

# Where do we belong? Child Welfare Rights of unaccompanied refugee minors in Norway

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## Summary

The Norwegian government faces challenges in providing adequate care and protection for unaccompanied minor asylum seekers (URMs) between the ages of 15 and 18. The policy brief recommends Norway to expand the role and responsibility of Child Welfare Services to cover URMs aged 15-17 and providing specialized mental health care for all URMs.

### Key points

- All actions and decisions will be in the child's best interest: Article 104 of the Norwegian Constitution.
- The Child Welfare Act applies to all children in Norway, including asylum seekers.
- URMs in reception centres live cramped and lack privacy.
- URMs are at increased risk of mental health issues.
- URMs (i.e. 16-18-year-olds) in reception centres have a high risk of disappearing or becoming victims of human trafficking.

## Introduction

Individuals under the age of 18 years become unaccompanied minor asylum seekers if they travel to Norway without their parents or any parental responsibility and apply for protection (asylum) (Brook & Ottemöller, 2020). Those who are granted asylum are considered unaccompanied refugee minors (URMs). URMs are a diverse group of children and young people from various backgrounds with different experiences and needs. Once URMs obtain permission to remain, settlement pathways are altered according to age, illustrated in figure 1 (Brook & Ottemöller, 2020, p. 2).

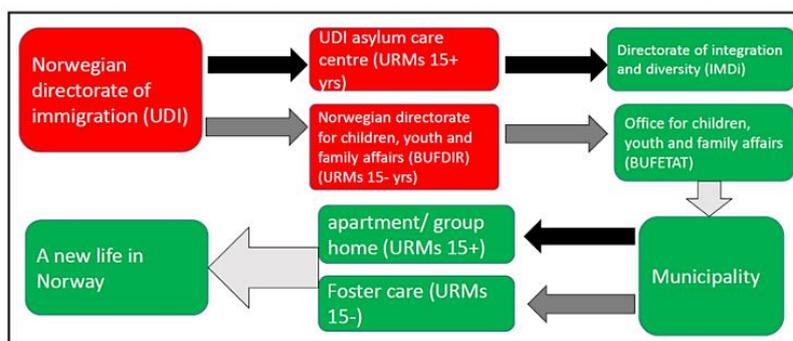


Figure 1: Settlement pathways for URMs based on their age group

## Discussion

In 2009, Norway received Europe's second-highest number of unaccompanied minor asylum seekers, firmly placing URMs on Norway's immigration political agenda (Staver & Lidén, 2014). Most URMs under the age of 15 get their asylum applications approved. However, due to the EU agreement with Turkey, stricter border controls

“ In Norwegian legal terms 'child' means every person under 18 years old. ”

[Norwegian Ministry of Children and Equality, 2016]

in European countries, and the current government's increasingly restrictive asylum policy, the number of approved applications for URM over 15 years of age in Norway has declined (Brook & Ottemöller, 2020).

The care of URM younger than 15 years is placed with the Child Welfare System and special care centres are managed by BUFDIR (Lidén et al., 2017). However, minors aged 15–18 years are considered adults and placed under the care of Norwegian Directorate of Immigration (UDI) but housed in specialized URM reception centres or ordinary reception centres for adults and families. Lidén and colleagues argue that the quality of care and living conditions in these centres has been found inadequate in comparison to that provided by the Child Welfare System (Lidén et al., 2017). Additionally, Sønsterudbråten and colleagues contend that there is a poor standard of accommodation in the reception centres, they live cramped, and the children experience a lack of privacy. It is further argued that Norway's strategy to shift responsibility for the care of children 15-18 from child welfare services to immigration authorities can be viewed as discrimination. Thus, several UN committees have advised that Norway strengthen services for unaccompanied minors between the ages of 15 and 18, including the UN Committee on the Rights of the Child, the Human Rights Committee, the Committee against Torture and the Committee on Civil and Political Rights.

The Norwegian government implemented different strategies to

advocate for the rights of URM, as indicated in figure 2 (Norwegian Ministry of Children and Equality, 2016; Staver & Lidén, 2014). The Norwegian welfare system is based on universal

provision where URM staying in a care/reception centre get

economic support, access to education and are entitled to regular benefits of the local health care system and child welfare services if needed (Lidén et al., 2017). In contrast, Kauhanen and Kaukko (2020) contend that it is not enough only to meet the practical basic needs of URM, but other essential needs, such as the need for caring and family-like relationships, are also important. The statistics show that the average time in reception centres is 30 months, and in 2015, 35% of children under 18 years old had stayed more than 3 years in reception centres (Søholt & Valenta, 2015, p. 49). The intention is that URM will stay in reception centres for a short period while waiting for their application to be processed. However, their stay often lasts longer than intended (Sønsterudbråten et al., 2018, p.16). Unaccompanied minors between 16 and 18 experience non-renewable residence permit, which expires once they reach majority (Lidén et al., 2017). Their mental health problems often increase as they live uncertain about their future (Lidén et al., 2017). Although this is applicable to all URM, it has been demonstrated that URM out of foster care are more likely to experience severe mental health problems (such as PTSD), thus suggesting that all URM, regardless of age, should be entitled to protection from Child Welfare Services (Jensen et al, 2014). The Child Welfare Act in Norway applies to all children, including asylum seekers (Norwegian Ministry of Children and Equality, 2016). The asylum policy recommends that URM be cared for, but there are concerns about URM from both groups who go missing. Therefore, in 2014, a fast-track registration procedure was introduced to ensure adequate information is gathered about those URM who fit the profile of URM likely to disappear (Staver & Lidén, 2014). Efforts have been made in recent years to improve coordination among different actors in handling disappearances (Staver & Lidén, 2014).



Figure 2: Timeline of Norwegian government strategies

## Conclusion

The Norwegian government has moved in the right direction of implementing children's rights in immigration legislation and other relevant measures (i.e., health, education, child welfare services). However, much remains to be done to apply these rights in practice. For instance, the living conditions of URM in a care/reception center, human trafficking of URM, and being granted a limited stay in Norway until the URM turns 18. This increases the uncertainty of the future and exacerbates the mental health problems of these minors. This practice is inconsistent with measures in the Immigration Act to ensure the best interest is considered for URM.

## Recommendations

We recommend the government of Norway:

- To expand the responsibility of Child Welfare Services to URM aged 15, 16 and 17 years olds.
- To award special care to all URM with respect to their specific mental health needs.

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