



I WANT TO FEEL SAFE

Strengthening child protection in the initial reception of unaccompanied and separated children in Sweden

Foreword

The unprecedented large-scale movement of refugees and migrants into many European countries in 2015 also included a high number of unaccompanied and separated children, many of whom arrived in the Nordic countries in search of protection. **The sudden arrival of large number of children presented exceptional challenges to governments and child protection systems** in organizing the reception and appropriate care arrangements. In Sweden, which accepted more than 35,000 unaccompanied and separated children in search of protection in 2015, the reception system – despite Sweden’s strong commitment to child protection – came under significant strain and revealed several shortcomings.

In 2017, the number of forcefully displaced persons reached 68.5 million worldwide. **Children accounted for more than half of this population.**¹ Many of these children have experienced terrible violence, sexual abuse, trafficking and emotional and psychological pressure; not only before their flight, but also during their journey and at times upon arrival in their asylum country. While all children must be protected, unaccompanied and separated children are a particularly vulnerable group as they move without their guardians or other care giver. **They deserve and have a right to protection and care.** All actions and decisions must have the child’s best interests at heart. Addressing the needs of these children at the earliest possible stage is therefore a priority task to ensure they are provided with timely and adequate protection.

In the past years, UNHCR’s Regional Representation for Northern Europe has increasingly focused on the needs of unaccompanied and separated children on the move. UNHCR, UNICEF and other partners have considered the situation of unaccompanied and separated children in several studies.² In 2015 and 2016, UNHCR, UNICEF and the International Rescue Committee consulted unaccompanied and separated children, States and over 100 practitioners from nearly all European countries. The challenges identified in these studies were further discussed at several expert meetings, including a Roundtable hosted by the Government of Sweden in 2016. The consultations showed that although a solid legal framework for child protection existed in many countries, complex and bureaucratic procedures often meant that the best interests of children were not sufficiently taken into account, resulting in severe consequences for their well-being and their future. This process resulted in a Roadmap to strengthen child protection, presented in **“The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe”**. With this awareness of existing protection challenges, UNHCR facilitated a direct engagement among key stakeholders to practically improve the reception system in Sweden.

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DISCLAIMER

This document represents a synthesis of the contributions made by children and young adults as well as practitioners. It should not be regarded as the official position of the authorities and organizations that they may represent.

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ILLUSTRATIONS IN THE REPORT

Fönyelselabbet at SVID and Martina Gustavsson at PwC Experience Center.

COVER PHOTOGRAPH:

Lebanon. Young war victim finds hope on seventh anniversary of Syria conflict.
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¹ UNHCR (2017). “Global trends: forced displacement in 2017”

² See UNHCR & UNICEF (2014). “Safe and sound: what states can do to ensure respect for the best interests of unaccompanied and separated children in Europe”.



UNHCR's mandate, which is laid down in its Statute,¹ is to provide international protection and find durable solutions² to the plight of refugees. Given the significant proportion of children among forcibly displaced populations and the fact that they face unique protection risks, responding to their specific needs is a key priority.

UNHCR's commitment to the protection of forcibly displaced children was reaffirmed in "A Framework for the Protection of Children", published in June 2012.³ The Framework places the Convention on the Rights of the Child at the heart of UNHCR's protection mandate and builds on UNHCR's policy and existing guidelines on the protection of children and relevant Executive Committee Conclusions.⁴

¹ UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V).

² See Art. 1 of the Statute of the Office of the United Nations High Commissioner for Refugees, adopted by General Assembly Resolution 428 (V) 14 December 1950, A/RES/428(V). The Statute explicitly mandates the High Commissioner to provide protection also by "assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities" (Art. 8 (c)) and prompts States to cooperate in the promotion of assimilation of refugees, especially by facilitating their naturalization (Art. 2 (e)). In relation to resettlement to a third country, see Art. 9 of the UNHCR Statute; see also Art. 2 (f) on travel and other documentation for enabling resettlement; Art. 2 (g) and 8 (e) on transfer of refugees' assets to third countries. UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V).

³ UNHCR (2012). "A Framework for the Protection of Children".

⁴ These include UNHCR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, February 1997, UN CR Guidelines on Determining the Best Interests of the Child, May 2008, UNHCR, UNHCR Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A) 2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, December 2009, HCR/GIP/09/08, UNHCR, Field Handbook for the Implementation of the UNHCR BID Guidelines, November 2011, and Executive Committee of the High Commissioner's Programme, Conclusion No. 107 on Children at Risk, 5 October 2007, No 107(LVIII) - 2007.

To this end, UNHCR initiated a Child Protection project - known as Co-Lab 2.0 - building on Sweden's good reception and protection practices. The project was undertaken with the support of Förnyelselabbet, a Swedish policy lab that specializes in supporting multi-stakeholder groups in joint analysis of complex situations using innovative and human-centered design methods. The project found that **children unanimously express their need to feel safe** in unfamiliar surroundings and circumstances, as well as a clear desire for a predictable process that keeps them informed. It underscored the importance of creating a reception system that is child-centred and informed by the best interest of the child, based on relationships built on trust. It also highlighted the need for well-trained guardians to take immediate responsibility for the child, and demonstrated that increased communication between municipalities and stakeholders can support the child in feeling safe, which directly mitigates the risk of a child absconding when moving from one municipality to another.

Despite the fact that the number of unaccompanied and separated children has declined in Sweden since 2016, the outcome of the Co-Lab 2.0 process remains valid to strengthen child protection in the initial reception of unaccompanied and separated children in Sweden and elsewhere. The process has increased the breadth and depth of our shared understanding of children's challenges, perceptions and needs while presenting realistic and practical solutions to improve the well-being of unaccompanied and separated children on the move in the reception procedure.

This project and its positive outcomes are the result of the commitment, energy and time of many stakeholders. While the proposed solutions expressed in Co-Lab 2.0 do not necessarily reflect the official position of the consulted authorities and organizations, UNHCR deeply appreciates the expertise of the many reception practitioners from across Sweden, the openness of Swedish authorities, and the input of the children themselves. Indeed, the children are naturally the best experts to explain their own circumstances and experiences with their reception in Sweden.

There is a broader ongoing debate in Sweden about the reception of asylum-seekers. It is my hope that the outcome of the Co-Lab 2.0 project will directly inform this discussion, and encourage practical measures to improve the reception system for unaccompanied and separated children in particular. I also believe that the outcome has value beyond the Swedish context, because focusing on children's needs and taking an inclusive approach to the development of child protection policies can bring effective solutions in a variety of national and regional contexts.

Last but not least, I would like to extend UNHCR's sincere thanks to all involved in this process, **especially to all children and young adults**, for their valuable contributions.

Stockholm, December 2018

Henrik M. Nordentoft
Regional Representative
UNHCR's Regional Representation for Northern Europe

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The formulation of a holistic and child-friendly reception procedure could not have been possible without the results from the pilot processes launched in the municipalities of Stockholm and Sundbyberg. Thank you Feryal Lövström, Isabelle Ravelius and Martin Karlsson in Stockholm, and Josefina Streling and Amr Heshme in Sundbyberg, for helping us obtain the detailed answers to the "hows", the "whats" and the "whys" on how to strengthen child protection in the initial reception. Your commitment to the protection of unaccompanied and separated children is admirable and you lead with great example.

Most importantly, we would like to express our heartfelt gratitude and appreciation to all the children and young adults who courageously shared their experiences of and thoughts on coming to Sweden without family.

SVID, Swedish Industrial Design Foundation, has been working since 1989 to ensure that design methodology is used in work on innovation and change in Sweden.

SVID spreads knowledge about design and strengthens the opportunities for sustainable development in companies, organizations and authorities.

Förnyelselabbet was created in 2016 to explore user-driven innovation and collaboration in a lab environment.

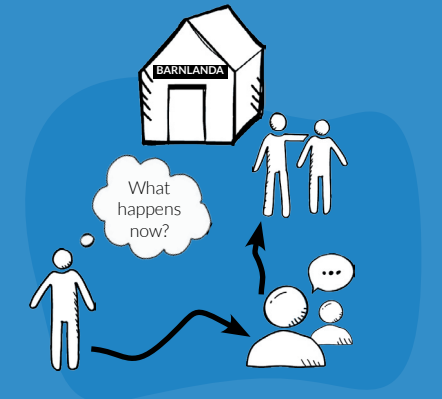
During 2016-2018, Förnyelselabbet was run by SVID on behalf of the Swedish Association of Local Authorities and Regions, with funds from the Ministry of Health and Social Affairs. Since 2018, SVID runs Förnyelselabbet with funds from Allmänna Arvsfonden, assignments in partnership with UNHCR and other partners.

Read more about SVID and Förnyelselabbet at www.svid.se and www.fornyselabbet.se

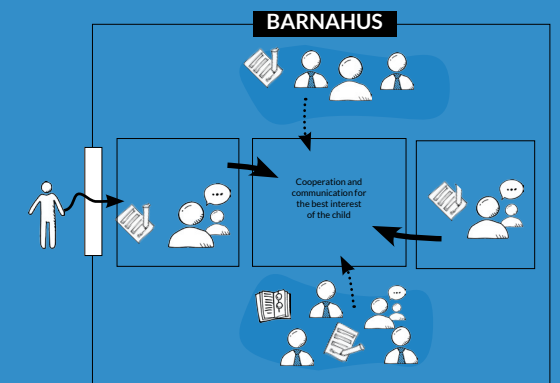
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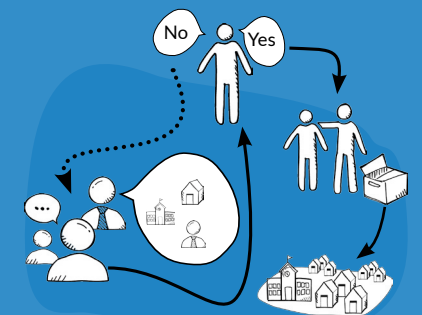
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GLOSSARY

Abscond

Term used to primarily describe when a child has left the accommodation (cf. disappear).¹

Barnahus

It is one of the solutions formulated in this project. It is a concept in which the responsibility to communicate, cooperate and coordinate information received about the child rests with the responsible actors. The relevant and responsible actors convene in a face to face meeting or through telephone or video conference, and discuss the gathered information, which in turn informs next steps and their short and long-term solutions for the child. The information sharing has been approved by the child's on-call legal guardian.

Barnlanda

It is one of the solutions formulated in this project. All unaccompanied and separated children are immediately taken to "Barnlanda" after having been identified. It is the place where the child stays. Similar as today, this is the place where the child sleeps, rests, eats and showers. Based on the child's needs, it can be a reception center or family home. This is the place where the child can be informed at his or her own pace until he or she understands the information. The time spent at Barnlanda serves to prepare the child for the procedures that await at Barnahus. The stay at Barnlanda is only temporary (two weeks).

Best interest of the child

The term broadly describes the well-being of a child. Such well-being is determined by a variety of individual circumstances, such as the age, the level of maturity of the child, the presence or absence of parents, the child's environment and experiences. Its interpretation and application must conform with the United Nations Convention on the Rights of the Child and other international legal norms that concern children.²

Best interest assessment (BIA)

A BIA is essential before any action affecting an individual child and should be conducted systematically after a child has been identified as unaccompanied or separated and until a durable solution is implemented. The assessment can be done either alone or in consultation with others. It does not require the strict procedural safeguards of a formal determination but should be performed by a person with skills and knowledge.³

Best interest determination (BID)

A BID describes the formal process designed to determine the child's best interests for particularly important decisions affecting the child, that require stricter procedural safeguard. Such procedure should ensure adequate child participation without

discrimination. It should also allow the view of the child to be given due weight in accordance with age and maturity. It involves decision-makers with relevant areas of expertise and balances all relevant factors in order to assess the best option.⁴

Child

A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.⁵

Child-centered

The Committee on the Rights of the Child asserts that "a child is first and foremost a child, whatever the condition he or she may find himself or herself in". This implies that it is the best interests of the individual child – rather than her or his legal or asylum status – that should always be the primary consideration in determining legislative, policy and service responses to asylum-seeking children.⁶

Child protection system

A comprehensive child protection system comprises laws, policies, procedures and practices designed to prevent and respond effectively to child abuse, neglect, exploitation and violence. It is the responsibility of the State to promote the establishment and implementation of child protection systems, in accordance with their international obligations.⁷

Children on the move

Children move for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement while it may open up opportunities might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence. This definition brings together children who have been trafficked, children seeking asylum, children who migrate (e.g. to pursue better life opportunities, or for work) and children displaced by conflict or natural disasters. It highlights how children who are on the move for various reasons, often move in and out of different categories within the same journey or over time and, as such, they need protection and support mechanisms that are holistic, coherent and coordinated within and between countries.⁸

Children living in a street situation

This term is used to comprise: (a) children (under the age of 18) who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities. This wider population includes children who periodically, but not always, live and/or work on the streets and

children who do not live or work on the streets but who regularly accompany their peers, siblings or family in the streets.⁹

Disappear

Term used to primarily describe when a child has been gone for some time, has not returned to the former accommodation and is still missing.¹⁰

Human-centered design process

A design and management framework that develops solutions to problems by involving the human perspective in all steps of the problem-solving process. Human involvement typically takes place in observing the problem within context, brainstorming, conceptualizing, developing, and implementing the solution.¹¹

Holistic reception process

In this report only, as it is based on the stakeholders' point of view, this term refers to a procedure where the responsible stakeholders are represented and their responsibilities and mandates complement each other. This means that the procedure becomes seamless and the stakeholders (and the child) are aware of how, when and to whom referrals are made if needed.

Important adult

It is one of the solutions formulated in this project. It refers to the adult in whom the child feels trust and can be anybody from the reception center staff or a volunteer. It is proposed that a volunteer with cultural mediating role could serve useful purpose if there are many unaccompanied and separated children who come to Sweden at the same time again.

Initial reception

In the context of Sweden and in this report only, this term refers to the time period from when the child arrives in Sweden and stays in the municipality of arrival, until he or she has been transferred to the municipality that is assigned the responsibility of the long-term reception.

Innovation

The implementation of a new or significantly improved product (good or service), process, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations. Innovation is an application of invention so that it creates value.¹²

Practitioner

In this report, this term is used to refer to the subject matter expert, case officers and other persons who support the children.

Protection gap

In this report, this term is used to describe a situation where the right of the child is inadequately or not at all fulfilled. It also describes system failures and procedural shortcomings, e.g. lack of communication and cooperation between stakeholders.

Prototyping and testing

A prototype is a small-scale, tangible representation of an idea or solution (or part of it) that people can directly experience. Prototyping allows you to communicate your idea or solution to others in an interactive way, try ideas out quickly and gather feedback easily. The prototype is tested to make sure it is fit for the purpose and users' need. Based on the feedback, the prototype is improved and tested again.¹³

Separated child

A child who is separated from both parents/ caregivers or from his/her previous legal or customary primary caregiver, but not necessarily from other relatives.¹⁴

Shadow community (Swe. skuggsamhället)

In this report only, this colloquial term is used to describe the environment of which the undocumented children (see definition below) and children living in a street situation are suspected to be part.

Stakeholder

Either an individual, group or organization who is impacted by the outcome of the project. This term is used in this report when referring to both practitioners and the children and young adults who have been consulted in this project.

Unaccompanied child

A child who has been separated from both parents/ caregivers and relatives and who is not being cared for by an adult who, by law or custom, is responsible for doing so. This means that a child may be completely without adult care or may be cared for by someone not related or known to the child, or not their usual caregiver e.g. a neighbour, another child under 18, or a stranger.¹⁵

Undocumented children

In this report, this is the collective term used to refer to the children who are not in the asylum system and do not have supporting documents or a permit that legalize the stay in Sweden. These children are also those who typically live "off the grid" without continuous support from the child protection system. They may be part of the shadow community (see definition above).

¹ County Administrative Board of Stockholm (2016). "På flykt och försvunnen - nationell kartläggning av ensamkommande barn som avviker". Rapport 2016:25, p. 14.

² See Committee on the Rights of the Child. General Comment No 14 (2013) on the Right of the Child to have his or her best interests taken as a primary consideration (art. 3, para. 1).

³ Ibid.

⁴ Ibid.

⁵ United Nations Convention of the Rights of the Child, Article 1.

⁶ See definition in UNICEF's report, "Protected on Paper?", p. 28 (2018).

⁷ See UNHCR Guidelines on Determining the Best Interest of the Child

⁸ The definition is formulated by the Inter-Agency Group on Children on the Move.

⁹ Committee on the Rights of the Child. General Comment No 21. (2017) on children in street situations, para. 4.

¹⁰ County Administrative Board of Stockholm (2016). "På flykt och försvunnen - nationell kartläggning av ensamkommande barn som avviker". Rapport 2016:25, p. 14.

¹¹ UNHCR Innovation Service. "A brief glossary".

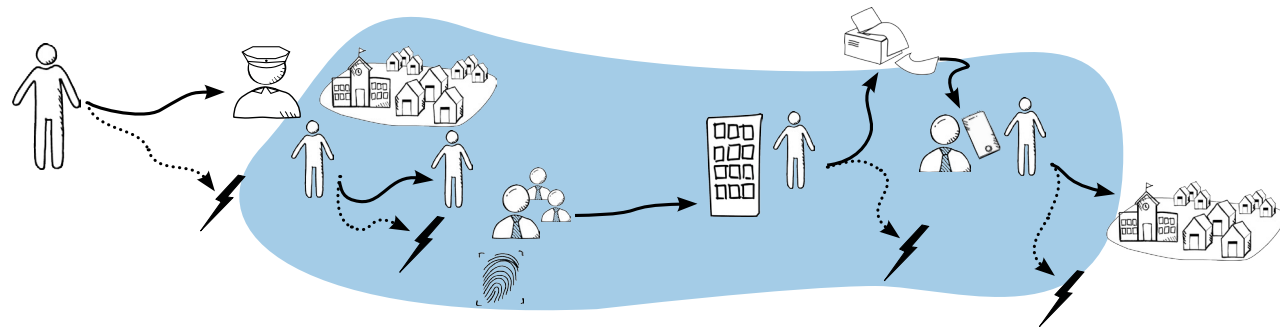
¹² Ibid.

¹³ Ibid.

¹⁴ Committee on the Rights of the Child. General Comment No 6, (2005) Treatment of unaccompanied and separated children outside their country of origin, para. 8.

¹⁵ Committee on the Rights of the Child. General Comment No 6, (2005) Treatment of unaccompanied and separated children outside their country of origin, para. 7.

TODAY'S RECEPTION FROM THE CHILDREN'S PERSPECTIVE



EXECUTIVE SUMMARY

This report is the outcome of the Child Protection project - also known as **Co-Lab 2.0** - that was initiated in 2017 by UNHCR's Regional Representation for Northern Europe in response to the migration situation of 2015 when Sweden received an unprecedented number of unaccompanied and separated children on the move. In partnership with the Swedish policy lab, **Förnyelselabbet**, innovative design methods were used to explore how to strengthen child protection policies and procedures in the first days following their arrival. This period is the most critical in ensuring the long-term safety of the child, as decisions made here have a lasting impact on the children, their trust in the Swedish society, and their willingness to stay within the reception and child protection systems.

The essence of child protection – and the fundamental goal of this project – **is to keep children safe, and to make them feel safe**. Beyond their physical protection, this means ensuring that children are well-informed of their circumstances and have a say in matters that have an impact upon them. The main conclusion drawn from these extensive stakeholder consultations is that **the reception system today does not adequately meet this basic need of newly arrived children** in Sweden. Many of the reasons for this are the result of inherent structural and procedural gaps in the reception system that existed long before the migration situation of 2015.

As a way to keep the project focused on the child's need to feel safe, a **child-centered design process** was used to explore how to improve reception and protection conditions through engaging a diverse set of key stakeholders: the Swedish central government, municipalities, civil society, and – critically – the children themselves. Most importantly, they were gathered to identify the current gaps in the system and to jointly discuss practical and realistic solutions across sectors to better meet the children's need to feel safe.

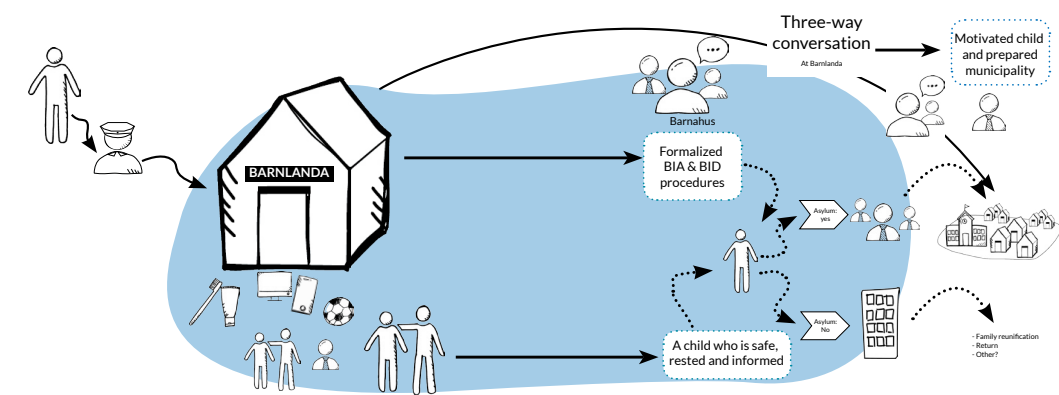
This report will reflect the problem-solving process by

synthesizing the views shared by the children and the practitioners in the different stakeholder consultations. It is important to mention that the contributions shared with UNHCR and Förnyelselabbet represent the opinions of the individual stakeholders (children and practitioners) and should not be regarded as the official position of the authorities and organizations that they may represent. Some municipalities also tested these solutions to determine whether they were as meaningful and practical as assumed in the design phase.

The results of Co-Lab 2.0 are the latest in a series of studies from across Europe that have highlighted the gaps and deficiencies in reception systems as they relate to the needs of unaccompanied and separated children. This includes "Safe & Sound" (2014) that aims to support States in applying the best interests principle as a primary consideration and a joint roadmap in "The Way Forward" published earlier this year by UNICEF, UNHCR and the International Rescue Committee, which builds on a two-year pan-European consultation process with national governments and local practitioners. Co-Lab 2.0's practical approach to problem-solving, however, went beyond high-level descriptions and recommendations, as it tested and generated concrete solutions that address the needs of reception authorities and children alike.

The numbers of recent arrivals of unaccompanied and separated children may have declined since 2016, but the Co-Lab 2.0 project's results are enduring as they increase the breadth and depth of our understanding of the challenges. UNHCR hopes that the outcomes of the project will inform further work to improve the reception system, with a particular focus on unaccompanied and separated children on the move, and can support broader efforts by all stakeholders and UNHCR to improve reception and refugee protection in Sweden and beyond. Due to the strict focus of the project on the child's needs and the human centered methodology of the design process the solutions can be taken forward in a variety of national and regional contexts.

THE RECEPTION THE CHILDREN & STAKEHOLDERS PROPOSE



KEY FINDINGS

Within the scope of this project, 38 individual meetings with key stakeholders who work for the safety and protection of unaccompanied children; six focus groups with unaccompanied and separated children in different ages, gender, nationalities and legal statuses and who live in different cities; two consultations with the reference group; three meetings with the steering group and three workshops with the children themselves and the stakeholders involved in the reception and protection of unaccompanied and separated children on different levels and with different mandates, have resulted in the following key findings:

THE CHILD PROTECTION SYSTEM IS NOT ACCESSIBLE TO ALL CHILDREN

Because the reception and child protection systems are coupled with the asylum system, the municipalities are only reimbursed by the central government for the support they provide to asylum seeking unaccompanied and separated children. This means that **the support to undocumented or non-asylum seeking children is provided on an ad-hoc and case-by-case basis**. For most unaccompanied and separated children on the move, applying for asylum is the only way to legally be allowed entry and stay in the country. At the same time this is not informed by an assessment as to whether applying for asylum is in the child's best interest.

THE LACK OF COORDINATION BETWEEN STAKEHOLDERS HINDERS THE SYSTEMATIC MULTI-DISCIPLINARY APPLICATION OF BIA AND BID PROCEDURES

Considerations of the child's best interest is not systematically applied throughout the various processes to which the child is subject, as these are managed by different authorities. This ranges from the provision of living arrangements to the decision to apply for asylum to finding durable solutions for the child. **Strict confidentiality and inflexible administrative**

procedures among these stakeholders prevent effective cooperation through a multi-disciplinary approach to the child's best interest, including the child's right to be heard and consulted on matters affecting his or her well-being.

