

European Migration Network

**Policies on reception, return and integration arrangements
for, and numbers of, unaccompanied minors – an EU
comparative study**

Study 2008 (II)

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Executive summary

The purpose of this study is to provide an overall description of the way in which Sweden received unaccompanied minors. 'Unaccompanied minors' means people under the age of 18 who come to Sweden without a legal custodial parent.

The number of unaccompanied minors arriving in Sweden has increased in recent years. In 2008, this number amounted to 1 510, an increase of 19 per cent compared with the previous year. Most of these children came from Iraq, Afghanistan or Somalia. Over half were between the ages of 16 and 17, and the vast majority were boys. In 2008, 54% of these cases had their applications granted at the first instance. Seven per cent received a permit under the rules on refugees. Others were granted subsidiary protection.

The Swedish Aliens Act contains provisions which provide children a special position. Among other things these provisions prescribe that, for the right to be granted a residence permit on the basis of particularly distressing circumstances, a child's reasons do not have to have the same severity and weight as those required for adults. The provisions of the Act are based on the UN Child Convention.

Unaccompanied minors are a group that are given priority when cases are processed. The Swedish Government has set the objective that decisions at the first instance regarding residence permits or refusal of entry should be made within three months. The corresponding time objective for adults is six months. The Swedish Migration Board is endeavouring to reduce waiting times so that children are not adversely affected by the pressure caused by protracted processing times. In 2008, the average handling time for unaccompanied minors was 174 days.

Most unaccompanied minors seek asylum after having entered Sweden. They are usually observed when they report to one of the Swedish Migration Board's Application Units. A guardian *ad litem* should then rapidly be appointed for the child, who takes the place of the child's guardian and custodial parent. Guardians *ad litem* are entitled to make decisions on all matters concerning the child's affairs, whether personal, financial or legal. This guardianship *ad litem* is a temporary solution to the child's need for a legal representative pending a decision being made about a residence permit. After that, the Social Welfare Committee in the municipality where the child is staying must investigate the issue of whether the child should be provided with a specially appointed custodian.

When a guardian *ad litem* has been appointed, the minor may make an application for asylum and receive the assistance of a public counsel. Special children's case officers at the Swedish Migration Board investigate asylum cases involving minors. The Board tries to adapt the investigation as far as possible to the child's age, maturity, health and other circumstances

when considering the reasons for asylum. All children are entitled to express their views and provide an explanation about their life prior to coming to Sweden and regarding their need for protection. In certain cases, it is appropriate to transfer the matter to another EU country for consideration in accordance with the Dublin Regulation. In 2008, 17 children were transferred to other EU countries.

Sometimes unaccompanied minors apply for a residence permit based on a tie to a parent or relative in Sweden. There are also cases where parents refer to a link to a child who has obtained a residence permit in Sweden. In such cases, it may be appropriate to offer the applicant a DNA analysis regarding the family relationship.

Children are entitled to be reunited with their parents under the UN Child Convention. For this reason, Swedish authorities attempt to find the child's parents or other custodial guardian. When there is no risk of persecution or other need for protection, the main objective is that the child should be reunited with their parents in their country of origin as soon as possible. If a child is suspected of having been the subject of human trafficking, it may be relevant to apply several Swedish laws and ordinances.

Sweden is divided into 290 municipalities. Since 1 June 2006, the municipalities are the bodies responsible for housing and care. Previously, the central government was responsible for this through the Swedish Migration Board. When unaccompanied minors are granted a residence permit, the municipalities ensure that they are either placed in a family home or some other appropriate housing. There have been times when there has been a shortage of places in the municipalities, among other things on account of the fact that the number of unaccompanied minors has increased in recent years.

The municipality in which the child is staying has a duty to offer pre-school activities, compulsory schooling, upper secondary schooling and childcare for school children on the same conditions as other children in Sweden. Asylum-seeking children are also entitled to health, dental and medical care on the same conditions as other children in Swedish society.

As is the case with most adult asylum seekers, many of the unaccompanied minors do not produce any documents that can prove their identity and age when they submit their application. It is not always clear whether the person applying for asylum is under the age of 18 and should not be treated as an adult. If there is uncertainty concerning age following discussions with the child, a medical examination may be conducted as a step in the investigation. There may be a wide range for the child's possible age even after a medical examination, which the Swedish Migration Board takes into account when interpreting the results.

If there are not sufficient reasons for asylum, the Swedish Migration Board will issue a refusal decision. A person who receives a refusal decision may

appeal to one of the three Migration Courts and ultimately to the Migration Court of Appeal, which is the supreme instance. If the appeal court does not amend the decision, the person must leave Sweden within a specified statutory period. The Swedish Migration Board's personnel provide assistance with the preparations required before the return journey. The aim is that the journey home should be voluntary and not implemented compulsorily with the help of the police. It is ensured that the child is received by parents, relatives or other appropriate recipients in the country of origin. At least two officers travel with the child and are responsible for the handover.

Children and young people may only be taken into care in conjunction with leaving Sweden and then only for a limited period and together with their custodial guardian. This only occurs in exceptional cases. No unaccompanied minors were taken into care in 2008.

Children and young people who come to Sweden on their own in order to apply for asylum are in a vulnerable situation. It is therefore considered important that collaboration between the relevant authorities functions properly and that active development work is carried out as regards these unaccompanied minors. Examples of development initiatives are reported in this study. In addition to the authorities' formal responsibilities, various NGOs play an important role in the work to support these children and young people.

1 Introduction

This study was produced at the initiative of the European Migration Network, EMN. Similar studies will be produced for all EU Member States to enable comparisons within the Union.

These studies must be based on current, accurate material available in the Member States and synthesised in a report that follows the specifications adopted by the EMN to facilitate comparisons.

The primary target audience for this study is entities concerned with (the development of) unaccompanied minors' policy, in particular:

1. National government Ministers/Officials, international bodies and NGOs
2. Officials of the EU institutions.

1.1 Purpose

The intention of the study is to provide an overview of the treatment of children to Sweden unaccompanied by a legal guardian. These children are referred to in the text as 'unaccompanied minors'.

The specific aims of the study are to provide information on:

- Numbers of unaccompanied minors received by EU Member States
- Safe reception arrangements (policies and practices) in EU Member States, including information on assessments of success, costs and lessons learned.

Since the study was produced at the behest of the European Migration Network, EMN, the report is organised according to the specifications adopted by EMN and thus according to a fixed format.

1.2 Methodology

The study is based on information gathered from a variety of publications pertaining to unaccompanied minors. Sources included public documents such as laws, bills and written communications from the Swedish Government ('Government Communications'). Some information was taken from internal reports and evaluations produced by the Swedish Migration Board (hereafter the Migration Board). Additional source material included relevant material published by others, as well as the websites of the Swedish Migration Board, the Riksdag (Parliament) and the Government Offices. Officials with the Migration Board, municipalities, county councils and representatives of non-government organisations and associations involved with issues related to unaccompanied minors were invaluable sources. Opinions and perspectives were sought from experts who encounter children routinely in the course of their voluntary or

professional roles. These opinions are reported under the heading ‘Concluding Remarks.

The main problem encountered with the study is that it was sometimes difficult to follow the established structure. In some cases, a different structure would have made it easier to explain the Swedish system. Certain adjustments have been made to the structure to facilitate understanding.

The text refers to statistics only for the years 2007-2008. Other statistics for 2002-2008 are provided in tables in the annex.

One limitation of the study is that it focuses on migration from third countries. Migrations within the EU are dealt with only in passing, in order to shed light on the differences between EU national minors and third-country national minors.

1.3 Background – General

The Swedish Government’s overarching objective for migration is to “ensure a sustainable migration policy which, within the framework of regulated immigration, facilitates movement across borders, promotes needs-governed labour immigration, utilises and takes into consideration the effects of migration on development and enhances European and international cooperation.”¹

The Migration Board’s vision was formulated on the basis of that objective: *“A Sweden that with openness and transparency takes advantage of the opportunities of global migration.”*

The migration system in Sweden is governed by the Aliens Act, enacted by the Riksdag, and the Aliens’ Ordinance, which is decided by the Government. The current Aliens Act took effect 31 March 2006.² The Administrative Judicial Procedure Act also governs with regard to appeals.³ The Administrative Procedure Act also contains certain general provisions that govern all administrative agencies.⁴

The Migration Board has original jurisdiction and takes decisions pertaining to migration and asylum in Sweden. Swedish missions abroad take most decisions related to visas to enter Sweden.

¹ Government Bill 2008/09:1, expenditure area 8, p. 11, Government Communication Skr 2006/07:58, p. 7. Government Communication, Skr 2008/09:33, p. 4.

² Aliens Act (2005:716).

³ The Administrative Judicial Procedure Act (1971:291).

⁴ The Administrative Procedure Act (1986:223).

1.4 Overview – Asylum

The Asylum Division of the Migration Board considers every application for asylum individually and based on applicable law. A decision by the Migration Board to reject the application, which is usually accompanied by a non-admission or expulsion order, may be appealed to a Migration Court. While an application is under consideration or appeal, the asylum seeker is covered by the Reception of Refugees and Others Act (1994:137).⁵

With regard to residence permits on protective grounds, the Aliens Act specifies two categories of persons in need of protection: refugees and persons otherwise in need of protection. Aliens in Sweden who meet the criteria for status as a refugee or person otherwise in need of protection have the right to a residence permit unless any of the exceptions specified in the law are applicable.⁶

Persons who do not meet the criteria for refugee status may still have a serious need for international protection. In Sweden, such aliens may be granted protection as ‘persons otherwise in need of protection’. A person otherwise in need of protection is an alien who is not a refugee but is outside the country of his or her nationality because he or she:

- feels a well-founded fear of suffering the death penalty or being subjected to corporal punishment, torture, or other inhumane or degrading treatment or punishment;
- needs protection because of external or internal armed conflict, or because of other severe conflicts in the country of origin, feels a well-founded fear of being subjected to serious abuses, or;
- is unable to return to the country of origin because of an environmental disaster.⁷

Asylum operations include all activities that must be run by the Migration Board, the Migration Courts, the Migration Court of Appeal, the Police, the Prison and Probation Service and County Administrative Boards, from the time an application for a residence permit is lodged until settlement or return migration.⁸

Applications are lodged at any Migration Board Application Unit and are examined by one of the Migration Board’s Asylum Examination Units, where decisions are also taken. Upon a positive decision, the County Administrative Board and the Migration Board jointly refer the beneficiary to housing, if necessary. Negative decisions may be appealed. Appeals are routed through a Migration Board Administrative Procedure Unit and forwarded to the Migration Court. If the decision is not appealed, the Reception Unit is responsible for voluntary return. If coercive measures are

⁵ Government Bill 2008/09:1, expenditure area 8, p. 9.

⁶ Aliens Act (Swedish Statute 2005:716), chapter 5, section 1.

⁷ Aliens Act (Swedish Statute 2005:716), chapter 5, section 1.

⁸ National Financial Management Authority 2008:25, p. 6.

required, the police enforce the non-admission/expulsion order. Following a ruling by a Migration Court, the decision may be further appealed to the Migration Court of Appeals, but the latter hears only cases that are significant to case law and precedent.

