁶³ Human Rights Watch remote interview with David Le Monnier, deputy director general of ADDAP 13, June 6, 2023. A decree issued by the prime minister on December 22, 2023 authorizes this practice even when the youth has sought review of an adverse age assessment. See Decree no 2023-1240 of December 22, 2023, art. 1(1^o) (new section VI of Code de l'action sociale et des familles, art. R. 221-11), *Journal officiel de la République Française* [J.O.], texte 1 sur 132, December 24, 2023, available at <https://www.legifrance.gouv.fr/download/pdf?id=tZDZCQvl4sP-mBcnCBRkEAlgj8aUOv1MZCf1HPdWY3s=> (accessed January 22, 2024).

⁶⁴ Code de l'action sociale et des familles (Code on Social Action and Families), arts. R.221-11, R.223-2.

⁶⁵ General Inspectorate for Social Affairs (Inspection Générale des Affaires Sociales, IGAS), *Contrôle du service d'aide sociale à l'enfance du département des Bouches-du-Rhône*, Rapport définitif N°2021-100R (TOME1), November 2022, p. 78, https://www.infomie.net/IMG/pdf/2021-100r_tome_1.pdf (accessed July 5, 2023).

minority and isolation assessment process. “The law says that they should enter temporary emergency accommodation with the shortest delays possible. But I won’t hide that in practice, it’s not always as evident as that,” he said.⁶⁶ In October 2023, however, ADDAP 13 stated that by the end of 2022, “we achieved immediate sheltering for all young people presenting themselves to our service.”⁶⁷ The agency informed us that it had increased the number of available temporary placements to 240:

[A]n increase in the number of migrants presenting themselves as minors can saturate the system and, given the number of spots available, hamper their immediate accommodation. That is why during peak periods, we implement the following system: a **substantial increase in the number of temporary placements, without [the need for advance] authorization and on an exceptional basis**, in order to be able to shelter as many young people as possible for evaluation. That is why we regularly operate in excess of the 120 authorized spots. At present, following the major waves of migration seen since September, and with the agreement of the Departmental Council, **we are taking in more than 240 young people, that is twice the number of regularly authorized spots.**⁶⁸

This willingness to address the challenges posed by increases in arrivals is welcome. Nonetheless, we continued to hear in mid-2023 that unaccompanied children faced delays with temporary emergency accommodation. In addition, although beyond the scope of this report, we also heard—and the agency itself observed in a 2022 report—that unaccompanied children whose minority was formally recognized had few suitable options for long-term placements. Pregnant girls and children with mental health needs, among others, faced particular housing challenges.⁶⁹

According to Cyril Farnarier, coordinator of Project ASSAb aimed at improving access to health care for homeless adults, children, and families in Marseille, “There has been an

⁶⁶ Human Rights Watch remote interview with David Le Monnier, deputy director general of ADDAP 13, June 6, 2023.

⁶⁷ Letter from David Le Monnier, deputy director general of ADDAP 13, to Bénédicte Jeannerod, France director, Human Rights Watch, p. 1.

⁶⁸ Ibid. (emphasis in original).

⁶⁹ “Bilan 2022 – Prise en Charge Mineurs ASE,” Groupe ADDAP 13, p. 26, https://www.addap13.org/IMG/pdf/bilan_mna_2022_vdef.pdf (accessed May 30, 2023).

explosion in the number of young migrants on the street in Marseille, but the means provided by the department haven't followed. While we could legitimately complain that ADDAP¹³ isn't doing enough, concretely they don't have the means to do a good job.”⁷⁰

Human Rights Watch heard numerous accounts of children who arrived at ADDAP¹³ and were turned away because facilities were at capacity. While some children were taken in by volunteer collectives or families while they waited for a spot to become available, many had no other option but to sleep outside.

Ibrahima N., a 16-year-old boy from Guinea, said that the day he arrived from Italy, a volunteer at the train station oriented him towards ADDAP 13 where he was told there was no spot available for him: “They told me to come back every day. I slept on the street and returned each morning [to ADDAP 13]. There was no room for me until April 13, 11 days later.”⁷¹

Similarly, Isaac T., a 15-year-old boy from Côte d'Ivoire, said, “I slept underneath the staircase of the Saint-Charles railway station for one week until they had a bed for me at the hotel.”⁷² Sixteen-year-old Mamadou O. from Guinea said, “When I arrived, I stayed alone and slept for five days on the street, I didn't know what else to do.”⁷³

In some cases, ordinary citizens open their homes to give children a place to stay for a night or two, or even longer. Kwame B., a 15-year-old Ghanaian boy, told us, “When I arrived in Marseille, ADDAP 13 told me there was nowhere for me yet, so I slept outside for four days. I met a Ghanaian man at the train station ... He took me to his house and fed me until finally a week later I got a place in the hotel.”⁷⁴

More generally, children described the uncertainty and distress associated with not having stable accommodation. “It's hard because I always sleep in squats, and I don't feel good there. I don't know where I'll sleep next,” Moussa E., a 17-year-old boy from Guinea, told Human Rights Watch in June, adding, “This isn't the France that I imagined. Everyone says

⁷⁰ Human Rights Watch interview with Cyril Farnarier, coordinator of Project ASSAb, Marseille, June 26, 2023.

⁷¹ Human Rights Watch interview with Ibrahima N., Marseille, June 27, 2023.

⁷² Human Rights Watch interview with Isaac T., Marseille, June 27, 2023.

⁷³ Human Rights Watch interview with Mamadou O., Marseille, May 17, 2023.

⁷⁴ Human Rights Watch interview with Kwame B., Marseille, May 17, 2023.

that France represents liberty, but I don't feel free right now. The reality is that if it weren't for this association [Collectif 113], I would be completely abandoned.”⁷⁵

Seydou K., a 15-year-old from Burkina Faso who arrived in Marseille in November 2022, told us that he had slept in five different beds before arriving at the Médecins Sans Frontières (Doctors Without Borders or MSF) house in the summer of 2023. “It's exhausting to sleep in so many different places and not know what comes next,” he said.⁷⁶



The Saint-Charles railway station in Marseille, where many unaccompanied migrant children sleep while waiting for a spot in temporary emergency accommodation or for a judge to hear their case, June 2023. © 2023 Delphine Starr/HRW

⁷⁵ Human Rights Watch interview with Moussa E., Marseille, June 27, 2023.

⁷⁶ Human Rights Watch interview with Seydou K., Marseille, June 27, 2023.

Children face difficulties accessing shelter in other departments across France. A 2021 report by Le Comede and MSF found that 55 percent of unaccompanied migrant children receiving care at an MSF health center in Paris were homeless, yet only 5 percent of them had lived on the street in their home country.⁷⁷

After complaints filed by associations against the department of Bouches-du-Rhône, and reports by the French Defender of Rights (*Défenseur des droits*) and the General Inspectorate for Social Affairs (*Inspection Générale des Affaires Sociales*, IGAS), the delays in granting children temporary emergency accommodation have decreased since mid-2022.⁷⁸ However, according to lawyers, volunteers, and humanitarian workers in Marseille, the unforeseen consequence of reduced delays is that children are now denied legal recognition of their age much more quickly and, as described more fully in the next section, face homelessness as a result.

According to Cyril Farnarier, “In order to keep the machinery running under pressure, ADDAP 13 organizes a fast turnover at the hotel ... so you have kids being kicked out of the temporary hotel faster than before, over half of whom are reevaluated later on and granted their minority by the juvenile judge.”⁷⁹

Housing Following a Negative Age Assessment

According to volunteers, as of January 2024, there are at least 150 children in Marseille who are not provided with accommodation after a negative age assessment and who face the stress and danger of being homeless.⁸⁰

⁷⁷ Médecins Sans Frontières (Doctors Without Borders or MSF) and Le Comede (le Comité pour la santé des exilé.e.s), *La santé mentale des mineurs non accompagnés – Effets des ruptures, de la violence et de l’exclusion*, November 2021, p. 26, available at <https://www.msf.fr/actualites/presentation-du-rapport-sur-la-sante-mentale-des-mineurs-non-accompagnes> (accessed May 18, 2023).