CHILDREN DO NOT UNDERSTAND THEIR OWN SITUATION

All of the children and young adults consulted have in one way or another described how confused and insecure they felt during their first days in Sweden. **Despite being supported by many different actors, they still felt ill-informed about their immediate future** and their situation while staying in the municipality of arrival. Children who do not understand their own situation and therefore feel unsafe are more likely to not cooperate with authorities and comply with decisions to transfer them to another municipality responsible for their long-term care. This increases the risk of them absconding or disappearing, which poses further risks of greater vulnerability, including the exposure to exploitation and abuse.

LACK OF LEGAL GUARDIANSHIP EXACERBATES THIS EXPERIENCE

While staying in the municipality of arrival, unaccompanied and separated children are, as a rule, not appointed a legal guardian. Yet, the time spent in this municipality is uncertain and meetings are held and decisions are taken without the child having someone who looks after his or her best interests.

KEY RECOMMENDATIONS

In looking for answers for how to make unaccompanied and separated children feel safe and how to meet their need to understand their own situation, **the stakeholders were able to formulate possible solutions that inform the operationalizing of children's rights.** In this sense, the stakeholders believe that child protection is strengthened when the children are respected and treated as rights-holders and when they are able to exercise their rights and influence decisions and procedures that impact them.

These solutions form key mechanisms in the stakeholders' view of a predictable, holistic and child-friendly reception procedure, in which best interest considerations and child protection standards are mainstreamed. Their solutions to coordinate and facilitate multi-disciplinary responses to meet children's needs are the establishment and implementation of:

BARNLANDA: the arrival center, Barnlanda, is a nurturing place where children can be safe, supported and protected. Most importantly, it is a place where they can rest and be informed in a way that they understand, which encourages the making of informed decisions. The venues used for Barnlanda are the group homes for unaccompanied and separated children and on-call family homes that exist today. The concept requires longer stay in the municipality of arrival.

BARNAHUS: A process through which formalized best interest assessment and best interest determination procedures are conducted through a multi-disciplinary approach with relevant actors. Most relevantly, it is the concept that enable the children to voice opinions regarding decisions and procedures that concern them – based on information about relevant rules and procedures that they have received at Barnlanda. Barnlanda and Barnahus are inter-twined mechanisms and integral to the child protection system and should in the initial reception stage be decoupled from the general asylum system.

A THREE-WAY CONVERSATION between the child and social workers or the staff at Barnlanda in the municipality of arrival and the municipality assigned the long-term reception responsibility supports the transfer of the children by making them feel more safe and comfortable with the move to another municipality. It also aims to facilitate a shared understanding of what to do in case the child absconds. Based on results from testing in real contexts, this conversation can increase the prospect for the safe and successful transfer of the child, with the long-term goal of settlement in a new community.

AN IMPORTANT ADULT can help the child to understand his or her own situation by navigating the child through complex procedures and explain complicated rules. Based on the input from the children and young adults with experience of coming to Sweden alone as a child, as well as results from tests in real contexts, this important adult is a person who is knowledgeable about the relevant rules and systems applicable in Sweden, who has own migration experience and who, preferably, shares the same linguistic and cultural background. The person could be the staff at the reception center or the family home. In situations where there are many unaccompanied and separated children who come at the same time, there is value in involving other actors, e.g. volunteers representing the civil society, to serve this cultural mediating role. It should then, however, be considered what support the civil society organisations require in order to play such an auxiliary role.

KEY CONSIDERATIONS

The stakeholder consultations have contributed to the formulation of these solutions but there are certain key considerations that need to be further explored:

1. Explore options to extend the length of stay in the municipality of arrival
2. Decouple the child protection system from the asylum system
3. Develop Standard Operating Procedures to formalize the reception procedure in the interest of predictability
4. Develop transnational mechanisms for proper BIA and BID procedures
5. Centralize knowledge and expertise to a few select municipalities of arrival
6. Assess the possibility to systematically appoint an on-call legal guardian already in the municipality of arrival
7. Comply with the regulations regarding competence and experience of the staff at reception centres
8. Explore the Barnahus model as a concept for the reception of unaccompanied and separated children
9. Familiarize the child with the assigned municipality before transfer
10. Escort the child personally to the new municipality

” *It's so cool how you want us to be involved. I mean, you understand that we are the primary sources. Only we know how it was to come alone and what help we needed. Not everyone understands that. It is so common that they talk about us but they never ask us to be in the meetings discussing solutions. And yet, they talk about change. Change for us.*

It's also cool that we got to sit with everyone - even the police(!) - to talk about us! And they listened to us! It really felt like they wanted to help us. Like they wanted to change things for us. It felt good to say what I wanted to say and that they took our ideas and suggestions seriously.

One of the young adults who has participated in the project's workshops, focus groups, individual meeting and test environment. He came as an unaccompanied child from Afghanistan in 2013.

Picture: Two unaccompanied children from Afghanistan who outline the reception procedure they wish they went through when they arrived at focus group meeting in Stockholm, 2 May 2018. Photo credit: Connie Tran Hedberg

Introduction

It is often said that trust is an essential component to make a child feel comfortable to share information and cooperate with authorities - which in turn - is important for the conduct of informed best interest assessment and best interest determination procedures and any other related procedure thereafter. It is only when knowing the child's situation, needs and wishes that the responsible actors can make informed decisions that are in line with his or her best interest.

In conversations with children, they are, however, adamant about one fundamental precondition that precedes any feeling of trust in the actors around them or in the system itself. One of the consulted children expressed it this way: *"If I don't feel safe, I won't tell you anything."*

Unfortunately, *"feeling safe"* are not the first words children have used to describe their experiences of the reception. In fact, it is rather the opposite. Many have felt confused, disoriented and alone during their first days in Sweden. Not having someone by their side to explain things has exacerbated these feelings. There is reason to be concerned about this, because at this stage they are meant to feel safe and be protected. As children without custodians by their side, the State assumes immediate responsibility to care and protect them in their parents' stead. With regard to this, creating mechanisms, environments and conditions for the child to feel safe need to be prioritized in reception and child protection systems as well as cooperation with competent authorities.

The purpose of the report

This report is the outcome of the Child Protection project – known as **Co-Lab 2.0** – which was launched by UNHCR's Regional Representation for Northern Europe (RRNE) in 2017 in partnership with the Swedish policy lab, **Förnyelselabbet**. The project goal was to **support the development of a holistic and child-friendly initial reception¹ procedure** in which children's rights and child protection standards are mainstreamed.

Given the children's explicitly expressed need to feel safe, the project explored how to meet this need through consultations with practitioners and subject matter experts that work for central government, municipalities and civil society. The children themselves have also been

¹The term "initial reception" refers to the period between the child's arrival in Sweden and initial stay in the municipality of arrival until he or she is transferred to another municipality assigned responsibility for long-term reception.

closely consulted and involved throughout the project period. The focus on the initial reception stage is because it is the most critical period in terms of ensuring the long-term safety of the child. Decisions made here have a lasting impact on the children, their trust in the Swedish society, and their willingness to stay within the reception and child protection systems.

The purpose of this report is to reflect the problem-solving process and synthesize the stakeholders' views and proposed solutions for how to make the children feel safe in the initial reception. It is important to note that the contributions shared with UNHCR and Förnyelselabbet during these consultations represent the opinions of the individual stakeholders (children and practitioners) and should not be regarded as the official position of the authorities and organizations that they may represent.

A need to review the reception system

The stakeholder consultations during the Co-Lab 2.0 clearly demonstrate the practitioner's **strong commitment to the protection of unaccompanied and separated children**. This is also well reflected through the existence of a comprehensive child support system that builds on years of experience in reception of unaccompanied and separated children on the move.

Furthermore, Sweden has a legislative framework supported by policies and procedures that to a great extent comply with international and regional human rights law and standards. In fact, good reception and protection practices as well as respect for human rights are some of the reasons as to why this Nordic country for years has been one of the main destination countries for unaccompanied and separated children in Europe.²

Despite its renowned practices, the results from the stakeholder consultations conducted within this project reinforce previously identified concerns about the reception system. Challenges in the reception are often addressed in relation to the migration situation of 2015 when more than 35 000 unaccompanied and separated children sought asylum in Sweden that year alone. That was more children than the previous five years combined.

²The UNHCR report "This is who we are: a study of the profile, experiences and reasons for flight of unaccompanied and separated children from Afghanistan seeking asylum in Sweden in 2015" (2016) presents the different reasons for why Sweden was chosen as the destination country for the Afghan unaccompanied and separated children who over the last decade has been among the majority nationality groups who come to Sweden to seek protection.

Sweden did its best to provide for these children but protection gaps in the reception and child protection systems quickly surfaced making it difficult to meet obligations towards these children. Testimonies conveyed to UNHCR unveiled how unaccompanied and separated children often were left to fend for themselves.³

While it may seem as if the significant number of new arrivals caused the protection gaps, the results from the stakeholder consultations indicate that most of them existed before 2015. The needs and shortcomings were merely amplified because of the number of children arriving. More worryingly, **many of the protection gaps remain today, which means that the needs of the unaccompanied and separated children are still inadequately or not at all met**. Best interest assessment and best interest determination procedures are for example still not conducted as soon as a child has been identified nor are legal guardians appointed immediately upon arrival. The asylum procedure is the default procedure and the only pathway to legalize the child's stay in Sweden. Hence, not surprisingly, child protection policy and procedures still mainly respond to the needs of asylum seeking children.⁴

It is therefore worth highlighting that Sweden has a commitment under international and regional human rights law to protect all children on its territory. When children arrive to Sweden without their parents or a legal guardian it is the State's responsibility to protect them and keep them safe until an adequate long-term solution has been found. Each decision made on behalf of the child has to take their best interest into account. These obligations stem from international and regional human rights frameworks such as the United Nations Convention on the Rights of the Child and the European Convention on Human Rights and the EU Charter of Fundamental Rights, all in which unaccompanied and separated children are acknowledged as a vulnerable group. This thus calls for a reception that can identify children at the earliest stage possible and tend to their needs timely and without delay.⁵

³ UNHCR (2016). "This is who we are - part 2: documentation of the secondary findings from the profiling survey of unaccompanied Afghan children arriving to Sweden in 2015".

⁴ Cf. Committee on the Rights of the Child (2015). "Concluding observations on the fifth periodic report of Sweden", and reports published by Save the Children, e.g. "Okärligt uppdrag: om rollen som god man för ensamkommande flyktingbarn" (2010) that, *inter alia*, addresses the need for a legal guardian within 48 hours after the arrival, and "One plus One Equals Three – a mapping of the reception and protection of unaccompanied children in Sweden" (2014).

⁵ General Comment of the Committee on the Rights of the Child No. 6 (2005). "Treatment of unaccompanied and separated children outside their country of origin", para. 12 and 13; and, 2, Art. 19, 20, 22 of the UNCRC.

List of consulted stakeholders

The unaccompanied and separated children • young adults (who have aged out of the child protection system), and practitioners from the following authorities and organizations:

- Association for Unaccompanied Children, Malmö • Association for Unaccompanied Children, Stockholm • Barnahus Stockholm • Border Police, Malmö • BRIS (Children's rights in the Society) • Case officers, Migration Agency • Chief guardian in the municipality of Sundbyberg • Coordinator for child issues, Migration Agency • County Administrative Board of Gävleborg • County Administrative Board of Stockholm • Digital unit, Migration Agency • District of Angered, municipality of Gothenburg • District of Hässelby-Vällingby • Dörren • Family homes • Friends (organization) • Girls' right in the society (TRIS, Tjejers Rätt i Samhället) • Habibi • Unaccompanied minors knowledge centre, National Board of Health and Welfare • Legal guardians • Legal unit, Migration Agency • Municipality of Degerfors • Municipality of Salem • Municipality of Sundbyberg • National Association for volunteering social workers (Riksförbundet Frivilliga Samhällsarbetare • Nidos, Project ProGuard • Ombudsman for Children • On-call emergency protection services - newly-arrived unaccompanied children, municipality of Stockholm • On-call emergency protection services, municipality of Malmö • On-call youth center, municipality of Stockholm • Red Cross Health Center • Salus Care • Save the Children • School counselors • Skåne Stadsmission • Swedish Association for Local Authorities and Regions • Swedish Association for Sexuality Education (RFSU) • Swedish Church / Good neighbours • Swedish Refugee Advice Centre, Children's asylum rights centre • Teachers • Unaccompanied children unit, Border Police Stockholm • Ung i Sverige (Young in Sweden) • Unit for unaccompanied children, municipality of Malmö • Unite Stockholm • Uppsalakretsen, Swedish Red Cross • Volunteers

The project also benefited greatly from Förnyelselabbet's previous consultations with:

- County of Jönköping • County of Västmanland • District of Örgryte-Härlanda, municipality of Gothenburg • Fryshuset • Municipality of Mölndal • Municipality of Nacka • Municipality of Partille • Municipality of Sollentuna • Municipality of Västerås • Skåne Association of Local Authorities • Sweden's Association for unaccompanied children (Sveriges Ensamkommandes Förening) • Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer rights • Umo.se • Västernorrland Association of Local Authorities



The stakeholders were at two out of three workshops asked to iron out the details of the reception procedure they wish was in place with the help of cards with icons. The picture shows the exercise at Workshop 1 (12 April 2018). Photo: Fredrik Olsson.

Reception in numbers 2017

1336

unaccompanied and separated children lodged an asylum application in Sweden.

85%

of them were registered in the three cities: Stockholm (406) Malmö (436) and Gothenburg (274).

22%

of all the asylum seeking unaccompanied and separated children were females. Out of the 293 girls, 24 were under the age of 7. A majority were 13-17 years old.

Top 5

Morocco (235)
Afghanistan (222)
Somalia (159)
Syria 159)
Albania (78)

Reception 2010-2018**

Year	# asylum applicants
2010	• 2 393
2011	• 2 657 (+11%)*
2012	• 3 578 (+35%)*
2013	• 3 852 (+8%)*
2014	• 7 049 (+83%)*
2015	• 35 369 (+402%)*
2016	• 2 199 (-94%)*
2017	• 1 336 (-39%)*
2018	• 793**

* difference in percentage compared to the year before.

** Per 31 October 2018.

All statistics are from the Migration Agency.

The definition of unaccompanied & separated children in this report

Swedish legislation and policy frameworks do not make a distinction between an unaccompanied and a separated child. Rather, these frameworks use the collective term “unaccompanied child” to refer to a person who is under the age of 18 years and who at the stage of arrival is without either custodians or other designated care giver.

Though this report will often refer to them as “the children”, it is important to acknowledge that **unaccompanied and separated children are not a homogenous group**. They have different backgrounds and needs, which were illustrated in UNHCR’s report “This is who we are”.⁶ This report clarifies which group amongst unaccompanied and separated children is being discussed. For example, some unaccompanied and separated children apply for asylum, whereas others stay in Sweden without proper entry or residence permits. These different circumstances impact their legal status and, by extension, their needs and vulnerabilities. As well, age, gender and disabilities must also be taken into account. These aspects are highlighted in the report.

Outline of the report

The methodology chapter outlines a step-by-step description of each phase of this project aimed at mapping the needs of unaccompanied and separated children on the move and solutions for how to address them. It specifically tries to provide an understanding of how design methods supported the stakeholders in the problem-solving process in the three workshops.

The following chapter will describe the current reception system. By understanding children’s needs and the consequences of protection gaps, the report will thereafter in the fourth chapter synthesize the stakeholders’ views of how to make the children feel safe in the initial reception. In these chapter, illustrations made by Förnyelselabbet are used to visualize the different procedures.

The final two chapters will conclude with remarks on the project’s outcome and highlight key considerations for how to realize the stakeholders’ proposed solutions for an initial reception process that places children’s needs at the center and makes the best interest of the child a primary consideration at all stages of the process.

This report also includes a number of appendices that, *inter alia*, provide more details of the methodology.

⁶ UNHCR (2016). “This is Who We Are: a study of the profile, experiences and reasons for flight of unaccompanied and separated children from Afghanistan seeking asylum in Sweden in 2015”.

Sharing my story

” I arrived in the evening, around 7pm. I didn’t know where to go so I walked around a bit until I saw the Police. I was taken straight to a reception center in Malmö and I was provided a room that I was going to share with three other boys. I remember how exhausted I was. I had been on the move for more than ten hours. I had hung under a truck through Italy and then under a bus to Sweden.

When I got to my room, the boys had a party. They were celebrating something so, as you can imagine, I did not get much sleep that night.

In the morning, I was taken to the Migration Agency to apply for asylum. I was still very tired. I remember that I was asked questions, but afterwards, I had no idea what I had answered or what I responded to. I think I only said like 10% of all the things I wanted and had planned to say.

Later in my asylum process, they questioned my credibility because of the answers I gave that morning. I was clearly not ready to answer any questions that morning and I certainly did not realize the importance of that meeting.

Omid Mahmoudi,
the founder of the *Association of Unaccompanied Children*
who came as an unaccompanied child in 2011.
Omid was part of the Steering group and participated in workshops
and individual meeting for this project.

Methodology

The purpose of the project was to support the development of a holistic and child-friendly reception procedure in which child protection standards and the principle of the best interest of the child are mainstreamed (see text box 1 on p. 21). To meet this goal, certain principles that will be outlined below informed the stakeholder engagement strategies.

Human-centered design process to focus on the needs

Addressing child protection for unaccompanied and separated children is a complex task. There is often a strong sense of commitment to do what is best for the child, but the views on what the best interest of the child is may differ. In addition, child issues are cross-sectorial and the responsibility to protect unaccompanied and separated children involves a great number of stakeholders with different responsibilities and mandates. Some of them are for instance only tasked to work with asylum seeking unaccompanied and separated children while others work with all children on the move regardless of their immigration status. It was therefore important to consult different stakeholders on both operational and strategic levels - and the children themselves.

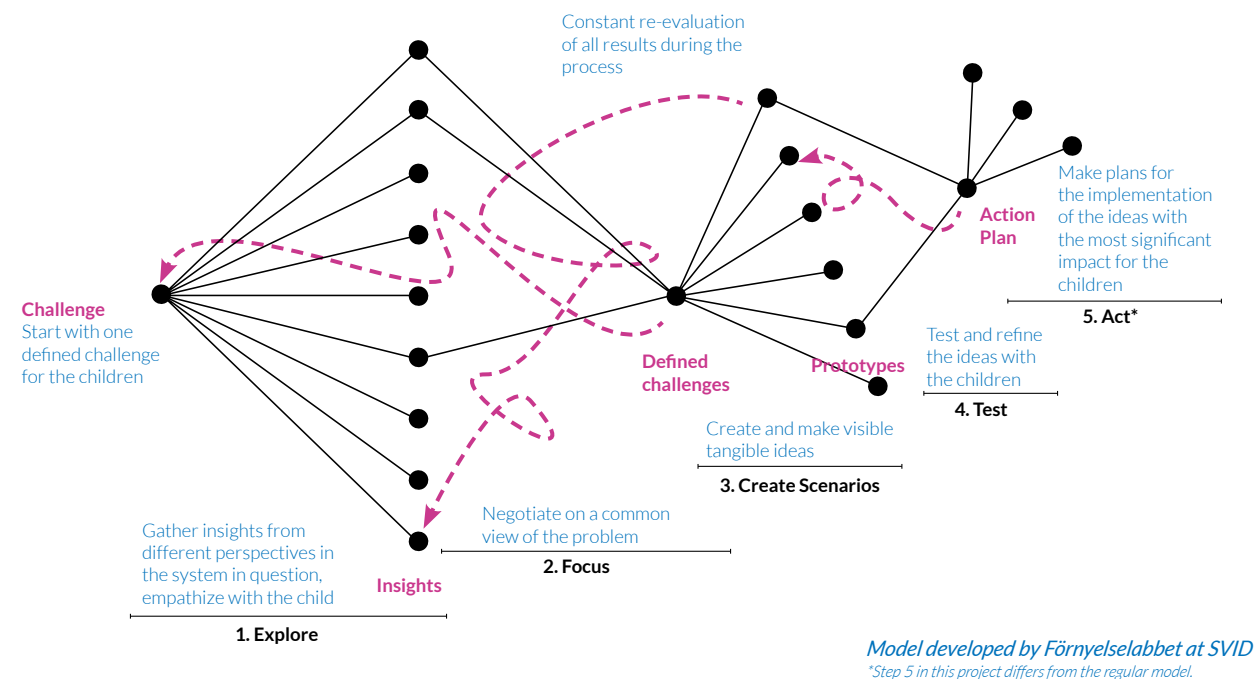
To generate a *shared* commitment among the stakeholders to improve reception and protection conditions, the project adopted a *five-step human-*

centered design process as the management framework. This meant that the child's perspective was the compass to ensure a focus on **the child's needs in all steps of the problem-solving process**. This approach aimed to lead the practitioners towards a strict focus on the child's needs and contribute with their expertise and experiences. To enhance the sense of commitment to this approach, **the practitioners and the children were given the ownership of the problem-solving process**. Giving them ownership was key for two reasons.

Firstly, it was clear from the on-set that **they are the experts of their own situation and role in the reception and protection of unaccompanied and separated children**, especially the unaccompanied and separated children themselves. The practitioners' knowledge of how the systems and rules play out in real contexts also means that they possess the ability to formulate solutions that are relevant and meaningful for the children, and at the same time realistic and doable for those involved in the reception and child protection systems.

Secondly, it was also acknowledged that the solutions for how to improve conditions should not come from others than the practitioners themselves. **Changes are more likely to be realized, durable and meaningful if the practitioners formulate and believe in their own ideas that address real identified needs**.

A central part of this design process is the open-



ended, iterative and agile approach to problem-solving (see model on previous page). Put simply, this "back-and-forth" approach meant that **the search for answers to how to meet the identified need was in focus at the workshops and resulted in very concrete and practical details**. Learning whether the solutions were doable and meaningful was also the reason for the actual testing in small scale in two real contexts. **Not only did this testing help verify whether the solution addressed real needs as first assumed. It also provided concrete details of how to implement the idea**. The same problem-solving approach was used (at Workshop 1 and 3) to iron out the details of how the practitioners and the children visualize a holistic and child-friendly reception procedure.

This approach, however, also meant that the process was to some extent unpredictable. Each of the stakeholder consultations aimed to both deepen the understanding of the problems and to inform the scope and direction of the next step in this five-step process. In this project, the stakeholder consultations were thus structured as follows:

1. EXPLORE - from one challenge to many insights

To ensure that the project addressed real problems, it was necessary to **understand the reception through the views and experiences of the unaccompanied and separated children** themselves: What do the children care about? What problems have they experienced? How did they feel about these problems? Why is it important to address these problems? Since the unaccompanied and separated children are not a homogenous group and their individual needs differ, it was **important to capture and understand the experiences from children of different ages, gender, nationalities and legal statuses**. A total of six focus group meetings with 80 unaccompanied and separated children and young adults were held in different cities. The first and last consultation session with stakeholders was a focus group meeting with those with own experience of coming alone to Sweden.

The understanding of the reception situation was complemented with individual input from the stakeholders who are involved in the reception and child protection systems (38 consultations). The strategy with the individual meetings was to first consult those who work the closest to the children on local levels and within the civil society. The last individual consultations after the three workshops did not aim to include more views. They rather aimed to present the project results to national stakeholders who work with policies to see if they have the same perception of the challenges and understanding of the children's situation as those working more closely with the children and if they identify similar needs.

To contextualize the situation more broadly, a desk research on the situation of unaccompanied and separated

children in Sweden was first conducted which considered reports published from the year of 2010 and onwards.

2. FOCUS - from many insights to a re-defined challenge

To consider the protection gaps from different point of views, **a workshop was arranged to give the practitioners a platform to identify the protection gaps together**. Having the actor-chain there, i.e. the practitioners who the child normally meets in the reception stage, facilitated the task to identify the gaps that exist.

"The commitment in all the present stakeholders and all the exercises brought us closer to each other and united us!"¹

The practitioners also discussed the gaps in relation to the children's needs to determine if there are mechanisms and functions that exist today that are triggered at the moment the children need them to feel safe and be protected, e.g. provision of accommodation, legal guardian and best interest assessment and best interest determination procedures.

Having the practitioners together at the first workshop also contributed with diverse perspectives when they described their views of what a holistic and child reception procedure could look like. The unaccompanied and separated children were not present at the first workshop because they would have found it difficult to talk about problems in the company of those who they perceive to be responsible for their difficulties. For the practitioners, speaking in front of the children could limit how much they chose to disclose. After having identified the protection gaps, the actual needs had to be identified.

The protection gaps were discussed with the steering group, the reference group and in focus groups with children and young adults with experience of coming alone as a child.² Based on the guidance from the Steering group, **four problem statements were formulated that reflected their real need: to feel safe**. Each of the four problem statements addressed situations or circumstances where the children had felt unsafe and/or insecure. The statements were:

¹ One of the Workshop 1 participants who answered the question about what was good about workshop 1.