Regardless of whether or not the decision is further appealed, positive decisions are concluded when the asylum seeker settles in a municipality, either independently or through referral from the Reception Unit to places in municipalities negotiated by the County Administrative Board. Negative decisions are concluded when the asylum seeker returns voluntarily with the assistance of the Migration Board Reception Unit or involuntarily, in which case the Swedish Police, sometimes assisted by the Prison and Probation Service (Transport Service), enforce the non-admission/expulsion order.⁹

The objectives of the asylum process are:

Every aspect of the asylum process shall be humane and uphold due process. The Migration Board shall deepen and improve interagency cooperation to improve the efficiency of the asylum process. The total waiting time in relation to the preceding year shall decline. Particular consideration must be given to children.¹⁰ The asylum process is complex and governed by laws, ordinances and policy objectives. The number of asylum seekers varies from year to year, which demands considerable flexibility.¹¹

That the asylum process must uphold due process means that all asylum seekers shall be guaranteed legally secure treatment throughout the asylum process – from application to settlement or until they leave the country. Handling and decisions in all jurisdictions, as well as enforcement of non-admission/expulsion orders, must be uniform and legal.¹² Particular consideration must be given to children.¹³

1.5 Overview – Migration

Examination of cases involving applications for permits for visits or settlement shall be efficient and uphold due process. Handling by the Migration Board in connection with examination, re-examination and appeal of cases and examination of impediments to enforcement shall be uniform, speedy and efficient. Particular consideration must be given to children. The waiting time for the applicant must be as short as possible, at every stage.¹⁴

The Division for Managed Migration and Citizenship at the Migration Board handles permit cases that do not involve asylum. The migration issues this division deals with are applications for permits based on family

⁹ See Process Map, National Financial Management Authority 2008:25, p. 8.

¹⁰ 2008 Budget Appropriation Directive for the Migration Board, dated 19 December 2007, p. 1.

¹¹ National Financial Management Authority 2008:25, p. 5.

¹² National Financial Management Authority 2008:25, p. 13.

¹³ 2008 Budget Appropriation Directive for the Migration Board, dated 19 December 2007.

¹⁴ 2008 Budget Appropriation Directive for the Migration Board, dated 19 December 2007.

connections, work permits, students, short stays/visits, EEA/registration, visas and passport cases.

The Division for Managed Migration and Citizenship is charged with issuing permit stickers for permanent residence permits and cooperating with Swedish missions abroad.

A migration case is formally initiated with a written application, in most cases lodged with a Swedish mission abroad.¹⁵

Residence permits on the basis of family connections may be granted to aliens who are related to someone residing or who have another connection to Sweden. The possibility of getting a residence permit as a relative is open to family members of people who already reside in Sweden and family members of people who do not yet live here but have been granted a residence permit to settled in Sweden. According to praxis, a residence permit for settlement refers to a permanent residence permit. The main rule is that an alien seeking a residence permit in Sweden must have applied for and been granted such a permit prior to entry.¹⁶ Aliens may apply for extension of a residence permit for a visit or other temporary stay in Sweden without having to leave the country.¹⁷

1.6 Overview – Resettlement

According to the Government's special decision on resettlement in 2008, measures will be taken to offer protection via resettlement in Sweden, primarily for refugees and persons otherwise in need of protection.

When assessing whether a residence permit should be granted within the framework of resettlement, the same deliberations shall be made as when assessing an application for asylum made in Sweden. The grounds for protection cited by the individual must be examined in relation to current conditions in the country of origin and for people who are not afforded opportunities for genuine protection in the country of origin. This must be done regardless of the UNHCR's previous assessment in the case or the grounds upon which the case was presented.¹⁸

The child's perspective must imbue the entire assessment process. Other aspects observed in an overall assessment include the situation in the country of origin and a protracted refugee situation.¹⁹

¹⁵ Aliens Act (Swedish Statute 2005:716), chapter 5, section 18.

¹⁶ Aliens Act (Swedish Statute 2005:716), chapter 5, section 18.

¹⁷ Aliens Act (Swedish Statute 2005:716), chapter 5, section 19.

¹⁸ Migration Board mandate, internal guidelines for assessment and decisions and current Swedish law applicable to resettlement, 2008.

¹⁹ Migration Board internal guidelines for assessment and decisions of resettlement cases, 2007.

Transfer of unaccompanied minors has been possible since 2006 if there are relatives in Sweden who are willing to assume responsibility for the child and transfer would otherwise be in the best interests of the child.²⁰

In 2008, the Migration Board was given a mandate to, in consultation with the United Nations High Commissioner for Refugees (UNHCR), resettle 1,900 refugees and persons otherwise in need of protection to Sweden within the framework of the Swedish refugee quota.²¹ Very few unaccompanied minors have been received within the quota (no more than a few children per year since 2006).

1.7 Overview – unaccompanied minors

An unaccompanied minor is a person under 18, unless the law applicable to the child stipulates a younger age of majority, who is separated from both parents and is not under the care of another adult who has such responsibility, whether by law or by custom.²²

Directive of the European Parliament and the Council 2003/9/EC defines unaccompanied minors:

Unaccompanied minors shall mean persons below the age of eighteen who arrive in the territory of the Member States unaccompanied by an adult responsible for them whether by law or by custom, and for as long as they are not effectively taken into the care of such a person; it shall include minors who are left unaccompanied after they have entered the territory of Member States.

According to the Government's Budget Appropriation Directive for 2009, decisions pertaining to unaccompanied minors shall be taken within three months of the date the application is received. The Migration Board must ensure that minors' personal reasons for asylum are investigated, assessed and reported in the decisions. In addition, the Board must also report how it is working to maintain and improve its skills in relation to human rights. The Migration Board must also present an analysis of specific skills gaps pertinent to people who may be at special risk.

The United Nations Convention on the Right of the Child (UNCRC) is based on four key principles:

- Article 2 establishes that all children have the same rights and equal value. All children must be protected against discrimination.

²⁰ Migration Board internal selection criteria for resettlement, 2006.

²¹ Migration Board Annual Report 2008.

²² Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, UNHCR 1997.

- Article 3 states that in all actions concerning children, the best interests of the child shall be a primary consideration. The concept of ‘the best interests of the child’ is one of the cornerstones of the Convention.
- Article 6 stipulates that every child has the inherent right to life, survival and development. The article deals with the child’s physical health, but also spiritual, moral, emotional and social development.
- Article 12 deals with the child’s right to express his or her views and have them given due weight in all matters affecting the child. Consideration of the child’s views shall be adapted to the child’s age and maturity.

Sweden ratified the UNCRC without reservations, and no legislative action was deemed necessary. Review of the provisions of the Convention led to the conclusion that general aims of Swedish law and case law are consistent with these provisions.²³

The UNCRC must imbue all agency operations that pertain to children. Among else, the Migration Board must give primary consideration to the best interests of the child, in accordance with applicable law, in connection with all actions involving children. The Board is continuing to develop its capacity to meet the needs of children in agency operations.²⁴ In practice, this entails the following:

- The Board complies with set processing times in cases involving minors. Minors’ personal reasons for asylum must always be assessed and reported in decisions;
- The Board ensures that children are always allowed to express their views;
- The Board uses child impact assessments;
- The Board is enhancing the skills of staff who work with children in case examination and reception;
- The Board cooperates with other agencies to ensure that the needs of children are met;
- The child’s perspective imbues operations in other ways, in accordance with the UNCRC.²⁵

Migration Board staff must provide the best possible support to minors without stripping the legal guardians – when such exist – of their parental responsibility. The child’s perspective is continually developed in the work of the Migration Board. Reception of minors and examination of cases involving minors shall be awarded high priority.

²³ Government Bill 1989/90:107 p. 28, Swedish Government Report, SOU 1997:116.

²⁴ Migration Board Strategy and Operational Plan, 2009.

²⁵ Migration Board Strategy and Operational Plan, 2009.

According to the Swedish Aliens Act, a minor is a person under the age of eighteen years. In cases involving a minor, special attention must be accorded to the aspects involved in considering his or her health and development and best interests in other respects.²⁶

The Aliens Act contains a couple of provisions on cases involving minors.²⁷ The Act states that a child's views must be heard in residence permit cases if the child will be affected by the decision and unless it is inappropriate to interview the child. The child's statements must be taken into account with due consideration of the child's age and maturity.

There is also a general provision on cases involving children in the Aliens Act, the 'portal paragraph' on the best interests of the child. According to this provision, special attention must be given to aspects involved in considering the best interests of the child in other respects, in all cases involving a minor. The portal provision must always be observed when cases involving minors are examined.²⁸

Under the Swedish Aliens Act, children have the same rights as adults to have their grounds for asylum carefully investigated. The *travaux préparatoires* to the Aliens Act states that children may be refugees or persons otherwise in need of protection. Minors seeking asylum have the right to be granted refugee status in Sweden if they are personally persecuted on the basis of their race, nationality, religious or political beliefs, sex, sexual orientation, or other affiliation with a particular social group.²⁹ Persons who have fled from war or torture and comparable, but are not personally persecuted, are considered persons otherwise in need of protection.³⁰

As soon as a guardian ad litem has been appointed and the application for asylum signed by the guardian ad litem, the application for asylum can be confirmed. Public (legal) counsel is then appointed for the child. There are special child caseworkers at the Migration Board who investigate asylum cases involving unaccompanied minors. When the asylum application is examined, the investigation is adapted to the minor's age, maturity, health and other circumstances. All children have the right to express their views and clarify what they have to say about their lives before they came to Sweden and about their need for protection. The principle of the best interests of the child written into the Aliens Act becomes, in countless cases, a matter of balancing a variety of circumstances that emerge in the investigation.

²⁶ Aliens Act (Swedish Statute 2005:716) chapter 1, section 10.

²⁷ Aliens Act (Swedish Statute 2005:716) chapter 1, section 11.

²⁸ Aliens Act (Swedish Statute 2005:716) chapter 1, section 10.

²⁹ Aliens Act (Swedish Statute 2005:716) chapter 5, section 1, chapter 4, section 1.

³⁰ Aliens Act (Swedish Statute 2005:716) chapter 5, section 1, chapter 4, section 2.

The goal for the work of Swedish missions abroad, as for work at the Migration Board, is to integrate the child's perspective in all processes that concern children. That is, the United Nations Convention on the Rights of the Child (UNCRC) and its four main principles shall be observed and imbue the processing of cases that apply to children.³¹

According to the UNCRC, every child has the right to his or her identity (article 8). The matter of identity thus carries particular weight in the processing of these cases.

2 Motivation for seeking entry into Sweden

In theory, there are three different ways to seek entry into Sweden: by claiming asylum, by applying for a short-stay visa, or by applying for a residence permit for a visit or settlement. The same rules apply to all third country nationals who want to come to Sweden, but this section will focus primarily on minors who are seeking entry.

2.1 Asylum

Minors may come to Sweden and claim asylum with or without their parents.

Most children and adolescents who come to Sweden unaccompanied apply for asylum. They have already crossed the Swedish border when they apply. The number of unaccompanied minors has varied widely in recent years.

A decision on common priority rules for handling asylum cases took effect 14 April 2009 at the the Migration Board Division for Asylum. In general, the oldest cases must be handled first, but in addition to that, cases involving unaccompanied minors are one of the categories of highest priority.³²

The Division's procedural manual includes procedures for handling cases involving unaccompanied minors to ensure that the best interests of the child can be met.³³

2.2 Settlement

The Division for Managed Migration and Citizenship at the Migration Board has applied special priority rules since 2006 for cases involving minors. These rules include that unaccompanied minors who apply for a residence permit after entry into Sweden must be handled with the highest priority and their cases must be processed within three months. The Division's procedural manual includes procedures for handling cases

³¹ Migration Board Manual for Processing of Migration Cases by Swedish Missions Abroad.

