



# BEST INTEREST DETERMINATION FORM



EU-IOM  
KNOWLEDGE  
MANAGEMENT HUB

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## BEST INTEREST DETERMINATION FORM<sup>1</sup>

The BID Report is a composite document which draws upon background information on the child recorded in the Registration and Best Interests Assessment, and that on potential solutions derived from the Tracing and Family Assessments, as well as on additional interviews, verifications and analysis, exploration of different solutions, as required by each particular case for the purpose of the BID and documented in the BID report. Decisions taken by BID Committees/Panel are likely to have a long-term impact on the life of the individual child and therefore the decision needs to be based on a careful review and consideration of information obtained through verification and analysis. The BID Committee/Panel should approach each case from a neutral perspective in terms of the outcome. In some cases the solution might be linked to family tracing and reunification, while in others a child's best interests might lie with a long-term caretaker who is not a blood relative. BID reports have sections synthesizing the collected information and other sections providing analysis and recommendations of the caseworker and case manager. BID report caseworkers and case managers need to have the appropriate trainings and qualifications, including on Best Interests of the child procedures. BID Committee/Panel members should represent different entities, come from multidisciplinary backgrounds, but have Child Rights or Development as a common knowledge or experience. The BID should identify at least two solutions for the child, and provide all necessary information required to make the case for each solution. This form provides a summary of essential information, with details available in the original forms which are included in the child's file that is integral part of the BID documentation.

Based on the information reflected in the form, the caseworker or the case manager responsible is required to make a reasoned recommendation, comprising at least two options, to allow the BID Committee/Panel

to take the most factual and informed decision possible. The recommendation should cover not only the views of the child and the care arrangement envisaged, but also aspects related to Child Rights, developmental and identity needs, family and close relationships, and other aspects needed to ensure sustainability, including the child's education, vocational training or employment in line with the legal framework in place, and income-generating support for the family as required, based on the family assessment. Recommendations with respect to the child's physical and mental health will also be made as needed. As the caseworker has to consider more than one option as being the best interests of the child, options should be explored and documented in this BID and its annexes, for consideration by the BID Committee/Panel.

This form is mainly be used for unaccompanied and separated children where cross border family tracing, reunification and reintegration might be needed. There may also be some cases where a best interests determination for an accompanied child might be needed: if an abusive relationship is identified or if there is a risk of potential family separation or in case of forced returns carried out by States. The best interests determination requirement does not apply in the case of decisions by parents or legal guardians rather than decisions by the State – e.g. if parents decide voluntarily to return as a family – as ordinarily parents or legal guardians have the primary responsibility for the upbringing and development of the child (Para 18 CRC). Considering a child's best interests as a member of a family unit is about recognizing a child's individual needs (on his/her own) while balancing and recognizing the child as a member of a family – complementing (not overriding) the role of parents as caretakers for the child, unless there is evidence that this would not be in a child's best interests such as in the circumstances mentioned above.

<sup>1</sup> This form is based on the UNHCR Best Interest Determination form and has been adapted for use in non-refugee migrant settings.

## IN PRACTICE, THE BID WILL ADDRESS KEY QUESTIONS, INCLUDING::

- ✓ Where it is in the child's best interests to live;
- ✓ With whom it is in the child's best interests to live;
- ✓ Who is best placed to have parental and/or legal responsibility for the child in the future;
- ✓ How the child feels about the options identified and proposed;
- ✓ What resources will have to be deployed and what services provided to sustain the solution recommended in the BID.

This form should be completed by trained and experienced child protection staff only, and the approach should be governed by a clear and objective understanding of key reference documents on the best interests determination process.<sup>2,3</sup>

Each BID will be reviewed in detail at the end of the process by a case manager who will ensure that the form is complete and ready to be presented to the BID Panel/Committee, that all safeguarding aspects have been taken into account during the course of the interviews and assessments, that the recommendations made are consistent with the findings, and provide an additional opinion on the preferred recommendation to be considered by the Panel/Committee.

<sup>2</sup> General Comment Number 14 on the right of the child to have his or her best interests to be taken as a primary consideration (art. 3 para 1). 29 May 2013, UN Committee on the Rights of the Child (CRC).

<sup>3</sup> General Comment No. 6 (2005) Treatment of unaccompanied and Separated Children outside their Country of Origin. 1 September 2005. Committee on the Rights of the Child (CRC).