⁷⁸ Human Rights Watch remote interview with David Le Monnier, deputy director general of ADDAP 13, June 6, 2023; Défenseur des droits, *Les mineurs non accompagnés au regard du droit* (Paris: Défenseur des droits, 2022), p. 44, available at <https://www.defenseurdesdroits.fr/rapport-les-mineurs-non-accompagnes-au-regard-du-droit-267> (accessed December 1, 2023); General Inspectorate for Social Affairs (IGAS), *Contrôle du service d’aide sociale à l’enfance du département des Bouches-du-Rhône*, November 2022.

⁷⁹ Human Rights Watch interview with Cyril Farnarier, coordinator of Project ASSAb, Marseille, June 26, 2023.

⁸⁰ Volunteers from Collectif 113, the president of RAMINA (Réseau d’Accueil des MInots Non Accompagnés), staff at MSF, and a psychologist at Le Comede all gave this estimate.

In the absence of laudable efforts by a strong network of local associations and volunteers, unaccompanied migrant children in Marseille would be left to navigate the uncertainty of finding accommodation on their own. Roughly 20 children are lodged at the MSF shelter for unaccompanied migrant children in vulnerable health; another 25 children sleep in squats run by a group called Collectif 113; 50 children sleep in other squats, three of which are in buildings belonging to the city of Marseille; and 40 are housed with host families through a volunteer-led organization called RAMINA (*Réseau d'Accueil des MInots Non Accompagnés*).

In rare cases, children are housed in an emergency accommodation and social reintegration center (CHRS, *Centre d'Hébergement et de Réinsertion Sociale*). However, several volunteers described the shelter as not suitable for children: “[CHRS] are large mixed structures of up to 180 adults, many of whom have been living on the street for years or suffer from substance abuse ... it’s a very difficult environment and not meant for children.”⁸¹

In addition, ADDAP 13 informed Human Rights Watch that it had an agreement with the Departmental Council to accommodate up to 40 young people who are seeking review of negative age assessments:

Over the past year, we have developed a system to enable us to take in people who have lodged an appeal. With the agreement of the Departmental Council, 40 young people are accommodated in one of our facilities in Marseille, when a provisional placement order (OPP) has been issued to enable further investigations (document verification or bone testing). Our aim is twofold: **to ensure that these people receive educational, health and social care until the court has made its decision, and to avoid saturating the system** so as to be able to place new people in shelters.⁸²

⁸¹ Human Rights Watch interview with Cyril Farnarier, coordinator of Project ASSAb, Marseille, June 26, 2023.

⁸² Letter from ADDAP 13 to Human Rights Watch, p. 1 (emphasis in original).

This initiative is positive but limited in scope: not only is the number of placements much lower than is needed, but eligibility also appears to be restricted to young people who have already sought judicial review and who have received a provisional placement order. Nearly every volunteer or humanitarian aid worker whom Human Rights Watch spoke with mentioned having opened their home to a young migrant at some point, ranging from a few nights to months at a time. Dominique Zavagli, former president of the association RAMINA, commented:

When we first meet the youth, we put out a call to RAMINA's networks to see if we can find them a place to sleep. We have about 200 people on our volunteer list, but only 30 are active. If there is no room to offer them, we do as much as we can ... we buy them a slice of pizza, get their phone number, give them a duvet.⁸³

Many children indicated that without help from associations, they would have had nowhere to turn. Salimatou A., a 17-year-old boy from Guinea, told us:

The evaluation was about half an hour and then they told me I wasn't a minor and I had to leave the hotel. I slept there for one more night and then I was put on the street. Later someone gave me the telephone number of a woman [from Collectif 113]. She found me a bed in a room in this squat, and I've been here ever since.⁸⁴

Mamadou O., the 16-year-old boy from Guinea, arrived in Marseille in mid-February of 2023. When he received a negative age assessment in March, he had nowhere to go. He explained:

ADDAP 13 made me leave the hotel and I slept on the street for three days. On the fourth day, I met a man who gave me the number of an association. When I called, they told me, 'Today, we don't have room for you, but

⁸³ Human Rights Watch interview with Dominique Zavagli, former president of RAMINA (*Réseau d'Accueil des MInots Non Accompagnés*), Marseille, May 17, 2023.

⁸⁴ Human Rights Watch interview with Salimatou A., Marseille, June 27, 2023.

tomorrow we can try.’ So I slept on the street again. At 8 a.m. the next day, they called me and told me there was a spot for me.⁸⁵

In a similar account, Ibrahima N., another 16-year-old boy from Guinea, told us, “When I did the evaluation, they told me that I wasn’t a minor. They handed me a piece of paper and the following day they made me leave the hotel. Luckily my friend told me to call Collectif 113 to see if they had a spot for me. And then I came here.”⁸⁶

When asked about these accounts, a doctor who treats these children remarked, “When kids are told they’re not minors, the state doesn’t even provide them with nights in a shelter. They are thrown to the streets just like that, like an old pair of socks.”⁸⁷

Sleeping on the street has serious adverse consequences on children’s sense of safety, security, and mental health. Girls on the street are especially at risk of human trafficking and sexual and other gender-based violence. A volunteer told Human Rights Watch:

If you do not have your primary needs met, how can you worry about the rest? How can you go through an appeals process, go to your lawyer, ask for your documents from your country ... if you don’t even have a roof over your head? These kids are in a constant state of survival.⁸⁸

Omar J., a Gambian boy, told us he was 16 when he was kicked out of ADDAP 13 accommodation after a negative age assessment. He spent four months living and sleeping on the street until Collectif 113 took him in.⁸⁹ A volunteer working at the squat said, “When he arrived at the house, he was so afraid of knives. For the first few weeks, we had to hide all the knives in the house so he would not shake in fear.”⁹⁰

These accounts are not unusual. Federico Colombo, a legal expert, commented:

⁸⁵ Human Rights Watch interview with Mamadou O., Marseille, May 17, 2023.

⁸⁶ Human Rights Watch interview with Ibrahima N., Marseille, June 27, 2023.

⁸⁷ Human Rights Watch remote interview with general practitioner, June 6, 2023.

⁸⁸ Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 28, 2023.

⁸⁹ Human Rights Watch interview with Omar J., Marseille, June 27, 2023.

⁹⁰ Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 28, 2023.

It's ironic because ADDAP 13's motto is "educating in the street" and given the level of abandonment and poor support they give these kids, it's almost as if ADDAP 13 really believes the street should take care of these kids, and they leave them there.⁹¹

The French state has a responsibility to ensure individuals have access to suitable accommodation, regardless of their age.⁹² It has additional obligations toward children, including to provide them appropriate protection and care and ensure their survival and development.⁹³ Given that three-quarters of initial age assessment decisions are overturned on review, the department should take all feasible steps to ensure that children are provided with suitable accommodation and not left to sleep on the street while they exercise their right to review of negative age assessments.

⁹¹ Human Rights Watch remote interview with Federico Colombo, legal expert, July 3, 2023.

⁹² International Covenant on Economic, Social and Cultural Rights, December 16, 1966, 993 U.N.T.S. 3 (entered into force January 3, 1976), art. 11(1); UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), U.N. Doc. E/1992/23 (December 13, 1991), paras. 6-8. France became a party to the International Covenant on Economic, Social and Cultural Rights on November 4, 1980.

⁹³ Convention on the Rights of the Child, art. 6; UN Committee on the Rights of the Child, General Comment No. 21 on Children in Street Situations, U.N. Doc. CRC/C/GC/21 (June 21, 2017), paras. 31-32.

Barriers to Health Care

The administrative steps required to obtain health coverage in France are complex for adults to understand, let alone for unaccompanied children who have just arrived, many of whom do not speak French. Children awaiting age assessments or who have not received formal recognition as minors are ineligible for comprehensive universal health protection, leading to difficulties in accessing timely care and to frequent refusals of surgeries and operations.

Health Coverage

In France, there are several tiers of health care. For individuals with regularized immigration status and asylum seekers, there is universal health protection (*Protection Universelle Maladie*, PUMa) which can be supplemented by complementary health insurance (*Complémentaire Santé Solidaire*, C2S) for individuals with income under a specific level to cover expenses exceeding the state reimbursement threshold. For foreign nationals with irregular migration status, there is state medical aid (*Aide médicale de l'État*, AME), which provides minimal protection with a reduced range of care and services.