³² VC 25/2009.

³³ Migration Board Aliens Manual.

involving unaccompanied minors to ensure that the best interests of the child can be met.³⁴ Similar to asylum cases, the social services shall be contacted and a guardian ad litem shall be appointed if an unaccompanied minor – after entry – applies for residence permit on the basis of family connections.

EU/EEA citizens who meet the free movement criteria and are in another Member State have a right of residence and do not need residence permits. Minors are also covered by free movement and may have a personal right of residence, even if they are in Swedish territory as unaccompanied minors without legal guardian, if, for instance, they have adequate funds for their support, either personally or through a sponsor.

Citizens of most non-EU countries must have a visa to visit Sweden and other Schengen states.³⁵

The goal for the work by Swedish missions abroad, as for work at the Migration Board, is to integrate the child's perspective in all processes that concern children.

2.3 Basic statistics – unaccompanied minors

See table, next page.

The number of unaccompanied minors who claimed asylum in 2008 increased 19% compared to 2007. A total of 1,510 applications were received in 2008. Of these applicants, 77% were Iraqis, Afghans, and Somalians. These groups were about equal in size. Of all applicants, 60% were in the 16-17 age group and 80% were males.³⁶

Of unaccompanied minors who applied for asylum in 2008, 54% were granted residence permits, compared to 80% in 2007. Of those granted residence permits in 2008, 7% were classified as refugees, 54% as persons otherwise in need of protection, and 39% were granted residence permits on the grounds of exceptionally distressing circumstances.³⁷

³⁴ Migration Board Annual Report 2008.

³⁵ Migration Board website.

³⁶ Migration Board Annual Report 2008.

³⁷ Migration Board Annual Report 2008.

| | 2007 | 2008 | TOTAL |
|--|------|------|-------|
| Asylum-seekers | 1264 | 1510 | 2774 |
| - Afghanistan | 160 | 347 | 507 |
| - Bosnia-Herzegovina | 3 | 2 | 5 |
| - Eritrea | 38 | 32 | 70 |
| - Iraq | 621 | 464 | 1085 |
| - China | 29 | 6 | 35 |
| - Russia | 17 | 13 | 30 |
| - Serbia | 27 | 14 | 41 |
| - Somalia | 189 | 345 | 534 |
| - Other countries | 180 | 287 | 467 |
| Concluded asylum cases, Migration Board | 1090 | 1481 | 2571 |
| - Granted | 869 | 793 | 1662 |
| - A3 (refugee) | 28 | 56 | 84 |
| - A7-A9 (need of protection) | 297 | 428 | 725 |
| - G (humanitarian grounds) | 532 | 306 | 838 |
| - Other, e.g., TUT | 12 | 3 | 15 |
| - Rejected | 84 | 527 | 611 |
| - Closed without action | 89 | 98 | 187 |
| - Other decision | 48 | 63 | 111 |
| Average processing time | 185 | 174 | 359 |
| Concluded return cases³⁸ | 88 | 140 | 228 |
| - Voluntary return (UTREST-M) | 32 | 46 | 78 |
| - Transferred to police/absconded | 29 | 52 | 81 |
| - Transferred to police/forced return | 9 | 30 | 39 |
| - Other decision | 18 | 12 | 30 |

3 Entry procedures, including border control

3.1 Border control

The Police Authorities are responsible for border control and for internal controls of people who are in the territory illegally.

Consequent upon the Schengen Agreement, travellers in Europe can to a great extent cross the border into Sweden without any controls. However, the traveller's documents are checked at borders to countries outside the Schengen Territory.³⁹

³⁸ Refers to persons under the age of eighteen when the decision is taken. However, minors who have been reunited with a legal guardian may be included, since the code indicating this is undated, which means the Migration Board cannot see whether the reunification took place before or after the decision.

³⁹ National Audit Office, 2004:24, p. 19.

3.2 Application

A migration case is formally initiated with a written application, in most cases lodged with the Migration Board. If the person is abroad, the application is lodged with a Swedish mission abroad.⁴⁰

If a person claims asylum at the border, the Swedish Police, who are responsible for border control, transfer the case to the Migration Board,⁴¹ but most seek asylum after entering the country, which can be done at any Migration Board office. The Migration Board has Application Units in Stockholm, Göteborg and Malmö.⁴²

The majority of unaccompanied minors come to the attention of official agencies when they show up at a Migration Board Application Unit. Minors are rarely discovered at the Swedish border.

The Migration Board's investigation of cases involving unaccompanied minors who are claiming asylum begins with an interview of the applicant, assisted by an interpreter. Municipal Social Services are notified and a petition to appoint a guardian ad litem is made to the chief guardian's office. The first step is to investigate the applicant's identity and determine whether any other country is responsible examining the application for asylum under the Dublin Regulation.⁴³ The applicant is asked for a brief explanation of his or her reasons for seeking asylum and is fingerprinted and photographed.

The initial asylum investigation includes establishing identity, explaining connections to Sweden, ethnic and religious affiliation, state of health, the reasons for the application for asylum, and the taking into custody and duplication of relevant documents. For unaccompanied minors, the investigation also includes discovering the names of his or her parents, relatives (if any) in Sweden, and whether the minor travelled alone or in the company of someone else.⁴⁴ When an alien applies for a residence permit in Sweden, the Migration Board or the Police may take into custody passports or other identification documents until the alien is granted a residence permit or leaves the country.⁴⁵

In concrete terms, an application for asylum consists of registration in the Board's computer system, photographing, fingerprinting, information to the applicant regarding initial measures and investigation, and the application for daily allowance.⁴⁶

⁴⁰ Utne et al, 2007, p. 21.

⁴¹ National Audit Office, 2004:24, p. 19.

⁴² National Financial Management Authority 2008:25, p. 9.

⁴³ Council Regulation EC 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

⁴⁴ Migration Board, 2008b, p. 24, National Audit Office, 2004:24, p. 45.

⁴⁵ Diesen et al, 2007, p. 84.

⁴⁶ National Audit Office, 2004:24, p. 45, Migration Board, 2004, p. 12.

Once a guardian ad litem has been appointed, the case is handled by a Migration Board Asylum Examination Unit, where decisions are also taken, beginning with a determination by the Migration Board as to whether Sweden is responsible for examining the application or whether the applicant must be transferred to another country. For this reason, minors over the age of 14 are photographed and fingerprinted. A comparison can be made with the Eurodac database to find out whether the person has previously sought asylum in another EU Member State and thus under the Dublin Regulation must have the application examined there.⁴⁷ If such is the case, the person is transferred to that country.

Approximately 3,600 asylum cases were referred in 2007 to another EU Member State, while Sweden took charge of 826 cases.⁴⁸ A total of 17 unaccompanied minors were transferred to another EU Member State in 2008.⁴⁹

The Migration Board may also order immediate non-admission if it is obvious that the applicant does not need protection and has no other reasons to be allowed to stay in the country. The asylum seeker may also be refused admission if he or she has been in another country where he or she could have obtained protection before coming to Sweden.⁵⁰ Such a decision must normally be taken within three months of the date of application.⁵¹

Cases involving minors in which the investigation is conducted by a Swedish mission abroad usually have to do with residence permits based on family ties to someone in Sweden. The child may be the sole applicant or a co-applicant with one or more adults.

3.3 Aspects of specific observance in cases involving minors

The most important initial matters are the question of identity and of who has the right to represent the child in the case. The identity of the child's legal guardian must be clarified before any further investigation may be made in the case. This applies whether the child is a sole applicant or a co-applicant. In the context, the 1980 Hague Convention on the civil aspects of international child abduction must be observed. Swedish authorities shall not abet the abduction of a child contrary to the will of the legal guardian. The duty to work towards ensuring that a child is not deprived of his or her identity is stipulated in article 8 of the UNCRC.

According to article 12 of the UNCRC, children have the right to express their opinions in all matters which affect them. Chapter 1, section 11 of the Aliens Act stipulates that when assessments are made in permit cases,

⁴⁷ Utne et al, 2007, p. 85.

⁴⁸ Government Bill 2008/09:1, expenditure area 8, p. 13.

⁴⁹ Statistical information, Migration Board Unit for Planning and Analysis.

⁵⁰ National Financial Management Authority 2008:25, p. 9, National Audit Office, 2004:24, p. 19.

⁵¹ National Audit Office, 2004:24, p. 19.

minors who will be affected by a decision in the case must be interviewed to ascertain their views, unless it would be inappropriate. Accordingly, an interview with the child should normally be included in the investigation. The appropriate extent of the interview should be determined in relation to the child's maturity and the nature of the application. It is important that the case officer makes this assessment in every case. However, the main rule should be that the child shall be given an opportunity to express his or her opinions if he or she so wishes and is able to do so.

In all cases, it is important that the person investigating the case at the Swedish mission abroad meets with the child who will be affected by the case in order to confirm that the stated age of the child seems correct and to ensure that the child is the "right" child. In cases involving infants, the investigation cannot reasonably extend to anything beyond notation that the age of the child seems consistent with the stated age, other observations if any, and questions to the parent/legal guardian about the child's circumstances.

Departures from these procedures may be necessary in individual cases for a variety of reasons. Such reasons shall be stated in the investigation report.

In cases involving minors who wish to be reunited with a parent who resides in Sweden, the primary matter to be clarified is the purported kinship. It may also be important to ascertain whether the child is married. The legal guardian/s must sign the application to make it clear that they approve the granting of a residence permit of a visa to the child. If necessary, a birth certificate or equivalent document may be submitted to prove the identity of the child's legal guardian.⁵²

Under Swedish law, unmarried children under 18 are accorded the unconditional right to enter Sweden to be reunited with a parent.⁵³ A parent who has at some time lived with his or her child does not have a corresponding right to a residence permit on the basis of the connection to the child. There are exceptions to the principle that parents are not eligible for residence permits based on connections to a child, primarily in cases where reunification cannot appropriately occur in another country.

A child who has been granted refugee status in Sweden has the right to have his or her family reunited in Sweden. Family reunification in the country of origin is not possible for minors assessed as persons otherwise in need of protection as long as the minor still needs protection. If reunification cannot take place in a third country, the family are instead granted admission. If the minor is no longer in need of protection, reunification may take place in the country of origin. Reasons that reunification in Sweden should be permitted include the general political/humanitarian situation in the country of origin or relevant third country. There may also be individual reasons, primarily

⁵² Migration Board Manual for Processing Migration Cases by Swedish Missions Abroad.