² Certain stakeholders were granted more influence on the project through seats in a steering and reference groups. The first-mentioned group consisted of stakeholders with high influence on policy level and high interest in child protection issues: Association for Unaccompanied and Separated Children, Ombudsman for Children, Save the Children, Swedish Association for Local Authorities and Regions and the Migration Agency. Their role was to provide guidance on how to prioritize among the identified protection gaps and to broaden the understanding of the context from their different experiences with child protection of the unaccompanied and separated children on the move. The last-mentioned group consisted of stakeholders who work closely with the unaccompanied and separated children: legal guardians, family homes, volunteers and the student health body. Their role was to be the sounding board and to share their views on the findings.

- How can we make sure that the child safely recuperates during the first few days?
- How can we help the child get an understanding of the reception procedure?
- How can we make sure that the child is supported during the first important meetings?
- How can we in the initial reception prevent the child from ending up in the shadow community?

3. CREATE SCENARIOS - from defined challenge to prototypes

The actor-chain was again present at the second workshop to formulate solutions that address the four problem statements. At this workshop, the practitioners were divided into eight groups and together, they generated more than 1000 ideas. Only one idea per group was allowed to be chosen and it had to be the idea the group believed was most relevant for the newly-arrived unaccompanied and separated children and realistic to implement for the involved actors (read more about the eight solutions in Appendix IV). These solutions were discussed and further developed with children and young adults through their feedback.

4. TEST - from prototypes to testing in real contexts

After Workshop 2, two actors on municipal level expressed interest in taking the next step. One of them took one of the workshop 2 results and aimed to identify what functions an important adult is meant to fulfil. The other wanted to conceptualize and build on an informal working method that had been identified as good practice, namely to make children feel more safe and motivated to move to the municipality assigned the long-term reception responsibility. The purpose of testing in small scale in real contexts where the unaccompanied and separated children are encountered was to see whether the ideas were as doable and relevant as first assumed. If found meaningful, the testing also provided the details of how to actually implement the idea.

These two actors presented their test procedures at the third and last workshop to receive feedback to refine the ideas. Practitioners, children and young adults also provided feedback on the holistic and child-friendly reception procedure that had started to take form after the previous workshop and other stakeholder engagement strategies.

“If we don’t know how to do things, we have not solved the problem.”

- Matilda Legeby, designer at Förmjelselabbet

5. ACT - from learning to doing through advocacy

This last step normally aims to develop a plan with the relevant stakeholders to implement solutions to support real change for the children. The results from this project and the solutions formulated by the practitioners and the children will serve as concrete examples to both municipalities and the central government on how to address current gaps in the reception system.

Certain considerations & limitations of the project

The chosen design process steered the project towards a strict focus on the needs of the children; especially the workshop series. This means that **the scope and direction of the project was informed by what the unaccompanied and separated children found important to consider**. As a result, the report does not address all aspects of the initial reception.

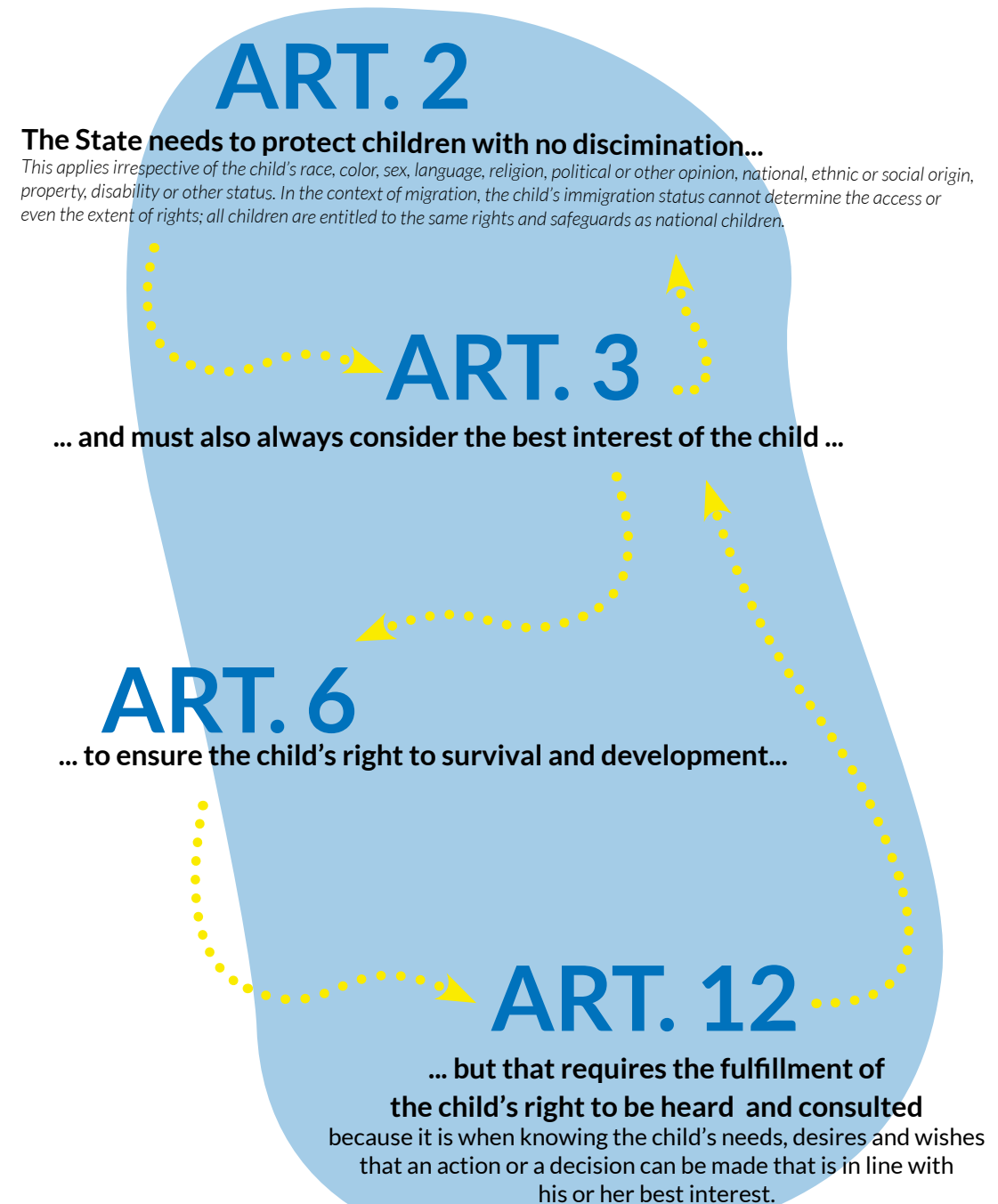
Since this report synthesizes the practitioners’ views and experiences of these aspects, and aims to reflect the problem-solving process, it is important to be mindful of the fact that the outcomes cannot in any circumstances be regarded as the official position of the consulted authorities and organizations. Convening different subject matter experts, practitioners and the children themselves is, nevertheless, the strength in the workshop series as their combined expertise and experiences facilitated the formulation of possible solutions on how to make the children feel safe.

Worth noting is that it there were more boys than girls at the focus groups and a clear majority of them stayed at reception centres.³ Among the consulted were also young adults who had arrived in Sweden as unaccompanied children. There were also young adults who had their aged altered during the asylum process. Their reception experiences were equally important to understand as those who were still minors.

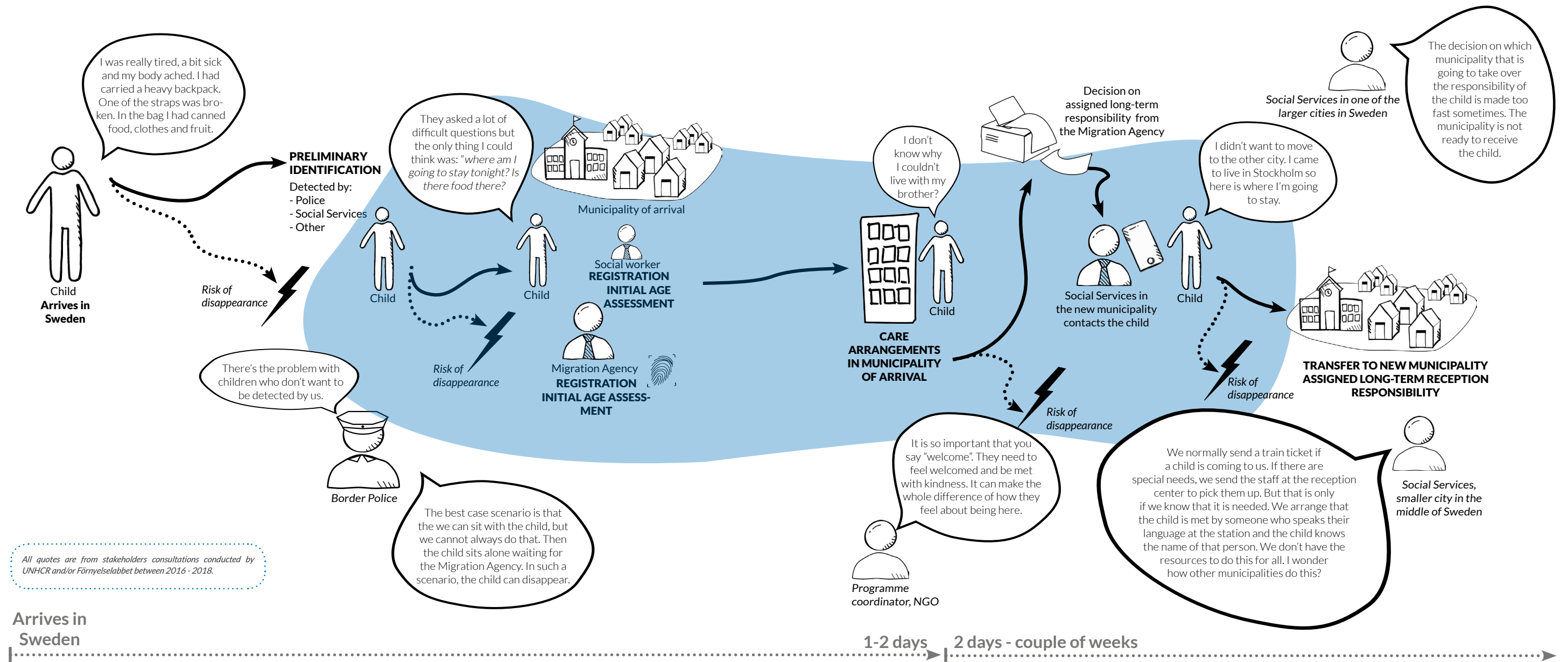
³Reception centers in Sweden are group homes for unaccompanied and separated children only.

CHILDREN’S RIGHTS ARE FRAMED IN The Convention on the Rights of the Child

Each State that has signed [the United Nations Convention on the Rights of the Child](#) is obligated to ensure that every right spelled out in this Convention will be fulfilled.¹ Each of the articles are inherent to the human dignity and harmonious development of every child and they are also closely connected; especially four articles that serve as guiding principles. The process below broadly visualizes how these four articles are linked and how they together provide an ethical and ideological dimension to the Convention on how to understand the fulfilment of child rights. This understanding will be taken into account in this project.



¹ Sweden was one of the first states to sign and ratify the CRC in 1990. It has also signed two of its three Optional Protocols. The Swedish Government has announced that the Convention on the Rights of the Child will acquire the rank of national law by 2020.



All quotes are from stakeholders consultations conducted by UNHCR and/or Förmåelselabbet between 2016 - 2018.

Description of the current reception system & protection gaps

How are unaccompanied and separated children received today? What are the challenges that the practitioners face in terms of protecting them? This chapter will describe the current practices based on desk research and synthesize the practitioners' input in relation to the above illustrated procedure that is based on the children's own experiences of the reception. It is not reflecting a formalized procedure because **Sweden does not have a formalized Standard Operating Procedure informing the steps after an unaccompanied or separated child has been identified.**¹ The children's experiences nevertheless correspond with the consulted practitioners' informal understanding of when, how and by which actor the support should be provided.

It is again worth mentioning that the reception system entails many mechanisms and functions that enable good child protection practices. They are, *inter alia*, the reasons for Sweden's good reputation of caring for and protecting unaccompanied and separated children. However, **this informal understanding of the reception also becomes its Achilles heel.** This is at least one of the lessons learned from the migration situation of 2015 when many children came at once and new staff was recruited who did not possess this knowledge. Not knowing where to refer the child can result in delayed provision of safeguards.² As will be further addressed in this chapter, many of the identified challenges

¹ Cf. Save the Children (2014). "One plus One Equals Three - a mapping of the reception and protection of unaccompanied children in Sweden".
² One of the protection gaps discussed at Workshop 1 when the relevant stakeholders together identified current challenges. Learn more about the consequences of not being provided safeguard in a timely manner in UNHCR (2016). "This is Who We Are - Part 2". Documentation of the secondary findings from the profiling survey of unaccompanied Afghan children arriving to Sweden in 2015".

- or protection gaps - are the result of inherent structural gaps in the reception system that existed before the migration situation of 2015.³

Identification of the child

An essential part of reception is to identify the unaccompanied and separated children at the earliest stage possible in order to keep them safe.⁴ Today, the majority of unaccompanied and separated children are mainly identified by the Border Police (that monitor national borders and control the right to enter Sweden),⁵ the Migration Agency (the authority responsible for visas and residence permits) or the local Social Services (that are responsible for child protection within the municipal borders).⁶

and Human Rights Watch (2016). "Seeking Refuge: Unaccompanied children in Sweden".
³ Cf. Committee on the Rights of the Child (2015). "Concluding observations on the fifth periodic report of Sweden", and reports published by Save the Children, e.g. "Okklart uppdrag" (2010) that addresses the need for a legal guardian within 48 hours after the arrival and "One plus One Equals Three - a mapping of the reception and protection of unaccompanied children in Sweden", (2014).
⁴ Cf. General Comment of the Committee on the Rights of the Child No. 6 (2005). "Treatment of unaccompanied and separated children outside their country of origin", para. 13
⁵ The requirements for legal entry into Sweden are found in the Aliens Act (2005:716) and the controls are conducted by the Border Police in accordance with Chapter 9, Section 9 of the same law.
⁶ As a result of the 112,000 people who had come to Sweden by November 2015, the Government decided to temporarily reintroduce internal border controls since the situation posed "acute challenges to vital functions". Sweden ended up receiving almost 163,000 asylum seeking people. For this reason, many migrants are detected by the Border Police. See homepage of Government Offices of Sweden. "Government decides to temporarily reintroduce internal border controls". Published 12 November 2015. The internal border controls are still in place and a decision made by the Government stipulated that they will remain until 11 February 2019. Referral of an unaccompanied and separated child by the Border Police, Migration Agency or any other organization or person to the local Social Services is conducted in accordance with Chapter 14, Section 1 of the Social Services Act (2001:453).

Applying for asylum is the only way to temporarily legalize the stay which also means that it is the condition to be allowed entry into and to stay in Sweden legally.⁷ A related concern raised by the practitioners is that there are children who want to avoid being identified because they want to avoid the asylum system. Representatives from the unit for unaccompanied children at the Border Police, the on-call youth center and the Social Services that cooperate in an outreach programme in Stockholm shared that **they come across children who live in a street situation whom are often outside of the asylum system.**⁸

If the child is detected at the border by the Border Police and does not want to seek asylum, he or she will be denied entry.⁹ This is most often not proceeded by any contact with the Social Services or best interest assessment and best interest determination procedures. If the child is detected elsewhere in Sweden, the Social Services are notified and is the main actor responsible for the care and protection of the child. The long-term responsibility is, however, contingent on that the child applies for asylum.¹⁰ Only if the child applies for asylum, safeguards and support is provided through the Social Services in the municipality of arrival (often where the child applied for asylum).¹¹

Registration of the child

An essential part of child protection is registration. The Social Services in the municipality of arrival registers the child in their local registration system including basic information about the child's background, needs and situation. This system is local which means that municipalities do not have access to each other's files across municipal borders.¹² The Migration Agency registers similar information with the addition of photo and fingerprints¹³.

Though only basic information about the child is registered, the stakeholders emphasize that it is crucial in order to protect the children. The stakeholders highlight how the **information can be helpful in regard to children who abscond or for other reasons disappear as it can facilitate tracking of secondary movements.** Since unaccompanied and separated children are identified as a target group for human traffickers, registered information could be helpful if child victims have been detected and

⁷ If a person enters the country without visa or residence permit, there are no legal grounds for migrants to enter the country without applying for asylum first. The legalization of the stay was discussed throughout the project period and was identified as one of the protection gaps. The requirements for legal entry into Sweden are found in the Aliens Act (2005:716).

⁸ Workshop 1 (12 April 2018) and Workshop 2 (8 May 2018).

⁹ Interview with Border Police in Malmö (including field visit to the main entry points, Hyllie and Lernacken), 20 April and 19 May 2018. The Border Police cooperates with the Danish Police and arranges a personal transfer of the child. The requirements for entry are regulated in the Aliens Act (2005:716).

¹⁰ This was highlighted as an explanation to many challenges at Workshop 1 (12 April 2018).

¹¹ See "Ett gemensamt ansvar för ensamkommande barn och ungdomar", p. 7. Developed by the Migration Agency, the Swedish Association for Local Authorities and Regions, the County Administrative Boards, the National Board of Health and Welfare, the Swedish National Agency for Education and the Health and Social Care Inspectorate.

¹² Interview with the social workers on municipal level, 6 April 2018 and 17 May 2018.

¹³ See footnote 14 for more information about fingerprints.

quick identification is needed.¹⁴ Currently, national and transnational identity control is only possible if the child has applied for asylum and has turned 14 years old and left fingerprints that are stored in the Migration Agency's registration system and European Union's database EURODAC, respectively.¹⁵

Initial age assessments

Children have the same fundamental and general human rights as adults, but they also have their own rights specifically designed to protect them and their interests. Within the asylum regime, the unaccompanied and separated children enjoy child rights-responsive provisions as well because they are considered a vulnerable group among migrants and in need of special protection.¹⁶

To ensure that children are granted these rights, **it is necessary to determine whether they are underage as early as possible.** Each authority is free to determine the age of an unaccompanied and separated child.¹⁷ As of today, however, more extensive age assessments are exclusively part of the asylum procedure and other authorities rely on the Migration Agency to determine the age (e.g. school, the chief guardian that appoints legal guardians).¹⁸ At the time of registration, an **initial age assessment** is conducted based on the physical impression of the person. The age will be altered to adult age if it is obvious to each and everyone that he or she is not underage.¹⁹

Initial age assessment is also part of a rapid needs assessment conducted by the social worker during the first encounter. This assessment of the physical appearance is important **to protect children from sharing the same accommodation as adults proposed to be underage.**²⁰

¹⁴ European Commission (2016). "Report on the progress made in the fight against trafficking in human beings (2016)", COM (2016) 267 final, p. 19.

¹⁵ Eurodac (short for European Dactyloscopy and regulated by the Eurodac Regulation) is an EU-wide biometric database that stores fingerprints and basic information of asylum-seekers over the age of 14. All Member States, Iceland, Switzerland, Liechtenstein and Norway consult this database to check the point of entry or the first application made by an asylum applicant and to determine which State is responsible for examining the asylum application. Fingerprints and photos are also taken on children from the age of six but no searches will then be conducted on Eurodac.

¹⁶ In regards to asylum cases involving a child, Chapter 1, Sections 10-11 of the Aliens Act (2005:716) stipulate that particular attention must be given to what is required with regard to the child's health and development and the best interest of the child in general. Moreover, it states that the child must be heard when assessing questions of permits under the Aliens Act (2005:716) and when a child will be affected by a decision in the case. The exception is when this is deemed inappropriate. It specifically says that account must be taken of what the child has said to the extent warranted by the age and maturity of the child.

¹⁷ Government bill 2016/17:121 p. 13.

¹⁸ See Swedish Association for Local Authorities and Regions. "Ändrade åldersbedömningar av ensamkommande barn" (Published 2017-06-14), p. 5.

¹⁹ Cf. Chapter 13, Section 17 of the Aliens Act (2005:716). The determination of age calls for actions from both the child and the Migration Agency. The child has the burden of proof to substantiate his or her claim. The child can submit any supporting documents as free consideration of evidence applies. Though official and attested records may hold high evidentiary value, such documents may be difficult to obtain as most unaccompanied and separated children originate from conflict-struck countries. As part of this age assessment the Migration Agency considers potential information that has been registered in the EU-wide database Eurodac. If the child applies for asylum, temporary decisions on age are made early in the asylum process; when there is doubt about the age, the Migration Agency is expected to offer medical age assessment tests subsidized by the state. The medical age assessments tests are conducted by the National Board of Forensic Medicine when requested by the Migration Agency. It is the expert authority and instructed by the Government to conduct x-rays on the knee cap and the wisdom teeth. The decision on age can be appealed separately.

²⁰ Interview with social workers in on-call protection team (part of local Social Services), 6 April 2018.

Guardianship & legal representation

The stay in the municipality of arrival is intended to be short and **a legal guardian is therefore, as a rule, not appointed in the initial reception stage** in order to avoid a subsequent change. Since there is no regulation in exactly how long the stay in the municipality of arrival should be, some children may stay for 2-3 days but it can also extend to a couple of weeks depending on when the municipality that is assigned the long-term reception is ready to receive the child.²¹ This means that the child can be without a legal guardian for some time.

There are exceptions to the rule. If unaccompanied and separated children for example are hospitalized or involved in criminal investigations, course of actions may need the consent from a custodian. Under such urgent circumstances, the chief guardian of the municipality is notified and it appoints a legal guardian as soon as possible even if the timeframe of the stay in the municipality may be short and undecided.²²

To support the unaccompanied and separated children through the asylum procedure, a public counsel is appointed by the Migration Agency at the same time as the asylum application is registered.²³ This is possible because the Migration Agency has a booking calendar to which lawyers and attorneys can declare openings for new clients. The children do not meet the public counsel at the point of registration, but they can leave a request for a specific public counsel or at least the gender of the public counsel.²⁴

The role of public counsels has become significant in regards to underage persons not having legal capacity to lodge an asylum application. Lodging an asylum application requires a custodian's signature. Because a legal guardian is not appointed immediately or in connection with the unaccompanied and separated children's lodging of the asylum application, **the public counsel is asked to confirm the asylum application within 48 hours** after its appointment.²⁵ This confirmation is made before meeting the child.²⁶ This procedural safeguard is provided and funded by the State for representing the children in the asylum procedure.

²¹ Interview with social workers in local Social Services in different cities with experiences of being municipalities of arrival, 6 April 2018 and 17 May 2018.

²² See Act (2005:429) on legal guardian for unaccompanied and separated children.

²³ See Chapter 18, Section 1 of the Aliens Act (2005:716) and the Act (1996:1620) on public counsels.

²⁴ More information is found on the Migration Agency's home page.

²⁵ Chapter 18, Section 3 of the Aliens Act (2005:716).

²⁶ Save the Children (2014). "One plus One Equals Three – a mapping of the reception and protection of unaccompanied children in Sweden", p. 20. See also Migration Agency "Angående förändringar i asylprocessen för barn utan vårdnadshavare" (2016-12-19). No. 1.3.4-2016-192249.

The role of the municipality in the reception of unaccompanied and separated children

Sweden is divided into 290 municipalities, each of which enjoys the longstanding tradition of local self-government enshrined in the Constitution.¹ Accordingly, each of the municipalities execute their power with a high degree of autonomy and they are each accountable for the care provision to its inhabitants within its municipal borders.²

The basis of local self-government principle is that municipalities provide the same support and services to all in the same Social Services system to the greatest extent possible.³ This means that the Government can propose a restriction but it can only be passed if the restriction in local self-government does not exceed what is necessary with regard to the purpose of the restriction.⁴

Major changes were enforced in the mid-2000s to better respond to the needs of unaccompanied and separated children.⁵ One of the most significant reforms was that the 290 municipalities took over the reception responsibility for unaccompanied and separated children in 2006.⁶ In legal terms, the local Social Services are mandated to support children within their municipal borders.⁷

These reforms, however, took place when there were not many children who came alone to Sweden. In 2005 when the Act (2005:429) on legal guardian for unaccompanied children was entered into force, 398 unaccompanied and separated children applied for asylum. In 2006 when the municipalities took over the reception responsibility, the number was 820. Obviously, these low numbers of newly-arrivals were considered to be manageable though they were higher than the years before when the discussions about changes were initiated. In fact, the number of newly-arrivals peaked every year after 2006.

When the unaccompanied and separated children started to come in thousands, the local authorities in the municipalities struggled to meet the needs in a timely manner. The three biggest cities (Malmö, Stockholm and Gothenburg) are the main cities of entry and carry great responsibility to meet the immediate needs as municipalities of arrival. In 2017, these three cities received 85% of the newly-arrived asylum seeking unaccompanied and separated children.⁸

Though the municipalities are meant to care for all children on an equal basis, the UN Committee on the Rights of the Child has nevertheless criticised Sweden for inconsistent practices on how to safeguard the rights of children; the 290 municipalities respond to children's needs in their own different ways which lead to inequitable access to support and services for children.⁹

¹ See the Local Government Act (1991:900) and the Swedish Constitution (2011:109).

