

Protected on Paper?

An analysis of Nordic country responses to asylum-seeking children

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THE UNICEF OFFICE OF RESEARCH – INNOCENTI

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It is our sincere hope that this research will provide a crucial basis for continued advocacy and dialogue and will ultimately lead to improvements to policy and laws to better protect children on the migration pathway in the Nordic region and beyond.

Foreword

Children are increasingly visible among the growing number of migrants, refugees and displaced people around the world. Today, 31 million of an estimated 244 million international migrants worldwide are children. At the end of 2016, the United Nations High Commissioner for Refugees (UNHCR) had almost 9 million child refugees under its mandate and a further 23 million children were internally displaced by conflict or natural disaster. Since 2015, increasing numbers of children have made their way to Europe seeking protection and security. Consequently, the rise in lodged asylum applications in Europe has created a demand for an urgent public response. In this environment, the international community, including Europe's governments, are under pressure to rapidly adapt their policies and practices, to ensure the safety and security of large numbers of often highly vulnerable children.

In September 2016, the United Nations General Assembly adopted the New York Declaration for Refugees and Migrants. While not legally binding, the Declaration commits states to 'fully protecting the human rights of all refugees and migrants, regardless of status' and to 'protecting the rights of uprooted children'. The 193 UN Member States also committed to negotiating two Global Compacts: a Global Compact on Refugees; and a Global Compact on Safe, Regular and Orderly Migration.

In this context, the UNICEF Office of Research – Innocenti has collaborated with the National Committees for UNICEF in Denmark, Finland, Iceland, Norway and Sweden in undertaking research that contributes to this goal. This research has assessed how Nordic countries have responded to the movement of asylum-seeking children who have entered the region since 2015, and has identified insights from comparison of practices across these countries.

While the region provides a range of experiences which are, in many ways, representative of best practices globally, there are important gaps and lessons to be learnt by comparing policies, institutions and practices. This report identifies a number of good practices and lessons and provides concrete recommendations on what more can be done to protect and integrate children and guarantee them opportunities for their future.

As the international community comes together to strengthen governance procedures for global migration and establish guidelines for sharing responsibility to safeguard refugees, UNICEF has called on decision-makers to put children at the centre of their discussions. Specifically, UNICEF asks that they embrace a six-point Agenda for Action, outlined in the Global Compacts:

1. Protect uprooted children from exploitation and violence.
2. End the detention of refugee and migrant children by creating practical alternatives.
3. Keep families together and give children legal status.
4. Help uprooted children to stay in school and stay healthy.
5. Press for action on the causes that uproot children from their homes.
6. Combat xenophobia, discrimination and marginalization.

We now have a tremendously important opportunity to develop actionable commitments that can ensure that refugee and migrant children receive the care and protection they need – whether in their countries of origin, in transit, or in destination countries. I hope that the analysis and findings presented in this report will help inform global and national discussions on how states and the international community can protect refugee and migrant children, and that it offers direction and guidance to all countries as they work towards adopting and implementing the Global Compacts.



Sarah Cook
Director
UNICEF Office of Research – Innocenti



Nordic National Committees'

Preface

Throughout the last decades, all the countries of the Nordic region have been rightly recognized for their constant efforts to promote and protect the human rights of children. Although child rights have strong foundations in all these States, the State Parties appear to have failed to protect the basic human rights of children on the move.

A child, irrespective of her or his migration or asylum status, is first and foremost a child. This means that all governments have a legal responsibility to ensure that no child is discriminated against in terms of receiving second-tier protection or care arrangements, insufficient health services or segregated educational services.

The Convention on the Rights of the Child provides all State Parties with an ideal roadmap for the full inclusion, protection and development of all children. A more coherent adaptation of the Convention cannot but lead to a more prosperous future for the generations to come, where all children are first and foremost children.

It has been our pleasure to work alongside the UNICEF Office of Research – Innocenti to produce this research to inform our advocacy strategies in the Nordic region. This research will also contribute to a better understanding of asylum-seeking children's protection and rights, globally.

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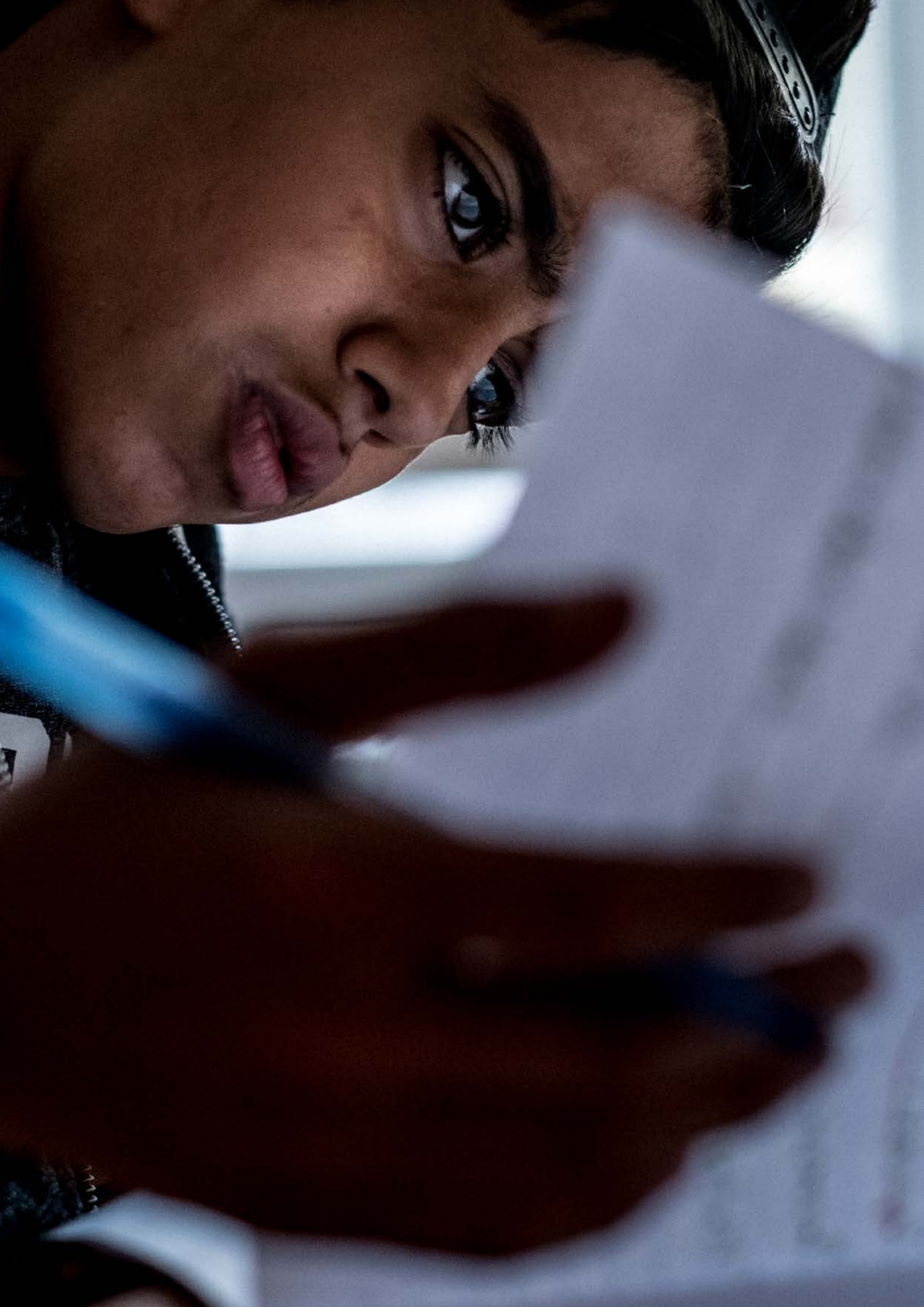
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Executive summary

Background and context

In keeping with their long tradition of openness to refugees, the Nordic States – Denmark, Finland, Iceland, Norway and Sweden – have, since 2015, accepted a large number of asylum-seeking children compared to other European countries. This has challenged their well-established protection systems and led to national governments clamping down on migration, and protection law and regulation, leaving thousands of asylum-seeking children without the care and services to which they are entitled.

This UNICEF Office of Research – Innocenti research project was commissioned by the UNICEF National Committees in the Nordic region. The project's overarching aim is to examine to what extent the rights of asylum-seeking children are respected in the Nordic countries, and to make concrete recommendations as to how to strengthen and extend legal, policy and practice frameworks to ensure the full realization and protection of child asylum seekers' rights and entitlements. Its specific objective is to review national legislation and its implementation in the context of the United Nations Convention on the Rights of the Child, both to highlight good practices and to provide practical insights to the Nordic governments on how to ensure the adequate protection of asylum-seeking children in line with national, regional and international standards of good practice. It is intended that the findings of the research will shape the advocacy work of the Nordic National Committees and inform their engagement with their respective governments on what standards and procedural safeguards must be adopted, adapted and/or implemented, to ensure that the rights of asylum-seeking children are respected in full.

The research embraced a critical, holistic and multifaceted approach. Phase I consisted of a legal study of the procedural safeguards in the Nordic countries, which showed that national legislation in the Nordic countries generally aligns with the Convention and with other international treaties. Phase II adopted a dual focus, examining both the interpretation and implementation of existing laws and regulations on the ground, and the measurement of practice against international good practice standards.

Primary data were collected through semi-structured interviews with key respondents in the region. Secondary data were drawn from a review of the literature on refugees and migrants in Europe and in the Nordic states, and from European databases, research and studies. Data obtained from both sources were used to assess national responses to asylum-seeking children by measuring each country's activities in five child-related domains: general context; asylum procedures; education; health; and child protection, against international best practice standards.

Summary of findings

Although the social and political environments of the five Nordic states are generally respectful towards children's rights, national child protection agencies have failed to take a strong lead in relation to migrant and asylum-seeking children. National asylum agencies and their agents have generally tried to adopt a child-focused approach, but child rights are not their primary remit, and national responses have been framed in a context where a child's legal status significantly determines her or his access to entitlements. As a result, national responses in the Nordic region do not comply with the Committee on the Rights of the Child recommendations that **every child, whatever her or his migration or asylum status, is first and foremost a child with full entitlement to all of the rights enshrined in the Convention on the Rights of the Child; and that all governments and duty bearers have a moral and legal responsibility to realize those rights for all children in their care.**¹

The current division of responsibilities between asylum and child protection agencies appears to leave too many asylum-seeking children reliant on second-rate protection mechanisms that do not sufficiently and satisfactorily comply with the standards laid down by the Convention on the Rights of the Child and enables continuation of a context where lower standards for asylum-seeking children are tolerated.

There is a clear tendency in all five states to give migration law precedence over the Convention on the Rights of the Child, even in those countries where the Convention has been incorporated into national law. States should also consider strengthening their legislative and policy frameworks by signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and thus encourage other European states to follow suit. All five Nordic states should also consider seriously committing fully to the EU migration acquis, which establishes a practical framework for the development across Europe of common policies, practices and standards for asylum-seeking children.

Although the Nordic states have a strong culture and institutional framework of gender equality, the analysis found no documented evidence of gender awareness being incorporated in national responses to asylum-seeking children. Nor did the research find sufficient justification for the variation in the levels and types of protection offered to children above and below the age of 15.

To ensure children's safety, security and stability, safeguards related to the asylum process should be incorporated in law rather than in rules and regulations. Safeguards at regulation and practice levels are essential throughout the asylum process, but their stipulation only at these levels allows too much room for wide interpretation and lax implementation, often to children's detriment. Much stronger safeguards are required at every stage of the asylum process to allow a child legal challenge and judicial review of decisions. Age assessment and forced return are two specific stages of the asylum process that demand much greater scrutiny, but in fact the whole concept of 'manifestly unnecessary' must be strongly challenged when it comes to decisions that affect children's lives.

¹ Committee on the Rights of the Child, *Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration*, Geneva, 28 September 2012.

The ‘best interests of the child’ must be the primary consideration in any and all decisions that affect a child, and the core principle underpinning safeguards in all countries and at all stages of the asylum process. It is worrying to note the great variation in the quality of understanding, interpretation and implementation of the principle within and between the Nordic states. While some best interests determinations (BIDs) genuinely aim to plan holistically for a child’s welfare and protection, key respondents indicated that in practice, the quality of BIDs is mixed and their impact on decision-making variable. All five states urgently need to establish clear formats, standards and quality control mechanisms to ensure that a child’s best interests do inform and influence every stage of the asylum process.

Guardianship is a key safeguarding mechanism in the Nordic states, but there is no agreement on models or standards and practical implementation is inconsistent. This is an area that could benefit from regional agreement on standards and a common code of good practice to ensure that: (i) both guardianship and legal representation are available to every child; (ii) there is an explicit and adequate firewall between guardians and asylum services; and (iii) there are clear guidelines in place relating to confidentiality and to disputes or differences between guardian and child, the child’s right to speak for herself or himself, and the child’s right to complain about her or his guardian. National child protection agencies should also establish standards, and clear procedures, for the vetting, recruitment, management, support, supervision, training and resourcing of guardians.

The asylum-seeking child must be given better opportunities to be heard. The Nordic states have a deserved reputation for respecting children’s right to be heard on matters that affect them and asylum procedures reflect this. In practice, however, an asylum-seeking child – and especially accompanied children – is given only limited opportunities to be heard via her or his representative and even fewer opportunities to be heard directly. It is the needs of the asylum system that generally determine the timing and agenda of a child’s participation, rather than her or his own concerns, and so the child’s input tends to be sporadic, indirect and not always heard at key points in the process. There also seems to be a lot of leeway in the asylum process for adults to deny children the opportunity to speak – without consultation or justification. Strengthening, extending and realizing the right of every child to have her or his opinions noted, and acted upon, throughout the asylum process must be central to any strategy aiming to strengthen implementation of the ‘best interests’ principle.

Generally, the Nordic states’ education services have coped with the arrival of refugee children since 2015, and their national models of inclusive education have proved fit for purpose. Certain legal and administrative barriers can, however, unnecessarily delay a child’s entry into mainstream education. Strengthening schools’ capacity to provide the additional resources, teaching and support services needed to overcome language barriers and other obstacles that hinder asylum-seeking children’s access to education would seem to be more effective and cost-efficient than delaying their enrolment by trying to address such issues outside the mainstream education system. This is particularly the case for early childhood education (ECE) programmes, but the same approach also applies to basic, secondary and vocational education. Resources allocated to the provision of education services in reception centres should be largely reassigned to the expansion of mainstream schools’ support services to speed up asylum-seeking children’s integration in mainstream education.

Asylum-seeking children can generally access any medical treatment they require, although local health care services can be reluctant to offer such care. Asylum seekers are not generally integrated into national health systems, so negotiating access to health care services can be complex. The full extent of health care services available to asylum-seeking families varies between the Nordic states, and even among municipalities within one state, so their entitlements are not always clear to either patient or practitioner. The Nordic states must define more clearly the package of services available to asylum-seeking mothers and children, and make this information available to them and to practitioners at the local level. Ideally, this package should be equal to the package available to all mothers and children in the country, but at a minimum it should include free access to national services for mother and child health, prevention and treatment of infectious diseases including HIV/AIDS, vaccination, adolescent health, dental care and mental health, in addition to emergency medical treatment and care. Research and experience indicate that the mental health of asylum-seeking children is severely affected by uncertainty about their legal status and the constraints of their living conditions. Strategies are urgently required to address this serious concern and to ensure a more positive living environment.

Research is urgently needed in all the Nordic countries to establish the real situation of detained children. It is strongly recommended that the UNICEF National Committees undertake national campaigns to end the use of immigration detention in any form for children, and to promote investment in alternatives to detention. States must also urgently develop a common regional approach to the tracing and recovery of children who go missing from the asylum system.

1. Background and context

1.1 Background

Background to the research

Since 2015, almost 1 million children have arrived in Europe seeking refuge from war, conflict and poverty, and although numbers dropped in 2017, children and their families continue to risk hardship, violence and abuse to find a better life in Europe.² The countries of the Nordic region – Denmark, Finland, Iceland, Norway and Sweden – have accepted a large number of asylum-seeking children since 2015, compared to many other European states.³ Sweden came first, Norway fourth, Finland eighth and Denmark ninth out of 29 European countries ranked by how many unaccompanied and separated asylum-seeking children (UASC) they accepted in 2015 (see *Table 1*).

Table 1. Unaccompanied minors seeking asylum in Europe

Country	Year				
	2008	2010	2012	2014	2015
Sweden	1,510	2,395	3,580	7,050	35,250
Germany	765	1,950	2,095	4,400	14,440
Austria	695	600	1,375	1,975	8,275
Norway	1,045	220	495	780	5,050
Italy	575	305	970	2,505	4,070
Netherlands	725	700	380	960	3,855
United Kingdom	4,285	1,715	1,125	1,860	3,045
Finland	705	330	165	195	3,014
Denmark	300	410	355	820	2,125
All 28 EU countries	11,700	10,620	12,545	23,075	88,265

Source: Adapted from Çelikaksoy, Ayçan, and Eskil Wadensjö, 'Mapping Experiences and Research about Unaccompanied Refugee Minors in Sweden and Other Countries', IZA Discussion Paper No. 10143, Institute of Labor Economics, Stockholm, August 2016.

2 UNHCR, Regional Refugee and Migrant Response Plan (RMRP) for Europe, January–September 2017, available at <<https://data2.unhcr.org/en/documents/download/61150>>, accessed December 2017.

3 Eurostat, 'Asylum and first time asylum applicants – annual aggregated data (rounded)', available at <<http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00191&plugin=1>>, accessed 2 February 2018; and Çelikaksoy, Ayçan, and Eskil Wadensjö, 'Mapping Experiences and Research about Unaccompanied Refugee Minors in Sweden and Other Countries', IZA Discussion Paper No. 10143, Institute of Labor Economics, Stockholm, August 2016.

Despite the Nordic region's long tradition of hospitality to refugees and migrants, and its well-developed asylum and child protection systems, children's services in the Nordic countries were no more prepared for the large numbers of arrivals, or the protection challenges they had to address, than those of any other European state. The result of the so-called 'refugee crisis'⁴ was that child protection systems in the Nordic countries neglected their responsibilities to these vulnerable children and instead left their care and protection to asylum authorities, which found themselves unable to provide the care and protection to which all children are entitled. At the same time, national governments tightened migration laws and regulations. For instance, Sweden introduced in 2016 – through a 'temporary law' initially criticized by *Migrationsverket*, the Swedish Migration Agency – short-lived measures that were at the absolute minimum of European Union (EU) standards.⁵ The Dublin procedure,⁶ return policies and bleak prospects of achieving a residence permit appear to have slowed the movement of asylum seekers to the Nordic region, despite the arrival of 200,000 refugees in 2017 alone.⁷

While the quality of the services and facilities offered to asylum-seeking children by the Nordic states has been rightly acknowledged,⁸ the 'Scandinavian model' is sometimes presented without much discussion of contextual factors. Past studies have shown that there is a lot to learn from any examination of policy and practice concerning asylum-seeking children in the Nordic region – provided the gaps, strains and challenges that migration, asylum and social services continue to face in meeting their responsibilities to a great many children who have arrived in the region since 2015, are recognized.⁹

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- 4 For a critique of the language used, see: D'Costa, Bina, and Emilia Toczydlowska, 'Not Refugee Children, Not Migrant Children, But Children First: Lack of a systematic and integrated approach', Innocenti Research Brief, UNICEF Office of Research – Innocenti, Florence, 2017.
 - 5 Interview with the Swedish Migration Agency, Stockholm, 25 October 2017; and Riksdagsförvaltningen, Lag (2016:752) om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige, Svensk författningssamling 2016:2016:752, t.o.m. SFS 2017:352, Riksdagen, Stockholm, 2016, available at <www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2016752-om-tillfalliga-begransningar-av-sfs-2016-752>, accessed 25 January 2018.
 - 6 The Dublin Procedure: Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third-country national or a stateless person. 'Access to European Union Law' available at <http://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX:32013R0604>, accessed 14 February 2018.
 - 7 Eurostat, http://ec.europa.eu/eurostat/data/database?node_code=tps00191, accessed 28 January 2018.
 - 8 See, for instance, the presentation by the Swedish guardianship service in Directorate-General for Justice and Consumers, European Commission, *The Protection of Children in Migration: Report on the 10th European Forum on the rights of the child*, European Commission, Brussels, May 2017; and case studies from Finland, Norway and Sweden in Directorate General for Migration and Home Affairs, European Commission, *Success Stories from the Migration and Home Affairs Funds: Solidarity and Management of Migration Flows (2007-2013)*, European Commission, Brussels, 15 April 2016.
 - 9 Research has been conducted on aspects of the asylum systems in the Nordic countries, e.g. provision of services, rights and integration, as well as on refugee and migrant wealth and well-being, but relatively few studies have examined the systems more holistically. Exceptions include: Brendler-Lindquist, Maria, and Anders Hjern, *Reception of Asylum Seeking and Refugee Children in the Nordic Countries: The Swedish report*, Nordic Network for Research on Refugee Children, Stockholm, 2010; Jessen, Tatiana, and Edith Montgomery, *Reception of Asylum Seeking and Refugee Children in the Nordic Countries: The Danish report*, Nordic Network for Research on Refugee Children, Copenhagen, 2010; Júlíusdóttir, Þórunn, and Geir Gunnlaugsson, *Iceland: A Nordic Comparison of Reception of Asylum Seeking and Refugee Children in a Public Health Perspective*, Nordic Network for Research on Refugee Children, Reykjavik, 2010; de Wal Pastoor, Lutine, Ketil Eide and Leoul Mekonen, *Reception of Asylum Seeking and Refugee Children in the Nordic Countries: The Norwegian report*, Nordic Network for Research on Refugee Children, Oslo, 2010. All four reports are available at: <https://medicine.gu.se/avdelningar/samhallsmedicin_folkhalsa/Socialmedicin-och-epidemiologi/forskning/jamlikhet-i-halsa/migration-och-halsa/nordic-network-for-research-on-refugee-children/publikationer>, accessed 2 February 2018.

Purpose, objective and scope

In 2016, the UNICEF National Committees in the Nordic region entered into a partnership with the UNICEF Office of Research – Innocenti to conduct such an analysis through joint research on the procedural safeguards for asylum-seeking children in the five Nordic countries – Denmark, Finland, Iceland, Norway and Sweden. The purpose of this research is to examine to what extent the rights of asylum-seeking children are respected in these countries, and to make concrete recommendations as to how to strengthen and extend legal, policy and practice frameworks to ensure the full realization and protection of child asylum seekers' rights and entitlements. Since all migrant children in the Nordic region are dealt with under asylum legislation, this report aims to shape how the Nordic National Committees advocate for the adoption and implementation of standards and procedural safeguards that will ensure that the rights of all migrant, refugee and asylum-seeking children are respected in full.

As this research aims to support the Nordic states to develop policy priorities and identify the optimal means by which to fulfil their responsibilities to protect the rights of all children, the research population includes accompanied and unaccompanied children, and both those who are successful in applying for asylum and those who are not, as well as those who are awaiting a decision on their asylum application. While recognizing the challenges that national and local authorities continue to face because of the ongoing arrival of asylum-seeking children in the Nordic region, the main focus of the research is on the capacity of the Nordic countries' institutional frameworks to respond over the medium to long term, rather than during the emergency phase.

The research adopted a critical, holistic and multifaceted approach. Rather than comment on specific models of good practice, it set out to critique and compare the overall framework of protection for asylum-seeking children in each of the five countries, to provide concrete and practical recommendations on how to strengthen children's protective environment at the national level and extend this by means of regional cooperation.

The specific objective laid down for this research is to review national legislation and its implementation in the context of the United Nations Convention on the Rights of the Child, both to highlight good practices and to provide practical recommendations to the Nordic governments, and to the region as a whole, on how to ensure the adequate protection of asylum-seeking children in line with international standards. The full list of guidelines, good practice guides and other documents drawn on in this report is detailed in Annex 3.

Methodology

Phase I of the research consisted of a legal study of the procedural safeguards in the Nordic countries, which was undertaken pro bono by DLA Piper offices in Finland, Norway and Sweden, and DLA Piper UK and Erna Blöndal in Iceland by Bruun & Hjejle in Denmark, between February and August 2017. Each country assessment includes analyses of: the legal basis for the appointment of a legal guardian and/or advisor; the assignment of interpreters; entitlement to health and education services; child participation in the asylum process; family tracing; best interests determination (BID); and age assessment.