Only the child protection system (*Aide Sociale à l'Enfance*, ASE) or the juvenile justice department (*Direction de la protection judiciaire de la jeunesse*, DPJJ) can unlock the right to PUMa and C2S for unaccompanied migrant children.⁹⁴ Since formal recognition as a child is the first step to entry into the child protection system, youth whose minority is not formally recognized—according to a 2011 joint ministerial circular, those “without any ties, without support from any structure”—can thus only benefit from state medical aid (AME).⁹⁵

Under French law, children cannot technically be considered irregular because they are not obliged to present a residence permit (*titre de séjour*).⁹⁶ According to MSF France’s

⁹⁴ Circular n° DSS/2A/2011/351 concerning specific points of the state medical aid regulations, in particular the family situation and household composition (status of minors) (*Circulaire N°DSS/2A/2011/351 du 8 septembre 2011 relative à des points particuliers de la réglementation de l'aide médicale de l'Etat, notamment la situation familiale et la composition du foyer (statut des mineurs)*), September 8, 2011, available at https://www.complementaire-sante-solidaire.gouv.fr/fichier-utilisateur/fichiers/CIRCULAIRE_DSS_2A_2011_351%20du%208%20septembre%202011_AME.pdf (accessed June 1, 2023).

⁹⁵ Ibid.

⁹⁶ Code of entry and residence of foreigners and right of asylum (*code de l'entrée et du séjour des étrangers et du droit d'asile*, CESEDA), art. L411-1.

advocacy manager, Euphrasie Kalolwa, classifying an unaccompanied child who is not formally recognized as such as irregular is contrary to their rights:

It's a way for the administration to reinforce [its view that] that the young person is of legal age. When you sleep in an adult shelter, when you only have access to state medical aid intended for irregular migrants above the age of 18 ... [the only] elements that you could put on the table to show your administrative social situation will indicate that you are of legal age.⁹⁷

Domiciliation and Three-Month Waiting Period

Access to AME is subject to obtaining a residence address (domiciliation) where an individual can receive mail. For adults with irregular migration status, it is possible to obtain such an address from a local social welfare center (*Centre communal d'action sociale*, CCAS) or a domiciliation agency (*organisme domiciliaire*). However, these centers generally refuse to register children without formal documentation proving recognition or refusal of their minority, meaning that unaccompanied children still in the temporary emergency accommodation (APU) period are left without the possibility of accessing this option.

To access AME, individuals must also be able to justify three months of residence on French territory.⁹⁸ Per a 2011 joint ministerial circular, unaccompanied migrant children are exempt from this requirement.⁹⁹ However, departments do not always follow the rule set forth in the circular, according to volunteers. As a result, it can be complicated for children who are waiting for age assessments or who have not been formally recognized as children to gain access to health coverage. This is a problem across many French departments, including Marseille: in 2022, 97.1 percent of unaccompanied migrant children who visited

⁹⁷ Human Rights Watch interview with Euphrasie Kalolwa, advocacy manager at Médecins Sans Frontières (Doctors Without Borders or MSF) France, Marseille, June 27, 2023.

⁹⁸ Decree no. 2005-860 of July 28, 2005 on the admission procedures for state medical aid applications (*Décret n°2005-860 du 28 juillet 2005 relatif aux modalités d'admission des demandes d'aide médicale de l'Etat*), July 28, 2005, art. 4, available at <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000812112> (accessed July 5, 2023).

⁹⁹ Circular n° DSS/2A/2011/351 concerning specific points of the state medical aid regulations, in particular the family situation and household composition (status of minors).

over a dozen Médecins du Monde health centers across the country were not covered by any type of health insurance.¹⁰⁰

State Medical Aid Through ADDAP 13

In Marseille, through an agreement with the local social welfare center, unaccompanied migrant children whose minority has been recognized can obtain domiciliation, and subsequent access to state medical aid (AME), through Médecins du Monde or a hospital-based medical center for individuals without health care coverage (*Permanence d'Accès aux Soins de Santé*, PASS).¹⁰¹ However, volunteers and doctors told Human Rights Watch that social workers at ADDAP 13 do not help file the necessary documents to open the right to AME for these children. A doctor explained:

These kids are often not autonomous enough to take the steps needed to file the documentation for AME and they need a social worker to help ... but neither the department's social workers nor those at ADDAP 13 do it. We do it at PASS, and the social services at the hospital also do it, but for kids who don't visit us or the hospital, they don't have access to this right.¹⁰²

ADDAP 13 told Human Rights Watch, “If the need for care is immediate, the medical staff will initiate a request for state medical aid (AME). For young people with an OPP [a provisional placement order] or for those benefitting from an administrative placement measure, AME is available.”¹⁰³

Legal Representation

Under the French public health code, minors are required to obtain consent from a parent or legal representative for certain medical procedures.¹⁰⁴ While

¹⁰⁰ Médecins du Monde, *Observatoire de l'accès aux droits et aux soins dans les programmes de Médecins du Monde en France* (La Plaine-Saint-Denis: Médecins du Monde, 2022), p. 36, https://www.medecinsdumonde.org/app/uploads/2022/12/MDM-RAPPORT-OBSERVATOIRE-2022_WEB_PLANCHES.pdf (accessed July 5, 2023).

¹⁰¹ Human Rights Watch interview with Lucie Borel, officer at Médecins du Monde, Marseille, May 16, 2023.

¹⁰² Human Rights Watch remote interview with general practitioner, June 6, 2023.

¹⁰³ Letter from ADDAP 13 to Human Rights Watch, p. 5 (on file with Human Rights Watch).

¹⁰⁴ Public Health Code (Code de la santé publique), art. R4127-42, available at https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043588175#:~:text=Version%20en%20vigueur%20depuis%2

unaccompanied migrant children cannot meet this prerequisite by nature of their circumstances, there are exceptions to the rule for all minors in France.

Children above age 16 who are granted the right to PUMa and C2S health coverage through the child protection system are considered exempt from the obligation to obtain legal authorization from a parent or legal guardian and thus have complete autonomy over their health decisions.¹⁰⁵ However, children who are not formally recognized as minors and who can only benefit from state medical aid (AME) do not benefit from this exemption and cannot obtain the necessary legal authorization.



An MSF nurse explains the process of accessing health care to a young person housed in a squat in Marseille, September 11, 2022. © 2022 Mohammad Ghannam/MSF

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¹⁰⁵Ibid., art. L1111-5, available at https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000031927576 (accessed June 5, 2023).

Lucie Borel of Médecins du Monde Marseille told Human Rights Watch, “While a child may not be recognized as a minor by the department, in every other aspect of the French system, they are considered as such. [For example] ... to get an operation, they need parental consent.”¹⁰⁶ Medical professionals in Marseille described cases of children who were not granted authorization for medical procedures because they did not have a legal representative. Dr. Rémi Laporte, a pediatrician in Marseille who treats unaccompanied migrant children at a hospital-based medical center (*Permanence d’Accès aux Soins de Santé*, PASS) for patients without health care coverage, remarked that delaying non-urgent procedures until children reach the age of majority can result in complications:

If the child needs an urgent medical operation, the anesthesiologist will generally comply, but if it’s not urgent and there is no legal representative to provide authorization, the anesthesiologist will refuse ... and the juvenile judge usually won’t reply if we ask for authorization ... so for children who need non-urgent medical interventions, it’s difficult to receive a reply from the judge.¹⁰⁷

Even if medical procedures and other health care are not strictly urgent, delays of several months or more can have adverse health consequences, as discussed more fully in the following section.

¹⁰⁶ Human Rights Watch interview with Lucie Borel, officer at Médecins du Monde, Marseille, May 16, 2023.

¹⁰⁷ Human Rights Watch remote interview with Dr. Rémi Laporte, pediatrician at Permanence d’Accès aux Soins de Santé (PASS), Marseille, May 23, 2023.

Negative Health Outcomes

Unaccompanied migrant children often arrive in France after experiencing harms in their home countries; dangerous and arduous migratory journeys; ill treatment, forced labor without pay, and arbitrary detention in inhumane conditions by unidentified groups in Libya; and border crossings that put them at risk of violence.¹⁰⁸ Upon reaching Marseille, most of these children are in vulnerable states of physical and mental health and may lack access to appropriate services.