² Cf. Chapter 2, Sections 1-2 of the Local Government Act (1991:900)

³ Government Bill 2005/06:46, p. 41.

⁴ Chapter 14, Section 3 of the Constitution (2011:109).

⁵ The appointment of a legal guardian for unaccompanied and separated children used to require a court decision (as it still does today for national children). This procedure took too long. In 2005, the Act (2005:429) on legal guardian for unaccompanied children was enacted as it was acknowledged that they needed a legal guardian as close to the arrival date as possible. The chief guardian of the municipality was delegated the task to appoint legal guardians to unaccompanied and separated children and enabled such decision without involving the District Court.

⁶ The Migration Agency had up until then been responsible for the daily care whilst also considering the children's reasons for asylum in Sweden. The combination of these responsibilities confused the children.

⁷ Chapter 1, Section 1 of the Social Services Act (2001:453).

⁸ Statistics available via the homepage of the Migration Agency.

⁹ Committee on the Rights of the Child (2015). "Concluding observations on the fifth periodic report of Sweden", para. 11.

Care arrangements & the provision of appropriate services

The municipalities of arrival are responsible for the immediate responses such as accommodation and necessary referrals to medical care until they move to the municipality that is assigned the long-term reception responsibility. **The Social Services are delegated the responsibility for the support to children within their municipal borders.**²⁷ These decisions and referrals are informed by the results from a rapid needs assessment immediately conducted by the local social worker.²⁸

The children are most often placed in a reception center (group homes for unaccompanied and separated children only) managed by the municipality and staffed 24 hours a day.²⁹ Younger children, girls and children with disabilities are as a rule placed in on-call family homes. If certain needs have been identified, older boys can also be placed in an on-call family home.³⁰ If the child wishes to stay with a relative, the Social Services place the child in a reception or family home to first assess if the relative can care for the child and provide suitable accommodation before approving the placement.³¹

If the child stays at a reception center, he or she will be provided a contact person who will support the child whilst staying in the municipality. When needed and especially in meetings with authorities, an interpreter is used who is either present in person or through the telephone.³²

If the asylum-seeking child is about to turn 18 years old, i.e. about to age out of the child protection system, the Social Services can continue to provide the support up to the age of 21. There must, however, be care needs that fall under the Care of Young Persons Act. This support is also reimbursed by the State.³³

If the unaccompanied and separated children (regardless of legal status) are in need of acute medical or dental care, they are entitled to free health and dental care in Sweden. This support is provided by the county.³⁴

²⁷ See "Ett gemensamt ansvar för ensamkommande barn och ungdomar", p. 7. Developed by the Migration Agency, the Swedish Association for Local Authorities and Regions, the County Administrative Boards, the National Board of Health and Welfare, the Swedish National Agency for Education and the Health and Social Care Inspectorate. See also Chapter 1, Section 1 of the Social Services Act (2001:453).

²⁸ Interview with social workers in local Social Services in different cities with experiences of being municipalities of arrival, 6 April 2018 and 17 May 2018. See also Chapter 11, Section 2 of the Social Services Act (2001:453).

²⁹ The group homes and family homes are mainly recruited and managed directly under the municipality. There are also municipalities that procure accommodation from entrepreneurs who have established their own reception centres and recruited their own family homes.

³⁰ Interview with social workers in local Social Services with experiences of being a municipality of arrival, 6 April 2018

³¹ See Chapter 6, Section 5 and Chapter 1, Section 2 of the Social Services Act (2001:453) that addresses a stay with relatives and the best interests of the child, respectively.

³² Section 8 of the Administrative Procedure Act.

³³ See the Care of Young Persons (Special provisions) Act (1990:52).

³⁴ See guidance from the National Board of Health and Welfare. "Vilken vård ska ett landsting erbjuda asylsökande och papperslösa?" General health screenings/examinations are also conducted but not while they stay in the municipality of arrival. Sweden is divided into 20 counties.

Transfer to new municipality

When an unaccompanied or separated child has lodged an asylum application, the Migration Agency decides which municipality assumes the responsibility for long-term reception. The Migration Agency can decide to allocate the care of the child to any municipality, but takes into account considerations such as family ties, the size of the population and the number of migrants and unaccompanied and separated children that already have been received there. This assignment system aims to allocate the reception responsibility evenly between the 290 municipalities. The County Administrative Boards support the municipalities to build up their reception capacity.³⁵ Once the child has been transferred, it can again reside in a reception centre, in a family home or with relatives that have been screened and approved by the Social Services. If there are relatives, the Social Services assess whether it is an appropriate option with regard to the best interests of the child.

BIA and BID procedures

According to the Social Services Act (2001:453), the Social Services provide necessary services and support to children³⁶ and the best interest of the child must be taken into account in all matters relating to children and even **be decisive in decisions and actions** that concern care and treatment for children.³⁷ Most local Social Services use the assessment tool, BBIC (Barnets Bästa i Centrum, Eng. Best interests of the Child in focus) to identify such needs, to strengthen child participation and the child perspective. Particular attention is on the child's health, development and safety.³⁸ As mentioned earlier, one of the immediate actions is to ensure appropriate accommodation.

If the child applies for asylum, the Migration Agency also considers the best interest of the child but only in regards to the protection needs or particular distressing circumstances. The Aliens Act (2005:716) stipulates that particular attention must be given to what is required with regard to the child's health and development and the best interest of the child in general. Moreover, it states that the child must be heard when assessing questions of permits under the Aliens Act (2005:716) and when a child will be affected by a decision in the case. The exception is when this is deemed inappropriate. It specifically stipulates that account must be taken of what the child has said to the extent warranted by the age and maturity of the child.³⁹

Sharing information about the child could inform each of these actors' best interest assessment and best

³⁵ Interview with County Administrative Board of Gävleborg, 5 April 2018. More information is also found on <http://extra.lansstyrelsen.se/integration/Sv/ensamkommande-barn/Pages/lansstyrelsen-ansvar.aspx> and on the Migration Agency's homepage <https://www.migrationsverket.se/Andra-aktorer/Kommuner/Om-ensamkommande-barn-och-ungdomar/Mottagande-av-ensamkommande-barn/Anvisningskommun.html>

³⁶ Chapter 1, Section 1 of the Social Services Act (2001:453). See also Government Bill 2005/06:46, p. 41.

³⁷ Chapter 1, Section 2 of the Social Services Act (2001:453).

³⁸ Learn more about BBIC on the homepage of the National Board of Health and Welfare.

³⁹ See Chapter 1, Section 10 and 11 of the Aliens Act (2005:716).



Photo: Art installation for Workshop 1 illustrating a bladder to show how long time it takes to be emptied by small drops of water. Installation made by: ©Matilda Legeby/Förnyelselabbet

“It can take up to one hour for a genital mutilated girl to empty her bladder. What we hear is that these girls avoid drinking water during the day to avoid questions about where they have been. When a girl avoids drinking water, it gives her a headache in the afternoon and then she cannot concentrate. This is a problem when they come to Sweden too. Don't forget these girls in the reception. Think of how and when to talk with these girls with respect for their challenges. Respect that they might not be able to answer questions coherently, not because they don't want to. It's just not easy for them.

Volunteer at TRIS
(Girls' Right in the Society)

interest determination procedures and make them more holistic. There is, however, **no systematic information sharing** between them. The Information and Secrecy Law (2009:400) restricts such sharing. The only information sharing that is explicitly mentioned in legislation serves to inform decisions that are part of the asylum regime.⁴⁰

Children who go missing

A growing concern is that children abscond or disappear. As shown through the use of lightning strikes in the procedure on previous page, there is a risk of the child absconding or disappearing at each step of the reception. A study carried out by the Ombudsman for Children in 2017 reveals that 1,736 unaccompanied and separated children disappeared between January 2014 and October 2017, the equivalent of 60 school classes.⁴¹

Though there are many explanations to why the children abscond or disappear, a national mapping covering the years 2012 to 2015 conducted by the County Administrative Board of Stockholm does not rule out human trafficking in cases where children are registered as missing.⁴² This risk has also been addressed by the European Commission that identifies missing children as a targeted group for traffickers.⁴³

⁴⁰ The Migration Agency is allowed to ask for information about the child from the Social Services when it is related to the issue of residence permit, to enforce a refusal of entry or expulsion order. Chapter 17, Section 1 of the Aliens Act (2005:716) where it says: "The municipal social welfare committee shall disclose information about an alien's personal situation if a police authority, the Swedish Security Service, the Swedish Migration Board, a migration court, the Migration Court of Appeal or the Government requests this and the information is needed for a decision in a case concerning a residence permit or long-term resident status in Sweden for a third-country national or to enforce a refusal-of-entry or expulsion order. This also applies when the question has arisen of whether the alien has a right of residence."

⁴¹ Ombudsman for Children (2017). "Ensamkommande barn som försvinner", p. 5

⁴² Country Administrative Board of Stockholm (2016). "På flykt och försvunnen: en nationell kartläggning av ensamkommande barn som försvinner", p. 9.

⁴³ European Commission (2016). "Report on the progress made in the fight against trafficking in human beings (2016)", COM (2016) 267 final, p. 19.

Relevant in regards to the initial reception is that the Ombudsman for Children identifies **ill-informed decisions on accommodation as one of the causes to why unaccompanied and separated children disappear** on their own accord, e.g. if they are separated from siblings or relatives.⁴⁴ The consulted stakeholders also state that **the decision to abscond can be influenced by the lack of understanding** and knowledge about their situation. An NGO worker elaborates this by saying:

"These children [North African children] need people who understand them and who build a relationship with them. I know many children who have been placed in a family home, and left, been placed in a family home again, and left again. And so on and so forth. It's like the social services don't want to understand that these children need more individual-adapted accommodation. They need to be surrounded by people who understand where they're coming from. As soon as they feel unsafe, they split. The problem is, when there is no understanding of their situation or why they need more targeted support, the social services are quick to make a decision based on the Act on Care of Young Persons with a placement at SiS⁴⁵. They use

⁴⁴ Ombudsman for Children (2017). "Ensamkommande barn som försvinner", p. 11.

⁴⁵ SiS is the National Board of Institutional Care's special youth homes. Children stay there if there is a high risk for the young person's health or development being harmed, and when the

this law as a resort to handle "complicated children" because they don't know what else to do."⁴⁶

Based on the stakeholders' collective experiences, they explain how the non-asylum seeking unaccompanied and separated children are known for secondary movements within the European Union. To improve the protection of non-asylum seeking unaccompanied and separated children, these stakeholders stress the **need to develop and use transnational mechanisms** and establish more cooperation with counterparts in other countries.⁴⁷

Reimbursement for the reception responsibility

The State obligation to receive and protect unaccompanied and separated children is delegated to the 290 municipalities. The municipalities of arrival are reimbursed in full to fulfill this task. There are two noteworthy aspects related to this.

Firstly, **the municipalities are only reimbursed for the support provided to asylum seeking unaccompanied and separated children.**⁴⁸ Providing support and protection to the undocumented children, i.e. those who are not in the asylum system and do not have supporting documents or a permit that legalize the stay in Sweden, is therefore not a given in all municipalities. These children are those who typically live "off the grid" without continuous support from the child protection system.⁴⁹

Secondly, the reimbursement to the municipalities of arrival only covers the timeframe between the registration of asylum application and the date when the Migration Agency has made the decision on which municipality that assumes the long-term reception responsibility.

As soon as the decision has been made, the new municipality is the recipient of the reimbursement from the State. **This can motivate quick transfers** meaning that the receiving municipality is not afforded enough time to make proper preparations. This can for instance result in decisions on accommodation that is rather informed by availability than the best interest of the child.⁵⁰

care that is necessary cannot be provided on a voluntary basis. This decision is either made by the administrative court, or if urgent, by the municipal social welfare committee. SIS has high staff density and lockable rooms if needed.

⁴⁶ Individual meeting with an NGO that works with undocumented unaccompanied and separated children, 28 May, 2018. See Act (1990:52) on care of young persons (special provisions).

⁴⁷ This was one of the suggestions mentioned during Workshop 1, 12 April 2018. It was especially addressed by the group in which the Border Police and social workers operative in the biggest municipalities of arrival were represented.

⁴⁸ See Act (1994:137) on reception of asylum seekers among others.

⁴⁹ Individual meetings with two local Social Services (6 April 2018 and 17 May 2018). Social Services in these two cities support all children regardless of the legal status within their municipal borders but acknowledge that it is on ad hoc and case-by-case basis.

⁵⁰ Individual meetings with Social Services in two municipalities with experience of being municipalities of arrival, 6 April 2018 and 17 May 2018.

Summary of the main protection gaps:

Protection gaps are defined as when the rights of the child are inadequately or not at all fulfilled. To summarize, the identified gaps are as follows:

- *The absence of a formalized reception procedure (a so called Standard Operating Procedure) makes the reception vulnerable in situations where it is under pressure which can cause delayed responses to the needs of the children.*
- *Access to territory is contingent on the intent to apply for asylum. The lodging of an asylum application is also the only way to legalize the stay in Sweden.*
- *Access to basic rights is not granted all unaccompanied and separated children because the child protection system is coupled with the asylum system. The reimbursement from the State also only covers the support to asylum seeking unaccompanied and separated children.*
- *There is no set timeframe for how long the child should stay in the municipality of arrival.*
- *The absence of national binding guidelines on how to transfer the child and transmit information about the child between municipalities leaves room for differing interpretations on how to conduct the transfers.*
- *The lack of systematic best interest assessment and best interest determination procedures conducted upon arrival to inform a durable solution in line with the best interest of the child; instead the asylum procedure is the default procedure.*
- *Children are not provided a legal guardian as soon as possible upon arrival in Sweden. As a rule, a legal guardian is not appointed until the child has been transferred to the municipality assigned responsibility for the long-term reception.*
- *Information sharing that could inform best interest assessment and best interest determination procedures as well as promote cooperation and communication between responsible actors in the reception is hindered because of confidentiality rules.*
- *There is inadequate knowledge about the situation of unaccompanied and separated children who abscond or who live outside the asylum system, and how decisions on accommodation can influence children into making ill-informed decisions.*

Sharing my Story

” I remember that it was cold and it was getting dark when I arrived at the train station.

I saw people at the station who seemed to help people so I asked one of them where I should go. He told me to go to the Migration Agency. I asked what it was and where it was. He told me I have to go there to apply for asylum and that it is in Märsta.

I walked around for six hours trying to get to Märsta. It got really dark and a taxi driver saw me walking. He spoke my language and asked where I was going. So, he drove me there.

How was I supposed to know that it was really far to Märsta and that I couldn't walk there?

One of the unaccompanied and separated children who came in 2015. Shared at a focus group in Stockholm, 3 May 2018.

” *A child should just be a child.
You shouldn't be worried about the day.
Or the next day. You should be playing free.*

*Take the child time which is one of the minimum
time of your life. Childhood time is a short time,
and it can't be returned.*

*Your childhood memories shouldn't be scary
and skipped. You shouldn't be sleeping
at nights worrying about the next day as a child.*

*You shouldn't be interrupted and suddenly
taking responsibilities, suddenly taking another role
which is not your stage because you have to.*

*You should just be a child, and take your time
of being a child. A seven-year-old girl
shouldn't have to cook for a whole family,
she is a child and have to be cooked for!*

*A child deserves to be a child, not worrying of
what to eat. Not sleeping at nights of a sense of
feeling insecure context. Thinking of death,
of a sense of being worried to be raped.*

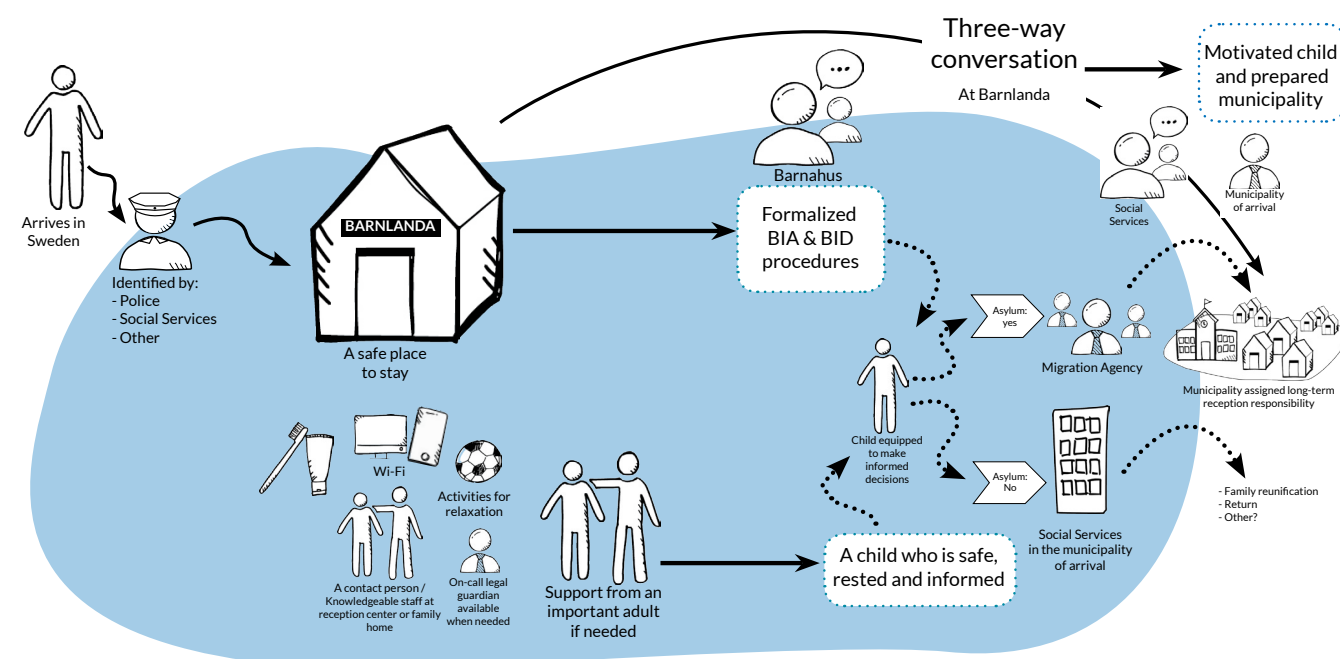
*A child should not be separated from their family.
Searching a better life, searching a safe place to stay.
And then worried to be expelled to the place she just
escaped. No child should be destroyed and forced.*

*A child shouldn't be punished for the
actions of adults, actions that parents made,
decisions that politicians made, institutions that
governments made, agreements that
businessmen made, age assessments that doctors
made and actually a fault that your grandfather made.*

*A child should be painless and innocent adjusted.
Because she is a child, and she has the right
to be a child.*

A poem written by Sacdiya, a young woman
UNHCR has talked to for the Co-Lab 2.0 project.
Sacdiya read her poem at Workshop 3, 28 August 2018.

Sacdiya came to Sweden as an unaccompanied child in 2014.

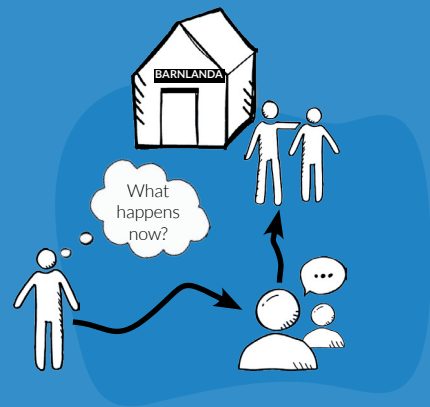


SYNTHESIZING THE STAKEHOLDERS' VIEWS

How can we make children feel safe in the initial reception?

The essence of child protection is to keep children safe, and to make them feel safe. Beyond their physical protection, this means ensuring that children are well-informed of their circumstances and have a say in matters that have an impact upon them. The main conclusion drawn from extensive stakeholder consultations and desk research during this project is that **the reception system today greatly fails to address this basic need of newly arrived children** in Sweden. This understanding was the incentive for the project's overall focus: *What can be improved in the initial reception to make them feel safe?*

This chapter will reflect the problem-solving process in terms of outlining the reasons why the children felt unsafe when they arrived and the consequences of the identified protection gaps, followed by a synthesis of the stakeholders' views on how to meet this need. The chapter is divided into three subchapters, each of which aim to explain how the proposed solution fit into different stages of the existing reception system.



Support & Protection from Day One

STAGE I:

Support & Protection from Day One

Why is change needed?

Children do not understand their own situation

All of the children and young adults have in one way or another shared that **they felt disoriented and insecure when they arrived**. These feelings were exacerbated because they came without family and they did not understand their new situation; the immediate future was not predictable. As elaborated by one of the young adults in Stockholm who today help other unaccompanied and separated children through an NGO, newly-arrived children therefore have no other choice but to rely on the adults' support. He shares his own experience and says:

"I had no idea of what was happening during my first days in Sweden. When you come alone, you are completely alone. You don't know the language, you don't know the culture, and you don't know anything!"¹

The children also lacked an understanding of why they had to seek asylum so soon after the arrival. Even though most of them wanted to apply for asylum, the children felt unprepared for this first meeting with the Migration Agency and found it overwhelming to answer questions such as: *"why are you here?"* With regard to these situations, **the children wish they were allowed more time before this first meeting and that they would have someone by their side** who could help them understand the process and explain their situation in a way that they understand.

Children do not know the conditions to access rights

Even before approaching the Swedish border, there are unaccompanied and separated children who are informed about entering the country unnoticed through unofficial and unreliable sources. The consulted stakeholders know about this and explain that the children rather listen to the rumors than to be caught by "them" (i.e. border police and the migration authorities).

One of the children originating from northern Africa explained that he was told to avoid the police and migration authorities because he *"would never be allowed to stay in Sweden"*. As a result, he went to great lengths to travel unnoticed to Stockholm where he believed he would be more safe. When asked why he had chosen to come to Sweden in the first place, he said that he wanted to go to school. Others have also said that they wanted to go to school or work. When further asked what made him apply for asylum in the end he pointed to the female NGO worker sitting in the same room and said:

"She told me about the rules. If I had known, I would have done it sooner."²

Other children have also explained how unaware they were of the rules and systems in place. Similar to the 14-year-old boy from North Africa above, **they did not know that accessing rights would be facilitated by applying for asylum**. Some of them have therefore said that they wish they were informed with correct and relevant information.

Children do not always understand the "child-friendly" information

Throughout the project, stakeholders have referred to the many sources of information that exist and that some homepages have even been adapted to become more child-friendly. The term *"child-friendly information"* was widely discussed and feedback from the children and young adults is that not all children know how to use the Internet and not all own a smart phone. One child explains that it all boils down to whether one understands the information or not. She states that not all children know how to read, including herself, and most of the information is in writing - also the information on the Internet. She therefore posed the following question:

"What use is it to get the information if you cannot read?"³

The reliance on an interpreter is too high

Most of the children have shared that the first meetings with authorities also meant the first time having to express themselves through the use of an interpreter, some of which did not even speak the same dialect. In conversations with Afghan children, they particularly complained about having an Iranian interpreter. Though Farsi and Dari stem from the same language family, they do not share the exact same vocabulary. Among the consulted children, there are those who were misinterpreted which has been used against them in the asylum process.

Some of the children also state that they did not get an interpreter at all when they arrived, which affected the registered information. A Somali girl shares her experience of registration at the Migration Agency. She was asked about her age in English, and although she did not speak English well, she tried to tell her age. She also added: *"The person at the Migration Agency talked to me as if I was deaf."* Later, her public counsel told her that she had been registered as 17 whereas she had stated that she was 15 years old. When she went to her counsel with a friend to ask for help to alter this, his response was:

"You have big breasts. You could easily pass as an adult."⁴

Ageing out of the system is scary

The topic that has engaged and mattered most to children and young adults throughout the project has been reaching the age of majority, i.e. turning 18, or having the age altered to adult age by the Migration Agency. The consequences of having the age altered to adult age is grave; the consulted young adults have expressed great discomfort and vulnerability of being alone without the same scope of protection as when they were regarded and treated as children.

