

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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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**, Head of 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 *Bettering Best Interests in Migration Decision-Making Affecting Children*, **Professor Helen Stalford**, Head of Department, School of Law and Social Justice, University of Liverpool

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

Q&A

11.20 - 12.00 Preliminary findings of the EMN report *Children in Migration 2021-2022*, **Ms. Claire Rimmer**, Senior Analyst, EMN Service Provider ICF

Comment: **Dr. Anna Schmidt**, Policy Officer, European Commission, Directorate General for Migration and Home Affairs

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: **Ms. Sini Lahdenperä**, Head of Legal Development, Finnish Immigration Service

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

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

Ms. Miira Mikonsaari, Senior Adviser, Asylum Unit, Finnish Immigration Service

Ms. Tuuli Tuunanen, Chief Specialist, Migration Department, Ministry of the Interior

Ms. Sanna Montin, Chief Specialist, Migration Department, Ministry of the Interior

14.00 – 14.30 Coffee break

14.30 – 14.45 ***New Start in the Unknown – Young People’s Experiences of Moving to Finland***

Mr. Kadhum Al-Ghaithawi, Expert by Experience

Mr. Joonatan Nsukami, Community Instructor, Deaconess Foundation

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, LL.D., Senior Researcher, Center of Law and Welfare, Law School, University of Eastern Finland

Ms. Riitta Koponen, Director of Legislative Affairs, Ministry of the Interior

Ms. Taina Martiskainen, Senior Advisor, Central Union for Child Welfare

Ms. Suvi Mäntymäki, Public Legal Aid Attorney, Helsinki Legal Aid Office

Q&A

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

EMN Finland National Conference

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Speaker biographies



Mr. Rafael Bärlund, Head of EMN Finland

Mr. Rafael Bärlund has worked at EMN Finland from its inception in 2008, first as a Senior Adviser, and from January 2021 as the Director of EMN Finland. He is also co-chair of EMN Working Group on Communication and Dissemination. Previously, he has worked at the Finnish Immigration Service as a Planning Officer and at the Embassy of India for Finland and Estonia as a Visa Officer. Prior to that, he has been employed by the International Labour Organization (ILO) in Geneva. Mr. Bärlund has a Master's degree in Political Science.



Ms. Kirsi Pimiä, Permanent Secretary of the Ministry of the Interior

Ms. Kirsi Pimiä has served as the Permanent Secretary of the Ministry of Interior for over three years. Before serving as the Permanent Secretary, Ms. Pimiä worked as a Non-Discrimination Ombudsman in Finland in 2015-2020. Previously, Ms. Pimiä served as the Director of the Ministry of Justice, the Head of Unit in the EU Affairs Department at the Prime Minister's Office, and as the Head of Cabinet of the Minister of Justice. Ms. Pimiä holds a Master of Laws (LL.M.) degree with court training.



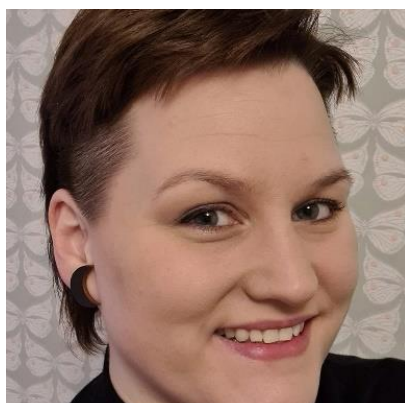
Mr. Ilkka Hahtela, Director General of the Finnish Immigration Service

Mr. Ilkka Hahtela has served as the Director General of the Finnish Immigration Service since Autumn 2022. Before joining the Finnish Immigration Service, Mr. Hahtela had 20 years of leadership experience in several different public administrations, as well as in the private sector. Previously, Mr. Hahtela worked as the Head of Immigration and Employment services of the city of Helsinki and as the Service Manager of the Local Employment and Economic Development Office of Uusimaa. Mr. Hahtela is a Master of Social Science (Tampere University) and an Executive Master of Business and Administration (Aalto University).