⁵³ Aliens Act (Swedish Statute 2005:716), chapter 5, section 3.

attributable to the minor in Sweden, which require reunification to take place in Sweden.⁵⁴

3.4 Asylum investigation

If it proves after the initial investigation that a complete asylum investigation must be performed, public counsel is arranged for the asylum seeker. Thereafter, the applicant and his or her counsel write a brief explaining the reasons for asylum, etc.⁵⁵ This must normally be submitted within three weeks. Thereafter, the asylum seeker and his or her counsel are called to appear at the Migration Board for an oral review with a case officer and decision-maker from the Migration Board. At this meeting, the reasons for asylum are reviewed in detail and questions in addition to the brief may be asked.⁵⁶ The intention for this meeting, which should not be an interrogation, is for the Migration Board to ensure an adequate basis for decision in the individual case. The reason for this is that the Migration Board has investigative responsibility that cannot be devolved to the applicant's public counsel.⁵⁷

The Migration Board is required to give special consideration to minors in the asylum process. Cases involving minors, whether unaccompanied or in families, are prioritised, but cases involving unaccompanied minors always take precedence. The Migration Board's objective is that decisions shall be taken within three months in all cases involving unaccompanied minors.⁵⁸

The Migration Board has taken a number of guideline and clarification decisions that apply to unaccompanied minors in order to underline the importance of investigating and examining the individual, personal grounds for asylum of all minors. Guideline decisions have emphasised the role of the guardian ad litem in supporting the unaccompanied minor throughout the asylum process, and particularly in connection with possible return to the country of origin.⁵⁹

The minor's personal grounds for asylum must be investigated and assessed individually by the Migration Board. Asylum cases involving unaccompanied minors are examined at the Asylum Examination Units in Boden, Göteborg, Malmö and Uppsala.

The applicant's public counsel is present during the asylum investigation and the guardian ad litem is invited to be present. Whether the investigation is held on one or more occasions is determined by the minor's age, maturity,

⁵⁴ Aliens Act (Swedish Statute 2005:716), chapter 5, section 3.

⁵⁵ Migration Board, 2004, p. 13.

⁵⁶ Migration Board, 2004, p. 16, Utne et al, 2007, p. 83, Migration Board 2008b, pp. 24-26.

⁵⁷ Migration Board, 2004, p. 20, p. 30.

⁵⁸ Migration Board Strategy and Operational Plan 2009, Annual Report 2008.

⁵⁹ Migration Board Annual Report 2008.

level of knowledge and other circumstances in the asylum case. The investigation should cover:⁶⁰

- The minor's personal particulars, identity and age
- Complete family information, including family members outside the country of origin
- Particulars of other adults significant to the minor
- Full account of how the minor was separated from his/her parents
- Description of the minor's life before and after separation from parents
- The minor's current health and medical history
- Thorough review of the reasons the minor is in need of protection
- An account of the journey to Sweden
- The minor's current social situation
- The minor's plans and hopes for the future
- Preliminary assessment of the minor's mental and emotional development and maturity
- Other relevant information

The social aspect is given strong consideration in investigations concerning unaccompanied minors. This means that investigation of the social aspects is subject to the same standards as the investigation of grounds for asylum. For that reason, the asylum and social investigations are included in the same report, as is tracing of the minor's family.

3.4.1 Case officers' training

Case officers who investigate minors should have specialist expertise in investigating cases involving minors. The Migration Board offers case officers and decisionmakers two relevant training opportunities within the so called Migration Programme:

- ***Investigating children:*** The purpose of the training course is to spread an agency-wide method for investigating children at the Migration Board. Basic skills are taught in using the interview guide.⁶¹
- ***Child development:*** The purpose of the training course is to give staff who investigate cases involving minors a basic understanding of child development and to encourage focus on the child in the asylum process.

⁶⁰ Migration Board Manual.

⁶¹ Final report, ERF Project, Migration Board Investigative Interviews with Minors, The Migration Board, The Children's Ombudsman, and The Department of Behavioural Sciences and Learning, Linköping University, 2004.

The case officer follows an interview guide.⁶² The method is based in large part on asking the child “open-ended questions”.

4 Reception arrangements, including integration measures

The Migration Board is responsible for the exercise of public authority within the confines of the Reception of Asylum Seekers and Others Act (1994:137). The Migration Board is responsible for examining asylum cases involving minors and for matters related to economic assistance and return migration. The Reception of Asylum Seekers and Others Act (1994:137) was amended effective 1 July 2006 to divide the responsibility for unaccompanied minors who seek asylum between the State and municipalities. The amendment clarified the division of responsibility between the central government and local authorities. The justification for the amendment is that the skills, experience and support required to deal with children in at-risk situations resides mainly with municipal social services.

4.1 Housing

When an unaccompanied minor claiming asylum arrives in Sweden, the Migration Board ensures that the minor is placed in a designated reception municipality. These municipalities are located near the major entry cities of Stockholm, Göteborg and Malmö.

The Migration Board is responsible for ensuring that the minor is referred to a municipality as soon as possible, preferably one with which the Board has entered into an agreement on the reception of unaccompanied minors. Financial compensation is paid to the municipalities for their costs in connection with unaccompanied minors.

When there are peaks in inflows of unaccompanied minors, a shortage of reception places may arise in municipalities that have agreed to provide housing placement. In such cases, the minor remains in the municipality where he or she first made his or her needs known to the authorities, until housing placement becomes available.

The municipalities are responsible for providing housing and care to unaccompanied minors. The municipality in which the minor resides is ultimately responsible for the welfare of the child and the local chief guardian’s office must swiftly appoint a guardian ad litem who will look

⁶² Final report, ERF Project, Migration Board Investigative Interviews with Minors, The Migration Board, The Children’s Ombudsman, and The Department of Behavioural Sciences and Learning, Linköping University, 2004.

after the minor's rights. The municipality is also responsible for determining which arrangements would be in the best interests of the child, and takes decisions regarding housing and approval of foster families. The municipality investigates whether there are relatives in Sweden with whom the minor can live, and whether the minor needs special care and services. The Migration Board reimburses the municipality's costs.

The municipal social welfare board is the authority that assesses the child's needs and decides on appropriate housing. Accommodation may be provided in a children's home ('home for care or residence', which may be special housing established specifically for reception of unaccompanied minors or comparable, existing housing for other children) or a foster family.⁶³

4.1.1 Children's homes

Most municipalities have chosen to operate children's homes for unaccompanied minors according to regulations for so called 'homes for care or residence', referred to as 'HVB housing'. Special regulations apply to HVB housing with regard to things like staffing and documentation. HVB housing is under the supervision of the county administrative board, meaning that the county administrative board monitors and inspects the facilities. Supervision is exercised in a variety of ways depending on what is required to compile an adequate basis for assessment and decisions. The county administrative board examines documents, performs on-site inspections, holds interviews or surveys and meets with representatives.

Staffing in HVB housing is relatively equivalent in all municipalities. A staff of eight or nine therapists or counselors and a director are assigned for each 10-15 housing places.⁶⁴ The municipalities have generally chosen to have the staff work on a rolling schedule, with one employee who stays overnight at the facility.⁶⁵

After an unaccompanied minor has arrived, it is very important that the staff create a secure environment for the minor and establish routines, such as school attendance and leisure activities. In some municipalities, minors are assigned a personal contact person among the HVB staff.⁶⁶

4.1.2 Placement with a foster family

As mentioned, the social welfare board may decide on placement in a foster family rather than HVB housing or the equivalent.⁶⁷ In concrete terms, the

⁶³ Migration Board, National Board of Health and Welfare, Swedish Association of Local Authorities and Regions, informational pamphlet, *Shared Responsibility for Unaccompanied Minors*, 2009.

⁶⁴ The number of housing places is equal to the number of unaccompanied minors living in the HVB facility.

⁶⁵ Swedish Save the Children 2008. *Hur har det gått? Ensamkommande barn – mottagandet sedan kommunerna tagit över boende och omvårdnad.*

⁶⁶ Swedish Save the Children 2008. *Hur har det gått? Ensamkommande barn – mottagandet sedan kommunerna tagit över boende och omvårdnad.*

⁶⁷ Swedish Social Services Act (Swedish Statute 2001:453).

social welfare board initiates an investigation, searches public records for appearances of the foster family in registers kept by the police, the Debt Enforcement Service and social services agencies. The foster parents are interviewed. Thereafter, an assessment is made and the decision is taken.

4.1.3 Accommodation – statistics

The number of unaccompanied minors claiming asylum increased in 2006-2007 from 820 to 1,264. Of these, 81% were age 15-17 and 80% were males.

At the end of 2007, there were 776 unaccompanied minors who had claimed asylum in Sweden.

Breakdown by type of housing/accommodation:

- 153 in municipalities of arrival
- 294 in municipalities with reception agreements
- 329 in foster homes with relatives or other close family members (own accommodation).

The Migration Board received 1,510 applications for asylum from unaccompanied minors in 2008.

In December 2008, there were 1,165 unaccompanied minors registered in the Migration Board's reception system.

Breakdown by type of housing/accommodation (a breakdown on costs is provided in annex 10):

- 111 in municipalities of arrival
- 647 in municipalities with reception agreements
- 407 in foster homes with relatives or other close family members⁶⁸

4.2 Guardians *ad litem*

A guardian ad litem is appointed for every unaccompanied minor who claims asylum.⁶⁹ A petition to appoint a guardian ad litem may be made by the Migration Board and the Social Welfare Committee of the municipality where the child is staying. The chief guardian may also take up the matter at his or her discretion. The main rule is that an unaccompanied minor or a minor who has become separated from adults in Sweden always needs an adult representative appointed for him or her. Minors are considered unaccompanied if upon arrival in Sweden they are separated from both

⁶⁸ Migration Board pamphlet, *Current information about unaccompanied minors, January 2009*.

⁶⁹ The Act on Custodianship for Unaccompanied Children (Swedish Statute 2005:429).

parents or from another adult who may be considered as standing in loco parentis.

If a guardian *ad litem* has not otherwise been appointed for the minor, the municipality in which the child is staying must appoint a guardian *ad litem* as soon as possible after the minor's arrival in Sweden. The guardian *ad litem* is tasked with looking after the minor's rights.⁷⁰ As soon as the municipality has appointed a guardian *ad litem* for the minor, an application for asylum may be submitted to the Migration Board.

In the absence of the parents, the guardian *ad litem* act both as legal guardian and custodian of the minor. This provides the minor with a representative who can safeguard all aspects of his or her interests in Sweden, take responsibility for the minor's personal circumstances, manage the minor's affairs, and promote his or her best interests. The guardian *ad litem* is meant to be the hub around which the minor's affairs are coordinated. The guardian *ad litem* has both the right and the duty to decide in all matters pertaining to the minor's affairs, whether personal, financial, or legal. However, managing the daily care and supervision of the minor is not the task of the guardian *ad litem*, who also does not have any duty of support vis-à-vis the minor.

The mandate of the guardian *ad litem* ends automatically when the minor turns 18 and attains majority under Swedish law. Government Bill 2005/06:46 on the Reception of Unaccompanied Minors also emphasises that the guardian *ad litem* may exercise a deciding influence over the minor's accommodation. In the best interests of the child, the guardian *ad litem* may forbid the minor from leaving a certain place, such as a foster home. If the child runs away and is later found with another person, the guardian *ad litem* may petition the county administrative court to order the transfer of the minor to him or her.⁷¹

If the minor is granted a permanent or temporary residence permit in Sweden, the social welfare committee in the municipality where the minor is residing must petition or file notice in the district court that a nominated guardian is required.⁷² If the minor will reach the age of majority soon (within a couple of months) after the permit is granted, the guardian *ad litem*'s appointment may remain in place until the date of majority. The work of the nominated guardian is oriented more towards day to day care and long-term planning of the minor's future.⁷³

⁷⁰ The Act on Custodianship for Unaccompanied Children (Swedish Statute 2005:429).

⁷¹ Migration Board, National Board of Health and Welfare, Swedish Association of Local Authorities and Regions, information pamphlet: *Shared responsibility for unaccompanied minors*, 2009.

⁷² The Act on Custodianship for Unaccompanied Children (Swedish Statute 2005:429).