Not all children access their rights

The stakeholders have expressed great concern that **there are children left unprotected and even denied entry into Sweden because they do not apply for asylum**. According to the stakeholders operating on a local level, unaccompanied and separated children who are outside of the asylum system have difficulties accessing basic rights to which they are entitled. **Many of these children are forced to live in a street situation** and become part of the "shadow community" where they lack protection of the authorities and are exposed to violence, criminal activities, drugs and substance use, sexual exploitation and abuse. All stakeholders are aware of this community and that it hosts children, but no one knows for sure how many unaccompanied and separated children live in this precarious situation.⁵

What the practitioners do know based on experience is that there are children who have been part of the child protection system, but have decided to abscond. These stakeholders argue that there is a **lack of understanding and empathy of the child's needs and situation which often result in poor decision on accommodation** - and that can be reason enough for the child to abscond. They stress that the current guidelines are good practices, but there is a need for flexibility. It is important to find accommodation with staff that understand their background and situation which might require placement in another municipality than the assigned municipality.⁶

The closest adults were not always supportive

One aspect the children highlighted as important is the relationship to the staff at the reception center or the family home. Those with less positive experiences said that they immediately noticed if the staff lacked empathy for their situation which also reflected if they felt supported. One of them shared: *"I remember when I complained about the food. Then one of the staff said: 'Then why don't you go back to your country?' He was a racist. I don't understand how he got a job to work at this place."⁷*

¹ One of the young adults who have outgrown the child protection system and board member in the Association for Unaccompanied Children in Stockholm at a focus group, 14 August 2018.

² Focus group meeting with unaccompanied and separated children originating from North African countries, 12 June 2018.

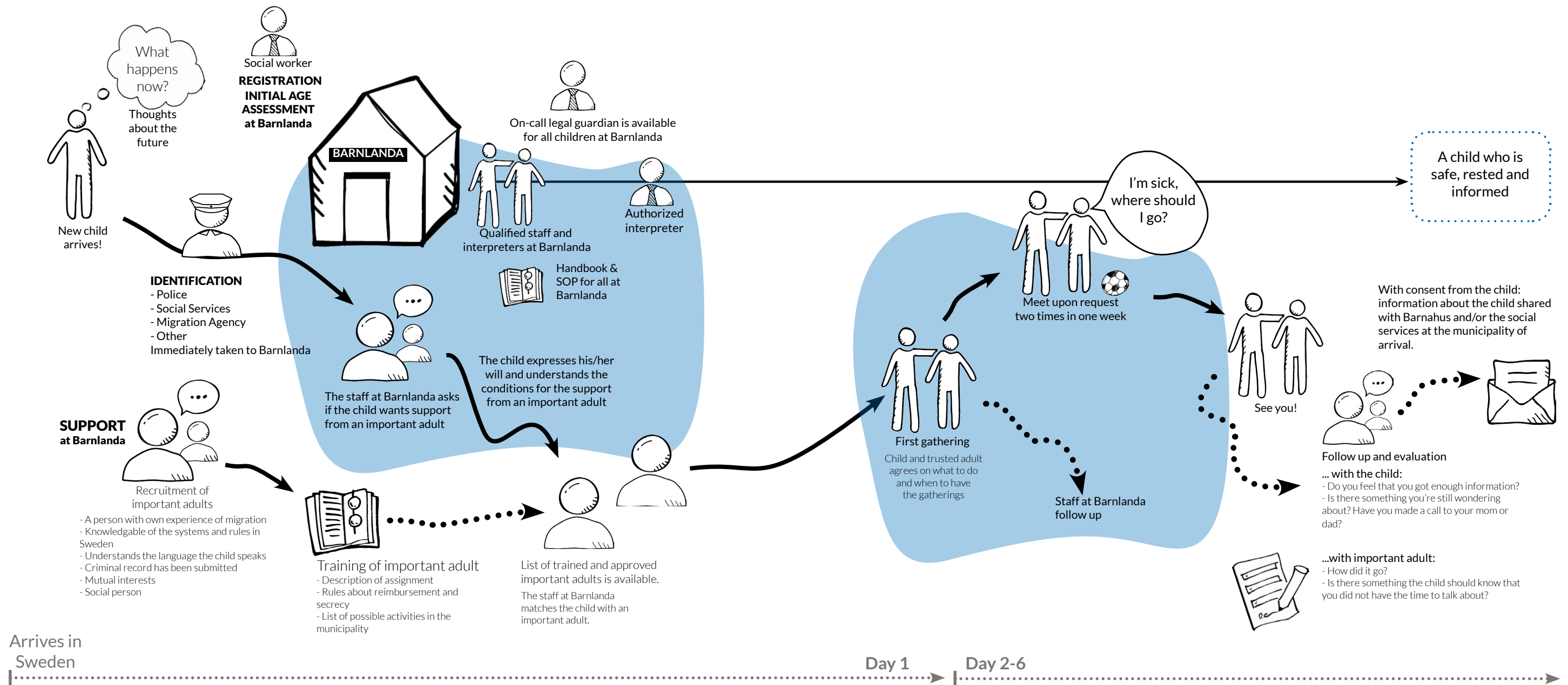
³ This discussion took place at Workshop 2 (8 May 2018).

⁴ Shared by a girl at focus group meeting in Uppsala, 27 March 2018.

⁵ This topic has been discussed throughout the project, especially Workshop 1 when protection gaps were identified. The stakeholders have also mentioned the report "De kan alltid hitta mig: studie om människohandel och utsatta barngruppers livsvillkor" (2018) published by the County Administrative Board of Stockholm that addresses children who live in a street situation.

⁶ Protection gap identified by the stakeholders at Workshop 1 (12 April 2018) and further discussed at the following two workshops.

⁷ Focus group meeting in Stockholm, 14 September 2018.



How can the child be supported & protected from Day One?

One of the main solutions that the stakeholders believed could contribute to the feeling of safety and help the children understand their own situation was "Barnlanda".¹ Barnlanda is the safe environment where the child (similar to today) is provided food, clothing, a safe place to live and have their basic needs met. The venues used for Barnlanda are the existing reception centers and family homes for unaccompanied and separated children.

The difference from current practices is that the Barnlanda concept aims to give the child time to rest, to recuperate and to ensure that the child understands the provided information and the procedures that await, including the potential transfer to a new municipality. Knowing what will happen in the immediate future fosters a sense of predictability. Based on the children's request (that the practitioners also found reasonable), the stay at this center should be for a fixed duration of two weeks with possible extension depending on the child's individual needs. Also, **the children are not immediately entering the asylum system by default as they do today unless they express a wish to apply for asylum.** The best interest of the child needs to be assessed and determined first. Should the child choose to apply for asylum, timely referrals can be made since Barnlanda is suggested to be located in the same cities as where the Migration Agency has application units.²

¹ Barnlanda is a wordplay with the word "Barn" which is the Swedish word for child and the word "landa" which is the Swedish word for the combination of rest and recuperation. Read more about the solutions, including Barnlanda, in Appendix IV.
² The most preferable scenario would be that the Migration Agency reinstates its special child units that only consider asylum applications lodged by children.

The stakeholders believe that Barnlanda can provide the preconditions for the children to understand their rights and obligations, and the rules that apply in the systems and procedures. This is essential because **relevant knowledge better equips them to voice their own views and opinions and exert influence on decisions and procedures that concern them.** This also allows the decision-maker to learn more about the child's opinions and views of his or her own situation which informs decisions that need to be in line with the best interest of the child. They also believe that the provision of relevant and timely information can influence children to not make ill-informed decisions such as leaving the child protection system, which in turn can have a life-changing impact. For this reason, the concept of Barnlanda is suggested to be accessible to all unaccompanied and separated children. This would mean that **children are immediately upon identification brought to Barnlanda** - irrespective of legal status, the actor or person that found the child or reasons the child may have for entering or staying in Sweden.³

Who would register the child?

Practitioners have cautioned that the Migration Agency is the only actor with access to a national registration database. To be able to register the children at the earliest stage possible, the Border Police have suggested that they should be responsible for the registration.⁴ While this would enable early registration in another national database, some of the

³ See UN Committee on the Rights of the Child, CRC General Comment No. 6 (2005): "Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, para 12.

⁴ Interview with the Border Police, 20 March 2018, and Workshop 1, 12 April 2018. Given the requirements to enter Sweden, the children who say no to seeking asylum by the border will be transferred back to Denmark. Some of the stakeholders have mentioned that it is important to inform the child about what asylum is in case the child says no because of lack of information.

stakeholders, including social workers and the children themselves, have raised the concern of children then avoiding them out of fear. For this reason, it has rather been suggested that the registration takes place at Barnlanda where the social worker operates.

During the registration, it is suggested that the current practice of conducting an initial age assessment is kept - if there is reasonable doubt regarding the age. It aims to ensure that adults do not stay with children and the assessment largely builds on the statements of, and documentation presented by, the child, but also on the impression of the social worker. It is also suggested that a rapid needs assessment is conducted (as it is done today) during this first encounter that aims to inform the decision on whether the child should stay at a reception center or a family home and screen for risks and vulnerabilities. If the child wishes to stay with a relative, the stakeholders stress that the child needs to be informed about why the relationship and accommodation must first be reviewed before the child can stay there.⁵

Who would look after the child's best interest?

To ensure that the child is supported and protected by a custodian, an **on-call legal guardian should be appointed** within 48 hours after the registration.⁶

As done today, the application for the legal guardian would be sent to the municipal chief guardian that is responsible for the recruitment, training and appointment of legal guardians to all unaccompanied and separated children within their municipal borders. This is suggested to be sent by the social worker after the registration at Barnlanda.⁷ The difference is that the child is informed beforehand that this is a temporary on-call legal guardian who is mainly supporting the child while staying in the municipality of arrival.⁸ This on-call legal guardian is proposed to fulfil the same scope of guardianship as framed in the current guardianship system.

In line with today's practice, a public counsel is provided by the Migration Agency should the child apply for asylum.⁹ This public counsel is still reimbursed by the State to represent the child in the asylum procedure. The difference is that **the public counsel would not have to confirm the child's asylum application as there would be an on-call legal guardian in place to fulfill this task.**

⁵ See UNHCR & UNICEF (2014). "Safe & Sound: What States can do to ensure respect for the best interests of unaccompanied and separated children in Europe", p. 25.

⁶ This would be in line with the recommendation put forward by both the Committee on the Rights of the Child (2015). "Concluding observations on the fifth periodic report of Sweden", para 50(d), and reports published by Save the Children, e.g. "Okärligt uppdrag" (2010).

⁷ See Section 3 of the Act (2005:429) on legal guardian for unaccompanied children where it says that the Social Services are one of the actors that can send in an application for the appointment of a legal guardian.

⁸ The on-call legal guardian is by law required to remain the child's legal guardian until a new one has been appointed to replace him or her.

⁹ Though this proposal builds on conducting best interest assessment and best interest determination procedures informing decisions such as seeking asylum, it is within the child's right to apply for asylum in accordance with Art. 14 of the Universal Declaration of Human Rights.

Who would care & support the child?

A limited number of actors will meet the child throughout the first week. To give the child a sense of continuity, it is proposed that they remain the same persons to the greatest extent possible throughout the stay at Barnlanda.

Besides the on-call legal guardian, a key actor is the **social worker**. As it is today, the social worker has the utmost responsibility of child protection. During the first week at Barnlanda, the child should be informed properly about the social workers' role in child protection and the best interest assessment and best interest determination procedures that the social worker will conduct during the second week of stay in Sweden. To enable the social worker time to inter-act with the child and continuously screen for vulnerabilities or risks, it has been suggested that social worker should have Barnlanda as its workplace. It is highlighted as key that necessary referrals are made timely.

Since the children's positive experiences of the initial reception often involved a committed and caring **contact person** at the reception center, it is proposed that this good practice is kept. Immediately upon arrival at Barnlanda, the child is thus provided with a contact person who is a staff member at the reception center that conducts a tour of Barnlanda and ensures that the child has basic necessities, WiFi code and/or access to a computer with Internet if needed. The child is offered food, shower and/or rest and help to establish contact with family. As already practiced today, the child will be informed that questions can be asked at all hours since they are tasked to support and care for the child.

To meet the children's wish to be **surrounded by people who are qualified and suitable**, the stakeholders highlight that it is key to abide the current guidelines on what qualifications and experiences staff at the reception center should have.¹⁰ The children have also expressed explicit wishes to be supported by people who have an understanding of the child's situation as an unaccompanied or separated child and knowledge of the relevant rules and systems in Sweden. If the child has been placed at a family home, it has been screened and approved by the Social Services and monitored regularly.

Another key actor is the interpreter who, based on the children's bad experiences, needs to be an **authorized interpreter**. It is crucial that the interpreter speaks the same language. As practiced today, it is important that the child can request either a male or female interpreter as well as the possibility of interpretation over the phone or face to face (if the child is uncomfortable talking

¹⁰ The National Board of Health and Welfare (2016). "Gemensamma författningssamlingen avseende hälso- och sjukvård, socialtjänst, läkemedel, folkhälsa m.m." HSLF-FS 2016:55.

in front of an adult countryman in the room). **To the greatest extent possible, it is also requested that the child should be provided the same interpreter while staying at Barnlanda**, which can make the child feel more comfortable being supported by an interpreter.

How would the environment be safe & nurturing?

The stakeholders point out that the accommodation is of importance in terms of fostering the feeling of safety. It can be nurtured by his or her surroundings. As described by them, it can be provided through sleep in a safe environment. It is also **about restoring the sense of normalcy in the child's life**. Playful and stimulating activities are therefore arranged and aim to offer distractions.

To the greatest extent possible, the reception centers and the family homes will be staffed by people of different linguistic backgrounds. Encouraging the use of language and culture can do wonders in supporting the children's psychological development and well-being. The staff at the reception center or the family home also informs the child of the options of restoring family links.

Because of the stark difference in how children and adults are supported and protected in Sweden, some stakeholders have suggested that the concept Barnlanda should still be accessible for young adults up to the age of 21. This would primarily be preferable for the children who age out of the child protection system at the age of 18 or have their age altered to adult age by the Migration Agency who are still in need of a safe and supporting environment.

How would the child's needs be addressed?

As mentioned before, the social worker conducts a rapid needs assessment which includes a **screening for vulnerabilities** (e.g. risk of trafficking in human beings, disabilities and gender related issues). To support the formalized best interest assessment and best interest determination procedures that are suggested to take place during the second week at Barnlanda (see next subchapter), everything is documented so as to inform decisions regarding the child. If there is any risk or indications of the child being at risk of harm, the stakeholders are adamant about the need for the social worker to place the child where he or she is believed to be most safe. The ultimate option would be to place **in a safe house for children** with specially trained staff in human trafficking and child protection (which does not exist today). If there are suspicions of risks, the adults who support the child will be alerted about the risks so that they can become more attentive to the child. **If the**

The initial reception - a state or municipal responsibility?

One question that has been discussed and that needs to be mentioned separately: do the proposed solutions fall under the responsibility of the municipalities or the State?

The Swedish reception system of unaccompanied and separated children is today delegated to the 290 municipalities but it used to be managed by the State through the national migration authority, the Migration Agency.¹ Because of inherent reception challenges and protection gaps that existed even before the migration situation of 2015, it has been discussed if the current system should remain as it currently stands.

At the time of writing this report, a Government inquiry has proposed a reform of the reception system for asylum-seekers.² The reception system has only briefly addressed the reception needs of unaccompanied and separated children and instead proposed an additional inquiry. Many of the stakeholders within this project have nonetheless identified a review of the current reception for unaccompanied and separated children as a need.

Within this project, the discussions have not, however, specifically centered around whether the responsibility of the initial reception should lie with the State or the municipalities. In relation to the solutions, the discussion has rather addressed the purpose of the initial reception and the need to prolong the stay in the municipality of arrival. The stakeholders, and especially the children, propose that the initial reception should be a fixed timeframe of two weeks. In their view, this would enable time for the child to rest and the responsible actors to conduct proper best interest assessment and best interest determination procedures. The rationale will be explained in this chapter. In line with the project's requirement to formulate possible solutions that are realistic, relevant and doable to make the children feel safe, the stakeholders have thus considered ways to do this by building on the existing system with the allocation system between the municipalities.

If the timeframe cannot be extended based on the current allocation model, it is suggested that the option of transferring back the responsibility to the State should be explored. The stakeholders address that it has been challenging for the municipalities of arrival to meet children's needs. Particularly as the number of children arriving has risen every year since 2006, with the exception of 2016 and onwards.³ There are stakeholders who have already proposed a referral to the State, e.g. the Ombudsman for Children and the Swedish Association for Local Authorities and Regions.⁴

¹ One of the main reasons was that it was deemed inappropriate for the Migration Agency to ensure the children's care and well-being whilst also consider their claims to stay in Sweden.

² See inquiry on the reception and housing of applicants for asylum and newly arrived immigrants (SOU 2018:22).

³ The reintroduction of internal border controls in other European countries (also in Sweden) has made it more difficult for migrants to move up to Sweden.

⁴ Both the Swedish Ombudsman for Children and the Swedish Association for Local Authorities and Regions, a national non-state actor that serves the interests of the municipalities and regions advocate for the initial reception to return to the State. See reports from the Ombudsman for Children in Sweden (2017). "Vi lämnade allting och kom hit", p. 74 as well as "Ensamkommande barn som försvinner", p. 38, and the Swedish Association for Local Authorities and Regions (2015). "SKL:s agenda för integration: om asylmottagande och nyanländas etablering".

child absconds or disappears, the police must be alerted immediately. The registered information by the social worker at Barnlanda can be important in cases where the child is found elsewhere.

To respect the best interest of the child, a few of the consulted stakeholders have highlighted that family reunification in the country of first asylum of the family or country of origin (if the child is not in need of international protection), flanked with a support programme in the country, has to be considered as well. However, such assessment would need access to Eurodac that currently is only accessible to the Migration Agency. The integration into national child protection systems, even if the child is not in need of international protection but should not be returned because such a return would not be in their best interests, also has to be considered.¹¹

Who should inform and prepare the child?

In the stakeholder consultations, it is clear that there are different views on which actor that should support the child. The suggestions have been the social worker, volunteer, diaspora, cultural mediator and legal guardian. **In this problem-solving process, this actor was not identified** in terms of title or role. The focus was on the **function this important adult is meant to fulfill to meet the needs rather than who the person is.**

The solution "important adult" was tested in the municipality of Sundbyberg. Based on the results, it matters what experiences and knowledge the important adult possesses. All children agreed that **they value a person who shares the same or a similar migration experience and understands how it is to come to Sweden with no previous knowledge about the culture and language.** Another finding from the testing is that the age matters; it feels more comfortable receiving support from someone who is a young role model and there is a shared understanding of the situation from a child perspective.

One of the young adults who had the support of a countryman when he arrived expressed his appreciation in a way that made everyone else in the room nod to agree:

*"He knows the systems. He knows us and our situation. He explains things in a way that I can understand and if I don't understand, he explains again. I trust him."*¹²

Regardless of who the important adult is that fulfill this

¹¹ This has been discussed with individual stakeholders and has been addressed in the workshops as well. Cf. UNHCR (2018). "The Way Forward to Strengthened Policies and Practices for unaccompanied and separated refugee and migrant children in Europe", p. 34.

¹² Focus group meeting in Malmö 26 April 2018 and again mentioned at second focus group at the same NGO in Malmö, 11 October 2018.

guiding role, this actor is clear from the beginning that the assignment is only temporary. The person also explains the purpose, which is to be the "go-to" person who is meant to support the child by answering the child's questions. He or she is equipped with relevant knowledge from training arranged by the NGO or authority he or she operates through. The procedure on previous page provides details of how the important adults are recruited, trained and prepared to support newly-arrivals. If the important adult is a volunteer, the representatives from the civil society highlight that it then needs to be considered what support the civil society organisations require in order to play such an auxiliary role.

If the solution important adult were to be part of the overall reception system, it is suggested that the child should be able to influence the choice on the important adult in terms of gender, nationality, language and preferred age span. If the child wants, this important adult should be allowed to accompany the child to the meetings for moral support. To connect the solution to the purpose of strengthening child protection, it is suggested that the important adult forward the acquired information about the child to the social worker and/or the on call legal guardian if the child has given its consent. The purpose of this hand-over would be to potentially facilitate the decision-making procedures that concern the child and to provide the actors with a personal and individual impression of the child.

What information should the child be provided?

The support the child wants is to be informed in a way that he or she understands. They want to understand what will happen in their immediate future. As part of this solution, it means that the child is informed about what will happen during the two weeks at Barnlanda and prepare for the meetings that will be held during week two at Barnahus. This aims to help the child understand his or her own situation, to enable the child to make informed decisions for him- or herself and gain certain control over their own situation, which in extension promotes a feeling of safety.

Based on input from the stakeholders at the workshops, it is also key to be truthful if they ask questions about the rules and systems. If asked *and if appropriate*, it is important to include the issue of possible rejection of asylum and return to the country of origin. Related to this, the stakeholders mention the Strömsund model¹³ as good practice as they inform about the whole asylum procedure, including the possible return. Based on the children's own wish, it is also important - again, if appropriate and more so when it is necessary - to talk about the changes that take place once turned 18.

¹³ Learn more about the Strömsund model: <http://www.begripligt.nu/>

THIS STAGE OF THE PROCEDURE...

... IS REALISTIC & DOABLE

because it proposes that the reception responsibility for unaccompanied and separated children still rests with the municipalities. The municipalities are already tasked to protect all children within their borders, therefore this responsibility is already supported by the existing legal framework.

The Social Services in the municipalities already form the basis of the Swedish child protection system. They are equipped with expert knowledge about how to assess children's needs and they also have their own assessment tool called BBIC (Barnets Bästa i Centrum, Eng. Best interests of the Child in focus). There is therefore not a need to establish a new actor for the purpose of protecting the unaccompanied and separated children.

The municipalities have the local knowledge which is needed to make timely and necessary referrals.

Appointing a legal guardian within short notice, even within 48 hours, is already possible because this is the current procedure for unaccompanied and separated children who have been subject to a crime or are hospitalized and a custodian's consent is needed to proceed with a medical plan. This appointment is also supported in current legislation which states that a legal guardian should be appointed at the earliest stage possible.¹

... IS RELEVANT

because all unaccompanied and separated children should have access to their basic rights without being forced into the asylum system. It also means that the lodging of an asylum application can be based on an informed decision, and that the integrity of the asylum system is upheld.

The children can better access and enjoy their entitled rights through the support of an on-call legal guardian. If the child wants to, he or she can also be provided an important adult who serves the purpose of informing the child about relevant and correct information in a way that he or she understands and in a pace that is needed.

The children feel more safe when surrounded and looked after properly by people who respect their ethnic group, religion, culture and language.²

... HAS AN ADDED VALUE

because the children are allowed time to rest, recuperate and normalcy can be restored.³ Children are more inclined to be receptive of information, process and understand it if they are well-rested and when they feel safe. They also do not want to be rushed into making life-changing decisions without knowing what it means.

With the explicit purpose of informing the child during the first week at Barnlanda, it helps the child understand its own situation as well as the relevant rules and systems that apply in Sweden. The child is thus better equipped to make informed decisions, exercise his or her rights and exert influence over decisions and procedures that concerns the child.⁴

... BUT IT REQUIRES

that the identified unaccompanied and separated children are brought to Barnlanda for the conduct of best interest assessment and best interest determination procedures.⁵

The length of stay in the municipality of arrival is suggested to be extended to a fixed duration of two weeks (and allow extension if needed). In other words, the State needs to reimburse the municipality of arrival for the child's full stay. It would also require a broader interpretation and clarification of who the "others" are in the Act (1994:137) on the reception of asylum seekers among others that regulates the reimbursement to the municipalities for the support to asylum seekers only.

If this is not possible, the stakeholders have discussed the option that the initial reception responsibility be transferred back to the State. This has already been recommended by the Ombudsman for Children and the Swedish Association for Local Authorities and Regions, a national non-state actor that serves the interests of the municipalities and regions.⁶

¹ Section 3 of the Act (2005:429) on legal guardian for unaccompanied children

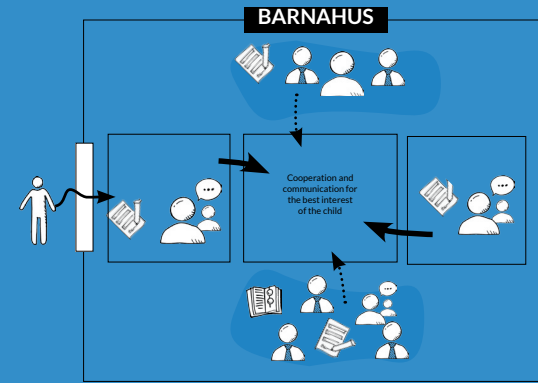
² See Article 20 of the Convention on the Rights of the Child.

³ As stated in Article 31 of the Convention on the Rights of the Child, children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

⁴ This addresses Article 17 in the Convention of the Rights of the Child that says that children have the right to get information that is important to their health and well-being. This help them enjoy their right to express their opinions about decisions that are made on behalf of them (Article 12 of the same Convention).

⁵ See UN Committee on the Rights of the Child, CRC General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, para 12.

⁶ See report from the Ombudsman for Children in Sweden (2017). "Vi lämnade allting och kom hit", p. 74, and , the Swedish Association for Local Authorities and Regions. "SKL:s agenda för integration: om asylmottagande och nyanländas etablering".