While ADDAP 13 is responsible for performing an initial health assessment once youth enter the temporary emergency accommodation (APU) period and advised us that “[e]very young person is received by a nurse on the day of his or her admission [into APU] and receives a medical examination,”¹⁰⁹ our research found that these assessments are not systematically performed. As a result, children who experience unmet health needs and are denied recognition of their age may be returned to the streets without treatment, psychosocial support, or follow-up care.

Physical Health

According to Médecins du Monde, nearly half of all unaccompanied migrant children who visited their national health centers in 2021 were diagnosed with a chronic health condition, defined broadly as a condition that is long-lasting, and nearly three out of five with an acute pathology, a condition that usually begins abruptly and has a short course.¹¹⁰ This is consistent with observations from Laporte:

¹⁰⁸ Save the Children, *Wherever we go, Someone does us Harm: Violence against refugee and migrant children arriving in Europe through the Balkans* (Belgrade: Save the Children, 2022), <https://resourcecentre.savethechildren.net/pdf/Wherever-we-go-someone-does-us-harm-WEB.pdf/> (accessed on July 5, 2023); Human Rights Watch, *No Escape from Hell: EU Policies Contribute to Abuse of Migrants in Libya* (New York: Human Rights Watch, 2019), <https://www.hrw.org/report/2019/01/21/no-escape-hell/eu-policies-contribute-abuse-migrants-libya>.

¹⁰⁹ Letter from David Le Monnier, deputy director general of ADDAP 13, to Bénédicte Jeannerod, France director, Human Rights Watch, p. 4 (on file with Human Rights Watch).

¹¹⁰ Médecins du Monde, *Observatoire de l'accès aux droits et aux soins dans les programmes de Médecins du Monde en France* (La Plaine-Saint-Denis: Médecins du Monde, 2022), p. 36, https://www.medecinsdumonde.org/app/uploads/2022/12/MDM-RAPPORT-OBSERVATOIRE-2022_WEB_PLANCHES.pdf (accessed July 5, 2023).

I see a lot of traumatology, sexually transmitted infections (STIs), and psychological issues from the journey. There are very few kids migrating with their families who have HIV, STIs, or hepatitis ... yet I see many cases of those pathologies within the MNA [unaccompanied migrant children] community, owing to the risks they face because they are unaccompanied.¹¹¹

Another doctor treating unaccompanied children in Marseille told Human Rights Watch that upon reaching France, children are often chronically exhausted and their condition worsens due to difficulty accessing their primary needs. “Precarious living conditions are dangerous for the physical integrity of unaccompanied minors and sometimes lead to hospitalizations lasting several days, which could be avoided.”¹¹²

Mental Health

Social workers, psychologists, and doctors treating unaccompanied migrant children in Marseille reported a high incidence of symptoms such as intrusive thoughts consistent with post-traumatic stress disorder, sleep difficulties, depression, and anxiety. While some children Human Rights Watch spoke with were able to explain what they were feeling, most did not have the technical vocabulary or emotional capacity to describe in detail their experiences or what they needed to recover.

Trauma from the Journey

The trauma unaccompanied children experience before, during, and after their journey to France is likely to be significant, psychologists and social workers suggested. This is consistent with previous research by Human Rights Watch documenting the mental health crisis among individuals seeking refuge in the European Union.¹¹³ Moreover, according to

¹¹¹ Human Rights Watch remote interview with Dr. Rémi Laporte, pediatrician at Permanence d'Accès aux Soins de Santé (PASS), Marseille, May 23, 2023.

¹¹² Human Rights Watch remote interview with general practitioner, June 6, 2023.

¹¹³ “EU/Greece: Asylum Seekers’ Silent Mental Health Crisis,” Human Rights Watch news release, July 12, 2017, <https://www.hrw.org/news/2017/07/12/eu/greece-asylum-seekers-silent-mental-health-crisis>; “Trapped: Asylum Seekers in Greece,” Human Rights Watch interactive feature, December 21, 2017, <https://www.hrw.org/video-photos/interactive/2017/12/21/trapped>.

Marie Jacob, psychologist at Le Comede, “The secondary effects of trauma from a voyage by boat appear markedly greater on children than on adults.”¹¹⁴

Post-traumatic stress, linked to threatening, harmful, and potentially traumatic events, impacts children’s ability to recount their personal history and express themselves.¹¹⁵ This has implications for age assessments where examiners ask youth questions about their migratory journey, family background, and reasons for leaving the country of origin, all the while judging their ability to remember subtleties. A psychologist treating migrant children in Marseille explained, “The process of recounting painful and violent memories reactivates post-traumatic stress.... It forces children to relive past terrors as if they are happening in the present moment.”¹¹⁶

Social workers and volunteers told Human Rights Watch that the overwhelming majority of unaccompanied migrant children who arrive in Marseille have experienced some kind of trauma. “All of these kids have either escaped death or lost someone on the way here,” a Collectif 113 volunteer said.¹¹⁷

Interviews with children, and anyone who may have experienced trauma, require expertise and care to avoid retraumatization. However, according to volunteers in Marseille, age assessments do not always tailor to the child’s mental health state or needs and often compound anxiety and trauma. Staff from Project ASSAb told us:

We see many children arriving with considerable psychological traumas from their migratory journey, kids who are not even able to recount their story because they’re too submerged, but the evaluation is done anyway. And if the result is negative, the child is put on the street immediately, even if he or she is completely overwhelmed.¹¹⁸

¹¹⁴ Human Rights Watch interview with Marie Jacob, psychologist at Le Comede, Marseille, May 15, 2023; Médecins du Monde and MSF, *Mineurs non accompagnés : les lourdes conséquences sur la santé des politiques de non-accueil en France*, June 2023, p. 9, https://www.medecinsdumonde.org/app/uploads/2023/06/Rapport-ONU_MSF-MdM_2023.pdf (accessed July 10, 2023).

¹¹⁵ Human Rights Watch interview with Marie Jacob, psychologist at Le Comede, Marseille, May 15, 2023; Human Rights Watch remote interview with Sylvie Dutertre, clinical psychologist at IMAJE Santé (*Information Marseille Accueil Jeunes Écoute Santé*), July 4, 2023; Human Rights Watch interview with Julie Arçuby, psychologist at MSF, Marseille, June 27, 2023.

¹¹⁶ Human Rights Watch remote interview with Sylvie Dutertre, clinical psychologist at IMAJE Santé, July 4, 2023.

¹¹⁷ Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 28, 2023.

¹¹⁸ Human Rights Watch interview with Cyril Farnarier, coordinator of Project ASSAb, Marseille, June 26, 2023.

Though emotional avoidance and memory loss are known to be two common defense mechanisms in individuals with trauma, examiners at ADDAP 13 often take these as signs of adulthood.¹¹⁹ As described by Lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, “Often times we see written down on age evaluations that the child recounted the loss of a loved one along the journey with ‘emotional detachment’ and that’s a reason to not believe their age.”¹²⁰ Another generic justification for a negative age assessment on case files viewed by Human Rights Watch was “short-term memory problems.”

The fact that age assessments are conducted without taking into consideration children’s psychological vulnerability “constitutes an abuse of sorts,” said Julien Delozanne, of MSF Marseille.¹²¹

In response to our request for comment, ADDAP 13 wrote:

With regard to the assessment interview and the person's state of health, as indicated in the section on the assessment, before any interview date is set, a review is carried out with the educational and medical team. If the professionals in charge of the young person report a situation of significant trauma, deficiencies, or a state of health too degraded to allow the exchange to proceed smoothly, the interview will be postponed and the Departmental Council informed. If necessary, an extension may be requested, and the person may continue to receive shelter.¹²²

Protracted Periods of Uncertainty

Our research found that the age assessment procedure and the ensuing lengthy periods of uncertainty and instability for children deemed adults heighten feelings of depression,

¹¹⁹ Sandra Miethe et al., “Posttraumatic Stress Symptoms and its Association with Rumination, Thought Suppression and Experiential Avoidance: a Systematic Review and Meta-Analysis,” *Journal of Psychopathology and Behavioral Assessment*, 45: 480–495 (2023), <https://doi.org/10.1007/s10862-023-10022-2> (accessed June 5, 2023); Barbara Pitts et al., “PTSD is associated with impaired event processing and memory for everyday events,” *Cognitive Research: Principles and Implications*, 7(1):35 (2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9038970/> (accessed June 5, 2023).