⁷³ Migration Board, National Board of Health and Welfare, Swedish Association of Local Authorities and Regions, information pamphlet: *Shared responsibility for unaccompanied minors*, 2009.

4.3 Medical services

Minors who claim asylum have the right to health, dental and medical services on the same terms as other minors in Swedish society. Swedish county councils are responsible for providing minors with the physical and psychological care they need.⁷⁴ The State compensates the county councils for providing necessary health and medical services to the children.

4.4 Public counsel

Unless the Migration Board finds it obviously unnecessary, public counsel is appointed to represent the child. The public counsel must be present whenever an investigation is performed. According to the Aliens Act, the guardian ad litem is the minor's proxy, and the public counsel acts as the minor's proxy only if the minor does not have a guardian ad litem. However, the guardian ad litem may issue a power of attorney to the public counsel so that the public counsel is empowered to take measures.

4.5 Integration

Schooling and other developmental activities are extremely important regardless of whether minors are allowed to remain in Sweden or must return to the country of origin. The municipality in which the child is living is obliged to provide preschool, compulsory school, secondary school and school-age child care on equal terms as for children who legally reside in Sweden. However, school attendance is not compulsory for asylum-seekers, as it is for other children who reside in Sweden.⁷⁵

The state compensates the municipalities for the educational costs of minors claiming asylum.

When an unaccompanied minor is granted a residence permit, the municipality arranges placement in a foster family or other suitable housing. Some municipalities have special housing for young people who lack legal guardians and have been granted residence permits. The majority of municipalities that has entered into reception agreements with the Migration Board for asylum seeking unaccompanied minors provides housing also for children with residence permit.

4.6 Applications granted/rejected (statistics)

| | 2007 | 2008 | TOTAL |
|--|------|------|-------|
| Concluded asylum cases, MB²⁾ | 1090 | 1481 | 2571 |
| - Granted | 869 | 793 | 1662 |

⁷⁴ Act on Health and Medical Services for Refugees and Others (Swedish Statute 2008:334).

⁷⁵ Ordinance 2001:976 on Education, Preschool and School-age Childcare for Refugees and Others.

| | | | |
|-------------------------|----|-----|-----|
| - Rejected | 84 | 527 | 611 |
| - Closed without action | 89 | 98 | 187 |
| - Other decision | 48 | 63 | 111 |

The Migration Board concluded 1,481 asylum cases involving unaccompanied minors in 2008, which was an increase compared to 2007, when the Board concluded 1,090 cases. The average processing time for these cases was 174 days.

Of the unaccompanied minors who applied for asylum in 2008, 54% were granted residence permits, compared to 80% in 2007. Of those granted residence permits in 2008, 7% were classified as refugees, 54% as persons otherwise in need of protection, and 39% were granted residence permits on the grounds of exceptionally distressing circumstances.⁷⁶

4.7 Trafficking

Several Swedish laws and ordinances may be applicable if a minor is perceived as a possible victim of trafficking. Sweden has had a law against human trafficking, ‘Act on Trafficking in Human Beings for the Purpose of Sexual Exploitation’ since 1 July 2002 (Swedish Penal Code, chapter 4, section 1a). The law was expanded effective 1 July 2004 to cover trafficking for the purposes of forced labour, trade in human organs, etc. The EU Directive (2004/81/EC) contains provisions on issuing residence permits to third country nationals who are victims of trafficking in human beings.

According to the UN Convention on the Rights of the Child, State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form.

The Council of Europe Convention on Action against Trafficking in Human Beings constitutes an overarching and uniform framework that encompasses prevention, interagency cooperation, protection and assistance of victims of human trafficking and a duty to prosecute and punish trafficking in human beings.⁷⁷

The Swedish Government decided on 20 December 2005 to appoint a special committee of inquiry to review statutes on human trafficking offences, etc.⁷⁸ The committee of inquiry’s mandate may be divided into two main areas: matters involving trafficking in human beings, and matters related to minors and coerced marriage. The committee reviewed the statute on trafficking in human beings in the Swedish Penal Code. The aim of the review was to enable more effective law enforcement in relation to human trafficking.

⁷⁶ Migration Board Annual Report 2008.

⁷⁷ 2004/81/EC.

⁷⁸ Government Directive 2005:152.

Twenty-five people have been convicted of trafficking in human beings since 2002. Underage victims of trafficking operations in Sweden have been between the ages of 12 and 18 years. An increase in the number of minors forced to engage in begging, slave labour and prostitution was recorded in 2005 and 2006.⁷⁹

A few preliminary investigations have been opened in Sweden regarding trafficking in human beings in which children from southeastern Europe have been exploited for purposes of thievery and begging. Confirmed information exists which shows that some of these girls have been exploited for purposes of thievery in several towns in Sweden, as well as other countries in Europe. The offenders are suspected of having purchased or rented the children from poor parents in order to travel around Europe with them with the intention of exploiting them for purposes of thievery.⁸⁰

4.8 Age determination

The burden of proof is on the asylum seeker to produce evidence that he/she is a minor, which is also set forth in the Council Resolution on Unaccompanied Minors (97/C 221/03). However, many asylum-seekers state that they have no identification documents and doubts about their true identity may arise. This also applies to persons who claim to be minors. Minors also sometimes claim to be adults.

If the applicant states that he/she is under eighteen, but the stated age seems obviously false, there is reason to offer the applicant an opportunity to support his/her claims by holding an “orientation interview” to assess the applicant’s age. An overall assessment is made based on the minor’s childhood history, school attendance, age of siblings and age of parents. The assessment is performed in consultation with the decisionmaker in the case. If the stated age does not seem obviously false, but nevertheless dubious, and there is other information related to age from the municipality and others, this information, combined with the orientation interview, may form the basis for an extended age determination after further follow-up interviews.

If additional input information is required for an age determination, there is reason to offer the applicant an opportunity to support his or her claims based on supplementary medical information. The decision to perform an age determination is taken in consultation with the decisionmaker in the case. If skeletal age determination is performed, radiographs are taken of the bones of the hand. Radiographs must always be assessed by a specialist in paediatric radiology. When a dental development examination is performed, the teeth in the jaw are examined with panoramic radiographs. Dental age

⁷⁹ Swedish Government Report, SOU 2008:41. *Människohandel och barnäktenskap – ett förstärkt straffrättsligt skydd* [Human trafficking and child marriage – stronger penal protection].

⁸⁰ E-mail reply, Swedish National Police Board, 2 April 2009.

determinations must always be performed by a forensic odontologist. At the age of 17-18, it is impossible to establish age differences of less than three years with any reasonable precision. Accordingly, the results of radiographic examinations should be interpreted to mean that the applicant is over 18 years only when the results of both examinations show an age of 21 years. The final, overall determination of whether an applicant should be considered a minor or an adult must be made by a decisionmaker with special paediatric expertise.

If information has emerged that the applicant claimed to be an adult in another country that is a State Party to the Dublin Convention, or which is covered by the Dublin Regulation, the age determination must be based on this information. If the applicant maintains that he/she is a minor, the applicant must be requested to produce documentation to prove the claim.

It is extremely important that age determination is performed as soon as possible after doubts about the applicant's true age have arisen. It is important to achieve clarity as soon as possible, since having adults accommodated in housing adapted for minors or minors placed with adults at a Migration Board accommodation unit should be avoided. In addition, it must be ensured that cases involving unaccompanied minors are handled in the correct case process.

If the applicant's age is determined as older than he or she has claimed, the Migration Board informs the applicant of the results and informs him/her about how his/her case will be handled in the future.

The Migration Board must also inform the municipal social services responsible for the minor's housing as soon as possible as to any doubts about the age stated by the minor. If the Migration Board later decides to assess the applicant's case as an adult, the Migration Board must notify social services, since municipal responsibility for the applicant's housing is then nullified and the previous grounds for appointing a guardian do not exist.

4.9 Kinship

The right to family reunification is an important element of Swedish legal tradition and the possibility of getting a residence permit based on family connections is regulated in the Aliens Act.⁸¹

The principle of family unity is established as a right in several conventions on human rights. According to Article 10 of the UN Convention on the Rights of the Child, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with in a positive, humane and expeditious manner. Article 8 of the European

⁸¹ Aliens Act (Swedish Statute 2005:716) chapter 5, sections 3-3a.

Convention for the Protection of Human Rights and Fundamental Freedoms contains provisions on the rights of family members to live together.

According to Council Directive 2003/86/EC, family reunification should apply in any case to members of the nuclear family, that is to say, the spouse and minor children. Proving the applicant's identity is one of the prerequisites for upholding the principle of keeping families together and for granting residence permits for family reunification.

In cases involving residence permits on the grounds of family ties, the applicant and the family tie are given the opportunity to have DNA analysis performed to verify the purported biological kinship, if the rest of the kinship investigation does not suffice to allow a residence permit to be granted.⁸² This does not apply if the purported kinship does not exist.

The Migration Board decides whether DNA analysis must be performed in a family reunification case. The analysis is performed by the National Board of Forensic Medicine, which is empowered to issue detailed regulations on aspects including sampling procedures and analysis. The Swedish state pays for DNA analysis initiated by the Migration Board. In some cases, the Migration Board may reimburse costs for DNA analysis performed at the initiative of the applicant.

4.10 Statistics, Division for Managed Migration and Citizenship

The Migration Board received 15,182 family connections cases in 2008 that involved minors in some way. Many were applications in which the minor is part of a family. There are no reliable statistics on unaccompanied minors in family connections cases, but four case categories can be presented instead. The first involves minors who claim a family connection to a parent in Sweden. The Migration Board received 2,453 such applications in 2008. The second category involves cases in which minors apply for a residence permit based on connections to relatives in Sweden. There were 873 applications of this type in 2008. The third category is made up of cases in which a parent claims a connection to a child in Sweden. There were 260 applications on this basis in 2008. The last category covers all adoptive children. The Migration Board received 581 adoption-related applications in 2008.⁸³ The majority of these children applies for residence permits from Swedish missions abroad and are thus not to be considered as unaccompanied children.

⁸² Aliens Act (Swedish Statute 2005:716) chapter 13, section 15.

⁸³ Migration Board Annual Report 2008.

The average processing time for cases in the categories specified above was 187 days in 2008 and 66% of applications were approved.⁸⁴

4.11 Detention

Asylum seekers must be detained in certain cases, which are regulated by law.⁸⁵ The Aliens Act allows for the detention of aliens during certain circumstances. Article 2, chapter 10 of the Aliens Act stipulates special conditions for detention of children under the age of 18. (The age limit is in line with the definitions in the UN Convention on the Rights of the Child.) The law permits the detention of minors only in extremely restrictive circumstances. A minor may be detained if non-admission is likely with immediate enforcement, or the case involves enforcement of such a non-admission order and there is apparent risk that the minor will otherwise abscond and thus jeopardise imminent enforcement that should not be delayed and a decision on supervision is insufficient.

Minors may thus be detained in preparation for enforcement of a non-admission or expulsion order (not requiring immediate enforcement), or expulsion due to crime in cases where supervision has proved inadequate in connection with earlier attempts to enforce the order. A minor may be detained for a maximum of 72 hours, which may be extended by an additional 72 hours if special grounds exist. A minor may not be separated from a legal guardian through detention of the minor or the guardian. If a minor has no legal guardian in Sweden, the minor may be detained only if special reasons exist.⁸⁶ An unaccompanied minor held in detention shall be appointed a guardian *ad litem*, and may never be separated from others taken in detention.