A multi-disciplinary approach to BIA & BID procedures

STAGE II:

A multi-disciplinary approach to BIA & BID procedures

Why is change needed?

Children do not know the rules, feel insecure and have to tell their life stories over and over again

In our conversations, the children and young adults often wanted to underline that a newly-arrived child has very little understanding of how things work in Sweden. **Many did not know what asylum was when they arrived** and they assumed that children in the same situation today also have limited knowledge of the general rules that apply in Sweden.

All stakeholders therefore agree that the **timing of meetings is important**. Not only may the children be disoriented and apprehensive about their situation. They may also not yet have trust in the child protection system or the actors involved in the reception. The current system, however, requires the children to meet with the Migration Agency as soon as possible in order to legalize their stay in Sweden.

When the children and young adults described their first days, it was obvious that they thought all of the actors they met worked together.¹ They did not understand why they all asked similar questions, e.g. "what is your name?", "how old are you?", "where are you from?" and "why are you here?".

When asked how they felt about this, one of the children described it in a way that made everyone else in the room nod in agreement:

*"It felt like they didn't believe you when they ask the same questions over and over again. It's almost like they wanted you to say something wrong."*²

Being alone in meetings make things harder

The children have often explained during the consultations after our conversations how intimidating and unfamiliar the meeting settings were and that they wished that an adult would have been by their side. One of the children in Stockholm said:

*"It would've been easier if my mom was with me."*³

All of the children and young adults that participated in this project have stayed in Sweden for a long time and are therefore aware of the support they are supposed to receive through a

¹ Newly-arrived children often meet representatives from the Border Police, Social Services (and the social worker from the on-call protection team if they arrive after office hours), interpreter, staff at the reception center and/or the family home.

² Focus group meeting in Stockholm, 2 May 2018.

³ Said by one of the children in focus group meeting arranged by Förnyelselabbet in 2017.

legal guardian. With this in mind, they have all said that they wish similar support would have been available when they just arrived.

The actors' limited cooperation and information sharing affects the child

Even though the children meet with the Border Police, Migration Agency, the Social Services and other actors who may have encountered the children first, there is no systematic information sharing between them. The Information and Secrecy Law (2009:400) restricts this. With the exception of the Border Police, the other actors conduct their own best interest assessment and best interest determination procedures separate from each other.

When discussing the children's experience with the actors responsible for children's registration, namely the Migration Agency and the Social Services, it is clear that these authorities are aware that they ask similar questions but not for the reasons perceived by the children. They also acknowledge that it would be beneficial and more efficient to share information. Not only could it lead to less questions and fewer meetings, but different types of information about the child can then also be pieced together and provide a broader picture of the child's situation overall that can support to inform decisions regarding the child.⁴

The social workers who work in the on-call emergency protection team in one of the biggest municipalities of arrival mention how they have tried to get a copy of the child's protocol from the Migration Agency. One of them describes her luck as follows:

*"If you talk to the right person at the Migration Agency, you get the information about the child. If you're unlucky, you get the person who says that the secrecy rules apply. They all do differently."*⁵

Age assessment results are not harmonious

The Migration Agency and the local Social Services can both conduct initial age assessments. It is within their right to determine age through different methods and for different purposes. However, the varying outcomes can lead the child to be regarded as both a child and an adult at the same time. This can cause problems for the child and exclude them from accessing certain services and rights. Another example is if the child's age is reassessed and he or she is considered to be an adult. One of the legal guardians describes it as a "cold shower" and another guardian explains that it places them in a very vulnerable situation:

"One day, you have everyone, and the next

⁴ The stakeholders discussed this extensively at the workshops.

⁵ Individual meeting with social workers in this on-call protection team, 6 April 2018.

*day you have no one. Just because you turn 18."*⁶

Seeking asylum is the only option considered

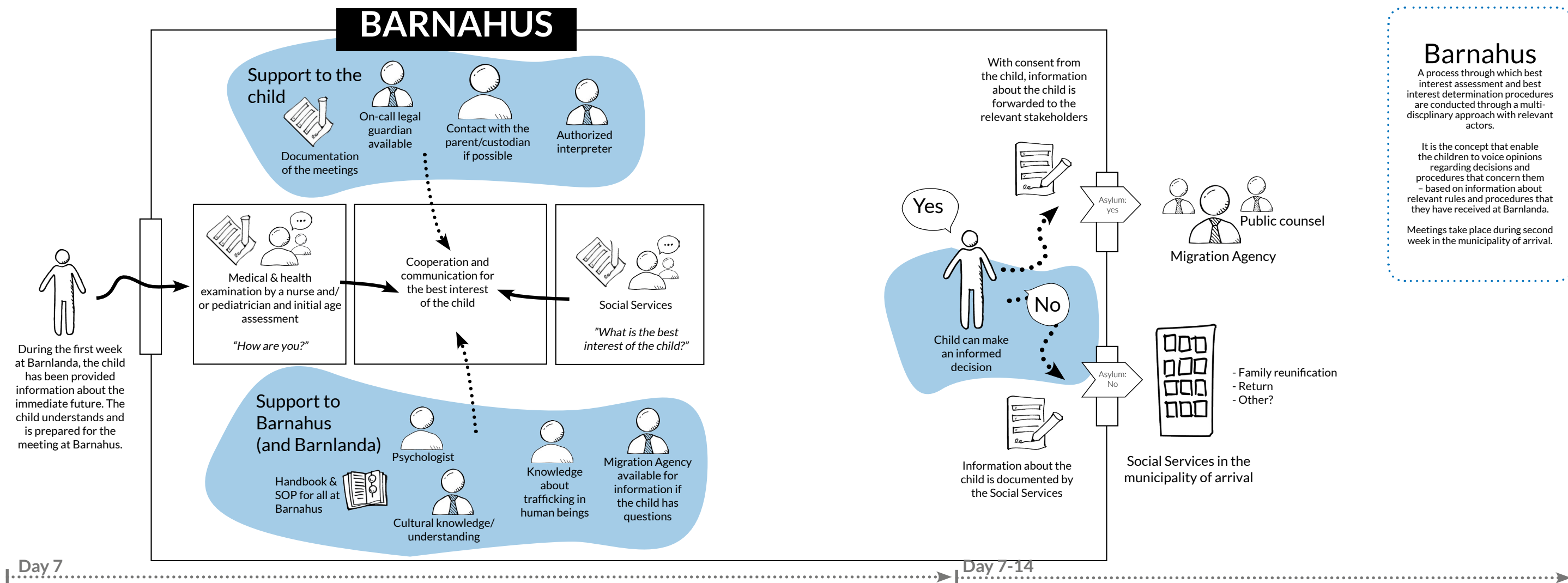
As presented in previous chapters, the asylum procedure is most often the default procedure. In other words, the decision to seek asylum is not informed by the results of best interest assessment and best interest determination procedures as they are not systematically conducted when the children arrive.

In connection to this, is that the support to the child to trace family is not clear. Durable solutions are identified by the Migration Agency alone and they are also the authority with access to transnational mechanisms (e.g. return liaison officers⁷, the Consulates and Embassies⁸ and EU-wide databases such as Eurodac).

Though all stakeholders acknowledge the right to live with family, it is not automatically considered if a reunification could be in line with the best interest of the child. This is also reflected in practice. Tracing is mainly conducted by authorities when it has been concluded that the child has no protection needs. This is the practice to not jeopardize the lives of the child and his or her family. This also means that the option of reuniting with family, as a rule, is first considered when the asylum application has been rejected.⁹

The stakeholders, including the children, have not considered family reunification as an option if the child wants to seek asylum, and the actors have also mentioned the aspect of not being able to conduct tracing if the child refuses to share details of the family to avoid a possible reunification. It has, nonetheless, been agreed that there may be unaccompanied children who were separated from family during the flight and who wish to reunite with family elsewhere. In such cases, it has been logical that this reunification is not delayed and that best interest assessment and best interest determination procedures inform if this would be the best interest of the child. This would include the use of transnational mechanisms to conduct a home assessment in the country where the child's family resides.¹⁰

⁶ Said in group discussion about protection gaps at Workshop 1, 12 April 2018
⁷ This is part of a broader EU initiative. It is a transnational mechanism that aims to facilitate and enable more effective return policy. See for example the renewed action plan from the European Commission COM(2017) 200 final.
⁸ See Chapter 2, Section 9 of the Regulation (2014:115) with instructions for the Foreign Representation. The Consulates and Embassies are obligated to assist with tasks related to provisions and safeguards set forth in the Aliens Act (2005:716).
⁹ Section 2d of the Ordinance (1994:361) on the reception of asylum seekers, among others. See also Save the Children (2014), "One plus One Equals Three – a mapping of the reception and protection of unaccompanied children in Sweden".
¹⁰ Discussed throughout the project but in particular with UNHCR staff who have experience from conducting home assessments and holistic best interest assessment and best interest determination procedures.



Barnahus

A process through which best interest assessment and best interest determination procedures are conducted through a multi-disciplinary approach with relevant actors.

It is the concept that enable the children to voice opinions regarding decisions and procedures that concern them – based on information about relevant rules and procedures that they have received at Barnlanda.

Meetings take place during second week in the municipality of arrival.

How should BIA & BID procedures be conducted?

To meet the children's wish to meet less actors and the need to set up more child-friendly meetings, the stakeholders together with the children formulated the solution: **Barnahus**.¹ **Barnahus is a concept** in which the responsibility to communicate, cooperate and coordinate information sharing about the child rests with the responsible actors. Based on the children's own request to have a week of rest at Barnlanda, it is proposed that the formalized best interest assessment and best interest determination procedures take place during the second week of stay in Sweden outside of Barnlanda. Besides allowing the child time to rest, this timeframe also gives the actors time to prepare for these procedures.

Barnahus does not necessarily have to be a house where the actors are gathered. **The concept is rather a mechanism of the function it is meant to fulfill, which is to enable formalized procedures with multi-disciplinary approach to best interest assessment and best interest determination procedures.** In practice, this means convening relevant and responsible actors in a face to face meeting or through telephone or video conference, and to discuss the gathered information about the child, which in turn informs next steps and their short and long-term solutions for the child.²

Who would the child meet at Barnahus?

The stakeholders have had different opinions about which actors that should be part of the best interest assessment and best interest determination procedures at Barnahus. However, as soon as it was addressed that the concept does not mean that the child must seek asylum immediately upon arrival, it was proposed that **the social worker is the most suitable actor to hold the meeting.** The social worker is trained to conduct best interest assessment and best interest determination procedures and to interview children. For the sake of familiarity and continuity, it is proposed that the children are greeted by the social worker they have already met at Barnlanda. The rationale is that the child has already

¹ The stakeholders were inspired by the concept Barnahus that exists today to respond to the needs of children who have been victim of or have been witness to sexual violence and abuse. More information about the concept Barnahus is found in Appendix V.

² Cf. the concept process planning in "Safe & Sound" (p. 16) by UNHCR and UNICEF that is part of how to apply the best interests principle in practice

established a personal contact with the social worker and may thus feel more comfortable sharing personal details. **To help the child voice his or her own opinions,** the child is provided with an **interpreter**, preferably the same that has been used at Barnlanda. To ensure that the child's rights are monitored and ensured, the on-call legal guardian is also part of the meeting. The pediatrician is another important actor in the early phase of initial reception. It is proposed that a **pediatrician and/or nurse makes the first initial medical and health examination.** This is also conducted during the second week of stay (earlier if needed). A psychologist would also be available to meet the child depending on the identified needs.

How would the environment be at Barnahus?

The stakeholders agree that trust can be promoted by establishing good physical preconditions. First of all, they highlight the need to hold the meeting in a child-friendly physical environment. In their proposal, they mention examples such as having the same room interior design as Barnlanda. This gives the child a sense of familiarity, which could foster the feeling of safety. Inspired by the existing Barnahus model³, the rooms are decorated with consideration to child-friendly height, harmonious colors and the furniture is of soft materials.

The feeling of safety is also related to how the meeting is actually conducted. According to the children and the young adults, one of the more disruptive current practices is the note-taking. It does not promote a friendly environment as the child's thoughts are more on what is written than what to say. For this reason, it has been suggested that the meeting should be audio recorded and, if consented by the child and/or the on-call legal guardian, video recorded. If these recording were to be made, the child needs to be informed about why this documentation is made and which actors that will take part of them based on approval from the on-call legal guardian. Recording the meeting also serves the purpose of decreasing the number of times the child shares his or her life story.

³ Barnahus is a model developed to meet the needs of children who have been subject or witness to sexual abuse and violence and who needs to undergo criminal investigation procedure, meet the social worker and undergo medical examination.

What would be considered?

Even though it has been proposed that the social worker conducts the best interest assessment and best interest determination procedures, the stakeholders still acknowledge the value of close cooperation and communication with other relevant actors. Contrary to today, **the Barnahus concept enables information sharing between the actors** because it is approved by the child's on-call legal guardian.

It is proposed that the social worker again should assess the child's age in consultation with the pediatrician if needed. Other actors such as the psychiatrist could also be of value to consult. In regards to other identified needs, the social worker should also be able to consult stakeholders specialized in different areas. If there are suspicions of human trafficking, the social worker can for example consult the coordinators at the County Administrative Board or the National Task Force Against Prostitution and Human Trafficking (NMT).⁴ If there is a need of specific cultural understanding, it is possible to consult NGOs or authorities that may possess this information.

Furthermore, it is proposed that the Migration Agency revives its previous mobile team specialized in children's rights in the asylum procedure. This should be doable because the Migration Agency has worked in mobile teams before, especially during the migration situation of 2015. Today, there is already a team at Arlanda Airport that operates outside of the Agency's offices.

If risk indicators were identified during the first week at Barnlanda (e.g. human trafficking or a perceived risk that the child may abscond), the social worker is proposed to convene a meeting of experts/actors to discuss the suspicions and develop a plan that addresses the child's particular situation, including required referrals and safeguards. The social worker would thereafter meet with the child.

A key aspect raised by the children is that those who have recently arrived need to know that questions can be asked even after the meeting. To meet this need, the provided on-call legal guardian or the staff at Barnlanda would be available to the child if there is something he or she does not understand.

What would be the possible durable solutions?

When discussing the possible outcomes of the best interest assessment and best interest determination

⁴NMT consists of governmental authorities working against prostitution and human trafficking and functions as a strategic resource for developing and increasing the efficiency of cooperation in the work against human trafficking. The cooperation focuses particularly on supporting municipalities and regions which have limited experience with the work against prostitution and human trafficking. NMT offers operational method support to municipalities, governmental authorities and NGOs in human trafficking cases through its Helpline: 020-390 000 and through their website www.nmtsverige.se

procedures, it was clear that **asylum was one of the durable solutions to consider** (if an application has not yet been lodged). If deemed as in the best interest of the child to apply for asylum, this is explained and further discussed with the child. It is important to ensure that the child understands what asylum is and the procedure that then awaits. If the child wants to apply for asylum, he or she is taken to the Migration Agency for a second registration. With consent from the child or the on-call legal guardian, the solution proposes that the Migration Agency receives a copy of the file on the child so that the child does not have to answer the same basic questions again.

During the meeting, it is suggested that the social worker and the child also talk about the family and their whereabouts as practiced today. The **assessment aims to consider whether reunification with family is possible and appropriate**. This option is particularly important if the child does not want or need to apply for asylum. In this regard, it is important to make use of transnational mechanisms to conduct proper best interest assessment and best interest determination procedures. With assistance from the Swedish Embassies and Consulates and their connections with child protection bodies and civil society in the child's country of origin, **home assessments should be explored as a possibility**.⁵

Through such assessment, it can be determined whether it is in the best interest of the child to return to the family. It may also verify the child's reasons for leaving in the first place. If the child does not want to apply for asylum, the social worker must also consider whether a return is possible. Transnational mechanisms have over recent years mainly been developed by the Police authority and the Migration Agency. It is proposed that actors such as the Social Services should be able to make use of their mechanisms where possible.

Once decisions have been made, in which the child's views and opinions have carried weight, **every effort should be made to ensure that decisions are implemented without undue delay**. It is also important to inform the child about the decision and make sure that he or she understands it - and allow the child time to process the decision.

How would information be transferred?

With the consent of the child and/or the on-call legal guardian, **the information gathered about the child can be forwarded to relevant stakeholders**. If the child applies for asylum, the gathered information is of great value for the Migration Agency and the public counsel that is appointed to represent the child in the asylum procedure.

⁵Inquiries for assistance can be sent to the Embassies and Consulates in the countries of origin but it needs to be extended that they are not only obligated to assist with tasks related to provisions and safeguards set forth in the Aliens Act (2005:716). See Chapter 2, Section 9 of the Regulation (2014:115) with instructions for the Foreign Representation.

THIS STAGE OF THE PROCEDURE...

... IS REALISTIC & DOABLE

because the concept Barnahus already exists. It supports the unaccompanied and separated children who have been subject or witness to sexual abuse, violence or exploitation. It was established to meet similar needs as identified among the unaccompanied and separated children on the move, i.e. reduce the number of meetings that can cause the child unintentional harm, address the child's circumstances with a multi-disciplinary approach and conduct the meeting with the child in a child-friendly environment.¹

Convening the relevant actors has already been tested and conducted during the migration situation of 2015. The civil society, the Social Services, the Border Police and the Migration Agency were present at Posthusplatsen close to Malmö central station and similar stakeholders were on site at the central station in Stockholm. The actors coordinated and cooperated to respond to the needs of the newly-arrived unaccompanied and separated children.²

All the stakeholders in the proposed Barnahus concept already exist. It is therefore more about using their competence at the right moment in the reception procedure as well as making use of their combined experiences and expertise to assess and determine the best interest of the child.

... IS RELEVANT

because it enables a multi-disciplinary approach to both initial age assessment and best interest assessment and best interest determination procedures. Responsible actors communicate and cooperate - also in consultation with the child - to assess solutions based on the child's best interest.

If the child does not apply for asylum, convening the different stakeholders could also mean better cooperation and coordination to meet the needs of the non-asylum seeking children which is non-existent today despite the great risks these children face of abuse and exploitation.

The information about the child can be shared between stakeholders as the on-call legal guardian is part of the procedures. Information about the child can then be pieced together and provide a more comprehensive picture of the child's situation.

... HAS AN ADDED VALUE

because it enables a child-centered process in which the actors convene around the child. The relevant actors organize and coordinate their activities around the child in order to minimize the number of meetings in different locations. This also reduces the need for the child to repeat similar information multiple times with various actors.

The child can exert influence on the decisions and procedures that impact him or her and also facilitates the making of informed decisions, including whether or not to apply for asylum.

... BUT IT REQUIRES

that the actors formalize their cooperation and communication and that the responsible actors involved can, on short notice, provide the necessary information and support if necessary.

To provide correct and relevant information about the asylum procedure, the Migration Agency would have to revive its children's team that operates outside the Migration Agency's offices. This mobile team could then attend meetings at Barnahus, if requested and necessary.

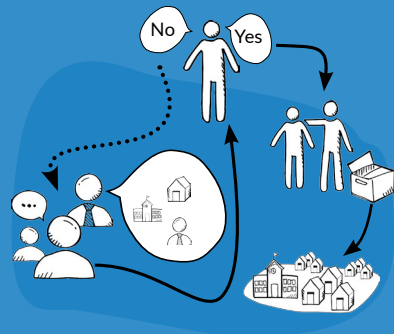
To enable the use of transnational mechanisms to conduct proper best interest assessment and best interest determination procedures, the mechanisms developed and available for the Migration Agency and the Police Authority should be accessible for the Social Services too.

¹ Individual interview and field visit at Barnahus Stockholm, 26 June 2018.

² Individual interview with the local Social Services in Malmö, 6 April 2018. See also "Ankomst Malmö: röster om flyktmottagandet hösten 2015" published by the City Archive in Malmö.

STAGE III:

Making transfers safe & comfortable for the child



Making transfers safe & comfortable for the child

Why is change needed?

Children feel apprehensive about the transfer

Sweden has built its reception system on an allocation system in which the care of and support to unaccompanied and separated children is divided between the 290 municipalities. Some stakeholders underline that this is not general knowledge among the national population let alone among newly-arrived unaccompanied and separated children.¹ This is supported by the experiences shared by the children and young adults in that they lacked knowledge about the difference in scope of responsibilities between the municipality of arrival and the municipality assigned the long-term reception responsibility.

Based on the children's experience, **there are different levels of preparations that take place before a child is transferred** to the municipality responsible for the long term care. Some children had no understanding of why they had to move to another city. There were also examples of children having to travel alone, which was not always ideal. One of the children in Malmö said:

*"I was just handed a train ticket. I had no idea where I was going. I just sat and stared at the board and compared the letters on the ticket. I could not even read what it said."*²

The same girl who was not provided an interpreter and had her age registered wrong by the Migration Agency (see p. 33) also had a bad experience with her transfer to the municipality of arrival:

"They led me to a car, and it was scary because I didn't know how to talk to them. And they couldn't tell me anything either. So I had no idea where we were going."

The children raised the transfer from the municipality of arrival to the new municipality as a concern as some had started to form ties and befriended other children on the assumption that their stay was long-term. They also did not understand some of the differences that arise as a result of this differentiation in responsibilities between the municipalities. Examples of differences are that their stay in the first city was shorter or longer than their friends' stay, some had the support of an appointed legal guardian, while others did not. They compared their situations with each other and because they did not understand the system, they did also not understand why their situations

¹ How the responsibility between municipalities is divided was one of the questions raised during Workshop 1, 12 April 2018.

² Focus group in Malmö 26 April 2018.

were so different when they had similar backgrounds.³

Many of them said that they received basic information about the transfer, such as which city they were going to (although they had no understanding of what that city was; if it was a big or a small city). Some said that they received information about what they could do there, e.g. football clubs, but did not receive information about their accommodation, where they would live, if they were going to share a room with others or which school they would go to. However, many of them said that **they wished they had received more information**.

Those with positive experiences are the children and young adults who had received information about the new place and already prior to the transfer had spoken to their new social worker in the assigned municipality. The staff at the reception center in the municipality of arrival had been with them during these conversations.

Unwillingness to receive the children

A general comment amongst the stakeholders is that **the level of preparedness often depends on the receiving municipality's commitment to receive children** and their general knowledge about the situation of unaccompanied and separated children. They explained that because of a lack of understanding and empathy for the situation of unaccompanied and separated children in general, they often have to inform the new municipality about what these children are entitled to, in particular smaller municipalities with less experience. The municipalities' level of commitment and knowledge also impact the willingness to even take responsibility of the children. One of the consulted social workers says:

"I spend hours on the phone trying to make the receiving municipality understand that this is a child in need. Just like any other child in Sweden who is in need of help."

The stakeholders' experiences, which are also validated by the children's reception stories, are that the poor preparation before the transfer can result in a reception in the new municipality that puts the child through the same confusion and disorientation as when he or she arrived in the municipality of arrival. **Feeling insecure about the transfer can also become one of the reasons to abscond**.

Unwillingness to move to the new municipality

The stakeholders address the protection problems that arise if the child refuses to comply with this allocation system. Most of them have stories of how the children

³ Reports on the migration situation of 2015 often mention how unaccompanied and separated children were without and had to wait for months before being appointed a legal guardian. One of the reasons for the delay was because children were stuck in the municipality of arrival. Examples of reports addressing the delay in guardianship are UNHCR's report "This is Who We Are - Part 2: Documentation of the secondary findings from the profiling survey of unaccompanied and separated Afghan children arriving to Sweden in 2015" (2016), and and Human Rights Watch's report "Seeking Refuge: Unaccompanied children in Sweden" (2016).

come back to the municipality of arrival or travel to another city when they do not want to stay in the assigned municipality. The reasons for absconding are often many and the stakeholders working on local level do not believe that it is helpful when the receiving municipality has not established a contact or started to build a trusting relationship with the child before the transfer.

The problem that occurs when the child leaves the assigned municipality is that they have trouble accessing their rights, e.g. school and housing. Since the decision on responsible municipality has been made, the municipality of arrival is no longer reimbursed by the State for any support or actions taken to keep the child safe and protected. **There are also those who do not want to make themselves known to the authorities** when they return to the municipality of arrival or another city. These are unaccompanied and separated children who can be found living in a street situation and being part of the so called "shadow community" in which they are exposed to great risks of violence, abuse and exploitation.