The legal analysts worked within the framework of a common questionnaire designed by the UNICEF Office of Research – Innocenti. Although the country assessments inevitably varied in emphasis, the research successfully highlighted key legislative and policy gaps and identified good practices as well as strategic responses that require more in-depth examination. The legal analysis shows that national legislation in the Nordic countries generally aligns with the Convention on the Rights of the Child and with other international treaties, and that national institutions and agencies aim to adopt a rights-based response to asylum-seeking children. The legal analysts' findings provided a solid basis for the development and refinement of Phase II of the research, which moved towards a more overtly child rights-based approach and adopted a dual focus to examine both the interpretation and implementation of existing laws and regulations on the ground, and the measurement of practice against international standards.

The UNICEF Office of Research – Innocenti contracted two senior consultants for Phase II – one with expertise in child migration, and the other a Nordic countries' specialist. In October 2017, the team submitted a research protocol developed in line with the UNICEF Procedure for Ethical Standards,¹⁰ along with an outline of the final report. Phase II of the research encompassed: a comparative analysis of the Phase I data; a desk review of the relevant literature; and a three-week mission to the Nordic countries, which included visits to reception centres and semi-structured interviews with 29 key stakeholders, ranging from representatives of national and international agencies, law enforcement agencies and international non-governmental organizations (NGOs), to local practitioners, such as refugee lawyers.¹¹ Unless otherwise specified, the information on migration practices in the countries has been drawn from both primary and secondary data.

In line with Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, this report recommends strongly that both Conventions are rapidly integrated by the governments of the Nordic states in their national migration-related laws, policies and practices.

¹⁰ See Annex 1.

¹¹ See Annex 4 for full list of key respondents.

It was crucial to conduct the examination through a child rights lens. To enable this, the team adopted an analytical framework¹² that translates the underlying principles of the Convention on the Rights of the Child into four ideal response characteristics: child-centred, equivalent, inclusive, and participative. The existing checklist of good practice indicators that underpins the analytical framework was expanded, and the indicators divided across five domains – general context, asylum process, education, health, and child protection – to form the framework in which to assess national responses across the Nordic region. (The research framework is outlined in more detail in Annex 2.) Child participation was envisaged as an important element of the original research plan and the initial research protocol proposed a methodology that would adequately address the related ethical issues. All parties recognized the added vulnerability of children in the asylum process, who will usually have participated – willingly or not – in a series of mandatory interviews and are thus likely to have a somewhat sceptical view of ‘interviews’. The original protocol recommended conducting interviews and/or focus group discussions just with older children, and then only in settings and involving facilitators already familiar to them. When this proved difficult to arrange, the research focus shifted to a more intense review of children’s voices in the existing research, complemented by informal discussions with young people via existing feedback mechanisms.



12 Adapted from a framework developed by Kevin Byrne as a contribution to *Refugee Children and Minors in Europe: The role and responsibilities of local and regional authorities*, adopted by the Current Affairs Committee, Congress of Local and Regional Authorities, Council of Europe on 18 October 2017. The final report will be adopted on 27 March 2018 at the 34th plenary session of the Congress of Local and Regional Authorities in Strasbourg.

1.2 The Nordic context

National contexts

All five Nordic states are well-established parliamentary democracies and high-income economies. The *Human Development Report 2016* ranked Norway first out of 188 countries, Denmark fifth, Iceland ninth, Sweden fourteenth and Finland twenty-third.¹³ All five countries have ratified the Convention on the Rights of the Child. Denmark and Sweden have yet to fully incorporate the Convention into national legislation,¹⁴ but the Convention does not clearly trump national asylum and migration law in any of the Nordic countries. Only Denmark and Finland have ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. This allows the Committee on the Rights of the Child to hear complaints that a child's rights have been violated and so could provide asylum-seeking children with an independent complaints procedure.

All five Nordic states have ratified the United Nations Convention relating to the Status of Refugees (1951 Convention) and other relevant international treaties, but in common with most other European states, none have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹⁵ This is the main international human rights instrument to respond to the specific protection needs of migrant workers and their families, including those in an irregular situation. Another such instrument is the European Convention on the Legal Status of Migrant Workers, which has been ratified in the Nordic region only by Sweden.¹⁶

Denmark, Finland and Sweden are member countries of the EU and through ratification of the Treaty of Lisbon have committed themselves to promote, protect and fulfil the rights of the child in all relevant internal and external policies and actions.¹⁷ Iceland and Norway remain outside the EU but are full members of the European Economic Area and comply with EU law, policy and directives on children and migration. Although it is an EU member country, Denmark has adopted a special position in relation to EU asylum, immigration and judicial laws: Denmark does not have to take on board any such measures unless they build upon the Schengen Agreement, in which case it has six months to decide whether to incorporate the measure(s) into Danish law.¹⁸

13 United Nations Development Programme, *Human Development Report 2016: Human development for everyone*, UNDP, New York, 2016.

14 The Swedish government is still in the process of incorporating the Convention on the Rights of the Child into national legislation and has set itself the deadline of 2020 to do so. See Beirne, H., and P. Clewett, 'Sweden. Entitlements for refugee and migrant children' in Byrne, Kevin, et al., *The Legal Entitlements of Refugee and Migrant Children in 33 European Countries*, UNICEF, Geneva (unpublished paper).

15 Albania, Bosnia, Serbia and Turkey have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and Montenegro has signed it. See United Nations Treaty Collection, 'Chapter IV. Human Rights. 13. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families', <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en>, accessed 2 February 2018.

16 Only France, Italy, the Netherlands, Portugal, Spain and Sweden have ratified the European Convention on the Legal Status of Migrant Workers. For a full list of relevant international and regional conventions ratified by EU member states, see D'Auchamp, Marie, et al., *Rights of Migrant Workers in Europe*, Office of the United Nations High Commissioner for Human Rights, Geneva, 2011, Annex II.

17 Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, Official Journal of the European Union C 306/1, 17 December 2007, available at <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTEXT>>, accessed 3 February 2018.

18 Refugee Council, 'Refugee Council briefing on the common European asylum system', London, March 2004.

Migration and asylum context

The Nordic countries have a long history of acceptance of refugees and asylum seekers. This, combined with their high-income status, has placed them among the top-rated destination countries for asylum seekers, with consequent challenges for national asylum and social services in the region. The Nordic states have been particularly welcoming to refugee and migrant children, and in all five countries unaccompanied children are processed through the asylum system.¹⁹ Research shows that Denmark, Finland, Iceland, Norway and Sweden accepted 45,765 unaccompanied children in 2015, out of a total of 88,250 unaccompanied children accepted across the EU.²⁰ The highest number was registered in Sweden: 35,250 unaccompanied children, or 40 per cent of all those registered in the EU.²¹ Eurostat figures confirm this trend over many years (see *Tables 2 and 3*).

Table 2. Total number of first time child asylum applicants in the Nordic region and other countries in Europe, 2008–2016

GEO/TIME	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Denmark	665	1,150	1,495	1,110	1,595	2,055	2,995	6,295	2,390	1,095
Finland	n/a	n/a	n/a	n/a	780	715	810	7,590	1,705	1,225
France	n/a	9,375	11,550	12,160	13,415	14,865	13,935	13,590	15,240	16,020
Germany	6,605	9,325	15,425	16,610	24,330	38,705	54,910	137,415	261,315	89,175
Greece	n/a	n/a	n/a	555	510	1,015	1,300	2,425	19,635	16,615
Iceland	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	270	150
Italy	570	1,250	2,085	3,110	2,020	2,185	4,345	7,130	11,080	15,505
Norway	3,250	4,450	2,465	2,210	2,340	2,645	2,340	10,295	1,225	1,055
Spain	n/a	n/a	375	445	435	520	1,140	3,720	3,710	6,085
Sweden	6,245	6,595	10,595	9,765	14,330	15,205	22,075	69,130	9,385	7,350
UK	7,680	7,165	4,725	5,415	5,445	5,715	6,855	8,115	9,320	6,105
Total	25,015	39,310	48,715	51,380	65,200	83,625	110,705	265,705	335,275	160,380

Source: Eurostat, <http://ec.europa.eu/eurostat/data/database?node_code=tps00191>, accessed 28 January 2018.

19 This is different to the position of other countries, like Italy, which have migration laws that protect UASC independently of migratory status. United Nations Children's Fund, *Beyond Borders: How to make the global compacts on migration and refugees work for uprooted children*, UNICEF, New York, December 2017, p. 45.

20 See Orange, Richard, 'How to Care for Child Refugees: Lessons from Nordic countries', *The Guardian*, London, 24 May 2017, <www.theguardian.com/social-care-network/2017/may/24/child-refugees-nordic-countries>, accessed October 2017. For a discussion of the implications, see also Carlqvist, Ingrid, 'Refugee Children' Invade Sweden', Gatestone Institute, 23 July 2015, <www.gatestoneinstitute.org/6190/sweden-refugee-children>, accessed October 2017.

21 Eurostat, 'Almost 90 000 unaccompanied minors among asylum seekers registered in the EU in 2015', Press release, 2 May 2016, available at <<http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf>>, accessed 3 February 2018.

Table 3. Asylum applicants considered UASC, 2008–2016

GEO/TIME	2008	2009	2010	2011	2012	2013	2014	2015	2016
Denmark	300	520	410	270	355	350	815	2,125	1,185
Finland	705	535	315	150	165	160	195	2,535	370
France	410	445	610	595	490	365	270	320	475
Germany	765	1,305	1,950	2,125	2,095	2,485	4,400	22,255	35,935
Greece	295	40	145	60	75	325	440	420	2,350
Iceland	0	0	0	0	5	0	0	5	20
Italy	575	415	305	825	970	805	2,505	4,070	6,020
Spain	10	20	15	10	15	10	15	25	30
Sweden	1,510	2,250	2,395	2,655	3,575	3,850	7,045	34,295	2,160
United Kingdom	4,285	2,990	1,715	1,395	1,125	1,265	1,945	3,255	3,175
Norway	1,045	1,820	630	635	705	670	940	4,790	270

Source: Ibid. The number of UASC applications has not yet been published by Eurostat for 2017. In November 2017, UNHCR recorded the arrival of more than 15,000 UASC in Italy: UNHCR, *Europe Monthly Report*, November 2017, 1, <<https://data2.unhcr.org/en/documents/download/61424>>.

Despite the Nordic region's experience of coping with refugee arrivals, the size and scale of movement in 2015 placed considerable strain on national asylum and protection services, and according to stakeholders in the field, systems across the Nordic countries experienced a general collapse.²² The most immediate result was the failure to meet the minimum standards for services set by national governments and implemented by a range of key stakeholders, the national immigration agencies in particular. The problems resembled those experienced by other high-intake countries such as Germany and Greece.²³ The Asylum Procedures Directive sets standards among EU member countries for the processing of asylum claims, including an upper limit of six months to process a claim, yet these are still not being met. In particular, it is unclear the extent to which vulnerable applicants such as unaccompanied children have been consistently prioritized in accordance with article 31(7[b]); there has often been a lack

Good Practice 1: Iceland

In Iceland, UASC have their asylum interviews in the Barnahus, originally developed as a child-friendly, interdisciplinary and multi-agency centre where various professionals work under the same roof to investigate suspected cases of child sexual abuse and to provide appropriate support for child survivors of abuse.

Professionals with child competencies such as psychologists and others conduct the interview in a child-friendly room. The interview is recorded and transmitted to a screen in an adjacent room where the migration authorities can view it in real time. They may ask questions alongside the interviewers via a remote microphone.

Source: Interviews with the Icelandic Ombudsman for Children, 2017, and the Icelandic Directorate of Immigration, 2017.

²² This anecdotal evidence was repeated over and over again by key stakeholders in all five Nordic countries during the interview mission, which took place from 23 October to 10 November 2017.

²³ Howden, Daniel, and Apostolis Fotiadis, 'The Refugee Archipelago: The inside story of what went wrong in Greece', *News Deeply: Refugees Deeply*, 6 March 2017, <www.newsdeeply.com/refugees/articles/2017/03/06/the-refugee-archipelago-the-inside-story-of-what-went-wrong-in-greece>, accessed 8 January 2018; United Nations Children's Fund Germany and Bundesfachverband unbegleitete minderjährige Flüchtlinge, *Factfinding zur Situation von Kindern und Jugendlichen in Erstaufnahmeeinrichtungen und Notunterkünften*, UNICEF Germany, Cologne, February 2016, p. 1.

of appropriate housing and more homes could not be constructed at the required pace;²⁴ cases were reported of unaccompanied children ‘forgotten’ in reception centres in Iceland;²⁵ and it was reported that in Sweden haphazard age assessments had produced erroneous results.²⁶

The high number of asylum seekers lodging applications in the Nordic countries has resulted in a backlash on other levels too. As at 31 January 2018, Denmark upholds its refusal to cooperate with the EU emergency relocation mechanism, which aims to relieve the strain on services in Greece and Italy, and to relocate asylum seekers in clear need of protection.²⁷ Sweden tightened its asylum and migration regulations to meet only the absolute minimum standards for the EU by passing its ‘temporary law’ in 2016, which was initially considered by observers to be outright hostile to children.²⁸ *Maahanmuuttovirasto Migrationsverket*, the Finnish Immigration Service, has become far stricter in evaluating the one-year temporary permits given to UASC on compassionate grounds to those who have been denied asylum, putting older children at real risk of being deported as soon as they reach the age of 18.²⁹



24 See, for example, Ombudsman for Children in Norway, *The UN Convention on the Rights of the Child. Supplementary report – Norway*, Oslo, May 2017, pp. 48–49.

25 Interview with the Ombudsman for Children, Reykjavik, 10 November 2017.

26 Migrationsverket, ‘Analysrapport: Tematisk kvalitetsuppföljning av åldersbedömning i samband med beslut om uppehållstillstånd’, Stockholm, 28 November 2016, pp. 7–8.

27 European Commission, ‘Member States’ Support to Emergency Relocation Mechanism (As of 31 January 2018)’, Press material, 31 January 2018, available at <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf>, accessed 3 February 2018.

28 Interview with the Swedish Refugee Advice Centre, Stockholm, 24 October 2017.

29 Interviews with the Espoo Reception Centre, Espoo, 30 October 2017, and the Central Union for Child Welfare, Helsinki, 26 October 2017.

Child protection context

The Nordic region is renowned for its use of the Barnahus (children's house) model, originally developed in Iceland, to work with survivors of abuse or violence. The Barnahus is a child-friendly, interdisciplinary and multi-agency centre where various professionals work under the same roof to investigate suspected cases of child sexual abuse and to provide appropriate support for child survivors of abuse. The aim is to avoid subjecting a child to repeated interviews by many agencies in multiple locations, including the courtroom, as research has shown that this can be very traumatic for the child. Using the child-friendly environment of the Barnahus for investigative interviews reduces the anxiety level of a child, which in turn is crucial for successfully eliciting the child's disclosure.

Barnahus Iceland has inspired the establishment of around 50 such centres across the Nordic countries during recent years. All of the Nordic states – except Finland – apply this approach, although the actual models used vary. Norway's Barnahus facilities are run by central government, for example, while regional or local authorities operate those in Denmark and Sweden. The model is recommended as good practice by Council of Europe standards³⁰ and has been promoted by the monitoring body of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). In Iceland, asylum interviews for UASC are held in Barnahus centres, and there is clearly scope for the other Nordic countries to adapt the Barnahus model to facilitate more effective and child-friendly engagement between child asylum seekers and national asylum systems.³¹

A 2011 UNICEF Office of Research – Innocenti analysis found that in each of the Nordic countries the responsibility for policy planning and operational tasks related to child protection is shared among a plethora of institutions.³² Matters concerning asylum-seeking children at that time fell under the mandates of various ministries, with multiple institutions and authorities involved in their implementation. This seems to still be the case. Key respondents for the present analysis confirmed that the ownership and/or leadership of national responses to asylum-seeking children remain divided among a complex web of federal and local agencies whose convoluted division of responsibilities can lead to institutional tensions and friction. These tensions can negatively affect child asylum seekers' access to services such as education, health, housing and justice.³³ For instance, long waiting times for services in Sweden indicate that communication between state and municipality is far from ideal. The Ombudsman for Children in Sweden found that the children interviewed had neither been assigned a guardian nor put in touch with social services.³⁴ One child reported what migration personnel had said

30 See Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice*, COE, Strasbourg, October 2011; and Council of Europe, *Council of Europe Recommendation on Children's Rights and Social Services Friendly to Children and Families*, COE, Strasbourg, 2011.

31 Interviews with the Ombudsman for Children, Reykjavik, 10 November 2017, and the Icelandic Migration Service, Reykjavik, 11 November 2017.

32 Marshall, Wenke and Nordh. *Child Trafficking in the Nordic Countries: Rethinking strategies and national responses*, *Innocenti Insights*, United Nations Children's Fund, Florence, 2012.; Vitus, Kathrine, and Hilde Lidén, 'The Status of the Asylum-seeking Child in Norway and Denmark: Comparing discourses, politics and practices', *Journal of Refugee Studies*, vol. 23, no. 1, 1 March 2010, pp. 62–81, see, in particular, pages 76–78.

33 Interviews with the Ombudsman for Children, Reykjavik, 10 November 2017; the Health Centre for Undocumented Migrants, Oslo, 3 November 2017; and the Ombudsman for Children in Norway, Oslo, 3 November 2017.

34 *Barn på flykt*, pp. 8–9.

and the personnel's reaction: "'You are like all the children here so ... you have to wait.' Okay, now we waited for three months but none of us have received a guardian or anything else."³⁵

The 2011 analysis was unable to establish how national strategies and plans of action to address child trafficking related to child protection strategies and action plans.³⁶ Likewise, the present analysis found that the Nordic countries typically lack comprehensive, multi-sectoral strategies and plans relating to asylum-seeking children.

Asylum and child protection are discrete functions of central government in the Nordic states, but the responsibility for providing child protection services has been delegated to local authorities in all five countries.³⁷ This model has proved successful in protecting vulnerable children's rights. However, in the absence of a corresponding devolution of responsibility and resources in the asylum process, the model only further fragments the response to asylum-seeking children. Finland, Iceland and Sweden each have an explicit national child protection law and a national child protection strategy; Denmark does not - though it has attempted to - include a child protection perspective in law with the 'child's reform' (Barnet's reform), but leaves it to the local authorities to develop action plans. Although local authorities in the Nordic region generally adopt an integrated approach to the provision of child protection and care services, and accept responsibility for all children who reside in a given municipality, how they understand and interpret their obligations may vary, and the extent to which they can influence asylum decisions made centrally is limited. Tensions between different sectoral perspectives at the national and local levels enable gaps in oversight, ambivalent interpretations of legislation, a fragmented approach and inconsistent practice, all of which can severely weaken a child asylum seeker's protective environment.

³⁵ Ibid., p. 8.

³⁶ Marshall, Wenke and Nordh. *Child Trafficking in the Nordic Countries*, pp. 12–13.

³⁷ Migrationsverket, 'Om ensamkommande barn', PowerPoint presentation, Stockholm, August 2016, available at <www.migrationsverket.se/download/18.585fa5be158ee6bf362bd8/1485556061650/Ensamkommande+barn+andra+aktörer+augusti+2016.ppt>, accessed 3 February 2018.





2. Assessment of the national responses to asylum-seeking children

2.1 Assessment framework

An analytical framework³⁸ sets the parameters of the present research's review of national law, policy, strategies and actions relating to asylum-seeking children in the Nordic countries. In line with the child rights-based approach to this research, the framework assesses how far such responses translate into practice the principles underlying the Convention on the Rights of the Child, as a result of being by nature:

Child-centred: The Committee on the Rights of the Child asserts that “a child is first and foremost a child, whatever the condition he or she may find himself or herself in”.³⁹ This implies that it is the best interests of the individual child – rather than her or his legal or asylum status – that should always be the primary consideration in determining legislative, policy and service responses to asylum-seeking children.

Equivalent: The principle of non-discrimination stipulates that all children in a country should enjoy full access to their rights, irrespective of their legal or other status. This implies that national authorities should try to provide asylum-seeking children with the same level of access to entitlements and services as nationals enjoy, and strive to reduce the barriers that restrict equal access.

Inclusive: The non-discrimination principle implies that national authorities should adopt an inclusive approach towards every child for the duration of their stay in country, regardless of their legal status. Thus, the authorities should aim to integrate asylum-seeking children into mainstream child and family services as soon as possible, rather than support parallel structures or services for this group.

Participative: Involving children as far as possible in decision-making at every level is key to the full realization of their rights, and it also enables more effective and efficient action. Child participation involves not only the provision of mechanisms to allow children's voices to be heard, but also ensuring that due weight is given to a child's views when making decisions that affect her or him.

38 Adopted from Kevin Byrne's contribution to *Refugee Children and Minors in Europe: The role and responsibilities of local and regional authorities*, adopted by the Current Affairs Committee, Congress of Local and Regional Authorities, Council of Europe, Strasbourg, on 18 October 2017.

39 As outlined in: *Report of the 2012 Day of General Discussion on the Rights of All Children*.

While the framework acts as a prism through which to examine the general child rights orientation of the Nordic states' responses to asylum-seeking children, the more detailed analysis of practice on the ground relies on measurement against a checklist of indicators drawn from internationally accepted guidelines of good practice.⁴⁰ The assessment framework also took into account: (i) how far services met the criteria of availability, accessibility, acceptability and quality outlined by the Committee on Economic, Social and Cultural Rights;⁴¹ and (ii) whether sufficient and satisfactory safeguards were in place at the right levels (i.e. law, policy, regulation, practice) to ensure the full realization of asylum-seeking children's rights. Country assessments examined five priority domains: general context, asylum process, education, health, and child protection. Although the checklist used does not enable quantitative measurement of every activity, responses to clusters of questions can indicate how far a specific activity or service adopts a rights-based approach to translating a child's entitlements into reality. Taken together, these responses enable an evaluation of both the social, institutional, organizational and policy frameworks that determine asylum-seeking children's protective environment, and the strategic and operational practices in each country.

2.2 Assessment of the national responses

Ownership/leadership

In the Nordic countries, child protection agencies seem to have allowed asylum services to take responsibility for decisions regarding asylum-seeking children, despite their national remit to offer care and protection to all vulnerable children. Asylum and child protection services do work in partnership, however, and asylum agencies have clearly worked hard to provide a child-focused service. Yet there is an inherent tension between a migration/asylum approach that assigns entitlement on the basis of legal status, and a child rights-based approach which assigns a comprehensive set of inalienable entitlements to all children.⁴² Responsibility for an asylum-seeking child does seem to be shared once the child has been referred to child protection services. However, the decision to refer, and when to refer, lies with asylum personnel. Asylum-seeking children

No matter how child-friendly asylum processes may be, asylum agencies' primary priority is not child protection and they are unlikely to be as child-centred – in terms of organizational culture, ethos and practice – as national and local child protection agencies. This will inevitably be reflected in decision-making processes and mechanisms that can significantly affect a child's life, including when to involve appropriate child protection agencies.

40 See Annex 3 for a full list of the good practice guidelines incorporated in the checklist.

41 Committee on Economic, Social and Cultural Rights, General comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), E/C.12/2000/4, United Nations, Geneva, 11 August 2000; Spencer, Sarah, and Vanessa Hughes, *Outside and In: Legal entitlements to health care and education for migrants with irregular status in Europe*, COMPAS, Oxford, July 2015.

42 For a more detailed discussion of these differences, see Byrne et al., *The Legal Entitlements of Refugee and Migrant Children*. For a fuller discussion, see Byrne, Kevin, 'Law, policy and practice affecting migrant and refugee children in Europe', Internal document, UNICEF, Florence, 2016.

have, in principle, the same rights to child protection services as other children. There are differences between municipalities in the child protection services they offer to asylum-seeking children. Schools and maternal and child health clinics are responsible for child welfare notification. In Denmark, referral is delayed until the child has been granted asylum, which can take months or even years. Once asylum is granted, however, full access to local services kicks in, putting great pressure on the offices of such services to coordinate support and integration efforts to find a school and housing for the child, respond to any special needs and so on.⁴³ Research carried out in Norway and Denmark in 2010 indicated that adopting an 'asylum seeker' perspective in discourse and in practice "almost obliterated both the category of 'children' and the implications of age and consequent social position",⁴⁴ while adopting a child rights perspective helped to produce a nuanced picture of migration practices in the country.⁴⁵ Changes in the political climate since then, combined with the fact that national asylum services retain primary responsibility for asylum-seeking children in all of the Nordic countries, means that a 'client' is seen first and foremost as an 'asylum seeker' or 'migrant' rather than as a child, and this perception strongly influences the parameters of the service agreement between the child and the state. Establishing the precedence of the Convention on the Rights of the Child over national asylum law could greatly strengthen the authority and role of child protection services in relation to asylum-seeking children, but this approach is not always accepted in the Nordic region.