Detention of minors is extremely unusual in Sweden. Fifteen children in families were detained in 2008. The order was made by the Police in 13 cases and by the Migration Board in 2 cases. In five cases, the Police Authority's detention order was issued in connection with enforcement,⁸⁷ and in eight cases, the order was based on the risk that the minor would abscond and jeopardise enforcement.⁸⁸ No unaccompanied minors were detained in 2008.⁸⁹

How an alien held in detention shall be treated is governed by law.⁹⁰ In accordance with the Directive of the European Parliament and the Council 2008/115/EC, unaccompanied minors are detained only as a last resort. If minors are held in detention, they must be afforded opportunity to

⁸⁴ Migration Board Annual Report 2008.

⁸⁵ Aliens Act (Swedish Statute 2005:716).

⁸⁶ Aliens Act (Swedish Statute 2005:716) chapter 10.

⁸⁷ Aliens Act (Swedish Statute 2005:716) chapter 10, section 2, first paragraph.

⁸⁸ Aliens Act (Swedish Statute 2005:716) chapter 10, section 2, second paragraph.

⁸⁹ Migration Board statistics, 2008.

⁹⁰ Aliens Act (Swedish Statute 2005:716) chapter 11.

participate in recreational activities appropriate to their age and maturity. All detention centres shall have a number of officials specially responsible for matters related to children. Minors are accommodated in detention centres with access to staff and premises that provide for the needs of minors in their age group. The best interests of the child are always paramount and the right to medical care is always met, based on the individual's needs.

Aliens placed in detention shall be treated humanely and their dignity shall be respected. 'Humane treatment' means that:⁹¹

- Focus must always be on the alien; his or her case must be processed swiftly and uphold due process.
- A good relationship must be established between staff and the alien as soon as he or she arrives at the facility.
- The alien must feel safe and secure in the vulnerable position.
- Staff must recognise and respond to the needs of detainees.

The dignity of the person shall also be respected.⁹² The requirement that dignity shall be respected corresponds to the guidelines on conditions for detainees drafted by the Office of the UN High Commissioner for Refugees (UNHCR), which "should be humane, with respect for the inherent dignity of the person."⁹³

5 Return practice, including reintegration

5.1 Return

An alien who does not have a visa, residence permit or other permit required for entry, stay or work in Sweden may be refused admission.⁹⁴ The basic premise is that the person must leave the country voluntarily.⁹⁵

Return of people denied residence permits for protective reasons is a high priority on the part of the Government. It is consequently important that Sweden has efficient procedures for return of persons whose non-admission or expulsion orders have taken legal force.⁹⁶

A prerequisite to safeguarding the right to asylum is that people whose non-admission and expulsion orders have taken legal force leave the country.⁹⁷ For that reason, re-admission agreements have become increasingly important in recent years. Sweden has entered into about twenty bilateral re-admission agreements.⁹⁸ A re-establishment support programme was introduced in 2007 to facilitate voluntary return to certain countries where

⁹¹ Migration Board, Aliens Manual 19.3 Treatment of Detainees.

⁹² Migration Board, Aliens Manual 19.3 Treatment of Detainees.

⁹³ Migration Board, Aliens Manual 19.3 Treatment of Detainees.

⁹⁴ Diesen et al, 2007, p. 67.

⁹⁵ Diesen et al, 2007, p. 67.

⁹⁶ Government Communication Skr 2006/07:58, p. 18.

⁹⁷ Government Communication Skr 2006/07:58, p. 18.

⁹⁸ Government Communication Skr 2008/09:33, pp. 17-18.

re-establishment is difficult due to internal conflicts. The decision has since been extended so that re-establishment support may now be granted to people returning to Afghanistan, Iraq, Gaza or Somalia. The re-establishment grant is SEK 30,000 per adult and SEK 15,000 per child up to a maximum of SEK 75,000 per family.

The Migration Board is working towards agreements with Swedish and international organisations, aimed at increasing the number of people who return voluntarily.⁹⁹ Waiting times are highly significant in this area. Shorter stays in the country lead to a larger percentage of voluntary returns.¹⁰⁰

According to the Convention on the Rights of the Child, children have the right to be reunited with their parents. When there is no risk for persecution or other need for protection, the main approach is to reunite the child with his or her parents in the country of origin as soon as possible. Accordingly, the Migration Board works actively to trace the minor's parents or other guardians.

When an application for asylum is rejected, a non-admission or expulsion order is attached to the decision. According to the Aliens Act, an alien who is refused admission must leave the country within two weeks after the non-admission order takes legal force. In connection with expulsion, the alien has four weeks to leave the country after the expulsion order has taken legal force.¹⁰¹

If impediments to enforcing the decision emerge, the Migration Board may take up the case for re-examination. This may occur at the initiative of the person whose application was rejected or of the Migration Board.¹⁰²

The Migration Board is responsible for enforcing non-admission/expulsion orders. When an alien's application for asylum has been rejected, he or she must leave the country. The Migration Board's objective is to engage in dialogue in order to persuade the alien to return without having to transfer the case to the Police for involuntary return using coercive measures.

If an alien does not leave the country voluntarily after his or her application is rejected, the Migration Board may transfer the case to a Police Authority for enforcement of the order.¹⁰³ Enforcement may be performed by the Police or in cooperation with the Prison and Probation Service (Transport

⁹⁹ Migration Board Annual Report 2008. The Migration Board financed an advisory service at the UNHCR: The advisor accepts telephone calls and personal appointments with Afghans in Sweden. AGEF: In December 2006, the Migration Board entered into an agreement with the German organisation AGEF on reintegration measures in northern Iraq. On 12 January 2008, Oraxis in Serbia commenced a partnership with Praxis, a non-government organisation in Serbia. The Migration Board is financing an advisory service and expenses at Praxis for one year. IOM: The Migration Board entered into an agreement with IOM in 2007 on payment of re-establishment grants in Afghanistan and Iraq.

¹⁰⁰ National Financial Management Authority 2008:25, p. 39.

¹⁰¹ Government Bill 2008/09:1, expenditure area 8, p. 17. Diesen et al, *Prövning av migrationsärenden 2007*, p.72.

¹⁰² Migration Board, informational material.

¹⁰³ Aliens Act (Swedish Statute 2005:716), chapter 12.

Service), which may, at the request of the Police, escort the alien out of the country.¹⁰⁴ The Migration Board, the National Police Board and the Prison and Probation Service cooperate in matters related to return.¹⁰⁵

A non-admission or expulsion order shall be considered enforced once the alien has left the country. A non-admission or expulsion order remains valid for four years after the order takes legal force. If the person is found in Sweden again after an order has been enforced, the order must be re-enforced if it is still valid.¹⁰⁶

When a non-admission or expulsion order has been issued and taken legal force, the unaccompanied minor and his or her guardians are called to an initial return interview. Precise information is provided regarding voluntary return versus transfer of the case to the Police Authority. An intensified effort to trace and contact parents or other relatives is commenced.

Traces are performed with the assistance of Swedish embassies, local lawyers and, occasionally, non-government organisations. Cooperation with concerned external parties is being prioritised and planned in a new way.¹⁰⁷ For instance, the Swedish Red Cross (SRC) has been running a project since 2008 that provides return advice. The project is funded by the Swedish government.

In practice, cooperation between SRC and the Migration Board entails Board case officers referring returnees to SRC for advice and information. The Migration Board also cooperates with UNHCR on several levels and in several countries. Another international organisation with which the Migration Board cooperates is the IOM.¹⁰⁸ It should be noted that cooperation with NGOs occurs primarily when the minor consents and the organisation knows that the minor has personally expressed the preference.

Adequate reception in the country of origin or another country that receives the minor must be assured prior to departure. In compliance with Directive 2008/115/EC of the European Parliament and the Council, the Migration Board enforces return only if adequate reception facilities have been guaranteed. The minor is returned to a member of his or her family, a nominated guardian, or adequate reception facilities in the State of return. Two Swedish officials escort minors in all return cases and hand over the minor to the person or institution responsible for reception.

5.2 Dublin

In accordance with the current Dublin regulation, fingerprints are taken on all children above the age of 14. A comparison may be made with the

¹⁰⁴ National Financial Management Authority 2008:25, p. 32, Government Bill 2008/09:1, expenditure area 8, p. 18, Diesen et al, 2007, p. 72.

¹⁰⁵ Government Bill 2008/09:1, expenditure area 8, p. 18.

¹⁰⁶ Diesen et al, 2007, p. 73.

¹⁰⁷ Migration Board Annual Report, 2008.

¹⁰⁸ Migration Board Annual Report, 2008.

Eurodac database to find out whether the person has previously sought asylum in another EU Member State and thus under the Dublin Regulation must have the application examined there.¹⁰⁹ If such is the case, the person is transferred to that country.

In Dublin cases, two officials escort the minor, who is transferred to the relevant authorities at the airport, which have been informed that the case involves an unaccompanied minor.

A total of 17 unaccompanied minors were transferred to another EU Member State in 2008.¹¹⁰

5.3 Return – Managed Migration

The return process for unaccompanied minors in permit cases is handled the same way as for minors who have claimed asylum. All minors are escorted and the Migration Board ensures that the minor’s guardian, family, an official agency, or an organisation receives the child upon arrival. If this does not occur, the case is transferred to the Police Authority, which enforces the order.

People who have residence permits may also wish to return to their countries of origin. The Migration Board is mandated to support these people who wish to return.

5.4 Statistics – Return

| | 2007 | 2008 | TOTAL |
|--|------|------|-------|
| Concluded return cases²⁾ | 88 | 140 | 228 |
| - Voluntary return (UTREST-M) | 32 | 46 | 78 |
| - Transferred to police/absconded | 29 | 52 | 81 |
| - Transferred to police/forced return | 9 | 30 | 39 |
| - Other decision | 18 | 12 | 30 |

In 2008, 140 return cases were concluded that involved unaccompanied minors: 46 returned voluntarily, 52 cases were transferred to the Police Authority as absconded, and 30 cases were transferred to the Police Authority for enforcement of the return order. When return orders are enforced by the Police, minors are always escorted and reception is assured.

¹⁰⁹ Utne et al, 2007, p. 85.

¹¹⁰ Statistical information, Migration Board Unit for Planning and Analysis.

6 Concluding remarks: Best practice and lessons learned

A large number of children and youth arrive every year without an accompanying adult or other legal guardian, who are referred to as unaccompanied minors. Their life stories and backgrounds vary, but they are all in vulnerable situations. Accordingly, awarding high priority to reception of unaccompanied minors and examination of their cases is an important shared responsibility for the relevant agencies.¹¹¹

Opinions have been sought as input for this study from experienced individuals who deal with children routinely in the course of their voluntary or professional roles. This section addresses some of these opinions, linked to best practices and development projects.

One opinion expressed is that the guardianship mandate is a good step to give the minor a representative who can protect the minor's interests. However, there is no mandatory training for guardians *ad litem*, although joint training initiatives have been taken, for instance, by the Office of the Chief Guardian and Save the Children, Sweden in Göteborg.¹¹² Another training initiative has been taken by the Swedish Red Cross in Malmö, which is the project owner for the project "Training for nominated guardians of unaccompanied minors," funded by the European Refugee Fund (ERF) and the Swedish State Inheritance Fund. The purpose of the project is to provide support and training to strengthen the skills of guardians in their work with the target group of unaccompanied minors.