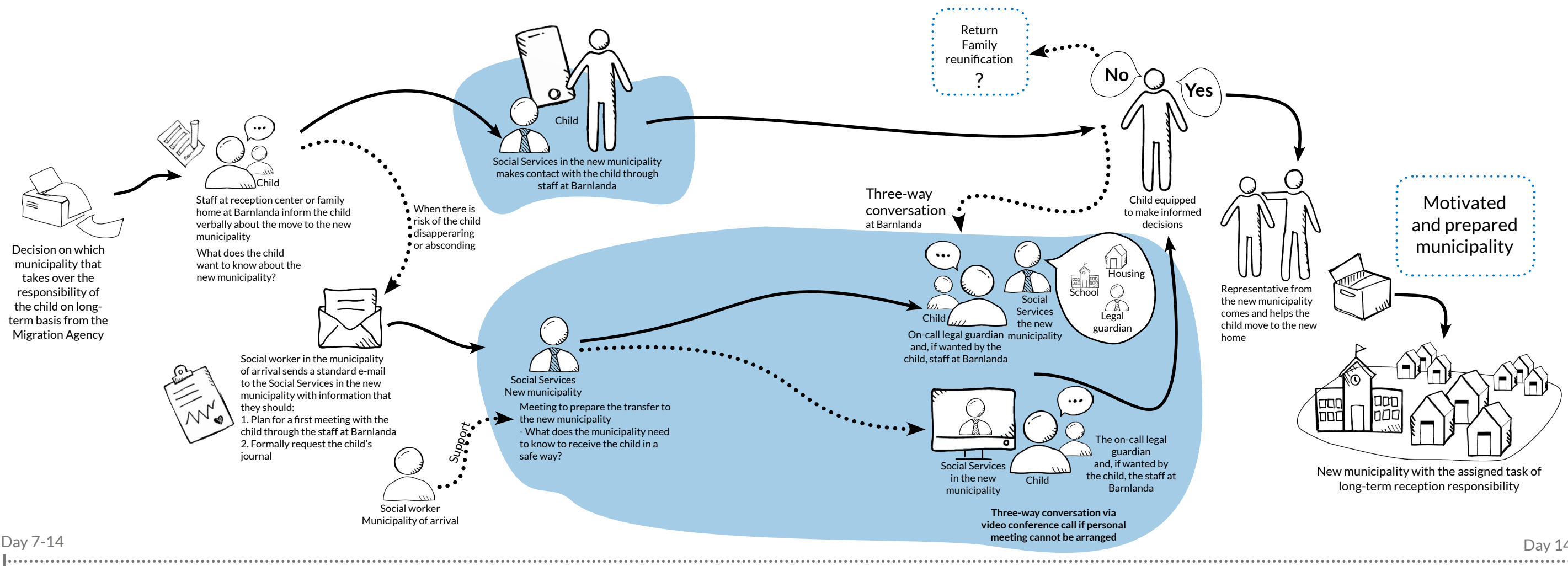
Ill-prepared and costly transfers because of short timeframes

The consulted stakeholders expressed that they want to make good preparations for the child and make him or her feel more safe and motivated to move to the new city. However, **the time to properly prepare is limited** when the Migration Agency is quick to make a decision. Today, the decision is made just within days after the asylum application has been registered.⁴ The social workers explain that the reimbursement immediately goes to the new municipality once the decision has been made, which is why the municipalities often want to coordinate a quick transfer. However, if the preparations take time, it can prolong the child's stay in the municipality of arrival.

If there is no other option, the local stakeholders describe how the receiving municipalities makes ad hoc solutions. Some reimburse the municipality of arrival for temporary accommodation which means that the child waits while the Social Services look for accommodation in the new municipality. There are also those who decide on accommodation solely based on availability. If it does not meet the needs of the child or inappropriate, the social worker in the new municipality has to find a new place. If the new municipality do not have available accommodation in their own group homes or family homes, the Social Services also have the option of procuring accommodation from entrepreneurs who have established their own group homes and recruited their own family homes, which can be a more costly option.⁵

⁴ The Migration Agency decides which municipality that will be assigned the long-term responsibility of an unaccompanied and separated child. This challenge was discussed among the stakeholders at the workshops.

⁵ Individual meetings with two local Social Services (6 April 2018 and 17 May 2018).



How can the child be prepared for a transfer?

With the current allocation system, **unaccompanied and separated children are expected to relocate within Sweden**. If the child applies for asylum, the Migration Agency will make a decision on which municipality that takes over the responsibility of the child. As soon as the Social Services in the municipality of arrival has been notified of the decision, contact should be established between the municipalities to coordinate safe transfer of the child and relevant information about the child. To involve the child in this procedure, the solution for this stage of the initial reception is a **three-way conversation**.

The child must also be informed about this decision. Given that children process information and decisions at different pace and that they may still feel apprehensive about the immediate future, the practitioners propose that the child is verbally informed about the decision on where the child will move and what it means for the child. For example, children are informed about what will happen in the new municipality, such as school enrollment and the appointment of a long-term legal guardian. In the discussions about this solution, the children have not had any specific requirements on who the person should be that informs about the decision; they have rather said that **it is key that they feel safe and comfortable with the person and that the person is available even after informing the child about the decision**. Based on their own experiences, they say that questions often arise after meetings and after being informed about decisions. For this reason, it has been suggested that the staff at the reception center (as already practiced today) informs the child about the decision. In this overall proposal, this means that it would be the staff at Barnlanda.

How does the three-way conversation work?

In this solution, it is proposed that the conversation is arranged between the social worker in the receiving municipality, the child, the on-call legal guardian. If the child requests it, the staff at Barnlanda can also be present for support. The children highlight that this conversation needs to address information they are interested in. Before moving, the children want to know certain things e.g. where he or she will live, if the room will be shared with others and the names and details

of these children, how far it is to go to school and how the child will get there, if there are after school activities, and the name of the social worker, among others.¹ In other words, **they want to obtain an understanding of their immediate future and their new environment**. The conversation also opens up for the child to ask other questions that matters to him or her that have been prepared before the conversation with the help from the staff at Barnlanda.²

Based on real experiences of this three-way conversation, it is clear that this conversation is also helpful to the social services in the new municipality. They too need information about the child's situation, wishes and opinions to make informed decisions. One example of how the conversation made a difference is that the social worker understood that the child would have difficulties travelling alone despite the age and the short train ride. To make the child feel more at ease and comfortable with the transfer, the social worker arranged personal escort of the child to the new family home.³

Empathizing with the child whilst also understanding one's own formal role in protecting the child is identified as a key to proper transfers between authorities. Not only can it make the new authority assume the responsibility, but the choices made to coordinate the transfer could be more responsive to the child's needs.⁴

Part of this solution is that the gathered information about the child is forwarded, which could be shared with other local authorities in the new municipality, e.g. the chief guardian of the municipality. This could enable the chief guardian to better match the legal guardian with the child, preventing the need for future changes.

It has been discussed whether this proposed solution can be arranged for all children who want more information

¹ These are the examples that the children themselves have asked for when they arrived. These answers were documented from workshops with unaccompanied and separated children and young adults 19 June 2018 by the municipality of Sundbyberg that tested the solution "important adult". It was also discussed at Workshop 2, 8 May 2018.

² This is the results from focus groups with unaccompanied and separated children of different ages, gender, nationalities and legal statuses. Similar results have been compiled from the testing in the municipality of Sundbyberg. See Appendix V.

³ Interview with a social worker operating in a small municipality to evaluate the use of three-way conversation, 2 October 2018.

⁴ Shared by the municipality of Stockholm that has conceptualized the solution to make transfers safe and comfortable for the child.

about the transfer and the new municipality where he or she will live. While this would be beneficial for all children, the practitioners have raised reservations about it being conducted in all cases if the number of unaccompanied and separated children arriving in Sweden again would reach the levels of 2015. Not all municipalities have the resources to conduct such conversations for all children either.

The three-way conversation would then be of more use as a working method in cases where there are risks or vulnerabilities to consider before the move. Based on the testing of the solution in the municipality of Stockholm, the **three-way conversation should especially be arranged if the child is reluctant to comply with his or her transfer.**

The experiences from the municipalities also indicate that the three-way conversations can motivate both the child and the receiving municipality to conduct as safe transfer as possible. Most importantly, **it can help the child make informed decisions** about remaining in the child protection system and not abscond.

How would the child be transferred?

The child is preferably transferred by the social worker in the new municipality in case special needs have been identified. Under such circumstance, the social worker has already established contact with the child.

A **personal transfer would also facilitate the transfer of the information about the child.** The social worker could then per formal request receive a copy of the child's journal in which all the relevant documentation about the child is compiled.

What happens if the child does not comply?

The Social Services in Stockholm that conceptualized this working method are clear that this solution is not a solution that prevents all children from leaving the child protection system. They do, however, emphasize that the conversation enables **the time to explore why the child is apprehensive and/or refuses to comply with the transfer.**

If the child refuses to transfer, new best interest assessment and best interest determination procedures shall be conducted by the social worker in the municipality of arrival in order to inform the next step and a durable solution that is in line with the best interest of the child.

What happens if the child absconds?

The stakeholders highlight that the risk of children absconding or disappearing exists throughout the initial reception. In addition to all other factors causing risks, the gap in responsibilities between the municipalities, however, pose as one of the potential causes of children absconding or disappearing. Should the child abscond or disappear, the on-call legal guardian is obligated to report it to the Police. The responsible authorities also need to be notified, e.g. the social services in the municipality of arrival as well as the new municipality, and the chief guardian in the municipality of arrival.

Related to this, practitioners from the Border Police, the social services and the on-call youth center in Stockholm have emphasized the need to work more transnationally to protect children - even when they have absconded.

THIS STAGE OF THE PROCEDURE ...

... IS REALISTIC & DOABLE

because three-way conversations are already practiced by the social services in Stockholm and other municipalities. It is just not adopted as a working method in all 290 municipalities.

Introducing three-way conversations as a working method in new municipalities is doable because the conversations between the social worker in the new municipality and the staff at the reception center (or the social worker in the municipality of arrival) often take place anyway. This solution clarifies what the children want to know, how to inform and prepare the child so as to meet his or her individual needs.

... IS RELEVANT

because the child is prepared for the transfer. The child knows what awaits in the municipality and what rights that are triggered once the transfer has been made, e.g. enrolment in school and the provision of a long-term legal guardian.¹

The working method prevents the child from going through the same confusion and disorientation as when he or she arrived in the municipality of arrival. The children are instead informed and can also make informed decisions regarding their future.

The exchange of information equips the new municipality with an understanding about the child that could inform important decisions that are in line with the best interest of the child, e.g. the choice of legal guardian that could be a better match in accordance with the child's wishes and the choice in accommodation.

... HAS AN ADDED VALUE

because the child is better prepared and feel more comfortable about and motivated to move to the new place. The receiving municipality can also become more motivated to receive the child after have been provided a personal impression and gained an understanding of the child's situation, wishes and needs.

If the child is properly informed about the rights that await in the new municipality (e.g. school and legal guardian), it is more likely that he or she complies with the transfer as the conversations with the children reveal their strong wish to go to school and to start a new beginning in Sweden.²

... BUT IT REQUIRES

that the responsible actors in the receiving municipalities and the municipalities of arrival establish contact to ensure safe transfers and dedicate the time to prepare a transfer that is responsive to the child's identified needs.

If the child absconds or disappears, it is important that the actors immediately report the missing child to the police authorities.³

The testing in the municipality indicate that no additional capacity is needed under normal circumstances. The staff at the reception centers and the family homes provide the care and inform the children in ways that they understand. It is, however, important to plan and foresee additional capacities in municipalities in case the number of newly-arrived unaccompanied and separated children suddenly increases again.

¹ Complies with Article 17 of the Convention on the Rights of the Child.

² This has been shared during all the focus groups. It also complies with the findings in the UNHCR report "This is Who We Are: a study of the profile, experiences and reasons for flight of unaccompanied and separated children from Afghanistan seeking asylum in Sweden in 2015" (2016) that presents the different reasons for why Sweden was chosen as the destination country for the Afghan unaccompanied and separated children who over the last decade has been among the majority nationality groups who come to Sweden to seek protection.

³ In cases where there are suspicions of the child being victim of trafficking in human beings, there is a manual "National Referral Mechanism: protecting and supporting victims of trafficking in human beings in Sweden" (2016) that can be consulted. It is developed by the County Administrative Board of Stockholm that is by the Government tasked to coordinate issues related to human trafficking.

CONCLUDING REMARKS

Regardless of the reasons for the migration of unaccompanied and separated children, **they are first and foremost children and should be treated as such.** They are also entitled to special protection and assistance because they are temporarily or permanently deprived of a supportive family environment. This is critical for children crossing borders who are unaccompanied or separated from their families and consequently in a situation of high vulnerability and risk.¹

Nevertheless, many States struggle to abide by their commitments to children's rights both under international and national legislative frameworks and to provide appropriate care and support for the children. UNHCR RRNE's Child Protection project - the Co-Lab 2.0 project - was launched in 2017 because Sweden, despite its many good practices, is also challenged to deliver on these expectations.

Co-Lab 2.0 focused on first identifying the needs of unaccompanied and separated children in Sweden. Its innovative approach was rather simple: to ask the children themselves to articulate what they needed. They uniformly reported that **what they want most is to feel safe** and to be protected as they find themselves in unfamiliar surroundings without the support of persons that they trust.

By taking an inclusive approach to stakeholder engagements and by involving them, including the children themselves, in the problem-solving process, we have shown that it is possible to break through institutional stovepipes and to develop concrete and practical solutions that makes the existing system more child-centered and grounded in pursuing the best interests of the children. These solutions were presented to the participating children and young adults at the end of the project.

¹ UNHCR & UNICEF (2014). "Safe & Sound - What States can do to ensure respect for the best interests of unaccompanied and separated children in Europe."

Their response has overwhelmingly been that **they wish such solutions had been in place when they first arrived in Sweden.**

The project has also clearly shown us that **what the children wished they had is already recognized to a large degree in international human rights law.** The Convention on the Rights of the Child states that children - regardless of legal status² - are entitled to protection, support and access to a safe environment.³ Furthermore, children have the right to rest and play⁴ recognizing that this can help to restore a sense of normalcy, which is important for their development and well-being. The children are also entitled to be surrounded by qualified people who respect their ethnic group, religion, culture and language.⁵ The adoption of the proposed Barnlanda solution would align with these rights.

A child's need to feel safe can be understood in different ways, but this project demonstrated that this **need for safety extends beyond physical protection** to the child's compelling demand to be well-informed of their circumstances and have a say in matters that have an impact upon them. In other words, **children have a clear need to understand their own situation**, and should be informed in a way that they understand.⁶ This equips them to voice their own opinions when consulted about decisions and procedures that regard them.⁷ The support, protection and decisions made on behalf of the child also need to take into account their best interests and their right to survive and to develop in a healthy manner.⁸ These rights can be supported through the proposed Barnahus model and the three-way conversation that is formulated to facilitate the transfer of the child from one municipality to another.

² Articles 1 and 2 of the UN CRC.

³ Articles 6, 20, 22, 24, 25, 26, 27, 34, 35, 36 and 39 of the UN CRC.

⁴ Article 31 of the UN CRC.

⁵ Article 20 of the UN CRC.

⁶ Article 17 of the UN CRC.

⁷ Article 12 of the UN CRC.

⁸ Article 3 and 6 of the UN CRC.

All in all, the proposed solutions aim to provide practical guidance on **how to operationalize children's rights in the reception process**, such as how children can be supported, protected and informed by actors and responsible authorities.

Further, by linking them together through the different stages of reception, the solutions help ensure that children at each stage of the process are prepared for what will follow. In other words, **they help provide predictability in terms of which actors that need to be involved and what will happen next**, which the children themselves have said is important to regaining some control in a situation that is uncertain.

The solutions presented in this report are based on a synthesis of the practitioners' and - most importantly - the children's views. They do therefore not necessarily reflect the official position of the respective authority or organization that the practitioners represent. However, their expertise and experience has significantly helped inform how to respond to the children's needs in a timely and coherent manner, based on established best practices. As a result, these solutions stand to support the development of a predictable, holistic and child-friendly reception system where the best interest of the child and child protection standards are mainstreamed.

KEY CONSIDERATIONS FOR STRENGTHENING CHILD PROTECTION POLICIES AND PRACTICES IN THE INITIAL RECEPTION

The stakeholders involved in this project have contributed with their expertise to formulate solutions to strengthen child protection in reception, that they - from their different points of view and experience – consider to be realistic, relevant and doable.

Their proposed solutions are key building blocks towards a holistic and child-friendly reception procedure that is child-centered and where best interest assessment and best interest determination procedures are mainstreamed to inform decisions that impact the child. This chapter will outline remaining aspects that need to be further explored in order to realize the implementation of their solutions.

How can child protection procedures be prioritized in the initial reception?

1. EXPLORE OPTIONS TO EXTEND THE LENGTH OF STAY IN THE MUNICIPALITY OF ARRIVAL

There is broad consensus that the period of time in the municipality of arrival is too short and too unpredictable. If this timeframe was to be extended, it would enable the municipality to conduct proper best interest assessment and best interest determination procedures, which would inform the subsequent actions taken on behalf of the child. This would give children a mechanism in which they can participate and voice their opinion about decisions that impact them.

2. DECOUPLE THE CHILD PROTECTION SYSTEM FROM THE ASYLUM SYSTEM

Unaccompanied and separated children on the move should be afforded the protection and rights that they are entitled to as children and not on the basis of their immigration status. It would enable local Social Services to support all children and determine the best interest of each individual child. This could result in the child applying for asylum, or allow for the exploration of other options such as return and family reunification. In the longer term this would also benefit the integrity of the asylum regime as such.¹

¹ This is in line with the views of the Migration Agency that is expressed in their comment on the

3. DEVELOP A STANDARD OPERATING PROCEDURE TO FORMALIZE THE RECEPTION PROCEDURE IN THE INTEREST OF PREDICTABILITY

There is a need for clarity in terms of which actors that are involved in the reception and protection of unaccompanied and separated children and what their respective mandate and responsibilities are.

One way of meeting this need and to mitigate delays in referrals to ensure the fulfilment of the child's rights, is to clarify the roles and responsibilities in a Standard Operating Procedure. When formalizing a reception procedure in which the responsibilities and mandates of the stakeholders are clearly outlined, it will also make it easier to identify protection gaps that need to be filled.

4. DEVELOP TRANSNATIONAL MECHANISMS FOR PROPER BIA & BID PROCEDURES

To conduct proper best interest assessment and best interest determination procedures, it is necessary to consider other options than to apply for asylum. There may be circumstances where it is better for the child to be reunited with family. However, such a decision needs to be explored fully as there may be reasons for the child leaving the family in the first place.

To this end, transnational mechanisms need to be used. In cases where there are no such mechanisms, they need to be developed to facilitate the best interest assessment and best interest determination procedures. In addition to home assessments, such mechanisms are also important when in need of tracing activities, to explore the options of return to the country of origin and to protect children who have absconded or for other reasons have disappeared.

Inquiry on the reception and housing of applicants for asylum and newly arrived immigrants (SOU 2018:22), p. 12.

How can we make the children feel safe at Barnlanda?

5. CENTRALIZE EXPERTISE AND EXPERIENCES TO A FEW SELECT MUNICIPALITIES OF ARRIVALS

The appointment of a few select municipalities with the responsibility for unaccompanied and separated children at the arrival stage would facilitate a consistent and standardized approach to reception. It would enable these municipalities to build adequate capacity and resources as well as support contingency planning.

6. ASSESS THE POSSIBILITY TO SYSTEMATICALLY APPOINT AN ON-CALL LEGAL GUARDIAN IN THE MUNICIPALITY OF ARRIVAL

To ensure that the child has someone to monitor and ensure the fulfilment of the child's rights, it is necessary to review the guardianship system and assess the possibility of appointing on-call legal guardians in the municipality of arrival within 48 hours after the registration.

7. COMPLY WITH THE REGULATIONS REGARDING COMPETENCE AND EXPERIENCE

Comply with national guidelines to ensure the suitability of the people who work the closest to the children fit the proposed profile in terms of background, knowledge and motivation for working with the children.²

² See the National Board of Health and Welfare (2016). "Gemensamma författningssamling- en avseende hälso- och sjukvård, socialtjänst, läkemedel, folkhälsa m.m." HSLF-FS 2016:55.

How can we make the children feel safe at Barnahus?

8. EXPLORE THE BARNAHUS MODEL AS A CONCEPT FOR THE RECEPTION OF UNACCOMPANIED AND SEPARATED CHILDREN

There is a need to formalize and systematize the collaboration and communication between the relevant actors, and the need to reduce the number of times the unaccompanied and separated children meet different stakeholders. The stakeholders strongly believe in a concept similar to the Barnahus model as it enables a multi-disciplinary and more holistic approach to age assessment of the child and it enables information sharing about the child which informs the best interest assessment and best interest determination procedures, respectively.

How can we make the children feel safe when being transferred to the new municipality?

9. FAMILIARIZE THE CHILD WITH THE ASSIGNED MUNICIPALITY BEFORE TRANSFER

Conduct three-way conversations to make the transfer to the new city more comfortable and mitigate the risk of children absconding. If a personal meeting is not possible to arrange, it has been suggested that these meetings take place over a video or phone conference call.

10. ESCORT THE CHILD PERSONALLY TO THE NEW MUNICIPALITY

In the actual transfer, it is proposed more clear guidance on how to transfer the child to the new municipality. The unaccompanied and separated children with most positive experiences of this transfer have been those who were prepared for a personal escort between the municipalities.

If this is not possible in all cases because of personnel or financial resources, the local Social Services should at least communicate and share the results of the best interest assessment. These could inform the decision whether the child can travel alone or needs to be escorted.

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- Act (1996:1620) on public counsels
- Act (2005:429) on legal guardian for unaccompanied children
- Alien's Act (2005:716)
- Care of young persons (special provisions) Act (1990:52)
- Local Government Act (1991:900)
- Migration Agency's Handbook on how to manage cases that concern migrants
- Regulation (2014:115) with instructions for the Foreign Representation
- Social Services Act (2001:453)
- The Constitution (2011:109)
- Act (1994:137) on the reception of asylum seekers among others
- Government Bill 2005/06:46
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UNHCR (2016). "The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe".

UNICEF (2018). "Protected on Paper? An analysis of Nordic country responses to asylum-seeking children." UNICEF Office of Research – Innocenti, Florence (2018).

APPENDIX I – UNHCR policy framework and relevant UNHCR reports

UNHCR policy framework:

- Guidelines on Refugee Children (1988)
- Policy on Refugee Children (1993)
- Refugee Children: Guidelines on Protection and Care (1994)
- UNHCR Policy on Harmful Traditional Practices (1997)
- Guidelines on Policies and Procedures in dealing with unaccompanied children seeking asylum (1997)
- UNHCR Agenda for Protection (2003)
- Summary Note UNHCR's Strategy and Activities Concerning Refugee Children (2002) (The 5 Commitments to Children)
- EXCOM Conclusion on Women and Girls at Risk No. 105 (LVII) (2006)
- EXCOM Conclusion on Children at Risk No. 107 (LVIII) (2007)
- UNHCR Accountability Framework for Age, Gender and Diversity Mainstreaming (2007)
- UNHCR Handbook for the Protection of Women and Girls (2008)
- Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees (HCR/GIP/09/08) (2009).
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- UNHCR Guidelines on Determining the Best Interests of the Child (2008) and Field Handbook (2011)
- Age, Gender and Diversity Policy: Working with People and Communities for Equality and Protection (2011)
- Action against Sexual and Gender-Based Violence: an updated Strategy (2011)
- General Comment No. 13. The right of the child to freedom from all forms of violence (CRC/C/GC/13) (2011)
- Guidelines on Assessing and Determining the Best Interest of the Child (provisional release, 2018)

Relevant UNHCR reports:

- UNHCR and UNICEF (2014). "Safe & Sound. What States can do to ensure respect for the best interests of the unaccompanied and separated children in Europe".
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- UNHCR (2017). "This is our view: the voices of unaccompanied afghan children in Norway".