¹²⁰ Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023.

¹²¹ Human Rights Watch interview with Julien Delozanne, MSF project coordinator in Marseille, Marseille, May 17, 2023.

¹²² Letter from ADDAP 13 to Human Rights Watch, p. 5.

anxiety, and self-harm.¹²³ In a typical account, Moussa E., a 17-year-old boy from Guinea determined to be an adult after a flawed age assessment, told us, “I love music and football. But I don’t find joy in these things anymore because I’m waiting endlessly. I’ve had a lot of problems with my passport and with getting my documents. All my energy is spent waiting.”¹²⁴

After spending months to years on the move, the added stress associated with being rejected upon arrival in France has a detrimental effect on unaccompanied children’s mental health. MSF psychologist Julie Arçuby told Human Rights Watch that uncertainty regarding accommodation and the length and eventual outcome of judicial proceedings not only exacerbates existing mental health conditions but also causes new psychological distress:

I know kids who have already slept in ten beds since arriving in France, who aren’t yet recognized as minors and aren’t even at the end of their journey. The consequence of this insecurity on their mental health is enormous. The uncertainty exacerbates existing traumas, such as those linked to what happened in their home country, or the horrors they encountered on their journey to France.¹²⁵

Ibrahima N., a 16-year-old boy from Guinea, told us, “France was my dreamland but now that I am here, there are too many worries. I am always thinking about what will happen next. I really thought I would be accepted here ... I didn’t think it would be this hard.”¹²⁶

Most children we interviewed told us they were deeply distressed awaiting the outcome of judicial hearings to review negative age assessment determinations. “My lawyer told me I’ll finally go to the judge next month, after one full year in France, but I don’t know what will happen. I’m losing time,” Syed A., a 17-year-old Bangladeshi boy, said.¹²⁷ In a similar case, Salimatou A., a 17-year-old boy from Guinea, told us, “I have a lawyer. I send her

¹²³ MSF and Le Comede, *La santé mentale des mineurs non accompagnés – Effets des ruptures, de la violence et de l’exclusion*, November 2021, p. 26.

¹²⁴ Human Rights Watch interview with Moussa E., Marseille, June 27, 2023.

¹²⁵ Human Rights Watch interview with Julie Arçuby, psychologist at MSF, Marseille, June 27, 2023.

¹²⁶ Human Rights Watch interview with Ibrahima N., Marseille, June 27, 2023.

¹²⁷ Human Rights Watch interview with Syed A., Marseille, June 27, 2023.

messages, but she can't always reply. I am stressed when people tell me it will take more time. It's been a year and nothing. I continue waiting.”¹²⁸

Kwame B., a 15-year-old Ghanaian boy who, with the aid of lawyers, asked the juvenile judge to review his negative age assessment, told us in May 2023, “When my passport comes back, I will see the judge again. But it's been eight months and I'm still waiting. I stopped calling my lawyer because when I do, I start to cry.”¹²⁹ When we spoke to him again at the end of June, he still had no word on when he would hear the outcome of his case.¹³⁰

A psychologist providing psychosocial support to unaccompanied migrant children told us that “[t]he perpetual uncertainty that these children experience—the anxiety of the arrival of their 18th birthday and not knowing what might happen in the future—sustains their state of serious stress and depression.”¹³¹

Navigating the complexities of the French system is also especially bewildering for children and weighs on their mental health. “The law is often impossible to understand. It's done on purpose ... it's a way, like others, of refusing the reception of migrant children on our territory,” a doctor treating youth in Marseille told Human Rights Watch.¹³²

Initial Health Screening

Under French law, the department is responsible for carrying out “an initial assessment of the health needs of people presenting themselves as minors and temporarily or permanently deprived of the protection of their family... and, if necessary, an orientation for care.”¹³³ The French Defender of Rights (*Défenseur des droits*) also advocates for

¹²⁸ Human Rights Watch interview with Salimatou A., Marseille, June 27, 2023.

¹²⁹ Human Rights Watch interview with Kwame B., Marseille, May 17, 2023.

¹³⁰ Human Rights Watch interview with Kwame B., Marseille, June 27, 2023.

¹³¹ Human Rights Watch remote interview with Sylvie Dutertre, clinical psychologist at IMAJE Santé, July 4, 2023.

¹³² Human Rights Watch remote interview with general practitioner, June 6, 2023.

¹³³ Code de l'action sociale et des familles (Code on Social Action and Families), art. R.221-12; Order of October 23, 2020 amending the order of June 28, 2019 issued in application of Article R. 221-12 of the Code on Social Action and Families and relating to the State's lump-sum contribution to the sheltering and assessment phase for persons declaring themselves to be minors and temporarily or permanently deprived of their family's protection (Arrêté du 23 octobre 2020 modifiant l'arrêté du 28 juin 2019 pris en application de l'article R. 221-12 du code de l'action sociale et des familles et relatif à la participation

unaccompanied individuals declaring themselves to be under age 18 to undergo a health check during the temporary emergency accommodation (APU) period.¹³⁴

In Marseille, ADDAP 13 is responsible for organizing this initial health assessment, including an examination adapted to the child's age, a vaccination update, and a tuberculosis screening.¹³⁵ Completion of this health check is a criterion for the state to financially contribute to expenses incurred by the department during the period of the age assessment and temporary emergency accommodation.¹³⁶

In 2022, the Directorate General of the French Ministry of Health (DGS) and the Directorate General of the Ministry of Solidarity and Social Cohesion (DGCS) published a best practices guide on the initial health needs assessment of unaccompanied children during the period of temporary emergency accommodation (APU).¹³⁷ The guide recommends that children should benefit from an initial health interview within 48 hours of entering temporary emergency accommodation aimed at “identify[ing] a possible health problem requiring medical advice and/or urgent somatic and psychological care,” followed by a more complete medical appointment at least three days after they are “stabilized in securing their basic needs.”¹³⁸

forfaitaire de l'Etat à la phase de mise à l'abri et d'évaluation des personnes se déclarant mineures et privées temporairement ou définitivement de la protection de leur famille), art. 1, available at <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042469090#:~:text=l'article%20R.-,221%2D12%20du%20code%20de%20l'action%20sociale%20et%20des,la%20protection%20de%20leur%20famille> (accessed June 1, 2023).

¹³⁴ Défenseur des droits, *Les mineurs non accompagnés au regard du droit*, p. 45.

¹³⁵ Interministerial circular of January 25, 2016 on the mobilization of state services to departmental councils concerning minors temporarily or permanently deprived of the protection of their families and persons presenting themselves as such (Circulaire interministérielle du 25 janvier 2016 relative à la mobilisation des services de l'Etat auprès des conseils départementaux concernant les mineurs privés temporairement ou définitivement de la protection de leur famille et les personnes se présentant comme tels), JUSF1602101C, p. 5, <https://www.legifrance.gouv.fr/circulaire/id/40501> (accessed June 1, 2023).

¹³⁶ Order of October 23, 2020 amending the order of June 28, 2019 issued in application of Article R. 221-12 of the Code on Social Action and Families and relating to the State's lump-sum contribution to the sheltering and assessment phase for persons declaring themselves to be minors and temporarily or permanently deprived of their family's protection, art. 1.

¹³⁷ Directorate General of the French Ministry of Health (DGS) and the Directorate General of the Ministry of Solidarity and Social Cohesion (DGCS), *Guide de Bonnes pratiques – Première évaluation des besoins en santé au cours de la période d'accueil provisoire d'urgence des personnes se déclarant comme mineures et privées de la Protection de leur famille*, June 2022, https://www.infomie.net/IMG/pdf/guide_-_evaluation_-_sante_-_mie.pdf (accessed June 1, 2023).

¹³⁸ *Ibid*, p. 5.