There is no clear or comprehensive understanding of exactly how the dynamic between central and local governance influences either the working relationship between the various agencies in the Nordic region or the balance of authority in decision-making processes. While cooperation across sectors seems to be working on the ground, it is unclear whether specific mechanisms are in place to ensure multi-sectoral cooperation across all levels of government, whether this is negotiated on a case-by-case basis, or whether it has simply evolved organically and informally in various locations. **In terms of safeguards, it seems important to have a formal mechanism in place, not only to facilitate high-quality inter-sectoral cooperation, but also to review, revise and improve coordination on an ongoing basis.**

Finland, Iceland and Norway have integrated the Convention on the Rights of the Child into national law, and clear, explicit acceptance of the primacy of the Convention over national law could have a positive impact on the balance of authority between asylum and child protection agencies. In Norway, the Convention takes precedence over any other legislative provision, including asylum law,⁴⁶ but **the status of the Convention in relation to migration law is unclear in most of the Nordic countries.** In Sweden, no formal decision has yet been made to incorporate the Convention into national law by 2020, although this is the government's intention and it will proceed with a formal proposal to parliament in 2018. Denmark, on the other hand, sees no need to integrate the Convention into national law.⁴⁷

43 Interview with Child Services, Copenhagen Municipality (Valby/Vesterbro/Kongens Enghave), Valby, 2 November 2017.

44 Vitus and Lidén, 'The Status of the Asylum-seeking Child', p. 77.

45 Ibid.

46 See the Act relating to the strengthening of the status of human rights in Norwegian law (The Human Rights Act), available at <<http://app.uio.no/ub/ujur/oversatte-lover/data/lov-19990521-030-eng.pdf>>, accessed 3 February 2018.

47 Institut for Menneske Rettigheder (Danish Institute for Human Rights), 'Dansk lovgivning', Copenhagen, 21 January 2014, <<https://menneskeret.dk/om-os/menneskerettigheder/menneskerettigheder-danmark/dansk-lovgivning>>, accessed 3 February 2018.

All of the Nordic countries appear to distinguish – in law, in policy and in practice – between children above and below the age of 15. It is unclear how relevant it is to make such a distinction in relation to asylum. In Sweden, greater weight is given to input into the asylum process made by children aged 15 years or older, and this age group is also given more opportunities to feed into decision-making processes. In other Nordic countries, however, older asylum-seeking children are more likely to be placed in an institution or held in detention, and they are less likely to be actively searched for in the event that they go missing.

Oversight

Appropriate implementation bodies are required at all levels, especially if children are not in the formal care of state child protection agencies. **None of the Nordic countries appear to have a national board, body or parliamentary committee that has final and overall accountability for asylum-seeking children.** Mixed messages were also drawn from the field in relation to oversight by an ombudsperson and/or other independent human rights monitoring body. An ombudsperson is entitled to visit reception centres in all of the Nordic states and has done so in Denmark, Norway and Sweden,⁴⁸ but the ombudsperson's remit in relation to wider asylum issues is unclear. Primary evidence suggests that there is uncertainty about the extent to which internal evaluations of reception facilities are produced and made public – though this may be done in other countries, for instance, by the Swedish Migration Agency.⁴⁹

The Phase I analyses appear to suggest that not all Nordic region residential facilities that host asylum-seeking children are subject to the same standards of oversight as other residential facilities for children.⁵⁰ It is unclear how local child protection agencies maintain oversight of residential facilities given the variety of managing agencies involved, or whether such facilities are open to public scrutiny. In Finland, for instance, where reception centres are run by the Finnish Immigration Service, NGOs and private companies, the Finnish Immigration Service supervises the centres by making unannounced inspections.⁵¹ **In all of the Nordic countries, there is a need to strengthen external oversight of asylum services and facilities, as regular and ongoing scrutiny by a range of actors – ombudsperson, civil society, parliament and the general public – is one of the strongest possible safeguards available to children in the asylum system.**

48 See Folketingets Ombudsmand (Danish Parliamentary Ombudsman), 'Ombudsmandens Børnekontor besøger center for uledsagede unge asylansøgere', Copenhagen, 17 November 2016, <www.ombudsmanden.dk/find/nyheder/alle/boernekontor_besoeget_center_for_uledsagede_unge_asylansoegere/>, accessed 3 February 2018; *The UN Convention on the Rights of the Child. Supplementary report – Norway*, pp. 47–48.

49 Interview with anonymous informant, Helsinki, 27 October 2017.

50 Phase I background study.

51 Interview with anonymous informant, Helsinki, 27 October 2017.

Access to justice

While the Nordic states legally recognize the child's right to information, differences persist depending on the pressure on the asylum system, and on whether children travel alone or accompanied. Children have expressed scepticism that full information was shared with them or that their right to receive information was realized: as the girls interviewed in Finland reported, "It's just a signature, it doesn't work in practice."⁵² Children in Sweden have confirmed the lack of sufficient information – let alone child-friendly information – with one child reporting: "I was at the interview and afterwards I was very anxious and did not know what to think because I did not know how this would end."⁵³ Skårdalsmo and Harnischfeger found similar experiences among children in Norway who asked to be given "a sense of the rules", clearly indicating a lack of child-friendly material.⁵⁴

As a rule, accompanied children are not informed about the asylum process in Denmark, as they are considered part of their parents' case. The Icelandic Ombudsman for Children remarked that informing children of their rights is a "huge problem in Iceland for accompanied children" who receive neither an independent case examination nor legal aid.⁵⁵

In terms of access to justice, UASC are generally better protected than accompanied children. While UASC are automatically assigned a legal representative, accompanied children are not. **The expectation is that a child's best interests will concur with those of her or his family, and that the child's parents will represent her or him adequately throughout the asylum process.** The model for legal representation varies across the Nordic countries. In Norway, for instance, the guardians (representants) are recruited and trained by the Country Governor and the guardian has the function of legal representation and spokesperson.⁵⁶ In Denmark, the Red Cross provides both the child's legal representative and guardian – the former is a Red Cross employee, the latter a volunteer.⁵⁷ The set-up is similar in Iceland.⁵⁸

In Sweden, the child has the right to a guardian appointed by the chief custodian's office in the relevant municipality and to legal representation in the asylum process, although the legal presence is not required for the asylum interview to take place.⁵⁹ In Finland, on the other hand, the district court appoints the guardian, who is responsible for ensuring that the child's right to legal representation is realized.⁶⁰

52 Child quoted in Kaukko, Mervi, 'The CRC of Unaccompanied Asylum Seekers in Finland', *The International Journal of Children's Rights*, vol. 25, no. 1, 2017, pp. 140–164.

53 Child quoted in *Barn på flykt*, p. 8.

54 Skårdalsmo, Envor M. Bjørge, and Jessica Harnischfeger, 'Vær snill! – Råd fra enslige mindreårige asylsøkere og flyktninger til voksne omsorgsgivere', *Tidsskriftet Norges Barnevern*, vol. 94, no. 1, 3 April 2017, pp. 6–21, see, in particular, pp. 1–2.

55 Interview with the Ombudsman for Children, Reykjavik, 10 November 2017.

56 Vergeforeningen Følgesvennen, 'En veileder for verger. Vergens rolle', 2018, <<http://vergeforeningen.no/veileder/category/vergens-rolle/>>, accessed 3 February 2018.

57 Interviews with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017.

58 Interviews with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017, and the Icelandic Red Cross, Reykjavik, 10 November 2017.

59 Interviews with the Swedish Migration Agency, Stockholm, 25 October 2017, and the Swedish Refugee Advice Centre Children's Unit, Stockholm, 24 October 2017. See also: Migrationsverket, Socialstyrelsen, Länsstyrelserna, Inspektionen för vård och omsorg, Sveriges Kommuner och Landsting, and Skolverket, *Ett gemensamt ansvar för ensamkommande barn och ungdomar*, Stockholm, May 2017, pp. 4, 7.

60 Interviews with the Central Union for Child Welfare, Helsinki, 26 October 2017, and the Federation of Mother and Child Homes and Shelters, Helsinki, 27 October 2017; Lepola, Outi, *Report on the Guardianship System Concerning Unaccompanied Minors Arriving in Finland*, Central Union for Child Welfare, 2012, pp. 1–3; Pakolaisneuvonta Ry (Refugee Advice Centre) and Maahanmuuttovirasto Migrationsverket (Finnish Immigration

The present analysis found that although guardianship and legal representation systems generally function well in the Nordic region – in large part thanks to the devoted work of volunteers and practitioners – they face a number of challenges. The guardian or legal representative is meant to function as an unaccompanied child's primary source of support throughout the asylum process,

but this responsibility is not necessarily qualified in law. There are also concerns about the independence of guardians and legal representatives and the nature of the contractual relationship with individual asylum-seeking children. The guardians are dependants of the Finnish Immigration Service – which pays their salaries and is in charge of the group homes. The Finnish Immigration Service's relationship with the guardian affects the nature and extent of the contractual relationship between a child and her or his guardian. Generally, children are assigned a guardian and have little say in the appointment. Except in Norway, guardians neither observe a clear protocol on confidentiality nor have a clear mandate to make a child's views known if these are at odds with the guardian's own opinion of the child's best interests. It is unclear what happens in such a situation, and the child's right to complain about the guardian or seek a replacement is very restricted. Finally, the shortage of appropriate guardians and the absence of a cap on the number of children a guardian may support can lead to serious neglect. In Sweden, this has led to guardians amassing far more children than they can care for properly, and better supervision and monitoring of the situation is needed.⁶¹

Good Practice 2: Sweden

To better meet the needs on the street, the Swedish Police is developing child-friendly information material in the form of short videos that the police can show on mobile devices to children they encounter on the street.

Full access to legal aid and judicial review – which should constitute the second key strand of any safeguarding strategy – must be available to children throughout every stage of the asylum process. Yet judicial review is only available in the Nordic countries at certain stages of the asylum process, and then only if the court does not deem it 'clearly unnecessary'. Professional legal advice is not automatically available to a child throughout the asylum process, and the criteria for accessing legal aid appear to be tightening. New regulations introduced by the Finnish Immigration Service give the public legal aid service sole authority to handle asylum cases up to the appeal stage, restricting a child's right to access support from private, independent or NGO sources. Previously, asylum seekers could

Good Practice 3: Denmark

In Denmark, all asylum rejections are automatically referred to the Refugee Appeals Court, except for those cases from the 'obviously unfounded' and the 'obviously unfounded rush' procedure, which are sent to the Danish Refugee Council that has the power of veto. This helps to ensure that rejections are subject to due process at two levels and that it is not left to the asylum seeker to have to meet appeals deadlines.

Source: Interview with the Danish Immigration Service, Copenhagen, 1 November 2017.

Service), *Representation in the Asylum Process: Guide for representatives of minor asylum seekers*, Refugee Advice Centre, Helsinki, 2010, available at <www.pakolaisneuvonta.fi/files/Edustajaopas_2010_eng_v13cov.pdf>, accessed 3 February 2018.

61 Interview with the Swedish Migration Agency, Stockholm, 25 October 2017. See also: *Barn på flykt*, p. 9.

receive free legal counsel from independent refugee lawyers.⁶² The new regulations have also cut the hourly reimbursements payable to lawyers. Similar processes have also been put in place in Norway. UASC have a right to a lawyer, but their lawyer is not automatically part of the asylum process. After a negative decision, the lawyer is restricted to five hours' work to review and appeal the cases.⁶³ Restrictions in time, funding and eligibility all act to erode children's basic right to legal advice, and a service cannot really be considered available if the child cannot afford it.

Child participation

Child participation is another key safeguarding element that should underpin the entire asylum process. The Nordic model of child participation generally reflects a positive societal view of children as rights-holders who have an inherent capacity to formulate and express life plans, and this perspective is enshrined in national law in all five countries. While all five states have incorporated the principle of child participation into their asylum processes and established procedures to allow children to speak and be heard, research in Iceland on the appointment of spokespersons in child protection work indicates that enforcement of the law is characterized by a lack of formality, protocols and assessment.⁶⁴ Another report, from Norway, indicates that there can also be a lack of effective national complaints procedures for children, and an absence of political will to provide such procedures.⁶⁵

Training in communicating with children is available in the Nordic countries, but key respondents have suggested that children are often not consulted appropriately or sufficiently.⁶⁶ Accompanied children are typically seen as an attachment to their parents, with no independent status, and thus remain "invisible in the process".⁶⁷ According to Swedish national migration legislation, these children are only heard in the asylum process if it is "not inappropriate".⁶⁸ Though this clause is often used as a reason not to hear children, the definition of 'inappropriate' is not always clear. Even when children are heard, they are often asked questions aimed at adults and are rarely heard without a parent present,⁶⁹ even where the migration authority has developed questionnaires to guide staff when interviewing accompanied children.⁷⁰ A child's opportunities to speak directly to decision-makers are limited and the formats and parameters prescribed for input by children tend to facilitate the asylum process rather than the child.

62 Interview with anonymous informant, Helsinki, 27 October 2017.

63 Interview with the Norwegian Organisation for Asylum Seekers (NOAS), Oslo, 6 November 2017.

64 Friðriksdóttir, Hrefna, and Hafdís Gísladóttir, 'Skipan talsmanns fyrir börn – grundvöllur ákvörðunar og framkvæmd' [The development of provisions in child protection laws on the appointment of spokespersons for children], *Stjórnámál og stjórnsýsla*, vol. 11, no. 2, December 2015, pp. 313–332, available at <<https://skemman.is/bitstream/1946/23513/1/a.2015.11.2.10.pdf>>, accessed October 2017.

65 *The UN Convention on the Rights of the Child. Supplementary report – Norway*.

66 Interview with the Refugee Advice Centre, Helsinki, 27 October 2017.

67 Interview with the Ombudsman for Children, Reykjavík, 10 November 2017; Guðmundsdóttir, Helga, 'Upplifun og reynsla barna og foreldra sem leita alþjóðlegrar verndar á Íslandi' [Experience of children and parents seeking international protection in Iceland], Master's thesis, February 2016, in: Correspondence with UNICEF Iceland, 25 October 2017.

68 Utlänningslag [Swedish Foreign Act] (2005:716), sections 1–11, available at <<https://lagen.nu/2005:716>>, accessed October 2017.

69 Insights from primary research undertaken in Sweden.

70 Migrationsverket, 'Checklista för barnkonsekvensanalys barn i familj', Stockholm, September 2017.

The potential for tension between a child's views and those of her or his guardian is not acknowledged and it is unclear what criteria besides age are used to assess capacity and to assign weight to the child's opinions, especially where these conflict with those of an adult. There are gaps in relation to the formal acceptance of a child's input and the limited support for the child to appeal against decisions with which she or he disagrees. Thus, while child participation in the Nordic countries is high in general, it appears to be neither fully integrated into the asylum system nor consistently practised. It also seems likely that different standards are applied to asylum-seeking children and to nationals in relation to the right to be heard.

Asylum-seeking children, in practice, have only limited opportunities to actually shape the agenda around their own future. While the law allows the child to provide input to the asylum process, in practice she or he is heard only on certain matters, and there are areas where the child's opinion is not sought. Even when the law allows for consultation with the child, it can also send a strong message that the child must choose a specific option, e.g. consent to age assessment procedures. Decision-makers in the Nordic states are also given the legal authority to decide that hearing the child is 'manifestly unnecessary' without having to justify that decision to the child. It is not clear whether these arrangements mirror those in the child protection system.

The Danish Children's Reform provides that children in Denmark have a "right to be involved from the age of 12 years in all aspects including complaints about assignment of special support, repatriation from a placement or a foster family or other angles on children's life".⁷¹ Under Finland's Child Welfare Act, a child is considered a party to any proceeding in child welfare matters, and children aged 12 years or older have full procedural rights in matters that affect them.⁷² The Child Protection Act in Iceland guarantees every child the opportunity to express her or his views.⁷³ However, in practice, immigration always speaks to children over the age of 15, and assesses the need to speak to younger children on an individual basis. In Norway a child has the right to be heard even below the age of seven years under the Children's Act, the Child Welfare Act and the Immigration Act.⁷⁴ Finland has committed to enabling children from the age of 12 (or sometimes even younger) to give their input to the asylum process, but in most Nordic countries only children aged 15 years or older seem to enjoy in full the right to participate in the asylum process.

71 The Danish Children's Reform was adopted by the Danish Parliament in 2010 and came into force in 2011. See: Collaborating Group on the Children's Convention in Denmark, *Supplementary NGO Report to the Danish Government's 4th Periodic Report to the UN Committee on the Rights of the Child*, DIGNITY, Danske Handicaporganisationer, Red Barnet Ungdom, UNICEF Denmark, Amnesty International, Børns Vilkår, Foreningen Grønlandske Børn, Børnesagens Fællesråd, and Save the Children Denmark, Copenhagen, November 2010, p. 10, available at <<http://boernesagen.dk/wp-content/uploads/2016/06/SUPPLEMENTARY-NGO-REPORT0910.pdf>>, accessed 3 February 2018.

72 Government of Finland, *Fourth Periodic Report of the Government of Finland on the Implementation of the UN Convention on the Rights of the Child*, July 2008, paras. 140–142, available at <www2.ohchr.org/english/bodies/crc/docs/Finland_4thPeriodicReport.pdf>, accessed 3 February 2018.

73 Ministry of Welfare, Government of Iceland, Child Protection Act, No. 80/2002, article 46. See: Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Iceland's Third Periodic Report*, Government of Iceland, Ministry of Justice and Ecclesiastical Affairs, June 2008, para. 59, available at <www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-ISL-3-4.doc>, accessed 3 February 2018.

74 See: Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding observations: Norway*, CRC/C/NOR/CO/4, Advance Unedited Version, 29 January 2010, para. 24, available at <www2.ohchr.org/english/bodies/crc/docs/CRC.C.NOR.CO.4.pdf>, accessed 3 February 2018.

Best interests of the child

The Convention on the Rights of the Child gives children the legal right to have their best interests accepted as the primary consideration in any decision-making process that concerns them. The Committee on the Rights of the Child recommends in its General comment No. 14 (2013)⁷⁵ that the child's best interests are examined and determined in each *individual case* in light of the *specific circumstances* of each child or each group of children, and are related to the *individual characteristics* of the child or group of children concerned, including the *social and cultural context* in which the child or group of children find themselves.

National law in all five of the Nordic countries stipulates that a best interests determination (BID) should be conducted during the asylum process, in line with the Convention's legal imperative. By law, a child's best interests must be taken into account during asylum proceedings, and decisions can be legally challenged on the basis of the child's best interests. Yet Danish law does not define the best interests principle, and key respondents raised doubt about the existence of a systematized holistic best interests assessment (BIA) procedure.⁷⁶ How BIA is practised for unaccompanied and accompanied children in the Nordic region also differs, as migration authorities appear to deem the best interests of accompanied children identical to those of their families, often overlooking them for individual assessment, as is the case in Finland.⁷⁷ UDI, the Norwegian Directorate of Immigration, also complains about the lack of material and training on the best interests of accompanied children, resulting in accompanied children being assessed by officials who lack the appropriate competencies.⁷⁸

In practice, all BIAs (including BIDs) conducted in the Nordic region examine the child's: age/maturity; situation in the country of origin; family network and/or connections in the host country; and experience of physical and/or mental abuse/traumas; plus any other factors deemed relevant. Children are entitled to feed into all types of BIA and BID in every Nordic country, although the mechanisms in place to facilitate their input vary considerably in quality. **All of the Nordic countries lack clear protocols and formats for BIAs and BIDs, which can lead to poor-quality assessments and gaps in good practice. Key respondents in several countries raised concerns about whether BIAs meet in-country standards, let alone the standards required by the Convention on the Rights of the Child, and in some countries they raised concerns about whether BIAs are conducted at all at the requisite times.**⁷⁹

75 Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para.1), 29 May 2013, CRC/C/GC/14, para. 42.

76 Correspondence with Danish Refugee Council, February 19, 2018; Correspondence with Danish Red Cross, February 19, 2018. See also: Dansk Flygtningehjælp (Danish Refugee Council), *Hensynet til barnets bedste: i den danske asylprocedure*, DFH, Copenhagen, June 2015.

77 Interview with Save the Children Finland, Helsinki, 26 October 2017.

78 Interview with the Ombudsman for Children in Norway, Oslo, 3 November 2017. According to the Ombudsman, UDI (the Norwegian Directorate of Immigration) is interested in receiving assistance and guidelines from other specialized organizations and agencies.

79 Various procedural guides have been developed but they lack consistency and depth. See, for example, Migrationsverket, 'Checklista för barnkonsekvensanalys barn i familj', Stockholm, September 2017.

The Committee on the Rights of the Child also recommends that child protection authorities within child protection systems should always be involved, with a lead role, in BID procedures.⁸⁰ There is no consistency across the Nordic region, however, in terms of who conducts BIDs, at what stage of the asylum process they are undertaken, or their purpose and function in the asylum process. Evidence from Finland, Norway and Sweden suggests that immigration authorities tend to carry out BIDs with a specific focus on whether a child should remain in the country or return to her or his country of origin.⁸¹ Other sources relate how child protection authorities, in contrast, are likely to assess a child's best interests with a specific focus on care arrangements, possible risks and/or experiences of violence, exploitation or abuse.⁸²

Two formal BIDs are mandated in Iceland: a procedural BID tied in with a medical examination, conducted as soon as possible after the immigration authorities receive an asylum application; and a refugee status BID conducted by the child protection authorities to determine whether a child requires protection. However, in Iceland, there is a shortage of interpreters and social workers have reported the need for more training in cultural sensitivity and communication with ethnic minority families.⁸³ Unaccompanied children represent a new field in child protection in Iceland and so far no guidance is available on how to work with such children. In Finland, a reception centre social worker will conduct a BIA before the asylum interview, which may take place a considerable time after the child's arrival at the centre, and other BIAs are conducted throughout the asylum process.⁸⁴ In Norway, reception centre personnel usually conduct a BID soon after a child's arrival to determine her or his immediate welfare needs, though it also focuses on the longer term, to identify durable solutions. **A commitment to assessing, determining and realizing the best interests of the individual child is a core value common to asylum, migration and child protection services in the Nordic region, and it underpins several major procedural safeguards in all three systems. Yet none of the Nordic countries are conducting BIAs and BIDs as they should be conducted, and it is strongly recommended that common models are adopted and consistently applied across all five states.⁸⁵**

80 UN Committee on the Rights of the Child (CRC), Committee on the Rights of the Child, *Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration*, 28 September 2012, available at: <<http://www.refworld.org/docid/51efb6fa4.html>>, accessed 14 February 2018.

81 Marshall, Wenke and Nordh. *Child Trafficking in the Nordic Countries*.

82 Feedback from participants in round-table discussions held in Denmark (28 April 2011), Finland (13 May 2011), Norway (5 May 2011) and Sweden (3 May 2011) quoted in Marshall, Wenke and Nordh, *Child Trafficking in the Nordic Countries*, p. 12.

83 Borisdóttir, Nadía, 'Starf félagsráðgjafa í barnavernd með fjölskyldum af erlendum uppruna' [The work of social workers that work with ethnic minority families in child protection services], Master's thesis, November 2016.

84 Interview with the Espoo Reception Centre, Espoo, 30 October 2017.

85 For instance, the Best Interests of the Child-Questionnaire (BIC-Q) developed in 2014 expanded the basic principles and characteristics of best interests assessments as outlined by the Committee on the Rights of the Child into 24 questions relating to: (a) the child's current living situation; (b) the expected future situation if the current child-rearing and living situation continues; and (c) the expected future situation if an alternative child-rearing and living situation is chosen. A professional can use this questionnaire to assess the child's current environment and to compare it with the situation which can be expected to result following a specific decision. See: Kalverboer M. E., *The Best Interest of the Child in Migration Law: Significance and implications in terms of child development and child rearing*, SWP Publishers, Amsterdam, 2014, cited in *The Best Interests of the Child – A dialogue between theory and practice*, edited by Milka Sormunen, Council of Europe, Strasbourg, March 2016.

2.3 The asylum process

Arrival and registration

It is common practice across the Nordic region for no unaccompanied child to be denied entry nor deported, even if entry conditions are not met. To strengthen the child's protective environment, however, it is recommended that national law be amended to reflect good practice on the ground. Child protection services are not usually represented at border points in the Nordic countries, so a child's first contact with state authorities is likely to be with border guards or police officers, who do not necessarily possess child competencies. The initial contact between child and state representative is important as it sets the parameters of the relationship for both parties. It can influence state decisions regarding entry and the child's assignment to subsequent procedures as well as decisions the child makes about how to interact with the asylum process and with the child protection authority. Training is available to border guards and police officers in Finland, Norway and Sweden to help identify children – potential victims of trafficking in particular – but it appears to do no more than superficially touch on child competencies.⁸⁶ Interpreters are usually present at the registration of an asylum-seeking child but may not be specially trained in child-friendly communication. Finnish immigration police remarked that little training is available, although “small children and youngsters are many times left on the doorstep of a police station”.⁸⁷



86 Interview with Helsinki Police Department (Immigration Affairs), Helsinki, 30 October 2017.

87 Ibid. Citation from: Helsinki Immigration Police, 'Unaccompanied Minors in the Asylum Process', 14 November 2017, on file with the authors.

