

## EMN Finland national conference and webinar

### *Children in migration –*

### *Assessing the best interests of the child in migration processes*

#### Context

International migration affects also children. Last year about one quarter of all persons applying for a residence permit in Finland were children. The proportion of children is significant particularly regarding those who had to flee their country of origin, most recently those fleeing Ukraine.

Migration processes can also have an indirect effect on children. The family is the natural environment for a child's well-being and growth. With the increase in international migration, situations where children and parents are separated from each other have also become more common.

The UN Convention on the Rights of the Child is the most widely ratified human rights treaty in history with 196 countries party to it. The Convention gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere. It is easy to agree on the principle of the primacy of the best interests of the child. However, in practice it is not always so simple to adhere to this principle. Sometimes it is difficult to define what is in the best interests of the child. In addition, weighing needs to be done between the best interests of the child and other factors pertaining to the matter.

The best interests of the child must be considered and justified in all decision-making concerning the child, including migration processes. The best interests of the child must be evaluated as a whole, taking into account the child's individual needs, wishes and opinions. According to established practice of the European Court of Human Rights, the best interests of the child must be given priority and considerable weight, but cannot alone be decisive in the outcome of a case.

Assessing the best interests of the child in migration processes is not straightforward. The assessment must take into account international norms that are binding to Finland as well as national legislation.

Article 6 of the Aliens Act concerns applying the law to minors. It states that in decision-making concerning a child, special attention shall be paid to the best interest of the child and to circumstances related to the child's development and health. There is however a lot of room for interpretation when applying this to practice. The Finnish Immigration Service's guidelines on taking the best interests of the child into account are currently being revised. The aim of the guidelines is to increase consistency in decision-making and to ensure sufficient expertise in assessing the best interests of the child.



Funded by the  
European Union

## Objective

The aim of the event is to promote dialogue between different actors and to find new perspectives on how to develop the assessment of the best interests of the child in immigration processes. Both public authorities and NGOs have been invited to speak in the event. In addition, Finnish and international researchers will contribute their views on the topic. The EMN Finland conference also aims to raise awareness on how the best interests of the child are assessed and how the best interests of the child are currently being implemented in Finland.

The event will present expert views and research-based information objectively and within a legal context. The topic will also be explored in depth through interesting panel discussions. In addition, the EMN Children in Migration report, due out in autumn 2023, will be presented at the event.

## About EMN

The European Migration Network (EMN) was established by a Council of the European Union decision on 14 May 2008. EMN is funded by the European Union. The purpose of EMN is to provide up-to-date, objective, reliable and comparable information on migration and asylum issues in its member countries to support policy-making in the European Union. The EMN disseminates the comparative data it collects and analyses not only to policy makers and public authorities, but also to the general public.

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## EMN Finland national conference and webinar

### *Children in migration – Assessing the best interests of the child in migration processes*

10 November 2023

Clarion Hotel, Helsinki

#### Programme

Conference languages: Finnish and English (interpretation Finnish-English and English-Finnish)

9.15 - 10.00 Registration and morning coffee

10.00 - 10.20 Welcome remarks, **Mr. Rafael Bärlund**, Coordinator, EMN Finland

Opening of the conference, **Ms. Kirsi Pimiä**, Permanent Secretary of the Ministry of the Interior and **Mr. Ilkka Hahtela**, Director General of the Finnish Immigration Service

10.20 - 11.20 Keynote by an international researcher on the concept of the best interests of the child in migration processes, **Professor Helen Stalford**, Head of Department, Liverpool Law School, University of Liverpool

Keynote comment by **Dr. Sanna Mustasaari**, Senior Researcher, Center of Law and Welfare, University of Eastern Finland Law School

Q&A

11.20 - 12.00 Presentation of EMN Children in Migration report, **Ms. Claire Rimmer**, EMN Service Provider ICF

Comment: European Commission (tbc)

**12.00 - 13.00 Lunch**

13.00 - 14.00 Joint presentation by Finnish Immigration Service and Ministry of Interior, legislator's and practitioner's perspective, dialogue

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Moderator: **Sini Lahdenperä**, Development Manager, Finnish Immigration Service

**Jasmin Dost**, Senior Adviser, Permit and Nationality Unit, Finnish Immigration Service

**Lydia Laine**, Senior Specialist, Legal Service and Country Information Unit, Finnish Immigration Service

**Miira Mikonsaari**, Senior Adviser, Asylum Unit, Finnish Immigration Service

**Tuuli Tuunanen**, Chief Specialist, Migration Department, Ministry of the Interior

**Tiina Järvinen**, Senior Specialist, Migration Department, Ministry of the Interior (tbc)

**14.00 – 14.30** Coffee break

14.45 – 16.00 Panel discussion: *Children in migration processes: Assessing the best interests of the child*

Moderator: **Professor Mirjam Kalland**, University of Helsinki

Panelists:

**Dr. Sanna Mustasaari**, Senior Researcher, University of Eastern Finland

**Ms. Minna Hulkkonen/ Ms. Sanna Sutter**, Ministry of the Interior (tbc)

**Ms. Suvi Mäntymäki**, Public legal aid attorney, Helsinki Legal Aid Office

**Ms. Taina Martiskainen**, Senior Specialist, Central Union for Child Welfare

Q&A

16:00 - 16.15 Closing remarks **Mr. Rafael Bärlund**, Coordinator, EMN Finland