Delayed Care During the Period of Temporary Emergency Accommodation

According to doctors and nurses specializing in the medical, psychological, and social care of unaccompanied minors in Marseille, health screenings during the temporary emergency accommodation period are not systematic.¹³⁹ Children cannot attend appointments for information, screening and diagnosis for HIV, viral hepatitis, and STIs at dedicated free centers (*Centre gratuit d'information, de dépistage et de diagnostic*, CeGGID), or testing at national tuberculosis control centers (*Centres de Lutte Anti-Tuberculeuse*, CLAT) unless they are accompanied by an adult.

Julien Delozanne of the MSF project in Marseille told Human Rights Watch that “...[w]e often see kids [within MSF’s cohort] who never went to these centers for testing upon arriving at the departmental evaluation service....” Staff working at the Médecins du Monde Marseille drop-in health center noted that “ADDAP 13 may help the young migrant make an appointment at the CLAT but they don’t always accompany them, so we don’t know if they actually make it to the check-up.” And a pediatrician treating unaccompanied children said, “Technically, all [unaccompanied migrant children] who pass through ADDAP 13 should have an evaluation done by the CEGGID and CLAT, but it’s not very clear how many do. I’m not sure they all do, in fact, I believe it’s far from it.”¹⁴⁰

According to a nurse treating unaccompanied migrant children, only between 10 and 20 percent of the youth she treated had gone through a health screening during their temporary emergency accommodation period at ADDAP 13.¹⁴¹

Undetected Health Conditions

We heard several cases in which unaccompanied children did not undergo health assessments upon arrival in Marseille and consequently faced delays in receiving necessary health treatment.

¹³⁹ Human Rights Watch remote interview with Dr. Rémi Laporte, pediatrician at Permanence d’Accès aux Soins de Santé (PASS), Marseille, May 23, 2023; Human Rights Watch remote interview with general practitioner, June 6, 2023.

¹⁴⁰ Human Rights Watch interview with Julien Delozanne, MSF project coordinator in Marseille, Marseille, May 17, 2023; Human Rights Watch interview with Lucie Borel, officer at Médecins du Monde, Marseille, May 16, 2023; Human Rights Watch remote interview with Dr. Rémi Laporte, pediatrician at Permanence d’Accès aux Soins de Santé (PASS), Marseille, May 23, 2023.

¹⁴¹ Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 28, 2023.

For example, A., a teenage girl from West Africa who fled a forced marriage in her country and experienced sexual violence on her journey through Tunisia, slept at the Marseille-Saint-Charles railway station until she was granted temporary emergency accommodation (APU) by DIMEF (*Direction des Maisons de l'Enfance et de la Famille*), a departmental service that houses children in critical or vulnerable situations.

Three weeks into her temporary emergency accommodation period she still had not undergone an initial health assessment and received a negative age assessment. When she felt ill, a volunteer suggested she visit Le Comede, an association providing health services to migrants and asylum seekers in Marseille. Once there, her medical exam showed that she was 11 weeks pregnant. Sabine Allier, the social worker who accompanied the girl to the hospital for an abortion, told Human Rights Watch that doctors expressed confusion and suspicion due to the inconsistency between the date of birth on her identity documents and the paperwork from the department rejecting her minority:

For any young girl, an abortion is already difficult, but when added to that you experience suspicion, it turns into an extremely violent moment. A bit of softness would help. The violence these kids face is from multiple sources.¹⁴²

Barriers such as administrative delays can prevent people from accessing abortion within legal time limits, which in France is the fourteenth week of pregnancy.

In another case, T., a teenage girl from West Africa, spent several weeks at ADDAP¹³ during her temporary emergency accommodation period before she underwent an age assessment and was denied recognition as a child. While waiting for her case to be seen by the juvenile judge, an association in Marseille took her to Le Comede where she discovered she was HIV-positive. When a volunteer accompanied her to the hospital to seek treatment, the doctors explained that since T. had no legal representative, it was unethical and illegal to provide her with treatment.¹⁴³

¹⁴² Human Rights Watch interview with Sabine Allier, social orientation attendant at Le Comede, Marseille, June 29, 2023.

¹⁴³ Ibid.

The volunteer told Human Rights Watch that in the absence of finding a legal representative, the association’s strategy is to show children’s negative age assessment from ADDAP 13 as a means of legitimizing their status as “adults” with the right to make informed decisions about their medical care.¹⁴⁴ However, children are often afraid to use this approach for fear that it will impact their judicial proceedings.

The social worker accompanying T. said:

She has been in Marseille for a few months already. If she had undergone an initial health assessment during the period of her temporary emergency accommodation at ADDAP 13, she would not be experiencing this delay in treatment or be at risk of potentially transmitting HIV to others.¹⁴⁵

Even with documentation of a negative age assessment, there is no universally accepted approach by health professionals as to who can authorize medical treatment in cases of unaccompanied migrant children who are denied recognition of their minority, so the outcome is doctor- and case-dependent. MSF nurses described cases of other children who experienced delays in care due to administrative hurdles:

Last week I accompanied a young person to the hospital for an X-ray. We spent over an hour at the entry desk because hospital staff didn’t understand why the child had no legal representation. They didn’t want to provide us with labels for the scan, even though he was treated two months earlier in another hospital with no issue at all.¹⁴⁶

Doctors and nurses accompanying children to appointments told us these accounts are not unusual. According to a social worker, “The systems in place in France require these children to be adults to access care. It’s so absurd and abstract. It’s completely incomprehensible, even for us.”¹⁴⁷

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Human Rights Watch interview with Audrey Giraudo, nurse at MSF, Marseille, June 27, 2023.

¹⁴⁷ Human Rights Watch interview with social worker, Marseille, June 27, 2023.

Undetected Psychological Needs

As discussed above, the best practices guide stipulates that within 48 hours of entering temporary emergency accommodation, children should benefit from an initial health assessment focusing on both “somatic and psychic aspects, [such as] delusional remarks, incoherent remarks, difficulties of landmarks in time and space, memory lapses, etc.”¹⁴⁸ Yet there is only one psychologist available in-house at ADDAP 13 to speak with children, provide psychosocial support, and suggest interventions if needed. “It’s a point we are trying to work on, notably because we’ve realized that for these children, traumas often resurface after they are taken in by us,” the director of ADDAP 13 told us.¹⁴⁹

Psychologists, social workers, and doctors told us of several accounts of children in Marseille who never underwent a psychological assessment during the period of age assessment and temporary emergency accommodation at ADDAP 13, were incorrectly deemed to be adults, and were later found to have experienced severe psychological trauma.

F., a teenage boy from Central Asia, left his country after his older brothers were killed by the Taliban. He was separated from his parents at the border between Iran and Turkey and later enslaved by boatmen for years because he couldn’t pay them. After traveling to several refugee camps in Romania, Austria, Slovakia, and Germany looking for his parents, he found his way to Marseille.

He received a negative age assessment even though he showed his birth certificate showing that he was under age 18 and was displaying psychological distress consistent with his account of his journey. After he was put on the street, a doctor treating children at a health center in Marseille found him and took him to the hospital, where he spent 15 days in a psychiatric ward. “He was in an extremely fragile state. He trembled, he had vivid nightmares about his mother, and he even had loss of consciousness, which we later found out was due to post-traumatic epilepsy [seizures occurring after head trauma],” the

¹⁴⁸ Directorate General of the French Ministry of Health (DGS) and the Directorate General of the Ministry of Solidarity and Social Cohesion (DGCS), *Guide de Bonnes pratiques – Première évaluation des besoins en santé au cours de la période d’accueil provisoire d’urgence des personnes se déclarant comme mineures et privées de la Protection de leur famille..*

¹⁴⁹ Human Rights Watch remote interview with David Le Monnier, deputy director general of ADDAP 13, June 6, 2023.

doctor told Human Rights Watch.¹⁵⁰ F. continues to receive regular mental health treatment by a psychiatrist, the doctor said.

The doctor told us about another case of a young West African boy who showed visible signs of post-traumatic stress while at ADDAP 13 during his temporary emergency accommodation period. He was accompanied to different health centers across Marseille until a doctor from Permanence d'Accès aux Soins de Santé (PASS) eventually gave him a diagnosis of delirium and suggested a psychiatric evaluation.¹⁵¹ During the age assessment process, the examiners did not take into account the child's mental health condition, and he received a negative age evaluation and was subsequently put on the street.

