

Unaccompanied minors in Sweden: Policy trajectories and contemporary issues

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Background and own research in the field

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2015 Refugee situation

- 1) MPs experiences of negotiating migration law (2005 Aliens Act)
- 2) Their perceptions of unaccompanied minors seeking asylum
(Conflicted view, stereotyping)
- 3) How SMA case officers build arguments about credibility in asylum cases concerning unaccompanied minors. Copy paste, limit space for credibility, limit individual assessment.
- 4) Guardianship for unaccompanied minors. The role of the guardian.
Participant observations, interviews with 3 groups informants.

Unaccompanied minors in Sweden

- Discussed since 1988 (reliable statistics since 1996)
- Definition: A person under the age of 18 that arrives in Sweden without parents or other customary (legal) guardians.

What do we know? (Celikaksoy & Warnesjö 2015a, b).

- Years 2003-2013. (SCB Statistics). Statistical follow-up. Higher rates of employment than people who migrated with their parents as children. Particularly in urban areas and of afghan origin.
- Work in the service and care sectors, e.g. elderly care.
- Unaccompanied refugee girls are not employed to the same extent, marry young, divorce young.
- Qualitative studies have also supported that most integrate and form a stable social network (Family formation, home, work).
- According to the Police Authorities own research crime rates are low with some differences.
- SCB: Without immigration the population would decrease. Prognosis: "Until 2035 the foreign born will make up the total increase of people in active working age" (population pyramid).
- We do not need to pay for 9 year elementary education for youth (16-17).

Political focus

Prior (2000-2014):

Anchor children and “apathetic” children

Strive for return (ERPUM): Failed.

Contemporary trajectories (2014-)

The temporary aliens act (Quickly negotiated) 2016-2019. Negative consequences for unaccompanied minors. No child perspective or consequence analysis.

“Sending signals”. Closing the border.

Security risk discourse

Strive for return. Temporary high school residency permits.

Guardianship for unaccompanied minors (Layman or professional? Limits?)

Numbers of unaccompanied minors seeking asylum

- 2015: 35 369 (163 000 total; 1992 84 000 total)
- 2016: 2199
- 2017: 593 (October)
- Temporary border- and ID-checks at the Danish border together with EU border security actions (2016-November).
- Suspicion that adults would try to make themselves “younger” and receive benefits. Special (positive treatments), social worker, guardian, best interest of the child principle (asylum case), easier evidence assessment (asylum case).

Age assessment

Pro

- Political level (Politically charged)
- The National Board of Forensic Medicine
- The National Health Board (middle-ground)

Against

- The Pediatric Medicine Association
- The Swedish Bar Association
- Civil society organisations

The National Board of Forensic Medicine

- 581 (563 boys and 18 girls) (total 15500 registered at the time).
- 76% were assessed as being above 18 years.
- **“Need to make probable” that he/she is below 18.**
- Legally interesting to prove a negative circumstance. “To not be above 18”. Balance between the investigation requirement and the burden of proof.
- E.g “Strongly indicates” (**30%**) “Indicates” (25%), “possible above 18” (20%)”, “possible below 18” (25%).
- However, the weighting is not corresponding to other principles in Swedish public administrative law.
- Against principles in Criminal Law (negative outcomes): Beyond reasonable doubt. *Shown*.

Burden of proof

- Asylum claims (context of being children). Child-specific forms of persecution not clarified.
- Age assessment
- Language testing (Iranian Persian – Dari)
- This takes place within a potentially stressful situation where the minor needs to handle/learn how different actors work and interact (Social services, school, legal guardian, social services, housing staff, contact person, psychiatric care).
- More than 500 days (1, 5 years) of processing time.

The temporary law

- Difficult to achieve credibility with a heavy burden of proof and SMA case officers using consistently restrictive repertoires of arguments.

Temporary law (2016-2019)

- Second Aliens Act (“on top”)
- Temporary residency 3 years (refugees) 13 months (Subsidiary). Possibility of permanent residency conditioned on finding long-time work.
- 4 ways becomes 2 ways. Removing possibility of receiving residency based on national subsidiary rules and particularly distressing (humanitarian) circumstances. This means that only Refugee determination (5-10%) and EU Law subsidiary grounds remain = more rejections.

Topics related to the increased restriction unaccompanied minors

- Suicides and attempted suicides (lack of knowledge, statistics is not systematic)
- Strike in Stockholm (mainly Afghan)
- Substance abuse (Psychiatric / closed care): Under-funded.
- Children going missing About 1800 between 2013-2016. Closing 18, age determination, asylum, depression, rejection, withdraws from school and housing. (**Samverkan** between authorities: cooperation)
- Project 2016-2018: No statistics, no national guidelines.
- Trafficking discourse, repression vs children in hiding.
- "Moroccan street children" (in part "under the radar")

Public sector response

- Social Services under-funded (high rotation; sick-leaves)
- Migration Agency under-funded (high rotation; sick-leaves).
1200 asylum case officers have been made redundant.
- Closing down of housing centres for unaccompanied minors.
255/290 municipalities report shortage of housing.
- **The underfunding is a difference from 1992.**
- The 2015 influx of asylum seekers demonstrated that the public sector is *dependent on assistance from civil society*.
- How can knowledge/experience transfer in the context of restriction and austerity?

Thank you!

- Daniel Hedlund

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