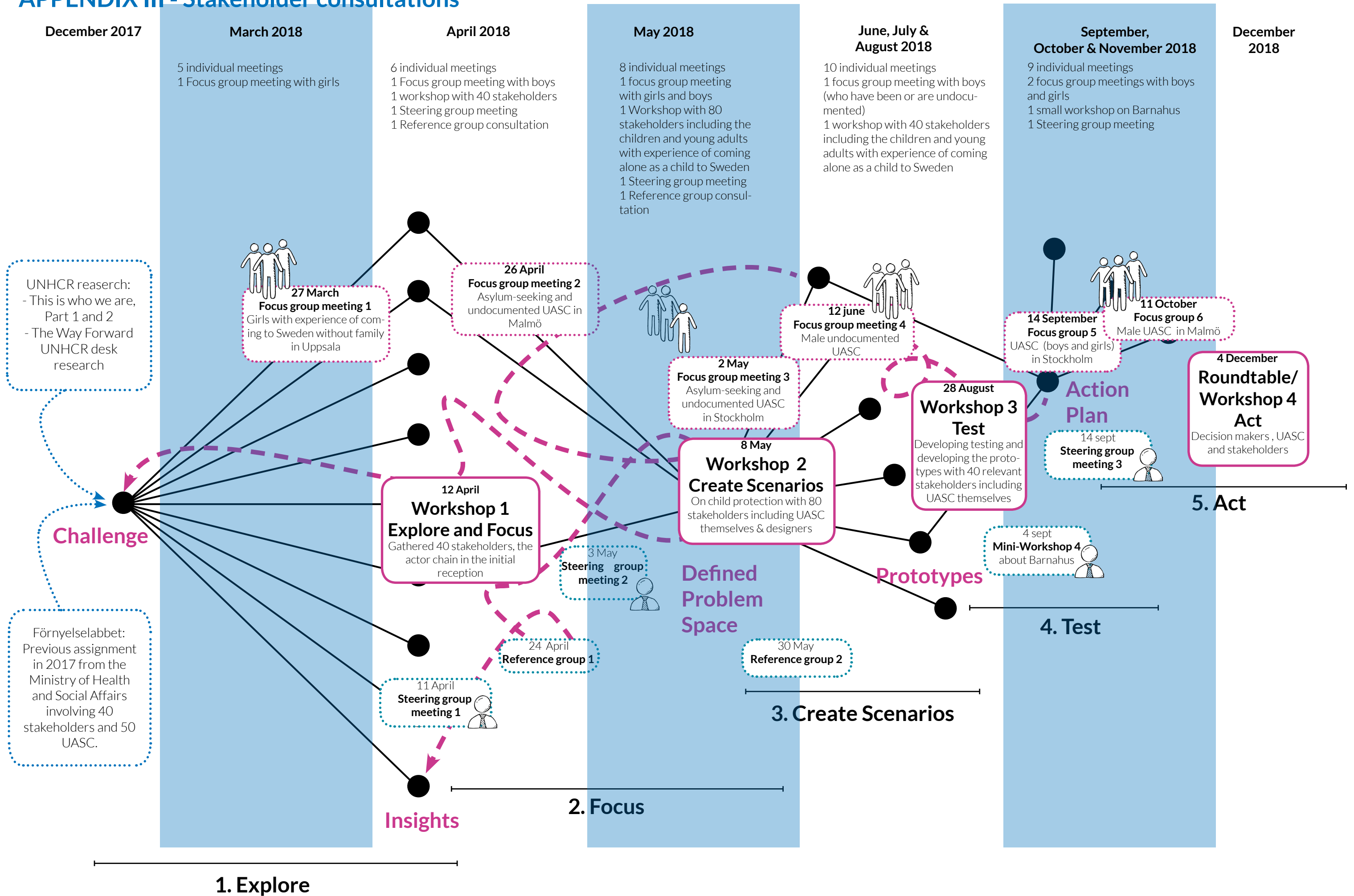
APPENDIX II - Relevant articles in the UN Convention on the Rights of the Child

In regards to the initial reception of the unaccompanied and separated children on the move, the rights set forth in the articles of the United Nations Convention on the Rights of the Child set the bar to what they are entitled to and they are also reflected in other international and regional human rights frameworks.¹ The relevant rights are:

- Every child under 18 has the **same rights** (Art. 1).
- All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis (Art. 2).
- All responsible adults should do what is best for the child. When decisions are made, they should think about how their decisions will affect children.
- The government has a responsibility to make sure child rights are **protected**. They must also create an environment where the children can grow and reach their potential (Art. 4).
- States Parties recognize that every child has the inherent right to life and shall ensure to the maximum extent possible the survival and development of the child (Art. 6).
- Children have the right to **live with their parent(s)**, unless it is bad for them (Art. 9).
- If the child lives in a different country than the parents do, the child has the right to be together in the same place (Art. 10).
- Children have the right to be **protected from kidnapping** (Art. 11).
- Children have the right to **give their opinion**, and for adults to listen and take it seriously (Art. 12).
- Children have the right to find out things and share what they think with others, by talking, drawing, writing or in any other way unless it harms or offends other people (Art. 13).
- Children have the right to be **protected from being hurt and mistreated**, in body or mind (Art. 19).
- Children who cannot be looked after by their own family have a right to **special care** and must be looked after properly, by people who respect their ethnic group, religion, culture and language (Art. 20).
- Children have the right to **special protection** and help if they are refugees and if they have been forced to leave their home and live in another country (Art. 22).
- Children who have any kind of disability have the right to **special care and support** so that they can live full and independent lives (Art. 23).
- Children have the right to **good quality health care, to safe drinking water, nutritious food, a clean and safe environment**, and information to help them stay healthy (Art. 24).
- If you live in care or in other situations away from home, you have the right to have these **living arrangements** looked at regularly to see if they are the most appropriate (Art. 25).
- Children have the right to help from the government if they are in **need** (Art. 26).
- Children have the right to **food, clothing, a safe place** to live and to have their basic needs met (Art. 27).
- Children have the right to practice their own culture, language and religion (Art. 30).
- Children have the right to **relax and play**, and to join in a wide range of cultural, artistic and other recreational activities (Art. 31).
- Governments should use all means possible to **protect children from the use of harmful drugs** and from being used in the drug trade (Art. 33)
- Governments should protect children from **all forms of sexual exploitation and abuse** (Art. 34).
- The government should take all measures possible to make sure that children are **not abducted, sold or trafficked**(Art. 35).
- Children should be protected from any activity that takes advantage of them or could harm their welfare and development (Art. 36).
- Children who have been neglected, abused or exploited should receive **special help to physically and psychologically recover and reintegrate** into society. Particular attention should be paid to restoring the health, self-respect and dignity (Art. 39)
- Children have a right to **know their rights**. Adults should know about these rights too and help the children understand them (Art. 42).

¹The rights of unaccompanied and separated children are addressed in legal frameworks such as the European Convention on Human Rights and the EU Charter of Fundamental Rights.

APPENDIX III - Stakeholder consultations



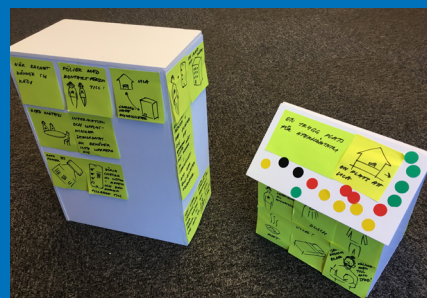
What solutions do they believe in?

Once the stakeholders had established what the children's needs are in the reception and analysed the protection gaps that exist within the system today, they proceeded to formulate solutions that would foster a child's feeling of safety upon their arrival in Sweden. This problem-solving process was facilitated by designers from Förnyelselabbet at SVID and PwC Experience Center who supported the stakeholders to constantly review their ideas with focus on **how** to implement the solutions they believe in. Feedback was also given by children and young adults to review whether the solutions were as relevant as first assumed.

When the stakeholders focused on how to meet the children's need with this practical approach and together with the children themselves, they in fact **formulated solutions that inform how to operationalize the children's rights and that build on the current reception system.**

As presented with quotes from the presentations of the solutions, they address how to inform the children in a way that they understand. When they understand their own situation, the rules and systems that apply, they are better equipped to make informed decisions and exert influence on decisions and procedures that concern them.

The solutions also address the children's specific need to rest before making any life-changing decisions. This is also closely linked to the decision-making procedures in which the actors need to consider the best interest of the child. One of their solutions therefore address how to coordinate a multi-disciplinary approach to best interest assessment and best interest determination procedures to meet the children's multi-dimensional needs.



Picture: Prototype of the solution called "Barnlanda" (see description of the concept to the right). By a cast of votes, the children and the actors involved in the reception believed that this was the most realistic, relevant and doable solution. The solution builds on the existing reception centres. Photo credit: Connie Tran Hedberg

TOP EIGHT IDEAS:

Problem statement: How can we inform the children so that they understand the initial reception?

1. SAFE ZONE

"We want to provide information on the child's terms by creating the conditions to feel safe. The Safe Zone consists of a group of competent, knowledgeable adult people but also young adults who can serve as role models for these young people. We believe that it requires someone who explains the information. The Safe Zone can sure that the first time in Sweden is safe and relaxed."

2. GOOD COUNTRYMEN

"We've looked at an app that can help make it a little easier to close the gap but also to guide the process. The whole basic idea is to find and match those who want to be good countrymen, that is, those who have been here for a long period of time, who have experience of how the system works and who knows how to come here as a newly arrived person and what I need to do to get help. This is nothing that will replace the legal guardian but there is a link in between these two people."

Problem statement: How can we ensure that the children are supported in the initial reception?

3. REFUGEE BUDDY

"When you come to Sweden, you know nothing. You do not have so much information. So, we thought of an app. The first thing that comes up is choosing languages. For those who can't read, one choose a language by pressing on a flag. Then you can talk or write. And for those who cannot read, it can also be possible to press on "ears" to hear what the app says. Once you have made your choice on how to communicate, you can start asking questions. Then you can either chat, see the person via video or write. That is up to you."

4. THE GOOD PERSON

"We think that there should be a person with knowledge of what you have been through, but who have been in Sweden for a long time to be a mentor for you. And we call this the good person. The mentor will go through an education and we have also talked about an app where you can match. We also think that all this should happen before moving to the receiving municipalities."

Problem statement: How can we make sure the children feel safe and recuperate in the initial reception?

5. BARNLANDA

"Barnlanda consists of three parts: a safe place for rest, a place for great conversations and a place for all the information contained in an app. This is the first thing you will come to. There you meet an on-call legal guardian; a contact person who takes care of you and becomes your primary contact person. This person is experienced and knows what will happen and also makes sure you rest, shower, get clean clothes, food and sleep. In this amazing house there is also a map where you see: "This is where you are; you are in a country called Sweden and here you are in Sweden. Here you are also introduced to the amazing app. It is obviously also in your language. You can also get information via video and graphics. There are FAQs. The app has a sort of checklist of the on-going process. A checklist of what will happen, who you will meet and what you will talk about. When you feel rested, you come to the next house where authorities are gathered in one place. You come there with your contact person and you have good conversations. Supported by the app, the information is gathered from these meetings and stored in the app."

6. CHILD CENTER

"First you go to a place where you can rest, sleep a bit, eat and have access to Wifi and TV and relax. After that, you meet a person who can attend meetings with you and who can be like a contact person who can tell you about your rights in the asylum process, your rights as a child and tell a little about Sweden. It is important that it is the same person. To get information from different people and to meet five adults in a room was not appreciated [by the children]. You should be able to get information orally and in writing so that you can go back and check what was said. It is good with several different ways and yet enable access to information"

Problem statement: How can we in the initial reception prevent children from becoming part of the shadow community?

7. ONE WEEK

"They come to house where they get rest (that's the most important thing) . When ready, you can get information about what's happening now, this happens in Sweden, these are your options and you can get that information on an app. You share this information with one adult. The feedback we got was that it's important to have something to do. In this house there will also be medical staff and the risk of human trafficking and honorary issues, etc will be screened. No decision on which municipality that will assume the long-term responsibility comes straight away, you need to know more about the child before you transfer the child."

8. ARRIVAL CENTER

"When you come, you do not need to seek asylum immediately. Instead, you go to a place where you rest, calm down and there should be health care staff. And there is an expert who explains the asylum process and the rules. Then the child can decide if he or she wants to stay or not. It's really like it is today. The difference is that you stay here and decide with the right information. Authorities investigate what the individual wants - if the individual even wants to seek asylum or not. To avoid children absconding and go missing."

3 solutions adopted in the procedure

There are three solutions - or mechanisms - that both the children and the involved actors believe can strengthen child protection. In their view, policies and practices to protect children can be strengthened by the child being consulted and supported. It is also strengthened when the child is involved in his or her own procedures.

IMPORTANT ADULT

The first four solutions address how to make children feel safe by providing support from an adult. This important adult can help the child understand his or her own situation by navigating the child through complex procedures and explain complicated rules. Key is to inform in a way that the child understands. The groups believed it should be a person with own migration experience and who has the same cultural and linguistic background, but the ways to communicate can differ. The most important criterion was that this person is knowledgeable about the rules and systems.

BARNLANDA & BARNAHUS

Group 5-8 believed in coordinated responses to meet children's needs. They visualized a nurturing place where children can be safe, supported, protected (Barnlanda). At this arrival center, they are also informed about the rules and systems that apply. These groups also proposed that this arrival center be accessible to all unaccompanied and separated children regardless of their situation and legal status. It is a way to decouple the child protection from the asylum system. This also facilitates for the actors to protect them properly. A concept connected to this is a place where responsible actors cooperate and communicate to make decisions that are in line with the best interest of the child (Barnahus).

SUMMARY

These solutions - or mechanisms - are integral parts of the stakeholders' view of a holistic and child-friendly reception procedure.

APPENDIX V: SUNDBYBERG TESTED IMPORTANT ADULT!

The concept of an important adult has been raised by the stakeholders throughout the project, not least by the children and young adults themselves. All stakeholders agree that access to information that is both correct and relevant is fundamentally important as well as a basic right, but **what do we know about this "important adult"?** **Who is this person?**

It is often said that the person should be knowledgeable and qualified to support unaccompanied and separated children, but what knowledge and qualifications are relevant? What does this person need to know to best support the children? Are we even right in assuming that the children need support from an important adult while they are in the initial reception (i.e. in the municipality of arrival)?

The municipality of Sundbyberg explored the solution "Safe Zone" which includes the concept "important adult" in partnership with the NGOs **Association for Unaccompanied Children in Stockholm** and **Good Neighbours**. Through the discussions with these organizations and their volunteers, Sundbyberg was able to iron out the details of how the screening and training of important adults should be conducted and what the training should entail (see the process on p. 32-33). The test results of "important adult" showed that the children's needs are heterogenous and the answered therefore varied. What Sundbyberg nonetheless learned is as follows:

WHAT IS THE SAFE ZONE?

- A safe context in which the child is provided a trusted adult to turn to if needed
- Group activities with someone in close age
- Safety is promoted by a sense of shared experiences and mutual interests

WHAT PROMOTES SAFETY?

- Right to rest
- Activities
- Balanced information
- To know what happens in the immediate future

WHO IS A TRUSTED ADULT?

- Someone close in age to the child
- Has own experience of being a newly arrived child
- Has mutual interests
- Speaks a language that the child understands well

EXAMPLE OF IMPORTANT INFO

- What do I need to know during the first weeks?
- What is there to know about Sweden?
- Am I allowed to go to school?
- Where can I live?

PERCEPTIONS BEFORE TESTING

- A trusted/safe adult (Swedish. trygg person)
- A person originating from the same country as the child
- A trusted adult of the same gender as the child
- A person who has also come as a newly arrived
- Volunteer assignment

UNDERSTANDINGS AFTER TESTING

- A trusted/safe adult, preferably a person who is close to age to the child
- A person who speaks a language that the child understands well
- A trusted adult of the same gender as the child
- A person who has similar experiences of migration
- Volunteer assignment with reimbursement

"We do not want an adult. We want a role model." This feedback summarizes this testing environment and addresses what the children have said all along: they want to have someone who is on their side of the ball court. They want someone who supports them. **"They do not just want to know what all actors do. They want to see faces. This also gives us an understanding of how to give the support"**, says Josefina Streling who coordinated the testing environment for the municipality of Sundbyberg.

The test reinforced the idea of newly arrived unaccompanied and separated children needing the support of an important adult. However, when there are few children arriving, **this important person can be the staff at the reception center or the family home.** There is no need to add another adult to the child's life. **When there are many children arriving at the same time,** however, the actors and the children see the value of receiving support from **volunteers who serve a cultural mediating role.** vill inte ha en formell person

WORKING PROCESS IN PICTURES



Picture: At workshop 2 (8 May 2018), the municipality of Sundbyberg formulated the idea "Safe Zone" together with a designer from PwC Experience Center and relevant stakeholders and a young girl with experience of coming to Sweden alone as a child. Photo credit: Fredrik Olausson.



Picture: Sundbyberg arranged a workshop with unaccompanied and separated children (19 July 2018). Based on their needs, it was changed to "Safe person". Photo credit: Josefina Streling.

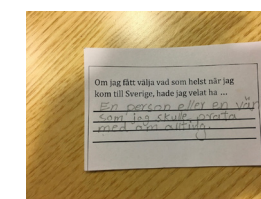


Picture: At workshop 3 (28 August 2018), the municipality of Sundbyberg worked out more details of the "Safe Person". Together with partners and children and young adults with experience of coming alone as a child. In the picture is Josefina Streling who is the coordinator of this testing environment and designer from Förnyelselabbet, Hanna Andersson. Photo credit: Fredrik Olausson.

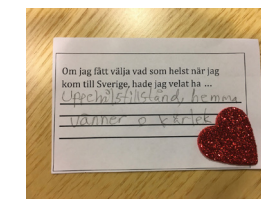


Picture: At workshop 3 (28 August 2018), the municipality of Sundbyberg received feedback on their presentation of results on "Safe Person". In the picture is Josefina Streling who is the coordinator of this testing environment. Photo credit: Fredrik Olausson.

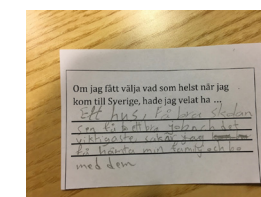
MESSAGES FOR THE CHILDREN'S DREAM BOX: "IF I GOT TO CHOOSE ANYTHING WHEN I ARRIVED IN SWEDEN, I WOULD HAVE WANTED...."



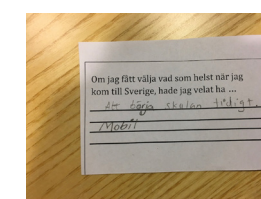
... a person or a friend who I could talk to about everything.



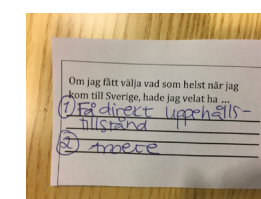
... residence permit, home, friends and love.



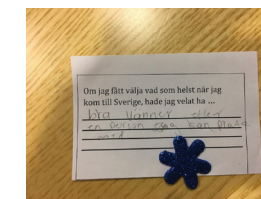
... a house, go to a good school and then get a good job and the most important thing is that I get to bring my family here and live with them



... to start school early. Cell phone.



... get residence permit immediately. Work.



... good friends or a person I can talk to.

This was one of the exercises conducted at a workshop (19 July 2018) arranged by Sundbyberg where the children and young adults with experience of coming to Sweden discussed what support they needed and wanted when they arrived. The dream box was an exercise to allow the children to dream and hope.

WORKING PROCESS IN PICTURES



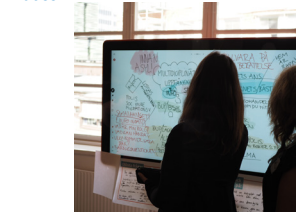
Picture: After Workshop 1&2 when Barnahus was mentioned as good practice, a visit to Barnahus Stockholm was made to learn more about the concept. Photo credit: Hanna Andersson.



Picture: Making sense of all input about Barnahus. Designer Matilda Legeby and Connie Tran Hedberg outline the process. Photo credit: Connie Tran Hedberg.



Picture: Details about Barnahus were discussed Workshop 3 with the Border Police, the Migration Agency, the Association for Unaccompanied Children, the Social Services in Stockholm, Barnahus Stockholm, the municipality of Håsselby-Vällingby, Förnyelselabbet and UNHCR. The stakeholders received support from designer Karin Bodin at PwC Experience Center and designer Matilda Legeby at Förnyelselabbet (28 August 2018). Photo credit: Fredrik Olausson.



Picture: Feedback from other stakeholders at Workshop 3, 28 August 2018. Photo credit: Fredrik Olausson.



Picture: Workshop 3 results were discussed again at a small workshop with the Migration Agency, UNHCR and Förnyelselabbet (4 September 2018). Photo credit: Connie Tran Hedberg.

APPENDIX VI: BARNAHUS HAS BEEN EXPLORED

One concept that the stakeholders are inspired by is the **Barnahus**, which is an existing model that meets the needs of children who have been subject or witness to sexual abuse and violence. Among these children are also unaccompanied and separated children.

Barnahus for unaccompanied and separated children is believed to reach its fullest potential if the on-call legal guardian is appointed and available for the child and the actors involved in the Barnahus.

The appealing feature with this concept is that **convening the responsible and relevant stakeholders at Barnahus bridges the confidentiality rules** that today hinder the actors to communicate and cooperate for the best interest of the child. The on-call legal guardian in this proposed solution can give consent to information-sharing.

Moreover, the concept meets the needs of the children. The children have been specific about **down-sizing the number of interviews** as they as newly-arrivals did not understand why they all asked similar questions. This made them uneasy and insecure.

Lastly, the concept **enables the conduct of proper best interest assessment and best interest determination procedures** and that other durable solutions can be considered than having the asylum procedure as default (as it is today).

This solution could not be tested in a real context. A field visit to Barnahus Stockholm was therefore conducted to learn more about the concept. Barnahus Stockholm also participated in Workshop 3 to contribute with their expertise and experiences. Barnahus Stockholm sat together with other relevant stakeholders, which included a representative from the Association for unaccompanied children in Stockholm. Many details were ironed out and the results were presented and discussed with children and young adults at Workshop 3 and in focus group meetings.

Worth noting is that there have been many ideas of which actors that the child should meet at Barnahus. However, when focusing on the child's needs, it was in the end proposed that the social worker should hold the interviews with the child.

It is also relevant to mention that the combination of Barnlanda (see Phase I for more details) and Barnahus concepts broadly correspond with the Government's proposal on how to improve the reception for newly-arrived adults and families. Unaccompanied and separated children are not included in the Government's proposal because they, as a rule, are without legal guardians while they stay in the municipality of arrival.¹ The stakeholders' proposal about the on-call legal guardian can thus be regarded as the missing piece in the Government's proposal which could enable the inclusion of the unaccompanied and separated children.

¹ See inquiry on the reception and housing of applicants for asylum and newly arrived immigrants (SOU 2018:22).

APPENDIX VII: STOCKHOLM EXPLORED THREE-WAY CONVERSATIONS

Throughout the project, the formal stakeholders have raised concern with issues that arise during the transfer of the child from the municipality of arrival to the new municipality. No formal guidelines currently exist that dictate how unaccompanied and separated children or information about them should be transferred between authorities.

Many of the consulted stakeholders have highlighted a good practice developed by the Stockholm municipality social services' arrival team. If there are indications that the child is reluctant to transfer to the new municipality, this team offers a three-way conversation between the child, the new municipality and either the social worker or the staff at the reception center in the municipality of arrival.

This practice has been developed to minimize the risk that reluctant children abscond while they are either still in the municipality of Stockholm (the arrival) or when they have arrived in the new municipality. If children return to Stockholm following a transfer, they are not entitled to the same level of support and protection as before since the responsibility has transferred to the new municipality (and the state reimburses this municipality only).

The arrival team wanted to conceptualize their informal working method and spread the practice as it can help unaccompanied and separated children feel more comfortable with the transfer and - in extension - to ensure that the children continue to have access to support and protection.

The municipalities which have collaborated with Stockholm have observed children to be noticeably calmer and more comfortable with their transfer. Those children and young adults who have taken part in such three-way conversations were the ones with positive experiences of the transfer, and also felt safe when they arrived in their new municipalities. As an illustration, one child that had expressed reluctance to move complied with the transfer after establishing contact with a social worker in the new municipality. This child was better informed about how he would live, which school he would attend and how things worked in this small town. He left Stockholm the day after the conversation and is still in this smaller city.

Sundyberg municipality reported similar observations. When giving children a better personal impression of their new surroundings, it promotes a feeling of safety and trust in the system. When children are informed and understand what their immediate future holds, they feel more comfortable in complying with change.

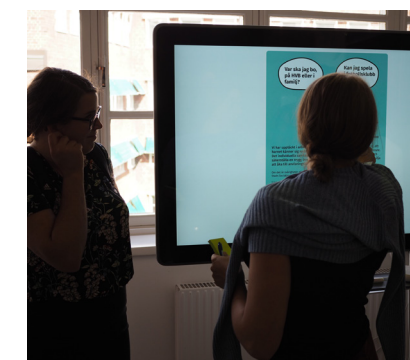
WORKING PROCESS IN PICTURES



Picture: Making sense how the good practice is applied today and how it can be improved. Workshop 17 May 2018. Photo credit: Matilda Legeby.



Picture: Discussing how to conceptualize the work to facilitate the communication between authorities in different municipalities. Stockholm receives brain-storming support from the social services in municipality of Malmö. Workshop 3, 28 August 2018. Photo credit: Fredrik Olausson.



Picture: Stockholm receives feedback on their prototype which is a document stating their offer on support to the receiving municipality in case the child refuses to transfer or if the child absconds. Photo credit: Fredrik Olausson.



Picture: At the last focus group, there were stories shared of how good or bad they were prepared for the transfer to the new municipality. Understanding what was going to happen made it easier to comply with the transfer. They also commented on the project results and were positive. Photo credit: Hanna Scotte.



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