There is a need to ensure that: border guards and police officers in all five Nordic countries are skilled in child-friendly communication; asylum-seeking children can access interpreters and independent support at the point of contact; and inter-agency protocols facilitate rapid engagement by national child protection authorities.

In terms of making referrals to child protection services, police officers in Iceland summon child protection services to the airport on encountering UASC; in Denmark, UASC are immediately taken to a reception centre, with registration taking place the very next day.⁸⁸ Border authorities in Finland also refer UASC to the child protection authority immediately, without first confirming their ages. An unaccompanied minor (who informs the authorities of her or his age) is either sent to a group home or a supported housing unit for unaccompanied minors.⁸⁹ UASC aged 15 years or older arriving in Norway are referred to special care facilities run by the Norwegian Directorate of Immigration, while those below the age of 15 are referred to centres run by the child protection authority. In Sweden, UASC must be registered as asylum seekers to be included in the protection system.

Age assessment

In 2017, the Committee on the Rights of the Child prescribed that the state must “undertake a comprehensive assessment of the child’s physical and psychological development”, to be conducted by “specialist paediatricians or other professionals who are skilled in combining different aspects of development”. The assessment should be carried out in a “child-friendly, gender-sensitive and culturally appropriate manner” which must include child participation and interviews with “accompanying adults, in a language the child understands”. The Committee further stipulates that documents should be considered genuine unless proved false and that benefit of the doubt should be given to the individual being assessed. The Committee advises that “States should refrain from using medical methods based on, inter alia, bone and dental exam analysis” because these have a wide margin of error and can be traumatic. Finally, all states should ensure that their determinations can be reviewed by or appealed before a suitable independent body.⁹⁰

No Nordic state lives up to the guidelines provided by the Committee in 2017. The grounds, timing and methods for conducting age assessment differ across the Nordic countries. The same goes for the states’ compliance with Committee on the Rights of the Child General comment No. 6, which stipulates that age assessment should take into account psychological maturity as well as physical appearance and be conducted in a scientific, fair, safe, and child- and gender-sensitive manner, avoiding any risk of violation of the physical integrity of the child and giving due respect to human dignity. According to Article 25(5) of the recast EU Asylum Procedures Directive, age assessment should only be used where there are grounds for serious doubt of an individual’s age, and the least invasive examination should always be selected.

88 Interviews with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017, and the Icelandic Directorate of Immigration, 10 November 2017.

89 Interview with Finnish Immigration Service.

90 Committee on the Protection on the Rights of the Child on state obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return. CMW/C/GC/4-CRC/C/CG/23, p. 2, 2017.

In the Nordic countries, age assessment is permitted where there is ‘reasonable doubt’ about an individual’s age, but it is unclear how reasonable doubt is defined, who decides that there is reasonable doubt and what safeguards are in place to prevent abuse of the concept. Border guards and police officers base initial estimates of age on identity documents and on a visual assessment at the point of entry, although Denmark claims to rely solely on documentation: in cases where documents are difficult to obtain or have no legal bearing, the Danish Refugee Council noted that age assessment has become the all-important proof, risking ruling out the benefit of doubt for the child.⁹¹ As part of the Danish asylum procedure for unaccompanied children, the immigration authorities start by assessing the maturity of the individual, asylum-seeking child. If the child is deemed too immature to go through the Danish asylum procedure a temporary residence permit may be granted. Children with family in the home country are, however, not given a temporary permit, according to section 9c (3)(i) of the Danish Alien Act. These unaccompanied children, who are often very young (most between 12 and 14 years old but in some cases as young as 9 years old) are then given the choice of either waiting at asylum centres in Denmark until they are deemed sufficiently mature by the immigration authorities, in order to have their asylum case processed or – notwithstanding the maturity assessment – of continuing with the asylum claim assessment procedure.⁹² In Finland, in practice, the authorities consider anyone who refuses to go through the age assessment process an adult by default, and UDI in Norway has stated that age assessment is “used too much”⁹³, while a 2016 report found that “medical assessments are given too much weight when age is determined”.⁹⁴

State authorities in the various countries use different combinations of methods, including medical methods, in their age assessment processes.⁹⁵ Denmark allows all forms of medical assessment except psychological assessment, i.e. carpal bone, collarbone or dental X-rays; dental observation; physical development assessment by a doctor; and sexual maturity observation. Iceland uses dental X-rays and dental examinations. In Finland, only wrist X-rays and dental X-rays are used. Norway allows carpal bone, collarbone or dental X-rays and dental observation but does not draw on social services assessments, which could facilitate a more holistic assessment of a child’s needs. Sweden did not previously use medical methods for age

State authorities in all five Nordic countries do seek informed consent for age assessment from the child and/or her or his guardian, and advise the applicant of the reasons for the assessment. Technically, the child is entitled to refuse to consent to age assessment procedures without any adverse effects on her/his asylum application. Yet in every Nordic country children are informed that there will be consequences if they withhold consent, with a clear implication that such consequences will be negative. In Denmark, Finland and Sweden, refusal in practice means that the child will be treated as an adult unless she or he can provide strong justification for refusal. Even when the consequences of refusal are not made explicit, this implicit threat would certainly seem to mitigate, if not negate, the child’s right to refuse.

91 Interviews with the Danish Refugee Council, Copenhagen, 1 November 2017, and the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017.

92 Correspondence with Danish Refugee Council, 6 February 2018.

93 Interviews with the Refugee Advice Centre, Helsinki, 27 October 2017, and the Norwegian Directorate of Immigration, 6 November 2017.

94 Extra Stiftelsen, Redd barna, and NOAS. *Aldersvurderinger Av Enslige Mindreårige Asylsøkere. Over Eller under 18?* Oslo, 2016, p. 12.

95 For a full description, see: European Asylum Support Office, *EASO: Age assessment practice in Europe*, EASO, Luxembourg, 2014.

assessment but now allows dental and knee X-rays. The value of non-medical methods has been downgraded and cases that are considered doubtful are now sent for medical age assessment.⁹⁶

In 2013, the European Asylum Support Office recommended 12 safeguards in relation to age assessment, but while all Nordic states observe some of these, no state has put all of the safeguards in place (see Table 4).⁹⁷ For instance, neither Denmark nor Finland tries other approaches before using age assessment techniques, and in practice all of the Nordic states focus increasingly on medical results when determining the age of young asylum applicants. In Sweden, paediatricians have refused to conduct examinations for age assessment purposes given the high margin of error involved as well as the importance that seems to be placed on such examinations.⁹⁸

Norwegian practice has for some years been out of line with children's rights, and in November 2017 the Norwegian state lost a case on age determination on the grounds that medical assessments are insufficiently thorough and had been ordered without the necessary legal procedures being followed.⁹⁹ As a result, all age assessments in Norway are now conducted at institutes for forensic medicine.¹⁰⁰ UDI has been active in developing a better approach and reported in June 2017 that it will implement a new technique called BioAlder (bio age) with the aim of improving the quality of age assessments.¹⁰¹

Table 4. Safeguarding procedures related to age assessment

Recommended safeguards for age assessment of young asylum seekers
Applicant gives informed consent
Applicant advised of reasons for assessment
Applicant informed of health consequences
Applicant informed of likely outcomes
Other approaches attempted first
Benefit of the doubt afforded to the applicant
Option to decline offered
Refusal does not lead to automatic registration as an adult
Support given by an independent person
Applicant informed of result
Applicant advised of right to appeal
Applicant treated as a child pending result

Source: Adapted from European Asylum Support Office, *EASO: Age assessment practice in Europe*, EASO, Luxembourg, 2014, annex.

96 <<https://www.easo.europa.eu/sites/default/.../EASO-Age-assessment-practice-in-Europe.pdf>>, accessed 16 February 2018 and cross-checked with current information.

97 Ibid., Annex 5, pp. 86–87.

98 Also, in 2010, Norsk Barnelegeforening (Norwegian Society of Pediatricians) concluded after intense investigation that age assessment is an examination that “Norwegian doctors should not participate in”. See: Annestad, Ellen, ‘Aldersbestemmelse av mindreårige asylsøkere’, Norsk Barnelegeforening, 2010, available at <http://legeforeningen.no/Global/Fagmedisinske%20foreninger/Norsk%20barnelegeforening/Paidos/aldersbestemmelse_rev%2022%2010ea.pdf>, accessed 3 February 2018. See also: The Local (Norway), ‘Oslo university quits collaboration to assess age of asylum-seeking minors’, 3 March 2017, <www.thelocal.no/20170303/oslo-university-quits-collaboration-to-assess-age-of-asylum-seeking-minors>, accessed 3 February 2018.

99 Rosenlund-Hauglid, Signe, and Anne Stine Sæther, ‘Utlendingsnemnda tapte i rettssak om alderstesting’, VG Nyheter, 30 November 2017, <www.vg.no/nyheter/innenriks/asyl-debatten/utlendingsnemnda-tapte-i-rettssak-om-alderstesting/a/24200042/>, accessed 3 February 2018.

100 Interview with the Ombudsman for Children in Sweden, Stockholm, 23 October 2017; UDI, ‘Rettsmedisinsk tar over aldersvurderingen’, 19 December 2016, <www.udi.no/aktuelt/rettsmedisinsk-tar-over-aldersvurderingen/>, accessed 3 February 2018.

101 UDI, ‘Ny metode for aldersvurdering av unge asylsøkere’, 21 June 2017, <www.udi.no/aktuelt/ny-metode-for-aldersvurdering-av-unge-asylsokere/>, accessed 14 January 2018.

In practice, the decision to conduct age assessment is often left to the discretion of the migration authority's case worker. Ideally, the case worker should base the decision on whether the child appears age appropriate and has valid and genuine documentation to confirm her or his age. Viewed from a child's rights perspective, as presented in the recent Joint general comment from the Committee on the Rights of the Child, the strict rules for what count as valid and genuine documents, as well as the role of the case worker, can lower the standard in some countries.¹⁰² In a report examining a sample of 145 cases, the Swedish Migration Agency found that the child's age had not been investigated sufficiently in the majority of cases due to the pressures on asylum systems.¹⁰³ In Denmark, appeals can be made to the Refugee Appeals Court, but age assessment results cannot be challenged in the other Nordic countries, except in the context of a wider appeal against an asylum application decision. This is important to note since the consequence of an incorrect assessment is the total denial of the child's rights.

In Sweden, many UASC aged 15 years or older were classified as adults without any age assessment – medical or otherwise – having first been performed and, as a result, lost all of their entitlements as children. It is interesting to note that when the Immigration and Asylum Appeals Board in Iceland reviewed age assessment results as part of a wider challenge, it interpreted them in a different way to the Directorate of Immigration. This would seem to further strengthen the case for each country to have a specific appeals process for age assessments.¹⁰⁴

Key respondents in all countries indicated that asylum applicants today are rarely offered the benefit of the doubt, which was standard procedure as recently as a few years ago.¹⁰⁵ Age assessment is not an exact science, yet it appears there is no agreement on which combination of techniques produces the most accurate results, or on how to interpret results. In Denmark, where age assessment typically provides an estimated age spanning several years, such techniques should in principle be only one element of the Danish Immigration Service's overall age assessment, but key respondents suggest that age assessment is given almost exclusive importance.¹⁰⁶ In Norway, age assessment determines the probability (expressed as a percentage) that the individual is the age that she or he claims to be, and on this basis an assessment is made as to whether the individual is likely to be over the age of 18. **Thus, even if the methods of assessment were aligned across the Nordic region, the results would not be transferable across the five countries, which could necessitate a child undergoing two or more age assessments.**

102 Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Committee on the Rights of the Child. Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*, CMW/C/GC/4-CRC/C/GC/23 § (2017), page 2.

103 Migrationsverket, 'Analysrapport: Tematisk kvalitetsuppföljning av åldersbedömning i samband med beslut om uppehållstillstånd', Stockholm, 28 November 2016, p. 10. See also: Interview with the Norwegian Directorate of Immigration, 6 November 2017; Extra Stiftelsen, Redd Barna and Norsk Organisasjon for Asylsøkere, *Åldersvurderinger av enslige mindreårige asylsøkere. Over eller under 18?*, NOAS, Oslo, 2016.

104 Analysis of Phase I study.

105 For example, in interviews with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017; the Norwegian Directorate of Immigration, 6 November 2017; and the Icelandic Directorate of Immigration, 10 November 2017.

106 Interviews with the Danish Refugee Council, Copenhagen, 1 November 2017, and the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017. See also: Wenke, Daja, *Age Assessment: Council of Europe member states' policies, procedures and practices respectful of children's rights in the context of migration*, Council of Europe, September 2017, pp. 23–24.

Asylum application

In principle, the Nordic States prioritize UASC but not families to a special or speedier process. In reality, this does not seem to work. Currently, the Finnish Immigration Service is obliged to speed up the process for asylum-seeking children, but a representative indicated in an interview that it was failing to meet this goal in 2015/16. From summer 2018, Finnish law will stipulate a maximum processing time that will oblige the authorities to proceed with the applications immediately. In Sweden, in 2017, the average time to process each asylum application made by UASC was 578 days, and statistics from the Swedish Migration Agency and Norway show that the processing time for asylum applications made by UASC is in fact longer than for those made by adults.¹⁰⁷ The Danish Immigration Service has established an average processing time for an asylum claim at seven months, but readily admits “most cases take less time or longer”.¹⁰⁸

All of the Nordic countries ensure that a guardian or legal representative supports each unaccompanied child throughout the asylum application process, although both the roles and the nature of the support provided can vary across the states. In Iceland, for instance, the Icelandic Directorate of Immigration appoints a representative for the unaccompanied child when she or he formally applies for asylum; the Directorate also notifies the local child welfare committee and the Government Agency for Child Protection of the application. The Government Agency’s role is to ensure that the best interests of the child are considered and to oversee the child welfare committee’s remit to provide accommodation, health and education services for the child. Unfortunately, key respondents indicated that this approach is not working in practice, often resulting in UASC in the reception centre being left to their own devices in the company of adults, due to staff members having insufficient capacity to properly care for them. Research carried out in 2016 also found that children need to be more visible and active in the application process as a whole, and that the process itself must be better aligned with the Convention on the Rights of the Child.¹⁰⁹

According to EU law, UASC can be granted protection status on humanitarian grounds during their stay on EU territory. Various types of permits may be granted, depending on whether the child is applying for asylum or is a victim of trafficking in human beings and is cooperating with the authorities.¹¹⁰ Finland and Norway both provide residence permits for unaccompanied children who do not meet the legal requirements to enter and stay in the country, but who cannot be returned to their countries of origin. This includes non-asylum-seeking children and those whose claims for asylum have been rejected.

107 The average processing of an asylum application (whole population) in Sweden is 496 days. ‘Asylum Decisions, First Time Applications, Swedish Migration Agency, 2017.’ Stockholm, 2018. Migrationsverket, ‘Statistics’, last updated 29 January 2018, <www.migrationsverket.se/English/About-the-Migration-Agency/Facts-and-statistics-/Statistics.html>, accessed 3 February 2018. In Norway, the average processing time (whole population) was circa 420 days before 2015. See: Weiss, Nerina, et al., *Opphold i asylmottak: Konsekvenser for levekår og integrering*, Fafo report 2017:07. Fafo, 2017, pp. 33–35.

108 Ny i Danmark [New to Denmark], ‘Sagsbehandlingstider i Udlændingestyrelsen’, Udlændingestyrelsen [Danish Immigration Service], Copenhagen, 2018, <www.nyidanmark.dk/da/Ord-og-begreber/US/Diverse-US/Sagsbehandlingstider-i-Udlændingestyrelsen>, accessed 14 January 2018.

109 Guðmundsdóttir, Helga, ‘Upplifun og reynsla barna og foreldra sem leita alþjóðlegrar verndar á Íslandi’ [Experience of children and parents seeking international protection in Iceland], Master’s thesis, February 2016.

110 In line with Council Directive 2004/81/EC60 of 29 April 2014 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Official Journal of the European Union L 261/19, 6 August 2004.

Reception

The analysis of the Phase I study and Phase II interviews with key respondents¹¹¹ indicate that reception facilities in the Nordic region include:

Designated areas within mainstream reception facilities – in Denmark, Iceland and Norway,

Foster families – in Denmark, Iceland, Norway and Sweden,

Placement with relatives – in Denmark, Iceland, Norway and Sweden,

Separate reception facilities for children – in Denmark, Finland, Norway and Sweden.

Although the Nordic countries have a range of accommodation options available to them, institutional care seems to be the most likely option for UASC. For example, in Sweden, the municipal authorities are responsible for arranging the placement of unaccompanied children in reception facilities; accompanied children are the responsibility of the migration authorities, which often places such children with their families in mixed centres that also accommodate single men. In Norway, children aged 15 years or older are referred to a reception centre, while children under 15 years of age are usually referred to a child-care centre under the supervision of the child protection authority. Although foster home placements have sometimes been arranged even before a decision has been made about durable solutions for a child, most foster care placements for children under 15 years of age occur only after asylum has been granted. Denmark has a range of accommodation options for younger children, but those aged 17 years or older are assigned to special units within adult reception centres. In Iceland, only children aged 15 years or older are placed in reception centres.

Reception centres in the Nordic region are managed by a range of actors,¹¹² including municipal authorities and NGOs such as the Danish Red Cross, but the specific situation in each country requires clarification. A staff of 8 or 9 counsellors plus a director for each 10 to 15 children is the norm in Sweden. The Finnish Child Welfare Act stipulates a maximum of seven children and a minimum of seven employees in one residential unit – unless there several residential units in one building – then the staff are six per unit. UASC of 16 years or above can be accommodated in supported housing units, with a maximum of 40 children in one building and three staffers per ten children, although recent amendments allow for deviations under certain undefined circumstances.¹¹³

There are no specific responsibilities assigned to reception centres in Iceland, but in the rest of the region, staff's main responsibilities are supervision, counselling and providing support for children. Staff in Norwegian reception centres also ensure access, in cooperation with the municipality, to education, language or training courses, and oversee children's entitlements to health care. In Finland, reception centre staff receiving unaccompanied children provide psychological support, assist with administrative procedures, and monitor children's individual education plans.

111 See also: European Migration Network, *Policies, practices and data on unaccompanied minors in the EU Member States and Norway. Synthesis Report: May 2015*, Directorate-General Migration and Home Affairs, European Commission, Brussels, 2015. Note that neither Denmark nor Iceland participated in the study.

112 Insights from primary research.

113 Section 59, Ministry of Social Affairs and Health, Finland. "Barnskyddslag 417/2007 (Child Welfare Act), 2008/2018. <https://tinyurl.com/yczxprv6>.



Children interviewed about life in Sweden's reception centres presented a diverse picture – some have reported better experiences than others, although it seems that the negative impressions outweigh the positive ones. On the relationship between reception centre staff and children, one child said that personnel, “in the middle of the night when you lie asleep they [staff] comes and turns on the light to check presence”.¹¹⁴ Another remarked, “They do not sit with us. We only see them in connection with food. They never sit and talk with us. They go into their room and lock the door behind them.”¹¹⁵ One child spoke of a strong connection with one of the staff members, “He is very respectful actually, and he helps me a lot.”¹¹⁶ On the basic set-up of the reception facilities – where some rooms are shared with as many as 20 other children – one child noted that the shared bathrooms and toilets are often too few and, “are so dirty that you get sick if you go in there”, while the heater in another child's room was broken and had not been fixed despite the cold temperatures outside. Several children complained of a shortage of clothes “Only now after 30 days someone came from another center and they gave me a jacket.”¹¹⁷ Children have also described being fearful and having a strong need for comfort and family care, which is often lacking.¹¹⁸

114 *Barn på flykt*, p. 14.

115 *Ibid.*, p. 15.

116 *Ibid.*

117 *Ibid.*, p. 14. See also the impressions of attendees of reception and asylum centres in Norway, provided both by children and also their parents: Weiss, Nerina, et al., *Opphold i asylmottak: Konsekvenser for levemåte og integrering*, Fafo report 2017:07. Fafo, 2017, pp. 44–57.

118 Barnombudsmannen, *Ensamkommande barn som försvinner*, Barnombudsmannen, Stockholm, 2017, p. 10, available at <www.barnombudsmannen.se/globalassets/dokument-for-nedladdning/publikationer/publikationer2/rapport_ensamkommande_barn_som_forsviner_2017.pdf>, accessed 3 February 2018.

The dearth of data on practice in reception centres makes it difficult to identify where good practice is happening. There are also questions to be answered about the criteria used to assess good practice and whether standards applied to reception centres are equivalent to those applied to facilities and services for other vulnerable children. For instance, the European Migration Network recommends the Norwegian reception centres as a model of good practice,¹¹⁹ although research conducted in Norway in 2015 found that living standards were very basic in such facilities.¹²⁰ The 2017 Supplementary Report to the Committee on the Rights of the Child notes that staff seemed unaware of the

Lower standards in reception centres may be accepted by child-rights duty bearers, as such accommodation is seen as temporary. In reality, however, families are often unable to move on from the centres and can spend years living in unsuitable accommodation.

So, while institutionalization has been rejected throughout Europe as an acceptable or effective response to vulnerable children, asylum-seeking children in the Nordic countries can still end up living in unsuitable institutions for months or even years, with no clear idea of when they may resume normal family life.

high levels of conflict at some reception centres.¹²¹ Although the EU has laid down specific standards, criteria and regulations for reception centres,¹²² a great variation exists between and within the Nordic countries with regard to the type of reception facilities offered and the actors involved in providing such accommodation.

The Ombudsman for Children in Norway has raised concerns about children living in reception centres for prolonged periods and it noted 6,543 such cases as at August 2016. Among this number, 503 children had had asylum applications pending for more than three years,¹²³ while 286 children held residence permits but were forbidden from taking up residence in a municipality and instead had to live at the reception centre for an unspecified period.¹²⁴

It is important to note in relation to the provision of reception, care and accommodation services for asylum-seeking children that the European Court of Human Rights has ruled that a state may not absolve itself of the duty to protect children by delegating the administration of services – such as care or education – to private individuals.¹²⁵ This emphasizes a state's obligation to ensure that all children, irrespective of their legal status, enjoy the same standards of care and protection as those stipulated under national child protection and welfare legislation. The European Court has also developed a substantial body of case law regarding the protection of children against violence in all settings, and it has identified clear duties incumbent on states whenever children are placed in institutions under their authority.¹²⁶ This stance would seem to argue for equal standards for reception centres and child welfare homes in the Nordic states.

119 *Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway.*

120 Norwegian University of Science and Technology, *Social Research Report*, 2015, cited in *The UN Convention on the Rights of the Child. Supplementary report – Norway*, p. 48.

121 *The UN Convention on the Rights of the Child. Supplementary report – Norway*, p. 48.

122 Directive 2013/33/UE of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), Official Journal of the European Union L 180/96, 29 June 2013. For a fuller discussion of reception accommodation, see: European Migration Network, *Organisation of Reception Facilities in Different Member States*, European Commission, Brussels, 2014.

123 *The UN Convention on the Rights of the Child. Supplementary report – Norway*, p. 48.

124 Figures from the Norwegian Directorate of Immigration (UDI) cited in *The UN Convention on the Rights of the Child. Supplementary report – Norway*, p. 48.

125 European Court of Human Rights, *Costello Roberts v. the United Kingdom*, No. 13134/87, 25 March 1993, para. 27.

126 European Court of Human Rights, *Nencheva and Others v. Bulgaria*, No. 48609/06, 18 June 2013, pp. 249–250.

The Ombudsman for Children in Norway notes that the standards set for reception centres in relation to staffing, expertise, inspections and complaints mechanisms are far less stringent than those governing child welfare institutions.¹²⁷ Similar concerns were voiced by personnel at the Danish Red Cross Gribskov Transit and Child Centre in Denmark.¹²⁸ Iceland's main reception centre at Hafnarfjörður in Reykjavik has no personnel besides a single guard, so UASC are left to fend for themselves. One wing is devoted to families and UASC, but other asylum seekers including single men reside in the same building. These are not the best possible conditions for asylum-seeking children, yet Iceland's Directorate of Immigration and Ombudsman for Children report that the Government Agency for Child Protection has not yet responded to their enquiries about creating a proper reception centre with adequate staff and facilities.¹²⁹

Part of the difficulty seems to be that responsibility for children's reception centres lies with asylum authorities rather than with child welfare authorities, and that standards and safeguards are set at lower levels for asylum facilities. In Norway, for instance, the requirements for reception centres for unaccompanied asylum-seeking children are set out in Norwegian Directorate of Immigration directives, while the requirements for child welfare establishments are stipulated in the Child Welfare Act. **The differences that result for children starkly illustrate the importance of national child protection and welfare authorities having primary ownership of migrant children's issues rather than migration or asylum authorities, and of monitoring and enforcing equivalence in the country's responses to asylum-seeking children and to other vulnerable children.**

Good Practice 4: Finland

In Finland, Save the Children implemented a project to establish child-friendly spaces at a few selected reception centres. The project has been a success because it provides a breathing space, not only for children in the centre, but also for the adults there, who can play with their children in the space, or simply enjoy the community feeling that builds around it.