6.1 Development projects/change processes

A legislative amendment took effect 1 July 2006, by which Swedish municipalities are responsible for providing care and accommodation to unaccompanied minors claiming asylum – especially municipalities that enter into reception agreements with the Migration Board. Consequently, there is great need for municipalities that are willing to commit to reception of these minors.

However, a number of measures have been implemented since 2006: The Migration Board, the Integration Board, the Swedish Association of Local Authorities and Regions (SALAR) and the National Board of Health and Welfare have jointly produced informational materials in which the key tasks related to municipal reception of unaccompanied minors are gathered.

Six regional conferences were held in 2007 on the theme of unaccompanied minors, arranged by the Migration Board and the Integration Board along with SALAR. The National Board of Health and Welfare also participated

¹¹¹ Migration Board, National Board of Health and Welfare, Swedish Association of Local Authorities and Regions, informational pamphlet: *Shared Responsibility for Unaccompanied Minors*, 2009.

¹¹² Opinion of the Swedish Paediatric Society.

in the conferences. In April 2008, SALAR, the Migration Board and the National Board of Health and Welfare furthermore held four regional conferences with focus on exchange of experiences in the reception of unaccompanied minors.

During this joint effort, needs emerged for additional support to municipalities in several areas of potential improvement related to unaccompanied minors.

The cooperative measures concerning unaccompanied minors implemented in 2006-2008 have resulted in a joint project between SALAR and the Migration Board on the theme of “Shared responsibility – unaccompanied minors.” The project is co-funded by the ERF and is aimed at improving conditions for municipalities and the Migration Board with the ultimate goal of improving reception of unaccompanied minors. The objective is to identify best practices and potential improvements by identifying a number of strategic development areas related to reception of unaccompanied minors.

The development areas identified in the project are:

- The needs of unaccompanied minors
- Guardians *ad litem*
- Tracing of parents
- Minors missing from State care
- Age assessments/determinations
- Needs of reception municipalities for support/skills enhancement

The results of the best practices survey and the action plan drafted within the framework of the project will be shared with the municipalities at four regional seminars in *November 2009*.

6.2 Development of case processing in cases involving minors

The final investigation of grounds for asylum is the responsibility of the Migration Board, and standards of due process in case handling naturally impose high demands on the skills of officials. A project is in progress at the Migration Board in Göteborg, *Development of asylum examinations in cases involving unaccompanied minors*. The project is funded by the ERF and is aimed at improving the quality and efficiency of asylum examinations involving unaccompanied minors.

The project is divided into three sub-projects. Sub-project I, called “Thinking Ahead” is aimed developing and implementing a method of working with child impact assessments in the asylum examination process. The sub-project is based on the Children’s Ombudsman’s child impact assessment.

The purpose of sub-project II is to develop the country expertise required in the work with unaccompanied minors claiming asylum. The need for and access to country information specifically related to minors is being studied, as are opportunities to develop the production and presentation of such country information. The sub-project is working closely with the Migration Board's Country Information Unit.

Finally, sub-project III is focused on identifying investigation methods in asylum examination involving unaccompanied minors and will be recommending measures for improvements in the area. In addition to studies of previous asylum cases, the analysis includes in-depth interviews with guardians ad litem and lawyers appointed as public counsel.

The primary target audience for the project is Migration Board employees who work with unaccompanied minors claiming asylum in various phases, with main focus on personnel involved in asylum examination.

Another project, *The Best Interests of the Child in the Asylum Process*, aimed at concretising the contents and import of the principle of the 'best interests of the child' was carried out in 2007-2008 by Children's Rights in Society (BRIS) in partnership with the University of Malmö, co-funded by the ERF. During the first year, the project analysed the contents and import of 'the best interests of the child' and developed a model for upholding the meaning of the principle in the asylum process. During the second year, the project compiled a report containing good examples of how the principle of the best interests of the child can be applied in practical work. A sponsored education course was arranged within the project, "*The principle of the best interests of the child from a user perspective*," equivalent to six ECTS credits. Six Migration Board officials completed the course. The main objectives of the course were to provide greater understanding of children's rights and needs in the asylum process and to initiate discussion and dialogue surrounding the principle of the best interests of the child.

Unaccompanied minors are a heterogeneous group, but all children in the group are at risk and in a vulnerable situation.¹¹³ An ERF research project is in progress at the Nordic University for Public Health Sciences (NHV), Department of Refugee Status, Migration and Health, in partnership with the Centre for European Research, Göteborg University (CERGU), on the health and well-being of minors claiming asylum. NHV is also leading/coordinating a Nordic research network on the health of refugee children, funded by the Swedish Council for Working Life and Social Research (FAS).

Minors often experience extreme pressure and worry while the asylum case is being processed. In partnership with the Church of Sweden, the Migration Board and five municipalities¹¹⁴, IM (a Swedish aid organisation,

¹¹³ Opinion from the Swedish Paediatric Society.

¹¹⁴ Municipality of Botkyrka, Municipality of Eksjö, City of Göteborg, City of Helsingborg, City of Malmö.

Individuell människohjälp) are running an ERF project: *Barn i väntan* (BIV) [*Children in Waiting*], *Barn i start*, (BIS) [*Children Starting Out*]. The purpose of BIV and BIS is to help children in families who are seeking asylum develop tools to better manage their situations and everyday lives, through dialogue, educational play and a variety of creative exercises.

Tracing parents and relatives of unaccompanied minors who are seeking asylum in Sweden has very high priority, but is extremely difficult. In response, the Migration Board commenced 'Project Reunification' in October 2008, aimed at unaccompanied minors. One method that has been tested for tracing parents is to retain local lawyers connected to Swedish embassies in or near the minors' countries of origin. The purpose of Project Reunification is to see whether the method involving local lawyers works on a larger scale. The project is co-funded by the ERF.

6.3 Non-government organisations

Beyond the formal responsibility of government agencies, non-government organisations also play a key role. Their involvement and experience is very important in connection with reception of unaccompanied minors claiming asylum. Accordingly, a number of NGOs involved in the area are presented here. (See the annex for URLs to websites.) However, it should be noted that this presentation is by no means exhaustive.

BRIS (Children's Rights in Society) is an organisation dedicated to helping at-risk children and youth with advice and support and to making it easier for them to engage in dialogue with adults. BRIS emphasises the child's perspective and sees children and youth as its clients, upon whose needs the organisation's operations are planned.

ECPAT (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes) is a non-profit organisation dedicated to preventing and eliminating the commercial sexual exploitation of children (child pornography, child sex tourism and child trafficking for sexual purposes) through public affairs and lobbying efforts, information and training initiatives. ECPAT Sweden is the Swedish chapter of ECPAT International and is part of the organisation's international network, which is actively represented in more than 70 countries.

The Migration Board held bilateral meetings in 2008 with the IOM (International Organization for Migration), whose purposes included discussing how to formalise cooperation between the organisations.¹¹⁵

The Swedish Refugee Advice Centre is a non-profit organisation formed in 1991. The organisation provides free legal advice on matters pertaining to asylum, family reunification, Swedish citizenship and other matters related

¹¹⁵ Migration Board Annual Report 2008.

to Swedish aliens legislation, the asylum process, international conventions and the asylum laws of other countries. The Refugee Advice Centre arranges and participates in courses, lectures and seminars on subjects including asylum law, family reunification, international conventions and human rights.

Save the Children Sweden has been monitoring the situation of unaccompanied refugee children in Sweden since the late 1980s. They participate in various networks of NGOs dedicated to refugees and the rights of asylum seekers in Sweden and Europe. Much of the effort to support refugee children takes place in local chapters of Save the Children Sweden. Some chapters provide direct support, while others lobby local authorities and gather knowledge. For instance, several local chapters were involved in compiling input for Save the Children Sweden's supplementary report to the UN Committee on the Rights of the Child.

The Swedish Red Cross is a complement to the social safety net that otherwise exists. Over the years, the Red Cross has drawn attention to needs in society and has developed initiatives to meet the needs. The Red Cross is also equipped to provide support in the asylum process. The Red Cross provides:

- Advice on asylum cases
- Help completing and clarifying grounds for asylum
- Information to clarify possible humanitarian grounds
- Assistance with return migration

The Swedish Paediatric Society is a society of Swedish doctors who work mainly in paediatric medicine. The society is the paediatric section of the Swedish Society of Medicine and a specialist association of the Swedish Medical Association. The mandate of the society is to promote the development of paediatric medicine, including through arranging scientific meetings and promoting continuing education in paediatric medicine.

One of the tasks of the United Nations Children's Fund (UNICEF) Sweden is to lobby policymakers so that the Convention on the Rights of the Child will have greater impact on Swedish legislation and application of law. UNICEF believes that two groups of children are particularly at risk in Sweden – child victims of trafficking and children who are claiming asylum or are in Sweden as “undocumented aliens”, that is, illegally staying. The UN Committee on the Rights of the Child, which monitors compliance of States Parties to the Convention on the Rights of the Child, has criticised Sweden in these areas. In response, UNICEF Sweden is working to strengthen public protection of these children against exploitation and discrimination.

The Migration Board enhanced its dialogue with UNHCR in 2008 on the technical work, which has taken place through discussions between the managements of the Board and UNHCR.¹¹⁶

In summary, there is strong commitment to unaccompanied minors among those who work with these issues in Swedish municipalities, among non-government agencies, and within the Swedish State. This is an area with great potential for development on many different levels, from the macro perspective to the micro perspective, with the intention of safeguarding the best interests of the child based on applicable law.

¹¹⁶ Migration Board Annual Report 2008.

References

Diesen Christian, Lagerqvist Veloz Roca, Annika, Lindholm Billing, Karolina, Seidlitz, Madelabine and Wahren Alexandra, 2007, *Prövning av migrationsärenden*, Stockholm; Norstedts Juridik.

National Financial Management Authority 2008:25.

Förordning 2001:976 om utbildning, förskoleverksamhet och skolbarnomsorg för asylsökande m.fl. [Ordinance on education, preschool and school-age child care for asylum seekers and others].

Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, UNHCR 1997.

Ministry of Justice 2008/942/SIM.

Lag 2005:429 om god man för ensamkommande barn [Act on Guardians for Unaccompanied Minors].

Lag 2008:334 om hälso- och sjukvård åt asylsökande m.fl. [Act on Health and Medical Treatment for Asylum Seekers and Others].

Migration Board Manual.

Migration Board Manual for Processing Migration Cases by Swedish Missions Abroad.

Migration Board pamphlet, current information about unaccompanied minors, January 2009.

Migration Board, informational material, accessible on www.migrationsverket.se.

Migration Board internal guidelines for assessments and decisions in resettlement cases, 2007.

Migration Board internal selection criteria for resettlement, 2006.

Migration Board, National Board of Health and Welfare, Swedish Association of Local Authorities and Regions, informational pamphlet: Shared Responsibility for Unaccompanied Minors, 2009.

Migration Board Strategy and Operational Plan, 2009.

Migration Board statistics, 2008.

Migration Board Aliens Manual.

Migration Board mandate, internal guidelines for assessment and decisions and current Swedish law applicable to resettlement, 2008.

Migration Board Annual Report 2007.

Migration Board Annual Report 2008.

Migration Board Annual Report 2008.

Government Bill 1989/90:107.

Government Bill 1996/96:25:250.

Government Bill 2008/09:1.

Process Map, National Financial Management Authority 2008:25.

