1. **Please provide information on any legislation or policy that prohibits or restricts the use of immigration detention of children and their families in your country. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish.**

# The applicable regulations within this context are to be found in the Aliens Act (2005:716), Chapter 10. To consider the best interests of the child in cases concerning children is an overarching principle that governs the application of the Aliens Act.

**Sector 2:**

**A child may be detained if**

1. it is probable that the child will be refused entry with immediate enforcement under Chapter 8, Section 6, or the purpose is to enforce a refusal-of-entry order with immediate enforcement,

2. there is an obvious risk that the child will otherwise go into hiding and thereby jeopardize an enforcement that should not be delayed and

3. it is not sufficient for the child to be placed under supervision under the provisions of Section 7.

**A child may also be detained if**

1. the purpose is to enforce a refusal-of-entry order in other cases than those in the first paragraph or an expulsion order under Chapter 8, Section 7 or 8 and

2. on a previous attempt to enforce the order it has not proved sufficient to place the child under supervision under the provisions of Section 7, second paragraph.

## Section 3

A child may not be separated from both its custodians by detaining the child or its custodian. A child that does not have a custodian in Sweden may only be detained if there are exceptional grounds.

## Section 5

A child may not be detained for more than 72 hours or, if there are exceptional grounds, for a further 72 hours.

1. **Please provide information on existing non-custodial alternatives to immigration detention of children in your country (e.g. community-based reception solutions) and elaborate how these alternatives effectively enhance the protection of the rights of migrant children and their families.**

Migrant children are in a particularly vulnerable situation. Special attention must therefore be given to what is required with regard to the child´s health and development and the best interest of the child in general. As noted above, this is explicitly stated in the Swedish Alien’s Act. An examination of the best interest of the child is to be carried out prior to decisions and measures that affect children.

Subject to the conditions set out in Section 2 (see answer question 1), a child may be placed under supervision.

A child may also be placed under supervision when a refusal-of-entry order has been issued in cases other than those referred to in Section 2, first paragraph or when an expulsion order has been issued.

There is also the possibility, if the detention center is located together with an open accommodation center, to accommodate one of the parents together with the minor in the open accommodation center, while the other parent is being detained. As far as possible we try to keep the family together.

See more about accommodation below.

1. **Please provide information on any existing good practices or measures taken in your country to protect the human rights of migrant children and their families while their migration status is being resolved, including inter alia their rights to liberty, family life, health and education(e.g. by ensuring effective access to *inter alia* adequate reception, healthcare, education, legal advice, family reunion).**

Applicants for asylum have the right to accommodation in accommodation centres, daily allowance and special allowance. The Swedish Migration Agency is responsible for providing accommodation and decides on and pays daily allowance and special allowance. The size of the daily allowance varies depending on family composition, children's age and whether alimentation is provided for at their accommodation. Adult asylum seekers have the opportunity to live in their own accommodation and then receive daily allowance at the same level as accommodation at a place where food is not included. Special grant is a need-tested grant left for, inter alia, the purchase of winter clothing and infant equipment. Asylum seekers are also entitled to certain measures that municipalities and regions are obliged to provide. The areas where asylum seekers are entitled to certain measures are school, social services and health care.

All children in Sweden, including those present in Sweden without the necessary permits, have the right education. Sweden´s regions and municipalities have a far-reaching responsibility to ensure this right. This includes access to preschool, compulsory school, school childcare and upper secondary school. Education for asylum-seeking children is, however, not compulsory. Asylum-seeking students over the age of 18 have the right to continue upper secondary education that started before the age of 18. However, anyone who seeks asylum in Sweden after the age of 18 is not entitled to schooling before a possible residence permit has been granted.

Unaccompanied children are not offered accommodation in accommodation centres but are instead assigned to a municipality that will arrange the accommodation and provide the support the child needs within the framework of the social services activities.

All children in Sweden, irrespective of their permits, also have equal right to health care. . Asylum seekers who have reached the age of 18 are entitled to health care that cannot wait, maternal health care, abortion care and contraceptive counselling. Asylum seekers are also entitled to a health examination, free prescription drugs and reduced patient fees.

1. **Please indicate any challenges and/or obstacles in the development and/or implementation of non-custodial alternatives to immigration detention of children and their families.**

It is important to know that the vast majority of the asylum-seeking children are not in detention, the law permits the detention of minors only in very restrictive circumstances. Minors shall, as a rule, not be detained, except as a measure of last resort and for the shortest possible time, and we always take in to account the best interest of the child. One of the challenges the last years, especially during 2015 and 2016 has been that the reception system has been under enormous pressure due to the rising numbers of asylum-seekers and underage minors, but one again the vast majority of the asylum seeking children are not placed in detention or under supervision, the challenge has rather been for the municipality to find a suitable accommodation for the children.

1. **What support could other stakeholders (other than your Government) provide to strengthen the development and/or implementation of non-custodial alternatives to immigration detention of children and their families that enhance the protection of their rights?**

The Swedish Migration Agency is responsible for, among other things investigating and deciding about the right to asylum, accommodation provided by the Migration Agency, and appointing a public counsel. The municipality is responsible for preschool and school. In the social services, the staff work according to a law called socialtjänstlagen, the Social Services Act. This law is about the right to care and treatment. It contains rules for how society should help everyone who needs help and can’t get it from anyone else. The medical services are responsible for providing dental care and health care.

Red Cross can advise in individual refugee cases, inquiries, family reunion, as well as the local UNHCR office.