Source: Interview with Save the Children Finland, Helsinki, 26 October 2017.

Durable solutions

None of the available data indicate that accompanied children are given any special weight within national asylum processes. In fact, the case of an accompanied child is considered only within the general context of her or his family's asylum application. Thus there is broad agreement that accompanied children remain invisible in the asylum process, even where a child may have grounds for her or his own asylum claim.¹³⁰ The Ombudsman for Children in Sweden and the Swedish Migration Agency both found that accompanied children were not heard in the process.¹³¹ **Although it is clearly in a child's best interests to find a durable solution as quickly as possible, the time frame for the asylum determination procedure varies**

127 *The UN Convention on the Rights of the Child. Supplementary report – Norway*, p. 48.

128 Interview with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017.

129 Interviews with the Icelandic Directorate of Immigration, 10 November 2017, and the Ombudsman for Children, Reykjavik, 10 November 2017.

130 For example, interviews with the Icelandic Directorate of Immigration, 10 November 2017, and the Danish Refugee Council, Copenhagen, 1 November 2017.

131 Barnombudsmannen, *"Vi lämnade allting och kom hit": Röster från barn och unga på flykt*, Stockholm, 2017, pp. 32–33.

across the Nordic region and can take up to two years.¹³² There appears to be no set time limit for processing claims and many asylum-seeking children and families spend long periods in a kind of official limbo awaiting a final determination. The durable solutions considered for children in the Nordic countries include: return and reintegration of the child to her or his country of origin; the granting of international protection status or another legal status to enable the child to integrate in the host country; and resettlement of the child to a third country. In all of the five countries, a BID will be undertaken to support the competent authority's decision on a durable solution for the child. In the Nordic states, family reunification is one of the major factors influencing which durable solution is assigned, and it can be seen as the deciding factor, whether or not the child actively seeks, or even wants, reunification.

In Norway, IDMi, the Directorate of Diversity and Inclusion, takes responsibility when integration is selected as the durable solution. In Finland, when UASC with international protection status come of age, a multi-sectoral plan is drawn up. This plan includes sports and hobby activities, private tuition and support for school attendance. The local Employment and Economic Development Office and/or the municipality also draws up an integration plan that includes integration training for the individual as well as other measures and services to support her or his integration, employment and inclusion.

The Nordic states provide for the possibility of the voluntary return of unaccompanied children, and Finland, Norway and Sweden have specified the special circumstances under which UASC may return voluntarily to their countries of origin. The Return Directive¹³³ stipulates that before issuing a return decision in respect of an 'unaccompanied minor', an EU member country shall grant "assistance by appropriate bodies other than the authorities enforcing return" and give "due consideration to the best interests of the child". The Return Directive allows for voluntary return as well as for resettlement to a third country, but before enforcing the removal of any UASC, member countries "shall be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return".¹³⁴ Iceland and Norway, though not members of the EU, are bound by the Return Directive as part of the Schengen acquis.

In all Nordic countries, the responsible authority that is considering the return and reintegration of an asylum-seeking child will perform an enquiry into the situation and conditions in the child's country of origin, paying specific attention to the best interests of the child. It is unclear however, by what means the authorities inform themselves of the conditions in the countries of origin, and particularly the conditions in the receiving institutions or child-care centres of those countries. The UNICEF National Committee in Sweden has in the past developed child-specific country of origin reports that describe the situation of children in the countries of origin of asylum-seeking children, and these can be used to inform decisions about return.¹³⁵

132 Various interviews, for example with the Ombudsman for Children in Sweden, Stockholm, 23 October 2017.

133 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals, Official Journal of the European Union L 348/98, 24 December 2008.

134 Ibid.

135 Child Notices <<https://www.unicef.nl/ons-werk/nederland/child-notice>>, accessed on 19 february 2018.

A range of agencies facilitate family tracing and assessment, which enable the authorities to verify that a child will be handed over to a parental authority on their return. Children under 15 years of age who are returned from Finland are escorted by the International Organization for Migration. If a parent or guardian is not available, the child can be handed over to an appropriate institution or child-care centre in the country of origin. Finland, Norway and Sweden provide reintegration support and have monitoring systems in place. Finland has also developed specific guidelines and internal procedures on return and reintegration assistance for UASC, and it operates on the basis of individual reintegration plans tailored to the specific child. Other Nordic states provide support through block grants to projects, institutions or agencies in the countries of return.

National legislation in the Nordic countries allows for the forcible return of unaccompanied children but this is seldom carried out. Interestingly, in Finland, there is a Supreme Administrative Court Decision whereby the Finnish Immigration Service and the Helsinki Administrative Court decided to return a 12-year-old unaccompanied minor to Iraq, travelling under the custody of his uncle. Only when the case reached the Supreme Administrative Court, was it appraised that the Finnish Immigration Service could not consider a relative who had applied for asylum in Finland together with the applicant as the child's legal guardian.¹³⁶ Since there were no safeguards for the security of the return of the applicant or for the adequate reception of the child, the applicant could not be returned to his country of origin.

Norway considers the forced return of unaccompanied children on a case-by-case basis. In response to an ad hoc query made by the European Migration Network in 2017 on forced returns to Afghanistan,¹³⁷ both Norway and Sweden implied that such returns were infrequent (without providing figures). Sweden responded that while, in principle, there are no legal restrictions to prevent the forced return of UASC, it will only return such children to a member of their family, a nominated guardian or adequate reception facilities. Norway indicated that it does not forcibly return to Afghanistan unaccompanied children or women who do not have access to a support network. **Yet asylum seekers are being returned from the Nordic states to their countries of origin as internally displaced persons. UASC are generally not returned**

Good Practice 5: Finland

In Finland, personalized plans are developed for UASC with a view to tackling the challenges that they may face. These plans are drawn up together with the child and include:

- A client plan – which is drawn up for all asylum-seeking UASC by a social worker at the accommodation unit, taking into account the child's situation and needs for support. The client plan broadly defines the means and measures aimed at yielding a positive impact on the child's situation.
- A care and upbringing plan – which complements the client plan. It is developed by an assigned counsellor at the accommodation unit. In this plan, the aforementioned means and measures are made concrete through everyday actions.

Source: European Migration Network, *Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway. Synthesis report: May 2015*, Directorate-General Migration and Home Affairs, European Commission, Brussels, 2015, box 11.

¹³⁹ *Supreme Administrative Court Decision (Korkein hallinto-oikeus) of 10 November 2017 – KHO:2017:173*, Finland: Supreme Administrative Court, 10 November 2017. available at: <http://www.refworld.org/cases/FIN_SAC_5a4e46f44.html>, accessed 14 February 2018.

¹³⁷ European Migration Network, 'EMN Ad-Hoc Query on Forced Returns to Afghanistan, Requested by Bernd PARUSEL on 15th September 2017', EMN, 8 November 2017.

until they are 18 years of age, but accompanied children have been returned from the Nordic region with their families.

In both Norway and Sweden, a temporary permit is used to protect unaccompanied minors without a safe home situation from forcible return until they reach the age of 18, at which time they may be returned. Neither country provided an up-to-date figure for forcibly returned UASC, however, and it should be noted that European Migration Network data indicate that between 2009 and 2013 Norway forcibly returned 457 UASC (or former UASC) while Sweden returned 95.¹³⁸ Clearly, practice in this area needs to be better understood. The tightening of asylum rules and regulations has also led to UASC in Finland being issued with temporary permits that aim to keep the child in the country until she or he can be sent home at the age of 18. As respondents in Finland put it, “this puts you in real danger of deportation if you are 17 years of age.”¹³⁹ Research has noted that accompanied children in Sweden experience ‘resignation syndrome’ due to the stress and anxiety caused by the uncertainty and fear surrounding their impending return.¹⁴⁰ In 2016, Norway eliminated the ‘reasonability’ criteria from its international protection standards, allowing authorities to reject UASC and families and return them to their countries of origin, in line with the so-called ‘internal flight alternative’.¹⁴¹

New rules in Denmark expose children facing return to the poor living conditions found in so-called departure centres. Children and families denied asylum but who cannot be forcibly deported from Denmark – for example, due to a lack of identity documents – may have to live in departure centres for a long time. In 2013, the former Danish Minister for Justice, Morten Brødskov, said of the Sjaelsmark departure centre that “asylum seekers will, among others, be motivated to leave [the country] by removing their cash benefits in favor of a food scheme”.¹⁴²

A report on returns from Norway, based on interviews with asylum seekers who had been deported, found that the implementation of returns is typically a very scary experience.¹⁴³ One boy said of the practice of officers from Norway’s National Police Immigration Service letting themselves into a family’s accommodation with a key when the family is to be deported, “they should not open the door themselves, but rather ring the doorbell many times until we are awake and can let them in ourselves.”¹⁴⁴ Meanwhile, a girl remarked, “they could be next to us, but not walk three [police officers] behind us, in front of us and on our sides and make a circle around us.”¹⁴⁵ **Seven out of eight families were detained for up to 24 hours awaiting return, while one family was detained for more than a week.**¹⁴⁶

138 European Migration Network, *Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway. Annexes to the synthesis report: May 2015*, Directorate-General Migration and Home Affairs, European Commission, Brussels, 2015, Annex A1.14.

139 Interview with the Central Union for Child Welfare, Helsinki, 26 October 2017.

140 Sallin, Karl, et al., ‘Resignation Syndrome: Catatonia? Culture-Bound?’, *Frontiers in Behavioral Neuroscience*, vol. 10, 29 January 2016.

141 Schultz, Jessica, *The Internal Flight Alternative in Norway: The law and practice with respect to Afghan families and unaccompanied asylum-seeking children. A mini-assessment commissioned by UNHCR*, Chr. Michelsen Institute, Oslo, 2017, pp. 2–4, available at <www.unhcr.org/neu/wp-content/uploads/sites/15/2017/11/SchultzIFASStudyJune2017-1.pdf>, accessed 3 February 2018.

142 Hergel, Olaf. ‘Børns Vilkår: Forholdene på Sjælsmark er kummerlige.’ *Politiken*. 29 October 2017. <<https://politiken.dk/indland/art6180917/Forholdene-p%C3%A5-Sj%C3%A6lsmark-er-kummerlige>>.

143 Extra Stiftelsen, Redd Barna and Norsk Organisasjon for Asylsøkere, *Barn og foreldres opplevelse av tvangsretur. «Jeg har ikke gjort noe galt»*, NOAS, Oslo, 2017.

144 Ibid., p. 22.

145 Ibid., p. 23.

146 Ibid., p. 19.

Norway recorded an increase in both 2016 and 2017 in the number of unaccompanied minors granted temporary residency. The uncertainty and insecurity experienced by such children undoubtedly cause unnecessary stress. Indeed, the Ombudsman for Children in Norway has noted growing concerns about mental health problems, self-harming, suicidal tendencies and (secondary) school absence among this group, and it points to the need for more robust mental health care services.¹⁴⁷

2.4 Education

General context

National law in the Nordic countries guarantees every child access to basic education, and attendance at school is free and compulsory, but asylum-seeking children's entitlements do not seem to be fully enshrined in law in all five states. In Iceland, for example, the asylum-seeking child's educational entitlements are negotiated in a contract between the Icelandic Directorate of Immigration and a municipality rather than in the Compulsory School Act. While education is a centralized function in all five countries, only Sweden has prioritized newly arrived migrants in national education strategies, and responsibility for the provision of education services (including quality control and supervision of professional practice) across the Nordic region has been devolved to local authorities. While this allows for greater flexibility in countries' responses to asylum-seeking children, it can also result in barriers to access at the local level. For instance, each municipality works to its own time frame for the provision of education services and has its own interpretation of its obligations under national legislation.

Education systems in all five Nordic countries adopt an inclusive and gender-sensitive education model, and teachers working at all levels are familiar with the concept and practice of inclusive education. Yet several studies have revealed shortcomings in education provision and quality in the region. A 2014 report by the Swedish Schools Inspectorate noted that while it is possible for newly arrived children to receive a good education, this is dependent upon all of the staff at a school taking shared responsibility for this.¹⁴⁸ Less than a quarter of surveyed students attend such schools, leaving the vast majority in less favourable situations, and the Ombudsman for Children in Sweden has demanded that asylum-seeking children receive better access to the Swedish school system.¹⁴⁹

Perspectives vary across the region when it comes to the inclusion of asylum-seeking children in schools. Iceland tries to place newly arrived children in community schools within six weeks, while in Denmark the process takes far longer as basic services are initially provided in a reception centre. Such variation appears to arise from different cultural traditions and

¹⁴⁷ *The UN Convention on the Rights of the Child. Supplementary report – Norway*, p. 48.

¹⁴⁸ Skolinspektionen, *Utbildningen för nyanlända elever*, Kvalitetsgranskning Rapport 2014:03, Skolinspektionen, Stockholm, 2014, pp. 6–7. The review included 10 schools and 35 children.

¹⁴⁹ *Ibid.*; *Barn på flykt*, p. 18. For a slightly dated but excellent evaluation, see: Brendler-Lindquist, Maria, and Anders Hjern, *Reception of Asylum Seeking and Refugee Children in the Nordic Countries: The Swedish report*, Nordic Network for Research on Refugee Children, Stockholm, 2010, pp. 10–19.

social perceptions of children. In Denmark, delayed enrolment stems from a genuine concern to protect children from failure. The perception is that UASC in particular are very vulnerable and should delay attending school until they have acquired the necessary skills, e.g. language skills, to integrate into school at a reasonable level.¹⁵⁰ In Iceland, the perception is that the sooner a child is in school and interacting with her or his peer group, the better it is for the child's development.¹⁵¹ Municipalities in Iceland are not obliged to provide services to asylum seekers, however, and only three municipalities have agreed to do so. Key respondents also reported that miscommunication between national and local authorities can occur, with one informant remarking that she sometimes "had to track down the immigration authorities to reach clarity about children's access to education."¹⁵² However, since then the municipalities and immigration have managed to secure that all children will have access to school in the municipality where they are hosted.¹⁵³

Practices in instruction also vary across the Nordic countries. Research has shown that children without a formal education in their mother tongue but who have studied in Denmark have greater fluency and abstract comprehension and a better vocabulary in Danish as their second language than in their mother tongue.¹⁵⁴ Nevertheless, children are taught almost exclusively in Danish, while tuition in the child's mother tongue is at best provided as a secondary subject or secondary learning.¹⁵⁵ In Finland too, the child's mother tongue is ranked as a secondary language, although a study found that 40 per cent of students from immigrant backgrounds had "mastered the [Finnish] language so poorly that it hinders their studies and completion of their basic education".¹⁵⁶ In contrast, when Sweden revised its educational laws in 2016, it awarded children the right to receive tuition in their mother tongue if they felt unable to follow lessons in Swedish, and the same approach applies to children in Norway.¹⁵⁷

A Europe-wide study conducted in 2013 by PPMI (Public Policy and Management Institute) found that the most effective educational model for newly arrived children is an inclusive approach that provides them with equal opportunities to develop, as much as possible, within the mainstream education system, while guaranteeing them additional or remedial support, as necessary, in all areas (not only language teaching).¹⁵⁸ PPMI recommended that European policymakers pay more attention to the overall structure of the education system and its effects on children's inclusion than to individual support measures targeted at newly arrived children.

150 Interview with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017.

151 Interview with the Ombudsman for Children, Reykjavik, 10 November 2017.

152 Interview with Hafnarfjörður Municipality, Reykjavik, 9 November 2017.

153 Ibid.

154 Jessen and Montgomery, *Reception of Asylum Seeking and Refugee Children in the Nordic Countries: The Danish report*, p. 29.

155 Ibid.

156 Opetusalan Ammattijärjestö OAJ [Trade Union of Education in Finland], *Integration Compass: How do we ensure that every immigrant has access to education and working life?*, OAJ, Helsinki, 2015, p. 6, available at <www.oaj.fi/cs/oaj/Kotoutumiskompassi>, accessed 3 February 2018. Also, interview with Save the Children Finland, Helsinki, 26 October 2017.

157 Skolverket [Swedish National Agency for Education], 'Studiehandledning på elevernas modersmål', Stockholm, 2016, <www.skolverket.se/skolutveckling/lanande/nyanlandas-larande/studiehandledning-1.205961>, accessed 14 January 2018; Kunnskapsdepartementet, 'Lov om grunnskolen og den vidaregåande opplæringa (opplæringslova). Kapittel 2. Grunnskolen,' Lovdata, LOV-2017-06-16-63, 1998, <https://lovdata.no/dokument/NL/lov/1998-07-17-61/KAPITTEL_2#%C2%A72-8>, accessed 14 January 2018.

158 Public Policy and Management Institute, *Study on Educational Support for Newly Arrived Migrant Children. Final report*, Publications Office of the European Union, Luxembourg, 2013.

Early childhood education

At least one year of Early Childhood Education (ECE) is the norm in the Nordic region, although this is not compulsory in Norway, Sweden or Iceland. Local authorities are responsible for both ensuring adequate provision of ECE and maintaining quality standards, so the quantity and quality of available ECE facilities can vary between municipalities. The Phase I analysis indicates that although all five Nordic countries try to facilitate child asylum seekers' access to ECE, their entitlement is not necessarily enshrined in law; instead it is negotiated in regulations or in the contract between a receiving municipality and the asylum authority. In Norway, a child accommodated in a reception centre is not entitled to a place in an ECE facility, and a court case in Finland has confirmed that municipalities are not obliged to offer ECE places to asylum-seeking children. ECE facilities are instead provided in the reception centres. Other Nordic countries allow asylum-seeking children to be placed in community-based ECE facilities. In Denmark, ECE is provided either through facilities located in the community or in reception centres. **ECE programmes in reception centres do not always meet the same standards of quality as community-based services, and accountability levels and mechanisms vary between and within the Nordic countries. This opens the door to poorer-quality services and reduced benefits for the youngest asylum-seeking children, which is unacceptable given the existence of clear standards of good practice in ECE and sufficient guidance on how to achieve such standards.**

Basic education

Asylum-seeking children are entitled, and helped, to access basic education in all of the Nordic states, although restrictions and caveats do apply. In Norway, school attendance is compulsory if a child is expected to be in the country for three months or more.¹⁵⁹ In Denmark, it is the reception centre's responsibility to procure a school place for a child. In Finland, the local authority has a statutory obligation to arrange basic education for all children; asylum-seeking children are allowed to go to school but it is not compulsory for them, and the right to attend school is connected to residency. Such caveats can delay a child's access to mainstream education for months.

Delays in enrolling children in school are often explained by the requirement for language training, but this need not be separate to general education and could be provided in mainstream schools rather than in reception facilities. In Finland, language tuition is provided in schools, though sometimes in separate classes; in Denmark, it is provided in reception centres and such tuition "is not validated as school education in Denmark or any other country."¹⁶⁰ Integration in school life as soon as possible is essential to repair the gaps in a child's education and to foster her or his long-term integration. It is also a vital element of the kind of normalizing strategy that should be available to all asylum-seeking children to strengthen their mental health, build their resilience and provide ongoing psychosocial support.¹⁶¹ In a 2016 submission, CARAS

¹⁵⁹ Norwegian law also allows for home schooling.

¹⁶⁰ Jessen and Montgomery, *Reception of Asylum Seeking and Refugee Children in the Nordic Countries: The Danish report*, p. 25.

¹⁶¹ Interview with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017. See also: Redd Barna, Fellesorganisasjonen and Norsk Organisasjon for Asylsøkere, *En gjennomgang av midlertidig opphold til enslige mindreårige asylsøkere*, NOAS, Oslo, 2017.

(Community Action for Refugees and Asylum Seekers) highlighted the consequences of delays in accessing education, “The delays in securing a place have severe knock-on impacts; young people’s mental health deteriorates, and relationships with support workers are often negatively affected.”¹⁶² **Full and early access to mainstream schooling is sufficiently justified by the proven educational benefits to children alone, but the positive impact of regular school attendance on children’s health, welfare and development should also be considered a crucial factor in determining the educational model offered to asylum-seeking children in the Nordic region.**

Support services

The integrated approach to education calls for the provision of support services to ensure that schools can offer equal opportunities for asylum-seeking children to develop, as much as possible and as early as possible, within the mainstream education system. Additional or remedial support must be provided, as necessary, in all areas – support must not be limited to tuition in the host country’s official language. The PPMI research notes that it is important to tailor educational support to a child’s individual needs and to ensure its provision throughout the full cycle of the child’s education and across all key areas, including linguistic and academic support, parental and community involvement, and intercultural education.¹⁶³

PPMI notes that Denmark and Sweden operate a “comprehensive support model”.¹⁶⁴ This implies that their education systems are inclusive and provide continuous language development support, teaching support and assistance in transferring students to higher levels of education. Both education systems are decentralized, which promotes school autonomy and a strong focus on working with parents and local communities. Intercultural learning is mainstreamed into the national curriculum in both countries, and local education authorities emphasize a positive school environment through training for teaching staff and intercultural initiatives. In Finland, a local authority may provide or pay for before- and/or

Good Practice 6: Sweden

Sweden seems to give the strongest legal entitlement to asylum-seeking children. The Swedish School Act stipulates the same right to education for asylum-seeking children as for Swedish children. Once a child has been registered and given accommodation, she or he has a right to access education. This means that the child is entitled to receive education that meets the national requirements in all subjects taught under the Swedish school system. As in other Nordic states, however, the child is not required to attend the offered education during the asylum process. The right to education applies even if a decision to reject an application for asylum is announced, until such time as the child has physically left Sweden. Despite the good practice demonstrated, the European Council on Refugees and Exiles has also noted significant delays in Sweden, despite its “pedagogical expertise in the integration of children who do not speak the native language of the host country.”

Source: European Council on Refugees and Exiles, quoted in *Children in Crisis: Unaccompanied migrant children in the EU*, European Union Committee, House of Lords, London, 2016, p. 49.

¹⁶² Written evidence from CARAS to the United Kingdom House of Lords (2016), cited in *Children in Crisis: Unaccompanied migrant children in the EU*, European Union Committee, House of Lords, London, 26 July 2016, p. 47.

¹⁶³ *Study on Educational Support for Newly Arrived Migrant Children*.

¹⁶⁴ Ibid.

after-school activities for students in the first and second year of secondary schools in the municipality and for students with special needs in other year groups. Providing such activities is not a statutory duty, however, and a fee may be charged to students wishing to take part in them. The same is true in Iceland, where the Minister of Education, Science and Culture has not yet introduced regulations specifying children's entitlements beyond access to ECE and basic education.

On arriving in Denmark, unaccompanied children live for 8 to 10 weeks in a special 'receiving house' where pedagogues develop with each child an individual education plan that maps out the child's school attendance, after-school activities and support needs. In Finland, an individual plan is also drawn up for each unaccompanied child, but this is done by a social worker while the child is in the reception centre.¹⁶⁵



¹⁶⁵ *Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway*, Box 11: Good practice example of non-material reception conditions tailored to the individual and specific circumstances of UAMs [unaccompanied minors] in Finland.

Secondary/vocational education and training

The successful integration of migrants and refugees in employment is generally acknowledged as the single most important determinant of their overall net fiscal contribution to a host country.¹⁶⁶ It enhances the sustainability of national health, welfare and social protection systems in host countries at the same time as it expands an individual's access to services. For all of these reasons, the European Commission recommends the early integration of refugees in vocational education and training initiatives and programmes.¹⁶⁷ **It is particularly important to promote early intervention initiatives for vulnerable young people not in employment, education or training (NEETs) – whether they are nationals, refugees or migrants – to support their swift integration in education, apprenticeships, traineeships or the labour market.**

In Denmark and Finland, education is guaranteed for any child only until the age of 16, leaving older asylum-seeking children with uncertain access to mechanisms for integration and inclusion.¹⁶⁸ Children's legal entitlement to education beyond basic education is unclear in the Nordic region, although asylum-seeking children are supported to attend upper secondary school. Local authorities in Finland may provide education to persons other than those in compulsory schooling, but this is not a statutory duty. The law in Iceland does not guarantee education for older children, but there is an obligation to offer training, although this is not always respected in practice; ministerial regulations clarifying access to vocational education and training are still pending. In June 2014, the Norwegian Parliament amended the Education Act to give children awaiting the processing of an asylum application the right to receive upper secondary education. Young people who remain in Norway after receiving a final rejection of an application for asylum have no legal entitlement to upper secondary education, although in practice many local and regional authorities allow them access regardless of their legal status.