Government Directive. 2005:152.

Government Communication, Skr 2008/09.

Government Communication, Skr 2006/07.

Government Budget Appropriation Directive for the Migration Board, 2008.

Government Budget Appropriation Directive for the Migration Board, 2009.

National Audit Office, 2004:24.

Council Directive 2003/9/EC.

Council Directive 2003/86/EC.

Council Directive 2004/81/EC.

Council Directive 2008/115/EC.

Council Regulation (EC) no 343/2003.

Swedish Save the Children, 2008. *Hur har det gått? Ensamkommande barnmottagandet sedan kommunerna tagit över boende och omvårdnad.*

Final report, ERF Project, *Migration Board Investigative Interviews with Minors*, The Migration Board, the Children's Ombudsman, and the Department of Behavioural Sciences and Learning, Linköping University, 2004.

Social Services Act. SoL 2001:453.

Swedish Government Reports, SOU 1997:116.

Swedish Government Reports, SOU 2008:41.

Aliens Act (Swedish Statute 2005:716).

Utne, Ingrid, Fridström, Ingela and Sandell, Ulrika, 2007,
Migrationsprocessen, Stockholm; Thomson fakta.

VC 25/2009.

URLs to non-government organisation websites:

Swedish Save the Children: www.raddabarnen.se

UNICEF: www.unicef.se

UNHCR: www.unhcr.se

IOM: www.iom.int

BRIS (Children's Rights in Society): www.bris.se

ECPAT: www.ecpat.se

Swedish Paediatric Society: www.blf.net

Swedish Refugee Advice Centre: www.sweref.org

Swedish Red Cross: www.redcross.se

Aggregate statistics: unaccompanied minors claiming asylum 2002-2008

| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | TOTAL |
|---|------|------|------|------|------|------|------|-------|
| Asylum-seekers | 550 | 561 | 388 | 398 | 820 | 1264 | 1510 | 5491 |
| - Afghanistan | 34 | 64 | 35 | 27 | 98 | 160 | 347 | 765 |
| - Bosnia-Herzegovina | 8 | 12 | 12 | 4 | 1 | 3 | 2 | 42 |
| - Eritrea | 17 | 14 | 8 | 15 | 22 | 38 | 32 | 146 |
| - Iraq | 144 | 67 | 26 | 69 | 337 | 621 | 464 | 1728 |
| - China | 3 | 11 | 27 | 52 | 6 | 29 | 6 | 134 |
| - Russia | 18 | 15 | 14 | 17 | 15 | 17 | 13 | 109 |
| - Serbia-Montenegro ¹⁾ | 55 | 59 | 43 | 25 | 21 | 27 | 14 | 244 |
| - Somalia | 87 | 107 | 62 | 33 | 101 | 189 | 345 | 924 |
| - Other countries | 184 | 212 | 161 | 156 | 219 | 180 | 287 | 1399 |
| Concluded asylum cases, MB ²⁾ | 331 | 526 | 489 | 370 | 368 | 1090 | 1481 | 4655 |
| - Granted | 134 | 229 | 125 | 67 | 177 | 869 | 793 | 2394 |
| - A3 (refugee) | | 1 | 4 | 2 | 4 | 28 | 56 | 95 |
| - A7-A9 (need of protection) | | 12 | 14 | 10 | 61 | 297 | 428 | 822 |
| - (Humanitarian grounds) | | 202 | 99 | 52 | 105 | 532 | 306 | 1296 |
| - Other, e.g., Temporary residence Permits | | 14 | 8 | 3 | 7 | 12 | 3 | 47 |
| Rejected | 158 | 231 | 312 | 205 | 111 | 84 | 527 | 1,628 |
| - Closed with no action | 37 | 63 | 50 | 97 | 59 | 89 | 98 | 493 |
| - Other decision | 2 | 3 | 2 | 1 | 21 | 48 | 63 | 140 |
| Average processing time | | 223 | 194 | 116 | 148 | 185 | 174 | 1040 |
| Concluded return cases ²⁾ | | | 159 | 166 | 182 | 88 | 140 | 735 |
| - Voluntary return (UTREST-M) | | | 61 | 49 | 42 | 32 | 46 | 230 |
| - Transferred to police/absconded | | | 54 | 61 | 17 | 29 | 52 | 213 |
| - Transferred to police/forced return | | | 24 | 16 | 7 | 9 | 30 | 86 |
| - Other decision | | | 20 | 40 | 116 | 18 | 12 | 206 |

Aggregate statistics: unaccompanied minors claiming asylum, breakdown by age and sex

| | | Age 0-6 | 7-12 | 13-15 | 16-17 | Total |
|------|---------|---------|------|-------|-------|-------|
| 2002 | Males | | | | | 0 |
| | Females | | | | | 0 |
| | Total | 14 | 52 | 132 | 352 | 550 |
| 2003 | Males | | | | | 0 |
| | Females | | | | | 0 |
| | Total | 22 | 59 | 134 | 346 | 561 |
| 2004 | Males | | | | | 225 |
| | Females | | | | | 163 |
| | Total | | | | | 388 |
| 2005 | Males | 6 | 25 | 76 | 148 | 255 |
| | Females | 7 | 16 | 38 | 82 | 143 |
| | Total | 13 | 41 | 114 | 230 | 398 |
| 2006 | Males | 8 | 23 | 157 | 457 | 645 |
| | Females | 6 | 22 | 53 | 94 | 175 |
| | Total | 14 | 45 | 210 | 551 | 820 |
| 2007 | Males | 20 | 47 | 231 | 707 | 1005 |
| | Females | 17 | 35 | 69 | 138 | 259 |
| | Total | 37 | 82 | 300 | 845 | 1264 |
| 2008 | Males | 13 | 54 | 410 | 724 | 1201 |
| | Females | 9 | 39 | 78 | 183 | 309 |
| | Total | 22 | 93 | 488 | 907 | 1510 |

Annexes 1-9: Remaining statistics

See enclosed annexes, in the table templates provided in the specifications.

Appendix V

b) Table template for Section 5 (Return)

Instead of having a number of Tables for each Year, for Return data there would (ideally) be tables for each Age Category (0 – 13, 14, 15, 16, 17, and *unknown*) with accumulated numbers for the time span from (ideally) 2002 onwards.

i) Age: 0-13 Accumulated numbers for 2007-2008

| Country of Nationality | Total | Country of Return of Females (with number)* | Country of Return of Males (with number)* |
|------------------------|-------|---|---|
| Somalia | 5 | Unknown (4) | Unknown (1) |
| Morocco | 3 | Italy (1); Unknown (1) | Italy (1) |
| Italy | 3 | Unknown (1) | Italy (1); Unknown (1) |
| Afghanistan | 2 | Afghanistan (2) | |
| Bolivia | 2 | Bolivia (2) | |
| Georgia | 2 | | Unknown (2) |
| Iraq | 2 | Greece (1); Unknown (1) | |
| Israel | 2 | Israel (1) | Israel (1) |
| Lebanon | 2 | Lebanon (2) | |
| Unknown | 2 | | Denmark (1); Uzbekistan (1) |
| Paraguay | 2 | Paraguay (1); Unknown (1) | |
| Stateless | 2 | | Norway (1); Spain (1) |
| Azerbaijan | 1 | Denmark (1) | |
| Serbia | 1 | Kosovo (1) | |
| Turkey | 1 | Turkey (1) | |

* List the country(ies) of return (for both Females and Males) in descending order, i.e. give country with highest number of returns first, followed by second highest, etc. After each country of return name give (in brackets) the number, e.g. Jamaica (15); Benin (8), China (2).

Appendix VI

Age: 14 Accumulated numbers for 2007-2008

| Country of Nationality | Total | Country of Return of Females (with number)* | Country of Return of Males (with number)* |
|------------------------|-------|---|---|
| Somalia | 2 | Unknown (2) | |
| Afghanistan | 1 | | Unknown (1) |
| Bolivia | 1 | | Bolivia (1) |
| Iraq | 1 | Unknown (1) | |
| Nicaragua | 1 | Unknown (1) | |
| Paraguay | 1 | Unknown (1) | |
| Serbia | 1 | | Unknown (1) |
| Stateless | 1 | | Unknown (1) |
| | | | |
| | | | |

Appendix VII

Age: 15 Accumulated numbers for 2007-2008

| Country of Nationality | Total | Country of Return of Females (with number)* | Country of Return of Males (with number)* |
|-------------------------------|--------------|--|--|
| Iraq | 4 | Unknown (3) | Belgium (1) |
| Somalia | 2 | | Germany (1); Italy (1) |
| Bosnia and Herzegovina | 1 | France (1) | |
| China | 1 | | Unknown (1) |
| Nicaragua | 1 | Nicaragua (1) | |
| Romania | 1 | Unknown (1) | |
| Serbia | 1 | | Unknown (1) |
| | | | |
| | | | |
| | | | |

Appendix VIII

Age: 16 Accumulated numbers for 2007-2008

| Country of Nationality | Total | Country of Return of Females (with number)* | Country of Return of Males (with number)* |
|------------------------|-------|---|--|
| Iraq | 10 | | Unknown (5); Great Britain (2); Denmark (1); Iraq (1); Italy (1) |
| Afghanistan | 4 | Unknown (1) | Germany (1); Greece (1); Unknown (1) |
| Russian Federation | 3 | Unknown (1) | Unknown (2) |
| Somalia | 2 | | Unknown (2) |
| Algeria | 1 | | Germany (1) |
| Angola | 1 | | Angola (1) |
| Azerbaijan | 1 | | Norway (1) |
| Bulgaria | 1 | | Bulgaria (1) |
| India | 1 | | Unknown (1) |
| Morocco | 1 | | Unknown (1) |
| Romania | 1 | Romania (1) | |
| Rwanda | 1 | | Rwanda (1) |
| Serbia | 1 | | Unknown (1) |
| | | | |

Appendix IX

Age: 17 Accumulated numbers for 2007-2008

| Country of Nationality | Total | Country of Return of Females (with number)* | Country of Return of Males (with number)* |
|------------------------|-------|---|--|
| Iraq | 28 | Iraq (2); the Netherlands (1); Unknown (1) | Unknown (9); Germany (4); Iraq (4); Great Britain (2); Italy (2); the Netherlands (2); Denmark (1) |
| Afghanistan | 3 | | Unknown (2); Norway (1) |
| Albania | 3 | | Unknown (3) |
| Bolivia | 2 | Unknown (2) | |
| China | 2 | China (1); Unknown (1) | |
| Libya | 2 | | Unknown (2) |
| Serbia | 2 | Serbia (2) | |
| Somalia | 2 | | Norway (1); Unknown (1) |
| Chile | 1 | | Unknown (1) |
| El Salvador | 1 | El Salvador (1) | |
| Georgia | 1 | | Unknown (1) |
| Ghana | 1 | Unknown (1) | |
| Iran | 1 | | Unknown (1) |
| Kazakhstan | 1 | Ukraine (1) | |
| Kenya | 1 | Kenya (1) | |
| Nicaragua | 1 | Unknown (1) | |
| Romania | 1 | | Unknown (1) |
| Russian Federation | 1 | | Unknown (1) |
| Serbia and Montenegro | 1 | Unknown (1) | |
| Stateless | 1 | | Unknown (1) |
| the Sudan | 1 | Norway (1) | |
| Tunisia | 1 | | the Netherlands (1) |
| Belarus | 1 | | Unknown (1) |