

DETENTION UNDER THE SPOTLIGHT

JRS visits people in immigration detention across Europe. We witness detention's negative impact on detainees and the effects of flawed migration systems. By exposing some of it, we hope to gain support in our call to end immigration detention. Stories are real. Names and other details were adapted for people's protection.

MINORS IN DETENTION

According to the law, **minors must not be held in migration detention.**

Additionally, unaccompanied minors **may only be deported if a care-taker can be identified in their country of origin.**

Otherwise, the authorities may only deport a person once they have reached the age of majority.

However, **time and again, JRS Germany meets minors in detention centres:** due to use of controversial both legally and scientifically age assessment methods by the Youth Welfare Office, such as most of the times a visual inspection or a carpus X-ray, they are considered to be adults and thus detained along with persons aged more than 18 years old.

In 2023 alone, JRS was in contact with 5 minors who were detained in the Eichstätt detention centre.

Only when someone from outside - like JRS - undertakes their case and ensures that a new age assessment is carried out, they have a chance of being released.

THE STORY OF LOUNIS

JRS met Lounis in November 2023 at the Eichstätt detention center after he crossed the Mediterranean to Italy and moved to Germany. "I'm only 17, but nobody believes me", he said. He had previously been assessed as being adult.

While in detention, he had his birth certificate and other proof of identity sent to him by post. Due to the workload at the local youth welfare office, it took a further 9 days before a new age assessment. During this time, Lounis was physically assaulted by another person in detention.

The reassessment concluded that Lounis was still a minor. He was therefore released from detention and allowed to go to vocational training. His apprenticeship as a craftsman went well and his boss is very happy with his work.



* AI Generated Image.

JRS RECOMMENDATIONS

German law provides for a person who shall be taken into migration detention to be represented by a lawyer. **JRS Germany calls on local courts to ensure that this provision is turned into practice in every case.**

Additionally, **JRS urges the competent authorities to abandon inaccurate or untrustworthy practices of age assessment,** such as visual inspection or x-ray of the carpus, as they may lead to erroneous results, which in turn might have harmful impact on the health and the case of the person.

Instead, national law should provide that in cases of a disputed age, the burden of proof is reversed: **A person who claims to be a minor should be treated as an underaged person until proven otherwise.**