When staff from MSF found him in a squat in a state of “delirium,” with his mental health “completely deteriorated,” they took him to a psychiatric hospital.¹⁵² A doctor following the case told us, “These situations make us ask ourselves: ‘How can you evaluate a child in this state? And furthermore, how can you throw this child onto the street?’”¹⁵³

MSF Marseille and Le Comede are aware of other children who are in need of reasonable accommodation and safeguards to meaningfully participate in age assessment processes, including survivors of violence—including sexual or gender-based violence—children living with post-traumatic stress, anxiety, and depression, and children who experience intrusive thoughts, dissociation, flashbacks, and severe sleep disturbances.

Delayed Care Following a Negative Age Assessment

While some children receive an initial health assessment during their temporary emergency accommodation period, continuation of care is absent, even in those cases. Medical professionals who treat unaccompanied children in Marseille recounted several cases of children who were diagnosed with pathologies while in the temporary emergency

¹⁵⁰ Human Rights Watch remote interview with general practitioner, June 6, 2023.

¹⁵¹ Ibid.

¹⁵² Human Rights Watch interview with Audrey Giraudo, nurse at MSF, Marseille, June 27, 2023; Human Rights Watch interview with Julie Arçuby, psychologist at MSF, Marseille, June 27, 2023.

¹⁵³ Human Rights Watch interview with Audrey Giraudo, nurse at MSF, Marseille, June 27, 2023.

accommodation (APU) period and then lost to follow-up entirely once they were denied recognition of minority and put back on the street.¹⁵⁴

Laporte told Human Rights Watch that once children leave ADDAP 13 facilities, they are harder to contact because they no longer have an address, and many do not have telephones or have changed numbers. As a result, children may not attend upcoming medical appointments or overlook test results that indicate a need for follow-up care:

Many kids who I am scheduled to see for a second visit, I will never see again if between the first time I see them and the following, their minority is rejected. We try to call them when there are important diseases [such as HIV, STIs, tuberculosis, or hepatitis] requiring treatment, but we often have trouble contacting them.¹⁵⁵

Untreated Diseases

R., a teenage boy from West Africa, arrived at ADDAP 13 in February 2021. While in the temporary emergency accommodation period, he was taken to the CLAT for a health screening and was diagnosed with tuberculosis. The CLAT shared the diagnostics with ADDAP 13 and requested that R. return to their facilities to be treated. Despite numerous reminders over several months from the CLAT to ADDAP 13, R. was never redirected to their services to receive treatment.

In April 2021, three months after the diagnosis, R. received a negative age assessment and was returned to the streets without any anti-tuberculosis treatment or follow-up care. After yet another phone call from the CLAT asking to see R. for treatment, ADDAP 13 explained that he was no longer housed in their facilities.

In November 2021, R. abruptly lost sensation in both of his legs. When he went to the hospital, doctors discovered that tuberculosis had spread to his bones and spinal cord. Doctors performed an emergency arthrodesis—a joint fusion—and inserted metal plates in

¹⁵⁴ Ibid.; Human Rights Watch remote interview with Dr. Rémi Laporte, pediatrician at Permanence d'Accès aux Soins de Santé (PASS), Marseille, May 23, 2023.

¹⁵⁵ Human Rights Watch remote interview with Dr. Rémi Laporte, pediatrician at Permanence d'Accès aux Soins de Santé (PASS), Marseille, May 23, 2023.

his vertebrae. According to a volunteer, “He lost 60 percent of his mobility, and there are movements he will never simply be able to do again.”¹⁵⁶

The MSF nurse who handled R.’s case and follow-up care told us that had action been taken ten months earlier when he had his initial tuberculosis screening at the CLAT during the temporary emergency accommodation period, complications could have been avoided: “If they had treated the tuberculosis when it was diagnosed, he would maybe not have lost his mobility ... the fact that ADDAP 13 didn’t warn anyone about his condition is unacceptable.”¹⁵⁷ Volunteers told us in May 2023 that R. continued to experience severe physical pain and difficulty climbing the stairs.

In another case, a West African teenage boy entered ADDAP 13 facilities on February 24 complaining that he was feeling ill. His case file shows that he tested positive for tuberculosis at the CLAT, but not until March 23, nearly one full month later, lawyers told us.¹⁵⁸

A medical doctor treating unaccompanied migrant kids described the case of E., a teenage boy from West Africa who arrived in Marseille in 2021.¹⁵⁹ After being turned away from ADDAP 13 and put on a waiting list for a spot in temporary emergency accommodation, he slept at the Saint-Charles railway station until he was placed with a host family through a volunteer-led association.

After two months, E. was finally granted temporary emergency accommodation with ADDAP 13 and underwent an initial health screening with the CLAT and CeGGID, diagnosing him with latent tuberculosis and hepatitis B. He received no treatment while in the temporary emergency accommodation period and was later put back on the street after receiving a negative age assessment without any rights to health care opened or any guidance regarding a treatment plan. It was only months later when MSF staff found E. that they discovered he had already been screened by the department and was carrying infectious diseases without any treatment.

¹⁵⁶ Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 28, 2023.

¹⁵⁷ Human Rights Watch interview with Audrey Giraudo, nurse at MSF, Marseille, June 27, 2023.

¹⁵⁸ Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023.

¹⁵⁹ Human Rights Watch remote interview with general practitioner, June 6, 2023.

A doctor who treated E. at a health center run by an association told us:

He had quite disturbing numbers on his labs, liver pain, a very high viral load ... and he was completely in the wild, with no health insurance, nothing. It's a miracle he came to see us. His liver was on the verge of shutting down. When you see a boy sleeping on the street—which we already know is harmful to vital health needs—with no access to care, and in the process of clearly destroying his health, and the department knew about it the whole time and did nothing ... as a doctor, that truly traumatized me.¹⁶⁰

A nurse and other health professionals who spoke with Human Rights Watch commented that E.'s lack of access to treatment was not only dangerous for him, but it also posed a public health concern for the rest of the population.¹⁶¹

Lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association represented a young man who complained of severe knee pain. After an initial health assessment while in the period of temporary emergency accommodation, he was told he needed a biopsy. He later received a negative age assessment and was evicted from temporary emergency accommodation on the day of his scheduled procedure. In the absence of a reminder or accompaniment from an ADDAP 13 representative, he didn't make it to his appointment. Months later, when he finally received medical care through an association, doctors found he had cancer in his knee.¹⁶²

MSF Marseille is aware of other serious cases of children with medical issues left untreated or for whom care was delayed, including sickle cell disease, liver cirrhosis, severe muscle and joint pain linked to beatings endured in Libya, bladder polyps caused by parasitic worms, and hepatitis B.¹⁶³

¹⁶⁰ Ibid.

¹⁶¹ Human Rights Watch interview with Audrey Giraudo, nurse at MSF, Marseille, June 27, 2023; Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 28, 2023.

¹⁶² Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023; Human Rights Watch interview with Lucie Borel, officer at Médecins du Monde, Marseille, May 16, 2023.

¹⁶³ Human Rights Watch interview with Audrey Giraudo, nurse at MSF, Marseille, June 27, 2023.

Delays in Accessing Education

All children in France are by law entitled to the right to education, regardless of their migration status.¹⁶⁴ However, unaccompanied children in Marseille who were seeking review of adverse age assessments described lack of access to schooling and reported difficulties with enrollment.

Oumar N., a 16-year-old Guinean boy, told us, “I came here to France to go to school. It was my dream to study here, it would make me so happy.”¹⁶⁵ Like Oumar, most children interviewed by Human Rights Watch expressed motivation to continue their education in France and study as a means of seeking a better future for themselves.

Enrollment Delays

To enroll in school, migrant children must take a placement test through the Academic Center for the Education of Newly Arrived Allophone Students and Children from Itinerant and Travelling Families (Centre Académique pour la Scolarisation des élèves allophones Nouvellement Arrivés et des enfants issus de familles itinérantes et de Voyageurs, or CASNAV) to determine their academic level. To register, children must fill out an online form in French, which often requires practical assistance.