Denying young asylum seekers access to vocational training is a serious setback to young people and a breach of Article 28 of the Convention on the Rights of the Child, which identifies vocational training as a formative part of a young person's education. One serious obstacle to higher education, employment and training opportunities for refugee and migrant children is the widespread failure to formally recognize school/college certificates and vocational qualifications acquired in their countries of origin.

The analysis of the Phase I study indicates that Finland has no legal procedure for validating a child's previous education, although previous education is documented during the development of the child's individual care plan. Accreditation mechanisms are available in Iceland, though these are not yet specified in the Asylum Act or in ministerial regulations. In Norway, the accreditation process is complex and the onus is on the student to supply the required evidence to enable access to upper secondary education. In Sweden, it is the school's responsibility to assess a child's educational capacity and previous experience, and this can involve moving the child between classes before finding the right fit. **Given its global**

166 Aiyar, Shekhar, et al., *The Refugee Surge in Europe: Economic challenges*, IMF Staff Discussion Note, SDN/16/02, International Monetary Fund, January 2016; Directorate-General for Economic and Financial Affairs, European Commission, *An Economic Take on the Refugee Crisis*, cited in European Commission, *Action Plan on the Integration of Third Country Nationals*, European Commission, Brussels, 7 June 2016.

167 *Action Plan on the Integration of Third Country Nationals*.

168 Interviews with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017, and the Espoo Reception Centre, Espoo, 30 October 2017.

reach and expertise in education, UNICEF is in a unique position to facilitate information and knowledge exchange between education systems in sending and receiving countries, and to develop transnational mechanisms to speed up the accreditation of qualifications between countries and to better inform teachers about children's previous learning experience.

2.5 Health

Medical and health care

Asylum seekers are guaranteed access to emergency health care in all of the Nordic countries, but the range of services included under emergency health care varies across the region. An individual's legal status may also restrict access to general mother and child health services in the Nordic states. Under EU law, member countries must provide refugee and asylum-seeking children with access to appropriate health care, on an equal basis as nationals, but this care can be limited to 'core benefits',¹⁶⁹ which are not defined consistently across countries. In Sweden and Finland, national law grants asylum-seeking children the same entitlement to health care as national children; in Norway, child asylum seekers' legal entitlement to health care is restricted to 'necessary medical treatment and health care'.

Unaccompanied children in all five Nordic countries are entitled to emergency treatment and basic medical care (which includes dental care and mental health care) but they do not necessarily have full and equal access to child health and development services.¹⁷⁰ Children who have remained in country without applying for asylum and those who have remained after receiving an order to leave are legally entitled to emergency health care in all five Nordic states, but only Sweden¹⁷¹ grants such children the same level of health care as the children of its nationals.

All the Nordic states guarantee a 'package' of health services and entitlements for pregnant women, mothers, infants and children, and this should act as the minimum 'core package' offered to asylum-seeking families. Including asylum-seeking families in the national mother and child health, child development and vaccination systems as early as possible will not only support the child's health and development, but is also likely to benefit the host country in terms of improved public health and reduced costs in secondary care interventions in later years.

169 Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Official Journal of the European Union L 304/12, 30 September 2004, Art. 29.

170 *Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway. Annexes to the synthesis report*, Table A3.4, pp. 50–53.

171 Keith, Lilana, and Michele LeVoy, *Protecting Undocumented Children: Promising policies and practices from governments*, Platform for International Cooperation on Undocumented Migrants, Brussels, February 2015.

Key respondents confirmed that clear and explicit firewalls have not been established between asylum and health services in every Nordic country.¹⁷² This has proved to be a real barrier to child asylum seekers accessing health services in other countries,¹⁷³ and the situation in the Nordic region must be remedied urgently.

This is especially the case for the children aged 15–17 years who are in the care of the asylum authority in most countries. In Denmark, for instance, most health services are provided at the reception centre, either by a nurse based there or during the visiting hours of a local general practitioner. Where the required health services cannot be provided at the reception centre, a specialist evaluation (e.g. written by a doctor, hospital or dentist) must be sent along with the centre operator's application for the health services to the Danish Immigration Service for approval. The Danish regulations stipulate that any treatment must be "necessary".¹⁷⁴ In addition, the Danish Red Cross and Danish Refugee Council have established free health clinics – which undocumented minors can access. Regulations remain problematic as they can foster misunderstandings at the local level. However, the Danish Parliamentary Ombudsman, following a monitoring visit to Hundstrup Children's Centre, called for equivalence in the services provided here and to all children in Denmark, urging that, "the centre ensures that the health care offered in future meets the rules, amongst others, that asylum-seeking children as a rule have the same rights to preventive health schemes and health related services".¹⁷⁵ Studies make it clear, however, that cost is usually the main barrier to health care for migrant and asylum-seeking families across Europe¹⁷⁶. It may therefore be necessary to clarify the patterns of payment and reimbursement in all five Nordic countries. Reviewing payment patterns can also help to determine the strength of firewalls between asylum and health services, as it is often the asylum authority which must approve payment for treatment.

The practical barriers to health care include lack of medical records and confusion about entitlements among both families and service providers. Since responsibility for health care delivery in the Nordic states has been delegated to the local level, there is a risk of inconsistent interpretations of which services mothers and children can access. Key respondents indicated that there can be reluctance at the local level to provide services. For instance, the Icelandic Directorate of Immigration noted that it had witnessed the reluctance of municipal-level child protection services to provide services to asylum seekers before an age assessment had been conducted.

It seems clear that the majority of asylum-seeking children in the Nordic region are at heightened risk of violence, abuse and exploitation and need to be prioritized by those national child protection systems whose overarching goal is to protect children from violence. Only Sweden has prioritized asylum-seeking children in its national child protection strategy.

172 For example, in interviews with the Danish Immigration Service, Copenhagen, 1 November 2017, and the Finnish Immigration Service, Helsinki, 26 October 2017.

173 Byrne, Kevin, *Law, Policy and Practice Affecting Refugee and Migrant Children in Europe*, [Unpublished paper].

174 Social- og Indenrigsministeriet, *Meddelelse om servicelovens anvendelsesområde i forhold til asylansøgere og udlændinge uden lovligt ophold*, Copenhagen, 1 July 2016.

175 Folketingets Ombudsmand, 'Udlændingestyrelsen følger op på ombudsmandens anbefalinger til Børnecenter Hundstrup', Copenhagen, 2 February 2017, <<http://www.ombudsmanden.dk/find/nyheder/alle/hundstrup/>>, accessed 3 February 2018.

176 Keith and LeVoy, *Protecting Undocumented Children*; Spencer and Hughes, *Outside and In*.

Assessing the extent to which asylum-seeking mothers and children can access health and development services in the Nordic region is so difficult primarily because there is neither a clear understanding of what constitutes the 'core package' of health services available to asylum-seeking families in country, nor any apparent consensus (within or among countries) as to what this package should include. The general discourse around asylum seekers' health tends to focus on access to specific medical treatments or services rather than on engagement with and by wider community health systems, which is the recognized best practice model applied to other families in country across the region. **The practical value of consistent, regular and mutual engagement between families and national health services, particularly mother and child health services, is universally recognized in Europe – except in relation to asylum seekers.**¹⁷⁷

Research from Denmark warns of the mental health risks for children of living in reception centres "characterised by waiting, isolation, passivity and, in some cases, absence of a personal life and influence over one's everyday existence". The Norwegian Ombudsman for Children has also noted growing concerns about mental health problems, self-harm, suicidal tendencies and (secondary) school absence among the large number of UASC who were granted temporary residency in 2016 and 2017, and points to the need for more robust care services.

Source: Nielsen, Signe S., et al. 'Mental health among children seeking asylum in Denmark – the effect of length of stay and number of relocations: a cross-sectional study', *BMC Public Health*, 2008, cited in Ombudsman for Children in Norway, *Health Care on Children's Own Terms*, Oslo, 2017 (English version of Helse på barns premisser, 2015).

Mental health

The Organisation for Economic Co-operation and Development has presented evidence that a proportion of all refugees suffer from psychological complaints such as anxiety and depression as a consequence of the traumatic, and often violent, experiences endured in their countries of origin and on their journeys.¹⁷⁸ There is also strong evidence that a significant number of children in the post-2015 mixed migration movement have been exposed to physical and psychological trauma,¹⁷⁹ and a 2017 study in Sweden found that 84 per cent of school nurses reported mental health issues as the biggest health problem among asylum-seeking children.¹⁸⁰ While models of good practice in relation to counselling and rehabilitation services

177 Spencer and Hughes, *Outside and In*, pp. 23–33.

178 Organisation for Economic Co-operation and Development, *Making Integration Work: Refugees and others in need of protection*, OECD Publishing, Paris, 2016, p. 41, available at <<http://dx.doi.org/10.1787/9789264251236-en>>, accessed 3 February 2018.

179 See, for instance, Lander, Teresa (ed.), *Serbia: assessing health-system capacity to manage sudden large influxes of migrants*, Ministry of Health of Serbia/World Health Organization Regional Office for Europe, Copenhagen, 2015, p. 4.

180 Socialstyrelsen [National Board of Health and Welfare], *Analys av situationen i socialtjänsten våren 2017 – Fokus på ensamkommande flickor, yngre barn, nätverksplaceringar samt suicidrisk – delrapport 3*, Stockholm, 2017, p. 7, available at <www.socialstyrelsen.se/publikationer2017/2017-6-14>, accessed 3 February 2018; Barnombudsmannen, *Nyanlända barns hälsa. Delrapport i Barnombudsmannens årstema 2017 – Barn på flykt*, Barnombudsmannen, Stockholm, 2017, p. 8, available at <www.barnombudsmannen.se/globalassets/dokument-for-nedladdning/publikationer/rapport-nyanlanda-barns-halsa.pdf>, accessed 3 February 2018; Barnombudsmannen, "Ensamkommande barn måste få tillgång till BUP", last updated 23 November 2017, <www.barnombudsmannen.se/barnombudsmannen/i-media/nyheter/2017/ensamkommande-barn-maste-fa-tillgang-till-bup/>, accessed 3 February 2018. See also the older but still relevant study: Brekke, Jan-Paul, *While We Are Waiting: Uncertainty and empowerment among asylum-seekers in Sweden*, Institute for Social Research, Oslo, 2004.



for traumatized asylum-seeking children have been noted,¹⁸¹ accessing psychosocial support in the Nordic region is generally a slow and complex process. A mapping of mental health services by the Ombudsman for Children in Sweden highlighted the need for urgent reform,¹⁸² and employees of the reception centre at Espoo in Finland noted that the child welfare system does not always respond to mental health problems (in the case of drug abuse or suicidal thoughts).¹⁸³ Health authorities in Sweden have also refused to provide mental health care for refugee children where a case was deemed too challenging or on the grounds that ongoing care could not be guaranteed due to uncertainty around the length of the child's stay in country.¹⁸⁴

While the absence of specialist therapeutic and counselling services for asylum seekers in general in the Nordic countries is worrying, research indicates that the greatest risk to child asylum seekers' mental health is the continued stress and social isolation they experience as a result of their poor living conditions, uncertainty around their legal status, and exclusion from mainstream services.¹⁸⁵ Studies in Norway and Sweden have found that one of the main stress factors for asylum-seeking children is the long waiting time for the processing of their asylum claims and the tremendous uncertainty it entails.¹⁸⁶ Children in the asylum system in Norway have said, "I have sad thoughts and get angry"; and that, "it is difficult to wait, the whole family is suffering from it, they have thoughts. It is difficult to think of what could happen."¹⁸⁷

181 Directorate General for Migration and Home Affairs, European Commission, *Success Stories from the Migration and Home Affairs Funds: Solidarity and Management of Migration Flows* (2007-2013), European Commission, Brussels, 15 April 2016.

182 "'Ensamkommande barn måste få tillgång till BUP'; Nyanlända barns hälsa.

183 Interview with the Espoo Reception Centre, Espoo, 30 October 2017.

184 "'Ensamkommande barn måste få tillgång till BUP'; Nyanlända barns hälsa.

185 A summary of the relevant research across Scandinavia can be found in *Paidos* (magazine for members of the Norwegian Paediatric Association). See: *Paidos* vol. 30, no. 2, 2013, pp. 53–100, which is also cited in Ombudsman for Children in Norway, *Health Care on Children's Own Terms*, Oslo, 2017.

186 Brekke, *While We Are Waiting*, cited in *Health Care on Children's Own Terms*, Ombudsman for Children in Norway. See also: Jensen, Tine K., Envor M. Bjørge Skårdalsmo, and Krister W. Fjermestad, 'Development of Mental Health Problems – A follow-up study of unaccompanied refugee minors', *Child and Adolescent Psychiatry and Mental Health*, vol. 8, no. 29, 17 November 2014, available at <www.nkvt.no/vitenskapelig-artikkel/development-of-mental-health-problems-a-follow-up-study-of-unaccompanied-refugee-minors/>, accessed December 2017.

187 Barneombudet [Ombudsman for Children in Norway], *Helsesituasjonen til barn med fluktbakgrunn*, Oslo, 2014, p. 40.

2.6 Child protection

General context

In the migration/asylum discourse, ‘protection’ is “a concept that encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law”;¹⁸⁸ in child rights language, ‘child protection’ usually refers to the child’s right to be free from violence – defined as all forms of abuse, neglect, exploitation and violence. This mismatch can lead to different standards and criteria being applied when asylum and child protection authorities assess the risks to, or vulnerability of, asylum-seeking children, and may enable the use of measures and procedures that fail to support, or actively weaken, children’s protective environment.

Under international and European law, states must take measures to ensure that all children have adequate protection and that their rights to physical integrity and dignity are effectively observed. States’ precise duties are more evident where children are under their authority, supervision or care, e.g. in public institutions, and may prove more difficult to observe in cases where children are exposed to violence by private actors. **In all cases, a state’s core duty is to secure the effective protection of all children living within its territory, and to that end, states must adopt special measures and safeguards to protect all children.**¹⁸⁹

Even where no specific violence against refugee and/or migrant children has been recorded and they live in stable family environments, pre-existing trauma, language and cultural barriers, and the breakdown of traditional community safeguarding mechanisms weaken their protective environment, leaving refugee and migrant children at greater risk of exposure to abuse, neglect, exploitation and violence. Such risks are intensified among children who lack proper identity documents, and/or are separated from their families and/or cannot access basic services such as education and health care, and so unaccompanied and undocumented children are particularly vulnerable. Girls are at even greater risk as they may be isolated or stigmatized by their families or communities as a result of having experienced sexual exploitation during their journeys. Although UASC in the Nordic countries are generally referred to the national child protection agency at some stage, referral is not automatic, immediate or direct, and sometimes the documentation is incomplete. In Denmark, asylum-seeking children’s entitlement to child protection services has only been clarified recently, following two rulings from the National Social Appeals Board.¹⁹⁰

Few mechanisms are in place in the Nordic region to enable asylum-seeking children to access mainstream protection services. Perceptions that police enforce asylum regulations and that

188 European Migration Network, *Asylum and Migration: Glossary 3.0*, European Commission, Brussels, October 2014, p. 221, available at <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf>, accessed 3 February 2018.

189 European Court of Human Rights, Grand Chamber, *O’Keeffe v. Ireland*, No. 35810/09, 28 January 2014, para. 146.

190 <https://www.retsinformation.dk/Forms/R0710.aspx?id=192370> and <https://www.retsinformation.dk/Forms/R0710.aspx?id=192369>.

asylum seekers cannot access homeless shelters,¹⁹¹ and fears of detention, deportation or asylum being refused if they report violence, all serve to trap asylum seekers in situations of labour exploitation and/or domestic/community violence.¹⁹² Their reluctance to report violence or seek protection or redress makes asylum seekers 'zero risk' victims, and breeds a culture of impunity. **The firewall between child protection and migration/asylum agencies must be legally, administratively and practically explicit, so that migrant and refugee women and children feel able to access protection services.**

Guardianship

National law in all the Nordic countries stipulates for every unaccompanied asylum-seeking child the mandatory appointment of either a guardian or a legal representative, whose primary function is to protect the child's best interests. There is considerable overlap between the two roles, although a guardian generally has a wider mandate in relation to the child's general welfare and acts "in the same way that a parent represents his or her child",¹⁹³ while a legal representative usually has a narrower focus on the asylum application process.¹⁹⁴ There seems to be significant variation in how either role is interpreted at the local level, however, and this can work in the child's favour or to her/his disadvantage.

Finland, Iceland and Norway each appear to appoint legal representatives, while Denmark tends more towards a guardianship model. Sweden ensures that a child has access to both sources of support. Finland appoints a legal representative for every unaccompanied child as soon as possible after arrival. The reception centre to which the child is assigned nominates the representative, who must then be approved by the local administrative court. Reception centres maintain lists of 'suitable' candidates and the Finnish Immigration Service pays appointed representatives. This raises questions about the independence of such representatives and how well they can represent the child's best interests as a result. Such concerns may also be warranted in Norway, where key respondents indicated that children's 'representatives', who are funded by County Governors, may be dismissed for advising against age assessment.¹⁹⁵

Iceland does not have a formal guardianship service but refers UASC to foster parents. The Icelandic Ombudsman for Children reported, however, that, "it is not very common that children over the age of 15 go into foster families", revealing that a child's age influences the system's

191 FEANTSA, 'Homelessness Amongst Immigrants in the EU – A homeless service providers' perspective', FEANTSA, June 2013; Byrne et al., *The Legal Entitlements of Refugee and Migrant Children*, ch. 6.

192 Geddie, Eve, and Michele LeVoy, *Strategies to End Double Violence Against Undocumented Women. Protecting rights and ensuring justice*, Platform for International Cooperation on Undocumented Migrants, Brussels, March 2012.

193 Committee on the Rights of the Child, General comment No. 6 (2005): Treatment of unaccompanied and separated children outside their country of origin, 1 September 2005, CRC/GC/2005/6 defines a guardian as: "an independent person who safeguards a child's best interests and general well-being, and to this effect complements the limited legal capacity of the child. The guardian acts as a statutory representative of the child in all proceedings in the same way that a parent represents his or her child". See also: United Nations, Guidelines for the Alternative Care of Children: A United Nations Framework, 2009, A/HRC/11/L.13.

194 Article 2(j) of the Reception Conditions Directive (Directive 2013/33/EU) defines a representative as: "a person or organisation appointed by the competent bodies in order to assist and represent an unaccompanied [child] in [international protection] procedures with a view to ensuring the best interests of the child and exercising legal capacity for the [child] where necessary."

195 Interview with Norwegian Organisation for Asylum Seekers (NOAS), Oslo, 6 November 2017.

response.¹⁹⁶ In Denmark, local authorities must appoint a guardian for any unaccompanied child, but only after she or he has been granted asylum.¹⁹⁷ A guardian is expected to act *in loco parentis* and to maintain custody of the child until the child either reaches the age of 18 or is reunited with her/his parent or guardian. A guardian is appointed by the regional state administration at the request of the Danish Immigration Service, but must be independent of any authorities responsible for the child's case.

Sweden's guardianship model seems more effective than most, in that guardians are integrated in the child protection system. Once a child's application for asylum has been registered by the Swedish Migration Agency, its application unit applies to the municipality where the child will stay for a legal guardian, and the municipality's supervisory authority appoints the child's legal guardian. The guardian role in Sweden involves: supporting the child with her or his asylum application and contact with the Swedish Migration Agency; assisting the child in her or his contact with the local council and health care authorities; applying for financial support; ensuring that the child receives an education; managing the child's financial assets; and representing the child and providing support more generally. Another major challenge in Sweden is the variation in qualifications of the guardian. The formal qualification is very broadly defined in the national legislation, leading to a wide variety in quality of the guardian's performance.

The scale of demand for guardians over the past three years has inevitably proved problematic for guardianship services, especially in Finland and Sweden. One problem that has resulted stems from the absence of a cap on the number of children a single guardian may support.¹⁹⁸ This has led to guardians taking on responsibility for far more children than they can care for properly, which has resulted in children being neglected and missing out on information.¹⁹⁹

There is a need within the Nordic countries to develop a guardianship model that ensures that children have access to supporters in both roles – legal representative and guardian. Norway has already gone some way towards this, by incorporating both roles in a single position, but this is just one of several possible models that could be embraced. Further examination is also required of the protocols in place to ensure that representatives operate independently of asylum authorities, and it would seem that access to free legal aid is a prerequisite for both child and guardian to negotiate the asylum application process. It is therefore imperative that neither guardian nor representative is perceived as the sole and sufficient support for unaccompanied children. **Since the guardian and/or representative functions as the unaccompanied child's primary source of support throughout the asylum process, there is an urgent need to ensure that anyone occupying either role is both independent and competent, perhaps through the development of a common set of standards. The nature of the contractual relationship between adult and child – particularly in terms of the adult striking a balance between speaking for the child and representing the child's own views – also requires clarification.** Although children in the Nordic countries can complain about their guardians, it is not apparent that they have any real say in their guardian's appointment.

¹⁹⁶ Interview with the Ombudsman for Children, Reykjavik, 10 November 2017.

¹⁹⁷ The Danish Act on Parental Responsibility, cf. Consolidated Act No. 1820 of 23 December 2015, section 28.

¹⁹⁸ Interview with the Federation of Mother and Child Homes and Shelters, Helsinki, 27 October 2017.

¹⁹⁹ Interview with the Swedish Refugee Advice Centre Children's Unit, Stockholm, 24 October 2017. See also: "Vi lämnade allting och kom hit", pp. 44–45.

Family contact and reunification

The Nordic states generally respect the child's right to live with her or his family and facilitate this as far as possible. Placement with family members is considered the most suitable option for unaccompanied children in all five countries, and family tracing is initiated as soon as possible. Most reception centres maintain phone and Internet facilities to facilitate contact between the child and family members. As indicated earlier, however, none of the Nordic countries have signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, though this could strengthen a state's commitment to family reunification, and there are concerns that family reunification is sometimes used as a justification for detention or return, without full and proper consideration of the individual child's best interests.

Key respondents note that family reunification has become more difficult. In Finland, child-sensitive legislation has been weakened and it is more difficult to obtain a residence permit, as national law now prescribes a minimum income for applicants who have not got refugee status but do have subsidiary protection,²⁰⁰ for family reunification, including separated children.²⁰¹ The rules for family reunification have also been tightened under the 'temporary law' in Sweden, and family reunification is no longer possible for persons under subsidiary protection, not even for UASC.²⁰² In Norway, UASC aged 16 or older may be given temporary residence but not the right to family reunification.²⁰³

In Finland, family tracing is not compulsory and the child's decision on the matter seems to be taken into account. The child's consent to family tracing is required in all five countries, but it is possible to override this requirement in Denmark and Norway. It is important that the child's opinions on family tracing are given serious consideration, particularly since the findings of a European Union Agency for Fundamental Rights (FRA) study suggest that family reunification is not always in the best interests of the child.²⁰⁴ FRA research has also found that the family reunification procedure is overly bureaucratic, lengthy and ineffective²⁰⁵ – a view shared by some key respondents in the Nordic region.

200 Subsidiary protection is an international protection for persons seeking asylum, who do not qualify as refugees.

201 Interview with the Central Union for Child Welfare, Helsinki, 26 October 2017.

202 Interview with the Swedish Refugee Advice Centre Children's Unit, Stockholm, 24 October 2017.

203 Interview with NOAS (Norwegian Organisation for Asylum Seekers), Oslo, 6 November 2017.

204 According to UNICEF, in relation to claims to reunite the child with her/his family in the host state, national courts must also ensure that parents are not exploiting their children in order to obtain residence permits for that country. See: United Nations Children's Fund and Office of the United Nations High Commissioner for Human Rights Regional Office for Europe, *Judicial Implementation of Article 3 of the Convention on the Rights of the Child in Europe. The case of migrant children including unaccompanied children*, UNICEF/OHCHR, June 2012, p. 104. See also: UNHCR, *UNHCR Guidelines on Determining the Best Interests of the Child*, UNHCR, May 2008.

205 European Union Agency for Fundamental Rights, *Separated, Asylum-seeking Children in European Union Member States. Comparative report*, Publications Office of the European Union, Luxembourg, 2011.