## SECTION 1: Overview

LOCATION

CASE NUMBER

BID NUMBER

LINKED CASES?    No    Yes

## PRIORITY OF THE CASE

High – Intervention should be done immediatel                      Reason

Medium – Intervention should be done within 72 hours

Low - Intervention should be done within 1 week

## SPECIFIC NEEDS OF THE CHILD

(as indicated in the BIA – these might relate to follow up on physical and mental health issues, counselling etc)

**BASIC DATA ON THE CHILD (as recorded in the BIA)**

Where necessary, you can click the check box to indicate that the information provided is an estimate.

FULL NAME

ALIAS

AGE

GENDER

DATE OF BIRTH

PLACE OF BIRTH

DATE OF ARRIVAL IN  
CURRENT LOCATION

DATE OF  
LEAVING HOME

NATIONALITY

ETHNICITY

LANGUAGE(S) SPOKEN

LEVEL OF EDUCATION ACHIEVED

RELIGION

DOCUMENTATION  
HELD BY CHILD  
(Note details of passport,  
ID Card, birth certificate etc.)

FULL NAME OF FATHER/Guardian

FULL NAME OF MOTHER/Guardian

NAME/AGE BROTHERS  
AND SISTERS

Name	Age	Sex	Current location

CHILD'S ADDRESS

TELEPHONE NUMBER

## INTERVIEWS

Individuals recommended to interview include: child, family members, social worker, teacher, doctor, psychologist, friends as well as any person and/or any organization that has been in contact and / or involved in the provision of care along the route and/or in the country of identification.

Person interviewed and relationship to the child	Number of interview	Date of interview

### INTERVIEWER

Name

Organization

### REVIEWING OFFICER

Name

Organization

### INTERPRETER

Name

Organization

## FAMILY TRACING AND ASSESSMENT<sup>4</sup>

INITIATED (DATE)

UNDERTAKEN BY  
(name/agency)

## STATUS OF FAMILY TRACING

Successful

In process

Unsuccessful

## DOCUMENTATION ATTACHED

The BID file should include the original registration and BIA form and Family Tracing and Assessment form(s). Any recommendation regarding the child's need for further medical or mental health treatment should be included whilst maintaining essential confidentiality.

## SECTION 2: Options and recommendations

### PART I – BRIEF SUMMARY OF THE CASE

<sup>4</sup> If there have been more than one tracing and family assessments undertaken for a case, each should be listed, and reported on, separately.

PART II – HISTORY BEFORE SEPARATION /AND CIRCUMSTANCE  
OF SEPARATION FROM THE FAMILY AND MIGRATION JOURNEY

PART III – CURRENT SITUATION



PART IV – ANALYSIS AND AVAILABLE OPTIONS

OPTION 1: \_\_\_\_\_

Perspective of the child

Family and close relationships

Safe environment

Identity and development needs

OPTION 2: \_\_\_\_\_

Perspective of the child

Family and close relationships

Safe environment

Identity and development needs

OPTION 3: \_\_\_\_\_

Perspective of the child

Family and close relationships

Safe environment

Identity and development needs

**FINAL RECOMMENDATION**

NAME OF THE  
CASE WORKER

DATE

SIGNATURE OF THE  
CASE WORKER

NAME OF THE  
CASE MANAGER

CASE MANAGER'S COMMENTS ON THE REPORT AND RECOMMENDATION

DATE

SIGNATURE OF  
CASE MANAGER

### SECTION 3: Decision of the BID committee

This section must be filled and signed at the time of the BID committee meeting. The signature page must then be scanned to protect the information included, and attached to sections 1 and 2 of this form and converted into a pdf document for inclusion in the database.

## THE COMMITTEE

Reaches a decision in line with the recommendation

Defers a decision (indicating the reason)

Does not agree with the recommendation (indicating the reason and providing the committee's decision).

Re-opens the file (indicating why and who requested the reopening)

Closes the file

Detailed reasons for the decision:

FOLLOW UP ACTIONS REQUIRED (provide details)

Regarding care arrangement

Regarding medical or mental health

Regarding family counselling

Regarding access to education/vocational training

Regarding support for income generating activity

Regarding community support

## SIGNATURES OF COMMITTEE MEMBERS\*

\*Details of the role/positions of the Committee Members should be added, including the presence of any experts invited to a meeting regarding a particular case of group of cases.

NAME

ORGANIZATION

SIGNATURE

NAME

ORGANIZATION

SIGNATURE

NAME

ORGANIZATION

SIGNATURE

NAME

ORGANIZATION

SIGNATURE

NAME

ORGANIZATION

SIGNATURE

DATE



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