Volunteers, lawyers, and children themselves told Human Rights Watch that the department does not help youth who are waiting for age assessments or appealing an adverse age determination with this process.¹⁶⁶ Children must instead rely on the help of local associations for assistance with registration to take the CASNAV test.

¹⁶⁴ Education Code, art. L.111-1 (“The right to education is guaranteed to everyone in order to enable them to develop their personality, raise their level of initial and ongoing training, integrate themselves into social and professional life, and exercise their citizenship.”); Circular No. 2012-141 of October 2, 2012 on the Organization of schooling for newly arrived allophone pupils, art. 1.2 (“School is a right for all children residing on the national territory, whatever their nationality, migration status, or previous journey”), available at http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=61536 (accessed May 30, 2023).

¹⁶⁵ Human Rights Watch interview with Oumar N., Marseille, June 27, 2023.

¹⁶⁶ Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 29, 2023; Human Rights Watch interview with RAMINA volunteer, Marseille, June 28, 2023; Human Rights Watch interview with Isaac T., Marseille, June 27, 2023.

Once children receive their test results, the education ministry is obligated to place them in a school. According to Stephan Laplanche, honorary president of the association Droit À l'École, "Access to education for these children is not at the 'goodwill of the school'; all young people have a legal right to pursue education."¹⁶⁷

Despite guarantees under the law, departments in France do not always allow unaccompanied youth to enroll in school, often arguing that classes are saturated and migrant children take spots away from French nationals. In some departments, the local education ministry even blocks access for unaccompanied migrant children to the public system and the private sector takes control of providing them with schooling.¹⁶⁸

In Marseille, the volunteer and citizen networks of RAMINA, Soutien 59 Saint-Just, and Collectif 113 have succeeded in persuading local public schools to enroll children who have no formal recognition of minority yet have record of a CASNAV placement test result. Nevertheless, there are significant delays with school placement given classes are at capacity.

Nearly all children with whom we spoke had waited months—or were still waiting—to be assigned to a school. According to a Collectif 13 volunteer helping children with their school enrollment paperwork, youth who are not recognized as children in Marseille lose on average six months of schooling due to delays:

If they arrive in February, the delays are so long that they likely can't integrate into school until the following September. Even if they arrive in August, by the time they undergo the age assessment, find an association to help them, stabilize themselves, and are placed in a school, they will have lost many months of education.¹⁶⁹

Mamadou O., a 16-year-old boy from Guinea, told us in June 2023 that he had taken the CASNAV placement test on May 4 but had yet to receive information about his school placement. "I really want to go to high school but now I must wait until after summer

¹⁶⁷ Human Rights Watch remote interview with Stephan Laplanche, honorary president of Droit À l'École, April 19, 2023.

¹⁶⁸ Human Rights Watch remote interview with Franck Ozouf, manager of the unaccompanied migrant children (MNA) project at Secours Catholique – Caritas France, April 12, 2023.

¹⁶⁹ Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 29, 2023.

vacation is over. Sometimes I wish I could return to my country. I've been here since February, and I can't go to classes yet.”¹⁷⁰

In similar cases, Salimatou A., a 17-year-old Guinean boy, took the test on May 5, and Danso M., a 15-year-old boy from Ghana, took the test on May 26. When we spoke to these children at the end of June, neither of them had received a response from the rectorate regarding school placement.¹⁷¹

Human Rights Watch also heard of cases in which children faced difficulties with school enrollment even after they were formally recognized as under the age of 18.

For some children, having a higher level of education or more advanced French means that delays are lengthier because there are less spots available than in beginner-level classes. For example, Oumar N., the 16-year-old boy from Guinea, told us in June that he felt let down by the French school system:

My test results permit me to go directly to CAP [vocational school]. This was such exciting news initially, I was proud, but then they told me that I wouldn't be placed until the new school year started. And now that RAMINA is helping me to register, we are seeing that there may not even be spots available for me in September. It's so discouraging because I want to continue to learn.¹⁷²

Many children expressed hope that their unstable situation would improve once they could start school. Souleymane K., a 16-year-old boy from Côte d'Ivoire living at the Collectif 113 squat, told Human Rights Watch “I am not going to school yet. I did my CASNAV test last month, but they told me I had to wait until the fall.” He went on to tell us, “I know school will help me. I don't have friends here yet, but I will find friends at school.”¹⁷³

¹⁷⁰ Human Rights Watch interview with Mamadou O., Marseille, May 17, 2023.

¹⁷¹ Human Rights Watch interview with Salimatou A., Marseille, June 27, 2023; Human Rights Watch interview with Danso M., Marseille, June 27, 2023.

¹⁷² Human Rights Watch interview with Oumar N., Marseille, June 27, 2023.

¹⁷³ Human Rights Watch interview with Souleymane K., Marseille, May 17, 2023.



Unaccompanied migrant youth participate in an intermediate-level French class led by a RAMINA volunteer at the Coco Velten cultural center in Marseille, June 2023. © 2023 Delphine Starr/HRW

According to a psychologist at Le Comede, school helps stabilize children because they see an evolution in their situation. “Learning helps reduce traumatic thoughts. Once children start school, their anxiety related to inactivity and ruminations diminishes,” she said.¹⁷⁴ This is consistent with what children who were successfully enrolled in school told us. “The only thing that makes me happy here is school and my music,” Kwame B., a 15-year-old boy from Ghana, stated.¹⁷⁵ Salimatou A., a 17-year-old Guinean boy, told us, “I love school. I like French class the best; that way I can understand what’s going on here and feel like part of the society.”¹⁷⁶

Other children we interviewed told us that going to school improved their communication with lawyers and volunteers, helping them to better assimilate their judicial circumstances. “We are

a society that is founded upon the literary, so it's all the more complicated for children if they don't go to school to learn how to read and write in French,” according to Lucie Borel from Médecins du Monde.¹⁷⁷

Human Rights Watch also heard of cases in which children successfully enrolled in school while waiting for their cases to be heard but had to go through the enrollment process again or travel long distances to attend classes once they were taken in by the child protection system (*Aide Sociale à l'Enfance*, ASE). In one such case, Konan O., a 16-year-old boy from Côte d'Ivoire, managed to enroll in a school in the center of Marseille with the help of RAMINA. Once he was recognized as a child by the juvenile judge, he was moved to ASE housing in Istres, on the outskirts of the city. He continued to attend the same school

¹⁷⁴ Human Rights Watch interview with Marie Jacob, psychologist at Le Comede, Marseille, May 15, 2023.

¹⁷⁵ Human Rights Watch interview with Kwame B., Marseille, May 17, 2023.

¹⁷⁶ Human Rights Watch interview with Salimatou A., Marseille, June 27, 2023.

¹⁷⁷ Human Rights Watch interview with Lucie Borel, officer at Médecins du Monde, Marseille, May 16, 2023.

until he turned eighteen, despite the one and a half hour commute each morning and evening.¹⁷⁸

Residency Permits

School placement delays have the potential to jeopardize children's chances of obtaining legal status once they turn 18.¹⁷⁹ The Code of entry and residence of foreigners and right of asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA) stipulates that in order to apply for legal regularization at majority, migrant children must show at least six months of professional training, to be completed within one year of their eighteenth birthday.¹⁸⁰ Going to school is an essential first step to accruing such training and fulfilling this criterion.

Volunteers, lawyers, and doctors we interviewed also explained that because migrant children are forced to choose a vocational pathway to comply with the criteria for obtaining a residency permit, they are not free to pursue general studies. A volunteer from Collectif 113 told us this often inhibits children from studying what they truly want:

A young person who wants to be a doctor or a lawyer simply cannot because those do not count as qualifying professional training for a residency permit. The French system keeps them at a lower level of labor. When we help them choose their path, we can't concede to their wants or needs because to get papers, they need to go down a certain route. It's extremely frustrating for them.¹⁸¹

¹⁷⁸ Human Rights Watch interview with RAMINA volunteer, Marseille, June 28, 2023.

¹⁷⁹ Human Rights Watch interview with lawyers from the Unaccompanied Minors Commission of the Marseille Bar Association, Marseille, May 16, 2023.

¹⁸⁰ Code of entry and residence of foreigners and right of asylum (code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA), art. L435-3.

¹⁸¹ Human Rights Watch interview with Collectif 113 volunteer, Marseille, June 29, 2023.