Detention

In February 2018, the Committee on the Rights of the Child made a strong call for the EU to ban child immigration detention, “even as a last resort” and for the reform of the Common European Asylum System. In their recent Joint general comment,²⁰⁶ the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families reassert the basic principle that every child, at all times, has a fundamental right to liberty and freedom from immigration detention. The Committee on the Rights of the Child has previously asserted that the detention of children because of their own or a parent’s migration status constitutes a child rights violation and contravenes the best interests principle.²⁰⁷ In the joint statement of November 2017, both Committees repeatedly affirm that children should never be detained for reasons related to their own or a parent’s migration status, and also that states should expeditiously and completely cease or eradicate the immigration detention of children.

National law in all five Nordic states should forbid any kind of immigration detention for children, and this prohibition should be fully implemented in practice. The Committees emphasize in their joint statement the harm inherent in any deprivation of liberty and the negative impact that immigration detention can have on children’s physical and mental health and on their development, even when they are detained only for a short period of time or with their families. The Council of Europe has also clarified that detention can never be justified as being in a child’s best interests, and several cases before the European Court of Human Rights have highlighted the illegality of detaining children, even when a child is accompanied by her or his parents.²⁰⁸



206 Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23, available at <http://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/1_Global/CMW_C_GC_4-CRC_C_GC_23_8362_E.pdf>, accessed 7 February 2018.

207 *Report of the 2012 Day of General Discussion on the Rights of All Children*, para. 78.

208 For more details, see: European Union Agency for Fundamental Rights, *Handbook on European Law Relating to the Rights of the Child*, Publications Office of the European Union, Luxembourg, 2015, pp. 171–174.

Implementing regulations are insufficient in all of the Nordic countries. The criteria used to determine and enable detention are quite broad and not particularly child-related, and as a result detention is more common in practice than it should be. The Nordic states do not appear to have, either individually or collectively, an agreed and comprehensive definition of 'detention' that encompasses all forms of incarceration and confinement of any kind. This means that even when 'detention' is prohibited, there is leeway to change the particular form of detainment that applies or even to redefine the concept of detention. Finnish law, for instance, expressly forbids the detention of an alien child in police or border guard custody, but accompanied and unaccompanied asylum-seeking children can be, and are, held in special detention facilities. Also, an older child may be taken into detention if the receiving authority denies the fact that the child is under age.

Although legislation and policies in the Nordic states generally restrict detention of children, detention of asylum-seeking children is legal, particularly for those awaiting return. It should be noted, however, that General comment No. 23 of the Committee of the Rights of the Child has clarified that the possibility of detaining children as a measure of last resort, which may apply in other contexts such as juvenile criminal justice, is not applicable in immigration proceedings as it conflicts with the principle of the best interests of the child and the right to development. As a result, the legal justification for immigration detention of children in the Nordic states is no longer valid.

In Norway, arresting anyone under 18 years of age is prohibited under section 174 of the Criminal Procedure Act unless it is absolutely necessary, but the detention of children is allowed for immigration control purposes. In Denmark, child asylum seekers, whether accompanied or unaccompanied, may only be detained in special facilities, but in the absence of any alternative option, children aged 15–17 years can be placed in a local prison.²⁰⁹ **In Iceland, there are no detention centres and children are not detained for immigration purposes. The other four Nordic states allow the detention of children for return purposes, and the criteria used to justify and enable detention are quite broad and usually relate more to easing the implementation of an asylum authority's decision than to protecting the child's best interests. National law across the region generally prohibits the detention of children under the age of 18, but younger children may be detained if accompanied by a parent.**

Time limits placed on the duration of a child's detainment also seem somewhat elastic in the Nordic countries. A European Migration Network report on unaccompanied minors in the EU indicates that **asylum-seeking children may only be detained for a maximum of 72 hours in Finland and Sweden, but that this can be legally extended for another 72 hours – meaning that children in either country may spend up to six days in detention.**²¹⁰ The same report describes how it is official policy in Norway to detain asylum-seeking children for no more

209 Section 1 of Order no. 402 of 9 April 2015 on the treatment of 15- to 17-year-olds, who are placed in the institutions of the Prison and Probation Service. Global Detention Project. "Submission to the UN Committee on the Rights of the Child: Denmark | Global Detention Project | Mapping Immigration Detention around the World." *Global Detention Project* (blog), August 2017. <<https://tinyurl.com/ybvanykn>>

210 *Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway*. See also: European Migration Network, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies*, Directorate-General Migration and Home Affairs, European Commission, Brussels, 2015, available at <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_detention_alternatives_to_detention_synthesis_report_en.pdf>, accessed 4 February 2018.

than 24 hours, yet the law allows children to be detained for up to two weeks at a time.²¹¹

According to the Ombudsman for Children in Norway, at least 145 asylum-seeking children were detained with their families in 2016, and though this was typically for one night, 17 of the children were detained for more than three days. This illustrates the risk of having criteria that allow for 'exceptions', as these are inevitably expanded to accommodate the needs of state agencies, usually to a child's disadvantage. In Denmark, the law does not specify an upper time limit for detention and children may be kept in so-called 'departure centres' for long periods of time.

The lack of basic data at central government level about asylum-seeking children held in detention raises real concerns about accountability and about how policy in this area is actually determined. Given the lack of clarity about what the real situation is in the Nordic states with regard to detained families and children, urgent assessments of the situation should be undertaken at country level, alongside national campaigns to wholly prohibit immigration detention for children and investment in the development of alternatives to detention.

Even more worryingly, when Access Info Europe and the Global Detention Project conducted a two-year study of migration detention in Europe, Sweden was the only Nordic state willing and able to provide all of the information requested on detention facilities and the number of persons detained; Iceland and Norway did not respond to the request; Denmark and Finland responded that they did not hold the requested information, although Finland did acknowledge that it detained migrants.²¹²

Missing children

A 2017 report by the Ombudsman for Children in Sweden revealed that 1,736 children registered in Sweden disappeared between January 2014 and October 2017, and 1,456 of them are still missing.²¹³ These are children who have been missing from their accommodation for longer periods of time, some of whom now live on the streets in Sweden and others whose whereabouts are unknown. Missing children subsequently interviewed by the Ombudsman cite various reasons for absconding, including not being allowed to live with siblings or relatives, being prevented from exercising their religion, or discrimination due to their background. Others said that they carried traumatic memories of war, violence, poverty or exploitation; revealed they had been subjected to sexual assault under flight and/or in Sweden; or described the long asylum process and wait for a decision as arduous.²¹⁴

In 2013, as part of the European Migration Network review, Finland reported 9 unaccompanied children missing from the asylum system; Sweden reported 149 missing unaccompanied

²¹¹ Ibid.

²¹² Access Info Europe and Global Detention Project, *The Uncounted: Detention of migrants and asylum seekers in Europe*, Access Info Europe/Global Detention Project, December 2015.

²¹³ Barnombudsmannen, *Ensamkommande barn som försvinner*, pp. 5–8. See also: Stockholm Municipality, *Länsstyrelsen Stockholm, På Flykt Och Försvunnen. En Nationell Kartläggning Av Ensamkommande Barn Som Avviker*. Stockholm, 2016.

²¹⁴ Ibid.

children; and Norway responded that the question did not apply, although it went on to report 88 unaccompanied children returned after having been reported missing the same year.²¹⁵

Denmark and Iceland did not participate in the review, but a separate study by Ecorys indicates that 111 children went missing from the Danish asylum system in 2012.²¹⁶

Living on the streets is hard. About his experience, one child said: “I slept on the streets, sometimes I would not get any food for three or four days. It was tough times I must say. I did not feel good then.”²¹⁷ Another child said that he would not have ended up using drugs had he had identity documents and some form of employment.²¹⁸

The Ecorys study indicates that the Nordic states have the same problem with inconsistent definitions and data in relation to missing children as they do with detained children. None of the three Nordic states included in the Ecorys study – Denmark, Finland and Sweden – have either a legal definition of ‘missing person’ or a full database of the 14 indicators of missing children suggested by Missing Children Europe. Inconsistent policy and/or practice across the five Nordic countries is particularly damaging in the case of missing children, as such children’s movement is likely to remain within the Nordic region and so cross-border cooperation will be important for resolution and return.

Only Sweden has a legal definition of a ‘missing unaccompanied child’, and this aligns with the Missing Children Europe definition. Finland’s definition of the same is enshrined in ministerial regulations only, while Denmark has no legal definition and relies instead on an operational definition used by the police. Of the five countries, only Finland has clear legal and procedural regulations that set out how to respond when an asylum-seeking child goes missing. The absence of specific regulations on responding to missing unaccompanied migrant children in Denmark leaves local police without guidelines for undertaking related search procedures. A case can only be identified as a ‘missing child’ if criminal activity is suspected, at which point it is passed to the national police and a national criminal record is created. Although the absence of a prescribed ‘immediate response’ should not be taken to assume that no effort is being

It is of some concern that the available data remain insufficient to establish a clear picture of the Nordic national responses to children reported as missing from the asylum system. The general impression garnered from the data that are available is that the Nordic states lack the comprehensive and coherent legislative, policy and practice frameworks necessary to shape the kind of well-coordinated, multi-sectoral responses that this issue demands. The impression also comes across (perhaps unfairly) that agencies and professionals have come to accept the disappearance of asylum-seeking children – especially older boys – as inevitable, and have downgraded the intensity of their responses accordingly. Each of the Nordic countries must measure its national response against the template developed by Missing Children Europe and upgrade its procedures accordingly. This would be best done in a coordinated way across the region, given the transnational nature of this particular issue.

215 All figures from *Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway. Annexes to the synthesis report*, Annex A1.9.

216 Ecorys, *Missing Children in the European Union. Mapping, data collection and statistics*, Publications Office of the European Union, Luxembourg, 2013.

217 *Ensamkommande barn som försvinner*, p. 22.

218 *Ibid.*, p. 24.

made to search for the child, there is a fixed 'no action' period before local police investigations commence for missing unaccompanied migrant children over 15 years of age. In Finland, there is also a waiting period of 24 hours before a police search for a missing child is initiated.

In contrast, Sweden has mapped missing children in the country and developed an action plan that sets out how the relevant authorities and other national and local actors can coordinate efforts and work together when a child goes missing.²¹⁹

Although reception centre staff in Norway will immediately investigate why an unaccompanied child is absent from daily activities or has not returned from an external appointment, they will delay notifying the police for 24 hours. Even then, local police and child welfare services will be notified of a disappearance only if the staff have reason to believe that the minor may be a victim of trafficking, at risk of forced marriage, or involved in a criminal environment, or may have been exposed to other gross neglect. On the other hand, reception centre staff will immediately report a disappearance to the UDI Arrival and Child Specialist units and register the missing minor in Sesam, a web-based database of missing children, as soon as possible. UDI then coordinates the response. Although a 2013 study notes that Norwegian police no longer take cases of missing unaccompanied migrant children less seriously than missing local children,²²⁰ a more recent Save the Children report indicates that 470 children were missing from the asylum system in Norway as at 31 October 2017.²²¹

Child trafficking

Denmark, Finland, Norway and Sweden are ranked in Tier 1 of the *Trafficking in Persons Report* 2017.²²² This means that their governments meet in full the minimum standards of the Trafficking Victims Protection Act. Iceland is ranked in Tier 2, which means that the Icelandic government is making significant efforts to comply with the same standards. Norway developed its first action plan on trafficking for the period 2003–2005.²²³ While Denmark has not appointed a national rapporteur on trafficking, the Finnish government initially appointed the Ombudsman for Minorities to serve as its National Rapporteur on Trafficking in Human Beings in January 2009, followed by the Non-Discrimination Ombudsman as of 1 January 2015. Sweden's National Rapporteur on Trafficking in Human Beings is placed within the Swedish Police Authority.

When discussing the present movement of migrants and refugees, representatives of the Swedish Police shared their belief that many of the young Moroccan boys currently residing in the Nordic region are, or at some point were, part of a trafficking network that may operate

219 Länsstyrelserna, *På flykt och försvunnen. Metodstöd för regional samverkan kring ensamkommande barn som försvinner*, Länsstyrelserna, Stockholm, 2017, available at <www.lansstyrelsen.se/Stockholm/SiteCollectionDocuments/Sv/publikationer/2017/pa-flykt-och-forsvunnen-metodstod.pdf>, accessed 4 February 2018.

220 Espeland, Karen E., 'Savnet – en rapport om enslige asylsøkende barn som forsvinner fra mottak', Press, Barne-, ungdoms- og familiedirektoratet, Oslo,

221 Redd Barna, *Vi kan ikke reise tilbake. Press' rapport om barn som forsvinner fra norske asylmottak 2017*, Redd Barna, Oslo, 2017, available at <<https://press.no/wp-content/uploads/2017/11/Vi-kan-ikke-reise-tilbake-2017.pdf>>, accessed January 2018.

222 United States Department of State, *Trafficking in Persons Report 2017*, US Department of State, June 2017, available at <www.state.gov/j/tip/rls/tiprpt/2017/index.htm>, accessed 4 February 2018.

223 de Wal Pastoor, Eide and Mekonen, *Reception of Asylum Seeking and Refugee Children in the Nordic Countries*, p. 41.

Europe-wide, or may end up in trafficking after absconding from their care homes.²²⁴ Similar evidence was found in 2010 in Norway, where “criminals are free to put [asylum-seeking minors missing from reception centres] in income-generating activities, such as prostitution or other sexual purposes, but also outright slave labour”.²²⁵ The Moroccan boys have ended up in the region after travelling throughout Europe and constitute one of the most vulnerable groups in the Nordic states. Many are known by the authorities in several countries. Although some seek asylum, many do not and remain at extreme risk of trafficking or re-trafficking.²²⁶ Those boys who do apply for asylum are often in very poor shape: according to reception centre staff in Denmark, they frequently suffer dramatic drug abuse and are emotionally immature.²²⁷ These children often disappear from reception

It is unclear at present how closely national anti-trafficking systems and structures are working with national asylum systems and/or national child protection systems, but UASC in the current arrivals do not appear to be automatically assessed as potential victims of trafficking. The 2011 UNICEF Innocenti analysis found that responses to children’s needs and situations in the Nordic states were largely defined by children’s legal status. It highlighted how these categorizations had a significant impact on the extent and nature of services provided to children, through budgetary support provided and criteria used for assessing the circumstances, needs and best interests of different groups of children. Sadly, the present analysis echoes some of these conclusions.



224 Interview with the Swedish Police (Street Officers Unit for UASC), Stockholm, 24 October 2017, and the Swedish Police (Strategic Unit at the National Border Policing Section), Stockholm, 24 October 2017.

225 de Wal Pastoor, Eide and Mekonen, *Reception of Asylum Seeking and Refugee Children in the Nordic Countries*, p. 42.

226 Ibid.

227 Interview with the Danish Red Cross Gribskov Transit and Child Centre, Gribskov, 31 October 2017. Voiced also by the Swedish Police (Street Officers Unit for UASC), Stockholm, 24 October 2017.

centres after they have been there for a while and presumably return to living on the streets as irregular migrants.

While robustly defending the need to ensure that children who have been trafficked can access appropriate services, the 2011 UNICEF Innocenti research previously mentioned in this report did point out that privileging this group of vulnerable children on the basis of their legal status over other groups of vulnerable migrant children whose rights are not fully met appears to represent a form of discrimination.²²⁸ This research finds that this tension is yet to be resolved in the Nordic countries in relation to asylum-seeking children.

²²⁸ Marshall, Wenke and Nordh. *Child Trafficking in the Nordic Countries: Rethinking strategies and national responses, Innocenti Insights*, United Nations Children's Fund, Florence, 2012.





3. Conclusion and recommendations

3.1 Conclusion

The response of Nordic countries to the arrival of asylum-seeking children continues to be both generous and child-friendly. The size, scale and scope of the movement of UASC have, however, challenged the capacity of professionals and agencies working in the national asylum and child protection systems and have revealed inherent flaws, cracks and gaps in national response frameworks. Despite the Nordic countries having social and political environments that are by and large respectful of children's rights, national child protection agencies have failed to take a strong lead in relation to migrant and asylum-seeking children. National asylum agencies and their agents have generally tried to adopt a child-focused approach, but child rights are not their primary remit, and national responses have been framed in a context where a child's legal status significantly determines her or his access to entitlements.

As a result, national responses in the Nordic region do not comply with the Committee on the Rights of the Child recommendations that **every child, whatever her or his migration or asylum status, is first and foremost a child with full entitlement to all of the rights enshrined in the Convention on the Rights of the Child; and that all governments and duty bearers have a moral and legal responsibility to realize those rights for all children in their care.**²²⁹ The current imbalance in authority and responsibility between asylum and child protection agencies must be recalibrated, as it enables the continuation of a situation in which lower standards are tolerated for asylum-seeking children. This leaves thousands of asylum-seeking children relying on second-rate mechanisms for protection – mechanisms that do not satisfactorily comply with the standards laid down by the Convention on the Rights of the Child. National child protection agencies in the Nordic region must take a more active leadership role in the design, development, supervision and oversight of national migration, asylum and dispersal strategies and actions. Further investment is also needed in child advocacy, protection and support programmes, and in developing appropriate oversight, monitoring and evaluation mechanisms for such initiatives.

There is a clear tendency in all five countries to give migration law precedence over the Convention on the Rights of the Child, even in those countries where the Convention has been incorporated into national law. Nordic states should consider strengthening their legislative and policy frameworks by ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which will also serve to encourage other European states to follow suit. All five Nordic countries should also give serious consideration to committing fully to the EU migration acquis, which establishes a practical framework for the development across Europe of common policies, practice and standards for asylum-seeking children. Although the Nordic states have a strong culture and institutional framework of gender equality, the present research found no documented evidence of gender awareness

229 Report of the 2012 Day of General Discussion on the Rights of All Children.

being incorporated in national responses to asylum-seeking children. Nor did the research find sufficient justification for the variation in the levels and types of protection offered to children above and below the age of 15.

To facilitate both a child focus and equivalence, safeguards related to the asylum process should, as far as possible, be stipulated in law rather than in rules and regulations or codes of conduct. Safeguards at regulation and practice levels are essential throughout the asylum process, but their stipulation only at these levels allows too much room for wide interpretation and lax enforcement, often to children's detriment. Much stronger safeguards are required at every stage of the asylum process to allow a child legal challenge and judicial review of decisions. Age assessment and forced return are two specific stages of the asylum process that demand much greater scrutiny, but in fact the whole concept of 'manifestly unnecessary' must be strongly challenged when it comes to decisions that affect children's lives.

The 'best interests of the child' must be the primary consideration in any and all decisions that affect a child, and the core principle underpinning safeguards in all countries and at all stages of the asylum process. It is worrying to note the great variation in the quality of understanding, interpretation and implementation of the principle within and between the Nordic states. While some BIDs genuinely aim to plan holistically for a child's welfare and protection, key respondents indicated that, in practice, the quality of BIDs is mixed and their impact on decision-making variable. It is particularly urgent and essential that all five states establish clear formats, protocols and standards for BIAs – and ensure that these are applied appropriately and consistently – to ensure that a child's best interests do inform and influence every stage of the asylum process.

Guardianship is another key safeguarding mechanism in the Nordic states, but there is no agreement on models or standards and practical implementation is inconsistent. This is an area that could benefit from regional agreement on standards and a common code of good practice to ensure that: (i) both guardianship and legal representation are available to every child; (ii) there is an explicit and sufficient firewall between guardians and asylum services; and (iii) there are clear guidelines in place relating to confidentiality and to disputes or differences between guardian and child, the child's right to speak for herself or himself, and the child's right to complain about her or his guardian. National child protection agencies should also establish standards, and clear procedures, for the vetting, recruitment, management, support, supervision, training and resourcing of guardians.

The Nordic states have a deserved reputation for respecting children's right to be heard on matters that affect them and asylum procedures reflect this – though not sufficiently. In practice, asylum-seeking children – and especially accompanied children – are given only limited opportunities to be heard. It is the needs of the asylum system that generally determine the timing and agenda of a child's participation, rather than her or his own concerns, and so the child's input tends to be sporadic, indirect and not always heard at key points in the process. There also seems to be a lot of leeway in the asylum process for adults to arbitrarily decide to deny – without consultation or justification – children the opportunity to speak. Strengthening, extending and realizing the right of every child to have her or his opinions noted and acted upon throughout the asylum process, must be central to any strategy aiming to strengthen implementation of the 'best interests' principle.

The Nordic countries have strong education systems and the right to basic education for all children is enshrined in law in every country. The law seems to be interpreted differently for asylum-seeking children in each of the Nordic states, however, and there also seems to be variation in how local authorities interpret their responsibilities towards this group of children. Education services in the Nordic states have generally coped with the large number of refugee children who have arrived since 2015, and their national models of inclusive education have proved fit for purpose. Certain legal and administrative barriers can, however, significantly and unnecessarily delay a child's entry into mainstream schooling, and restrict her or his access to the full range of education services. Delaying the enrolment of asylum-seeking children into compulsory schooling is frequently justified as a protective measure, although there is no evidence that the alternative educational services offered are effective, cost-efficient or sufficient for children's needs. Strengthening schools' capacity to provide the additional resources, teaching and support services needed to address the language barriers and other obstacles that hinder child asylum seekers' access to education would seem to be more effective and cost-efficient than delaying their enrolment by trying to address such matters outside the mainstream education system. This is particularly the case for ECE programmes, but the same approach also applies to basic, secondary and vocational education. To speed up the integration of asylum-seeking children in mainstream education, there should be a significant reassignment of resources from segregated education services based in reception centres to support services in mainstream schools.

Different standards also seem to apply to asylum seekers in relation to access to health care and social protection services. Although asylum-seeking children are entitled to health care and medical treatment, local health care services can be reluctant to offer such care, and the firewalls between health care and asylum services are insufficient. Neither law nor policy allows for child asylum seekers' full integration in national health services, so access must be negotiated on a service-by-service basis – and sometimes even treatment by treatment. This seems ineffective for all parties and it is strongly advised that the Nordic states instead define a common 'core package' of services available to asylum-seeking mothers and children, and make this information available to both them and to practitioners at the local level. This would ensure a consistent interpretation of national law and policy across a country. Ideally, this package should be equal to the package available to all mothers and children in the country, but at a minimum it should include free access to national services for mother and child health, prevention and treatment of infectious diseases including HIV/AIDS, vaccination, adolescent health, dental care and mental health, as well as emergency medical treatment and care. Research and experience indicate that the mental health of child asylum seekers is severely affected by uncertainty about their legal status and the constraints of their living conditions, and also that the asylum process itself is a major contributor to poor mental health among asylum-seeking children, youth and young people. All five Nordic states must adopt a proactive and inclusive 'normalizing' strategy towards child asylum seekers to address mental health issues and to ensure a more positive living environment for everyone in the asylum process, particularly adolescents and young people.

Immigration detention is more common in the Nordic region than it should be, and research is urgently needed in all of the Nordic countries to establish the real situation as regards detained children. The lack of data about children in detention in the Nordic states is a matter of some concern, and it raises serious questions about accountability and also the policymaking process in relation to detained children. Loopholes in the policy frameworks allow for too many instances of detention outside the recommended guidelines. The recent joint statement from the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families clarifies that the use of immigration detention for children in any circumstances and for any period of time is a clear breach of the Convention on the Rights of the Child and a serious risk to the child's health, well-being and development. The clarification provided by the joint statement clearly invalidates the legal justification for such detention in the Nordic region. National campaigns to prohibit all forms of immigration detention for children are now required, as is further investment in developing alternatives to the detainment of children. It is particularly important that the aim to 'keep families together' ceases to be used to justify detaining children.

A similar lack of data also makes it difficult to comment on the Nordic countries' responses to children missing from the asylum system. What is clear, however, is that Nordic states lack the comprehensive and coherent legislative, policy and practice frameworks required to shape the kind of well-coordinated, multi-sectoral responses that this issue demands. The impression that comes across is that agencies and professionals in the region have come to accept the disappearance of asylum-seeking children – especially older boys – as inevitable, and they have downgraded the intensity of their responses accordingly. Each of the Nordic countries should measure its national response against the template developed by Missing Children Europe and upgrade its processes and procedures as necessary. This would be best done in a coordinated way across the region, given the transnational nature of this issue.

The large number of arrivals since 2015 has undoubtedly led to a blurring of distinctions across Europe between refugees and economic migrants and this has inevitably diluted public perception of children's need for refuge, asylum and protection. There has been a backlash against unaccompanied children and perceived abuse of the age assessment process.²³⁰ **A much stronger lead is required from child protection agencies to reinforce the message that children are children, whatever their legal status. The sheer scale of demand may make it difficult to maintain child-centred policy and practice at all times, but child protection agencies' continued tolerance of lower standards for asylum-seeking children contributes to a social acceptance of discrimination and marginalization. The notion that full access to rights for any child depends on her or his legal status must be vigorously challenged.**

230 See, for instance, Carlqvist, Ingrid, "'Refugee Children' Invade Sweden', Gatestone Institute, 23 July 2015, <www.gatestoneinstitute.org/6190/sweden-refugee-children>, accessed October 2017.

3.2 Overall recommendations of the UNICEF Agenda for Action

Protect child refugees and migrants, particularly unaccompanied children, from exploitation and violence.

End the detention of children seeking refugee status or migrating.

Keep families together as the best way to protect children and give them legal status.

Help all refugee and migrant children to keep learning and give them access to health care and other quality services.

Press for action on the underlying causes of large-scale movement of refugees and migrants.

Promote measures to combat xenophobia, discrimination and marginalization in countries of transit and destination.

3.3 General recommendations for all the Nordic countries

a. Context

1. Realign and restate the current balance of responsibility and authority between national asylum and child protection agencies in all the Nordic states to ensure that all children are treated equally and that asylum-seeking children do not have to rely on second-rate protection and care mechanisms that do not sufficiently and satisfactorily comply with the standards laid down by the Convention on the Rights of the Child, for both unaccompanied and accompanied children.
2. Restate the primacy of the Convention on the Rights of the Child, over migration/asylum law, and make explicit the consequent commitment to apply the same rules and standards to asylum-seeking children that apply to all other children, for whatever period they remain in country.
3. Develop a common model for BIA and for BID, along with clear guidelines for the implementation and use of each in asylum proceedings.

b. Asylum process

1. Ensure that law, policy and practice stipulate the referral to child protection authorities of all asylum-seeking children immediately upon arrival, and that such a referral becomes an integral element of the registration process.
2. Develop a protocol for age assessment that covers procedures, techniques and the interpretation of results, and that is in line with both sets of United Nations guidelines (UNICEF and UNHCR) and also the safeguards outlined by the European Asylum Support Office. Immediately cease the practice of penalizing children in any way, or threatening penalties, for refusing to consent to age assessment, and put in place an independent appeals process that allows children to challenge age assessment decisions.
3. Put in place a child-sensitive asylum procedure that guarantees the child's right to be heard in the asylum process and ensures that every child has access to legal advice at all stages of the process.

c. Education

1. Remove all barriers to asylum-seeking children's rapid enrolment and full inclusion in mainstream schools and ECE programmes.
2. Reassign resources from the provision of reception-based education services to the expansion of support services in mainstream schools to speed up the integration of asylum-seeking children in mainstream education. In countries where ECE programmes for asylum-seeking children are run in reception centres, ensure that such programmes are transferred to mainstream facilities in the community.

d. Health

1. Ensure that access to equal health care, including mental health care, for all asylum-seeking children serves to integrate asylum seekers into mainstream national health systems, in countries where relevant.
2. Develop a strategy to address the risk to children's mental health presented by the continued stress and social isolation caused by their poor living conditions, uncertain legal status and exclusion from mainstream services.

e. Child protection

1. For all child protection facilities and services, eliminate any residence requirement for users of services, to ensure that they are accessible to asylum-seeking women and children when needed.
2. Revise guardianship services and establish a code of good practice to ensure that both guardianship and legal representation are available to every asylum-seeking child immediately upon arrival. Ensure the presence of an explicit and sufficient firewall between the immigration/asylum authority and each of the following: guardians, social services, and educational and health services.
3. Cooperate with the other Nordic countries to develop and implement models to prevent children absconding from the asylum system and to quickly trace and recover those children who do go missing.
4. Expand the range of options available for the reception and care of asylum-seeking children, and establish a multi-sectoral plan in collaboration with each child (and family, where relevant). Upgrade the standards and level of care in all residential facilities for asylum-seeking children in line with the requirements applied to residential facilities for other vulnerable children in the country.

3.4 Country-specific recommendations

a. General context				
Denmark	Finland	Iceland	Norway	Sweden
1. Adopt full compliance with the EU acquis on migrant children.	1. Ensure that the Convention on the Rights of the Child takes precedence over national migration law.	1. Ensure that the Convention on the Rights of the Child takes precedence over national migration law.	1. Ensure that the child protection authority takes responsibility for all UASC.	1. Establish the precedence of the Convention on the Rights of the Child over national asylum law as soon as possible.
2. Incorporate the Convention on the Rights of the Child fully into domestic legislation and ensure its primacy over national migration law.	2. Develop mechanisms to enable the voices of younger children to be heard in the asylum process.	2. Ensure that child protection authorities take responsibility for all unaccompanied and separated children.	2. Clarify and strengthen the governance and oversight arrangements for the national response to asylum seekers.	2. Strengthen BID protocols; and urgently establish quality standards for all relevant responsible authorities.
	3. Strengthen accountability and transparency mechanisms in the Finnish asylum system.	3. Oversight mechanisms in the asylum system clarified and strengthened by the Ombudsman and/or other independent human rights monitoring bodies.	3. Develop and distribute child-friendly material to all asylum-seeking children, accompanied or unaccompanied.	
	4. Challenge the general cutback on access to legal advice, which is contrary to the best interests of the child.	4. Develop agreed BIA and BID formats and guidelines.	4. Ensure children's participation rights under asylum law.	

b. Asylum process				
Denmark	Finland	Iceland	Norway	Sweden
1. Strengthen and expand interpretation services and ensure that border guards and police officers receive training in identifying UASC and communicating with children.	1. Review and revise age assessment procedures.	1. Develop clear protocols to facilitate rapid referral of UASC to child protection services immediately after arrival and ensure that in no circumstances are they accommodated in reception centres together with adults.	1. Ensure that the Norwegian Child Welfare Services are represented at every entry point; and/or that all children are referred to them for assessment on arrival; and that the statutory authority over the child is decided only after this assessment.	1. Expand current training programmes for border guards and police officers on identifying UASC and communicating with children.
2. Impose tighter controls on requests for age assessment and develop a wider package of techniques for use in initial assessments.	2. Review the management, supervision and oversight arrangements in reception centres and bring them into line with international standards.	2. Ensure that age assessment procedures are based on holistic evaluations, and develop an appeal process.	2. Ensure that age assessment procedures respect the rule of law and are based on holistic evaluations.	2. Ensure that age assessment procedures respect the rule of law and are based on holistic evaluations.
3. Ensure that independent legal advice is available to the child throughout the entire asylum process; and develop a protocol to ensure that due weight is given to the child's opinions.	3. Quality standards that enshrine current good practice must be established for BIA and BID; and the role and weight of BIDs in decision-making must be clarified.	3. Provide further training in child-friendly communication for all migration and asylum staff.	3. Strengthen and extend current policies and mechanisms that allow children to be heard in the asylum system independently of their parents.	3. Include child-specific forms of persecution in national asylum legislation.
4. Establish the independent monitoring of reception centres.		4. Develop suitable informational material in child-friendly formats and distribute to all asylum-seeking children, accompanied and unaccompanied.	4. Upgrade the physical infrastructure of reception centres; and apply the same standards to reception centres and child-care centres.	4. Ensure the right to be heard for all children in the asylum process.
5. Upgrade the physical infrastructure at reception centres.			5. Urgently develop BID formats and guidelines, and also guidelines for the use of BIDs in asylum proceedings.	5. Review the role of legal representatives to ensure they accompany the child to all interviews during the asylum process.
6. Establish BID formats and guidelines.				6. Strengthen BID protocols and urgently establish quality standards for BID.

c. Education				
Denmark	Finland	Iceland	Norway	Sweden
1. Clarify and address barriers to mainstream education, including ECE programmes.	1. Ensure that asylum-seeking children are enrolled in mainstream schooling as soon as possible after arrival.	1. Enshrine asylum-seeking children's right to access quality mainstream education, including ECE and secondary education, in ministerial regulations.	1. Review residence requirements for ECE attendance to facilitate participation by asylum-seeking children in mainstream nursery schools or kindergartens.	1. Ensure that asylum-seeking children are enrolled in mainstream schooling as soon as possible after arrival.
	2. Ensure access to education for asylum-seeking children aged 17–18 years.	2. Ensure that there are no unnecessary delays in enrolling children to schools.	2. Simplify procedures for applying to secondary school/ vocational training and devise a mechanism for accrediting learning in the country of origin to remove the burden of proof from prospective students.	

d. Health				
Denmark	Finland	Iceland	Norway	Sweden
1. Stipulate the health care entitlements of asylum-seeking children in law, and enable their access to health care through the national health service, as for all other children.	1. Models of mental health services for asylum-seeking children in Finland should be reviewed and costed to ensure access for all.	1. Clarify, strengthen and make explicit the firewall between health and migration services.	1. Undertake an urgent assessment of the health care needs of young asylum seekers.	1. Ensure that all asylum-seeking children have the same access to health care services in practice as other children, including mental health care.
		2. Ensure that asylum-seeking children have access to mental health care services.	2. Undertake a study of the mental health implications of the current response to young asylum seekers.	

e. Child protection				
Denmark	Finland	Iceland	Norway	Sweden
1. The role, responsibilities and contractual relationship of the guardian must be clarified.	1. Develop formal standards, guidelines and protocols for the recruitment, management, support and supervision of guardians that ensure their independence, professional competence and confidentiality and an adequate firewall between the Finnish Immigration Service and the guardian.	1. Clarify and review how the Governmental Child Protection Act fulfils its guardianship role and its relationship with migration and asylum authorities.	1. Review the role, remit and responsibilities of the guardianship service; and develop protocols, guidelines and codes of conduct to ensure that guardians can perform their duties independently of the asylum service, in the child's best interests.	1. Establish guidelines and protocols for guardians, and strengthen and expand their training and supervision.
2. Urgently review and revise national legal and policy frameworks in relation to detention.	2. Draw up formal guidelines and protocols for family tracing.	2. Law and policy should be reviewed and revised to ensure that detention of children does not occur in future.	2. Amend national law to guarantee asylum-seeking children contact with family, and facilitate family reunification irrespective of protection status.	2. Amend national law to guarantee asylum-seeking children contact with family, and facilitate family reunification irrespective of protection status.
3. Urgently review law, policy and practice in relation to missing children.	3. Clarify, review and revise regulations concerning detention.	3. Develop an updated anti-trafficking strategy.	3. Review and revise regulations concerning children in detention.	3. Review and revise regulations concerning children in detention.
4. Develop explicit national frameworks for identifying child victims of trafficking under Danish law.	4. Undertake a baseline study on children missing from the asylum system.			4. Establish a sufficient firewall between the migration authority and child protection service.
				5. Adopt and implement models to ensure safe and efficient procedures to quickly trace and recover all children who go missing from the asylum system.

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Annex 1. Research protocol: Ethical safeguards

Prior to data collection

Research purpose and design:

- This research project has been developed by UNICEF Office of Research – Innocenti and the UNICEF National Committees (NatComs) in the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) in line with the UNICEF Procedure for Ethical Standards in Research. The project's purpose is to strengthen safeguards for children going through the asylum process in the Nordic countries.
- Overall management of the project lies with Bina D'Costa (UNICEF Office of Research – Innocenti) and the research is being managed and supervised by two experienced researchers, Kevin Byrne and Claus Bech Hansen.
- An initial review of the asylum processes and related legislation in the Nordic countries has already been undertaken pro bono by DLA Piper. The research methodologies will include comparative analysis of the DLA Piper material, a review of the relevant literature, and semi-structured interviews and focus group discussions (FGDs) with key in-country respondents. UNICEF Innocenti and the Nordic NatComs will partake in the development of data collection methods and processes. It is also the aim to seek input from children and adolescents who are currently in the asylum process or have recently been through it. The project's management and researchers are willing to present the research framework to an internal or external ethics committee to ensure that safeguards are upheld in relation to the collection of data from children.

Research subjects:

- Each of the NatComs will take responsibility for identifying key respondents in their respective countries and facilitating FGDs and data collection. The researchers will seek to maximize children's input by reviewing existing research studies. In addition, two FGDs with asylum-seeking children aged 12–18 years are envisaged. These will take place in locations with which the children are familiar, and in a language they understand and are comfortable with. Interpreters experienced in communication with children will be employed if necessary.

Qualification and training of researchers and facilitators:

- The researchers will seek to work with groups of children – balanced in terms of age, gender, nationality and legal status – who already know one another and are preferably familiar with the FGD format. As the time available for training or piloting is limited, each FGD will be run by an experienced facilitator already familiar with the group and fluent in its various languages. The facilitator will be provided with consent forms, questionnaires, discussion points and any other tools required, and will be supported appropriately by the researchers and the relevant NatCom. Kevin will provide overall quality control and oversight of the process. He is an experienced researcher with specific expertise in facilitating and supporting child-led research, and involving children in research and advocacy. His experience includes the design, management and implementation of research; the development of age-appropriate tools and techniques; and the provision of training to facilitators, co-leaders and recorders.

During data collection

Information sharing:

- Children will be thoroughly informed about the purpose of the research; how the FGDs will contribute to the research and how the children's input will be used; the types of questions they will be asked; the length of the interviews or FGDs; the anonymity of respondents and, in case of FGDs, the confidentiality of responses; participants' rights to referral and complaint mechanisms; and the fact that respondents will not be remunerated for their participation.

Assent and consent:

- Child and legal guardian will be asked verbally for their consent to attend the FGD. Following thorough information sharing in situ, the child will be asked for her/his written agreement to participate, and written consent will be requested of the guardian too, if present. It will be made clear to participants that they are not obliged to respond to all questions, and that they may withdraw at any time. It is not the intention to photograph any child respondent and no additional consent format has been developed for this purpose. Where a facilitator wishes to record the session, explicit permission to do so will be sought from participants.

Referral and complaints:

- Each NatCom will put in place referral and complaint mechanisms to ensure that participants can decline further participation in the project or submit complaints about the way the research is conducted.

Vulnerable respondents:

- The project recognizes the high probability that all child participants are likely to be vulnerable, and will ensure that the vulnerability of individual participants is recognized and taken into account in the research process. The project will not target especially vulnerable children as respondents.

Safe and confidential space:

- To ensure the protection of participants, data collection will only take place where a safe and private space for interviews and/or FGDs can be identified. The location should include a space for participants who choose to withdraw from discussions, and snacks and drinks should be made available to all participants.

Following data collection

Feedback:

- Each NatCom will be responsible for providing appropriate feedback to the child respondents and for sharing the findings and recommendations of the final report.

Acknowledgements:

- Each NatCom will agree with participants a format for acknowledging their input to the final report.

Annex 2. Research framework: A child rights-based approach

a. Terminology

One of the key differences that distinguishes the migration/asylum approach from a child rights-based approach is its tendency to define the child primarily by her or his legal status and to assign entitlement to rights and access to services according to the child's place in the asylum process, rather than on the basis of the individual child's needs. This is often reflected in the definitions and terminology used – migrant, refugee, returnee, beneficiary of international protection, unaccompanied minor, etc. In line with the recommendations of the Committee on the Rights of the Child, **this report takes the perspective that every child, whatever her or his migration or asylum status, is first and foremost a child with full entitlement to all of the rights enshrined in the Convention on the Rights of the Child; and that all governments and duty bearers have a moral and legal responsibility to realize those rights for all children in their care.**²³¹

In the absence of a suitable term – agreed across both the migration/asylum and child rights discourses – that emphasizes the child rather than her or his legal status, the present research uses the term 'asylum-seeking child(ren)' throughout. This term relates explicitly to the brief for the research, but also takes account of the fact that all migrant children are dealt with under asylum legislation in the Nordic region. Thus, unless otherwise specified, the term 'asylum-seeking children' refers to all migrant and refugee children in country. In line with the Convention, the term 'child' in this research refers to anyone under 18 years of age, whether accompanied or unaccompanied, unless otherwise specified. Although the report refers occasionally to 'child asylum seeker', 'refugee children' or 'migrant children', other terms such as 'foreigner', 'alien', 'third country national' or 'unaccompanied minor' are used only when quoting directly from national legislation or other sources.

b. Sources

Primary data were obtained through a series of semi-structured interviews with key informants in the region. The regional expert conducted a total of 29 interviews during a field visit that took in all five countries between 21 October and 10 November 2017. UNICEF National Committees (NatComs) in the Nordic region originally proposed lists of potential interviewees in country. These were assessed in light of their potential value as key respondents. As the matrix of indicators was developed, each list was revised and expanded, particularly to include representatives of the police and child protection services. The consultant devised a schedule of interviews across the region, based on respondents' availability and the logistics of travel,

²³¹ Committee on the Rights of the Child, *Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration*, Geneva, 28 September 2012.

and this was agreed with the NatCom representative who facilitated travel, translation and logistics in each country.

Secondary data were drawn from a review of the literature on refugees and migrants in Europe and in the Nordic states. The main focus was on European databases and on research and studies conducted post-2014, although earlier research was also reviewed where considered relevant. There was inevitably a data imbalance between European Union (EU) member countries and non-member countries, as non-members are excluded from Eurostat and other vital databases. The data gap was particularly severe in relation to Iceland, which is not an EU member country, but participation across the region in cross-country studies was generally inconsistent anyway, regardless of EU status. Most research studies, whether EU-sponsored or independent, have focused on specific issues or categories of children, rather than on asylum-seeking children per se, with the majority examining the situation of unaccompanied and separated children. Although much of the decision-making around asylum-seeking children occurs at the local level, the research team lacked the resources to systematically trawl through the relevant literature at local authority level, although some local evaluations were reviewed.

c. Analytical framework

The research was not expected to identify major inconsistencies between national and regional/international legislation, but rather focus on implementation, enforcement and practice on the ground, so as to provide concrete and constructive recommendations to the Nordic governments. While acknowledging that procedural safeguards are crucial as a means of ensuring that the rights of asylum-seeking children are translated into meaningful practice, the initial legal analyses indicated that such safeguards could not on their own guarantee the full protection of children's rights, and that a range of factors operating at various levels can either support or impede the practical realization of children's rights on the ground. The research focus therefore moved beyond the simple identification of procedural safeguards (or lack thereof) to conduct a wider analysis of practice on the ground.

It was crucial to adopt a child rights lens through which to assess law, policy and practice across a spectrum of domains related to asylum-seeking children. Using the Convention on the Rights of the Child definition of a child rights-based approach as a foundation, an analytical framework²³² was adopted from the Council of Europe based on how the four principles underlying the Convention (non-discrimination; best interests; right to life, survival and development; and child participation) translate into practice on the ground. It sets the parameters of any assessment of policies, strategies, actions or activities in terms of how far they are:

232 Adapted from Kevin Byrne's contribution to *Refugee Children and Minors in Europe: The role and responsibilities of local and regional authorities*, adopted by the Current Affairs Committee, Congress of Local and Regional Authorities, Council of Europe, Strasbourg, on 18 October 2017.

- (i) **Child-centred:** The Committee on the Rights of the Child asserts that “a child is first and foremost a child, whatever the condition he or she may find himself or herself in”.²³³ This implies that it is the best interests of the individual child – rather than her or his legal or asylum status – that should always be the primary consideration in determining legislative, policy and service responses to asylum-seeking children, which can be subject to rapid change even as individual children pass through the asylum system.
- (ii) **Equivalent:** The principle of non-discrimination stipulates that all of the children in a country should enjoy full access to their rights, irrespective of the child’s or her/his parent’s: race; colour; sex; language; religion; political or other opinion; national, ethnic or social origin; property; disability; birth; sexual orientation; gender identity; and legal or other status. National authorities should therefore try to provide asylum-seeking children with the same level of access to entitlements and services as nationals enjoy, and strive to reduce the barriers (e.g. language, location) that restrict equal access.
- (iii) **Inclusive:** Although full integration in host communities may not be a feasible long-term option for all asylum-seeking children, authorities should adopt an inclusive approach towards every child for the duration of her or his stay in country, irrespective of the child’s legal status. Ideally, national and local responses should aim to facilitate child asylum seekers’ rapid referral to, and acceptance by, mainstream child and family services, rather than create or support parallel systems, structures or services for this group.
- (iv) **Participative:** Involving children as far as possible in decision-making at the individual, family, organization and policy levels is key to the full realization of their rights, and it also enables more effective and efficient action. Child participation involves not only the provision of mechanisms to allow children and young people to make their opinions heard, but also, more importantly, ensuring that due weight is given to a child’s views when making decisions that affect her or him.

233 As outlined in: *Report of the 2012 Day of General Discussion on the Rights of All Children*.

d. Tools and techniques

The detailed checklist underlying the framework was expanded further to enable a deeper analysis of the rights orientation of individual activities as well as the wider framework of response, based on the criteria of availability, accessibility, acceptability and quality outlined by the Committee on Economic, Social and Cultural Rights.²³⁴ Although the checklist does not enable quantitative measurement of every activity, responses to clusters of questions can indicate how far a specific activity or service adopts a rights-based approach to translating a child's entitlements into reality. Taken together as a matrix, these responses enable evaluation of both the social, institutional, organizational and policy frameworks that determine asylum-seeking children's protective environment, and the strategic and operational practices in each country.

The questions relate to five priority domains: general context, asylum process, education, health, and child protection. Indicators for social protection, housing and employment were not pursued due to time and resource constraints. The questions were devised in line with guidelines²³⁵ and models of good practice issued by UNICEF, UNHCR, the Council of Europe, the Fundamental Rights Agency (FRA), the European Migration Network and other relevant agencies, and adapted and expanded to facilitate the measurement of activities at operational, strategic and governance levels. Several agencies have produced or updated guidelines since 2015. These have proved useful but most tend to relate to a particular issue or situation and they are not usually linked or connected to one another. The level of detail provided can also vary considerably, from general principles to quite detailed operational recommendations. Many focus only on unaccompanied children and had to be extrapolated to all asylum-seeking children.

²³⁴ Committee on Economic, Social and Cultural Rights, General comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), E/C.12/2000/4, United Nations, Geneva, 11 August 2000, cited in Spencer and Hughes, *Outside and In*.

²³⁵ See Annex 3.

Annex 3. Guidelines incorporated in the good practice checklist

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Annex 4. Key respondents

Norway

NOAS [Norwegian Organisation for Asylum Seekers], Oslo, 6 November 2017
Ombudsman for Children in Norway, Oslo, 3 November, 2017
Save the Children Norway, Oslo, 3 November 2017
Norwegian Red Cross, Oslo, 6 November 2017
Norwegian Directorate of Immigration, 6 November 2017
Health Centre for Undocumented Migrants, 3 November 2017
Valsda Reception Centre for Unaccompanied Minors (cancelled)

Iceland

Ombudsman for Children, Reykjavik, 10 November 2017
Save the Children Iceland, Reykjavik, 9 November 2017
Icelandic Red Cross, Reykjavik, 10 November 2017
Icelandic Directorate of Immigration, 10 November 2017
Hafnarfjörður Municipality, Reykjavik, 9 November 2017
Government Agency for Child Protection (cancelled)

Sweden

Ombudsman for Children in Sweden, Stockholm, 23 October 2017
County Administrative Board of Stockholm, Missing Children Section (cancelled) and Trafficking Section, Stockholm, 24 October 2017
Swedish Migration Agency, Stockholm, 25 October 2017
Swedish Refugee Advice Centre Children's Unit, Stockholm, 24 October 2017
Swedish Red Cross (cancelled)
Swedish Police, Street Officers Unit for UASC, Stockholm, 24 October 2017
Swedish Police, Strategic Unit at the National Border Policing Section, Stockholm, 24 October 2017
Södertälje Municipality (cancelled)

Denmark

Danish Refugee Council, Copenhagen, 1 November 2017
Gribskov Transit and Child Centre, Gribskov, 31 October 2017
Udlændingestyrelsen [Danish Immigration Service], Copenhagen, 1 November 2017
Child Services, Copenhagen Municipality (Valby/Vesterbro/Kongens Enghave), Valby, 2 November 2017
Parliamentary Ombudsman for Children (contacted)
Børnerådet (contacted)
Copenhagen Police (contacted)

Finland

Refugee Advice Centre, Helsinki, 27 October 2017
Central Union for Child Welfare, Helsinki, 26 October 2017
Save the Children Finland, Helsinki, 26 October 2017
Federation of Mother and Child Homes and Shelters, Helsinki, 27 October 2017
Finnish Immigration Service, Helsinki, 26 October 2017
Refugee rights attorney (on the condition of anonymity due to safety concerns), Helsinki, 27 October 2017
Espoo Reception Centre, Espoo, 30 October 2017
Helsinki Police Department, Immigration Affairs Unit, Helsinki, 30 October 2017

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