Professor Helen Stalford, School of Law and Social Justice, University of Liverpool, UK

Professor Helen Stalford is the Head of the Law Department at the University of Liverpool and a leading expert of children's rights, particularly in the context of European Union. Professor Stalford has researched and published extensively on children's rights and experiences of migration and access to justice for over 25 years and has always adopted a participatory approach, drawing directly on the accounts of children, their parents and others who support them. In addition, she has led projects on behalf of the EU Fundamental Rights Agency and the Council of Europe and has acted as expert consultant to the European Commission and UNICEF on issues relating to the implementation of children's rights. Furthermore, professor Stalford has acted as Special Advisor to the House of Lords EU Home Affairs Sub-Committee for their inquiry in the EU and UK's response to unaccompanied children. She is the joint editor *The International Journal of Children's Rights* and a founding member of the European Children's Rights Unit (ECRU).



Sanna Mustasaari, LL.D., Senior Researcher, Center of Law and Welfare, Law School, University of Eastern Finland

LL.D. Sanna Mustasaari is Senior Researcher at the Center of Law and Welfare, UEF Law School. Her on-going research project *Children Abroad: A Relational Analysis of Finnish Child Protection and Welfare in Transnational Contexts* adopts an interdisciplinary approach to study children's rights to protection in various transnational settings. Doctor Mustasaari's main research interests include children's rights, family law, human rights law, migration law, and migration and transnationalism studies.

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Ms. Claire Rimmer, Senior Analyst, EMN Service Provider ICF

Ms. Claire Rimmer works at ICF, the European Migration Network Service Provider, to ensure quality across publications and as an author for publications, including the *Children in Migration Report*. She has over twenty years' experience working on issues of integration, migration and asylum, at city, national and European levels. Before ICF she worked at the European Council on Refugees and Exiles, as well as for the Council of Europe's Intercultural Cities programme and for several diaspora organisations, particularly from Afghanistan.



Dr. Anna Schmidt, Policy Officer, European Commission, Directorate General for Migration and Home Affairs

Dr. Anna Schmidt is policy officer in the European Commission Directorate General for Migration and Home Affairs' Asylum Unit. She previously worked for the EU in International Cooperation, including for the EU Delegation to Jordan and the EU Somalia Delegation. Outside the Commission, she worked as an academic on issues related to international governance, displacement and conflict, but also in humanitarian responses in the East and Central Africa. Anna holds a PhD in Political Science from the University of California at Berkeley.



Ms. Sini Lahdenperä, Head of Legal Development, Finnish Immigration Service

Ms. Sini Lahdenperä has been working as the Head of Legal Development in the Finnish Immigration Service since January 2023. She is leading the large guideline reform project which, for example, focuses on reforming the guidelines on decision-making in children's cases in the Finnish Immigration Service. Previously Ms. Lahdenperä worked as a project manager in the Department of Democracy and Public Law in the Ministry of Justice Finland. In addition, Ms. Lahdenperä has participated in law-drafting in several different ministries. Ms. Lahdenperä has a special interest in utilizing collaborative methods to advance societal projects. Lahdenperä holds a degree in Master of Laws (LL.M.).



Ms. Jasmin Dost, Senior Adviser, Finnish Immigration Service

Ms. Jasmin Dost works as a Senior Adviser in support services and special tasks in the Permit and Nationality Unit at the Finnish Immigration Service. Ms. Dost works closely with issues related to minors as well as employers' financial sanctions. Ms. Dost is part of the team responsible for the guideline reform concerning decision-making in children's cases in the Finnish Immigration Service. In addition, Ms. Dost works with matters related to employee training, and organises meetings with relevant stakeholders. She has been working in the Finnish Immigration Service since 2015 when she started as a Senior Adviser in the Asylum Unit. Ms. Dost is a Master of Administrative Sciences.



Ms. Lydia Laine, Senior Specialist, Finnish Immigration Service

Ms. Lydia Laine works as a Senior Specialist in the Legal Service and Country Information Unit where she works with tasks related to the reform of guidelines for application of law. Ms. Laine is also part of the team responsible for the guideline reform concerning decision-making in children's cases in the Finnish Immigration Service. Previously, Ms. Laine worked as a Senior Adviser and Specialist in Legality Control in the Finnish Immigration Service. Ms. Laine holds a Master of Laws (LL.M.).



Ms. Miira Mikonsaari, Senior Adviser, Finnish Immigration Service

Ms. Miira Mikonsaari works as a Senior Adviser and Thematic Specialist on minors in the Asylum Unit in the Finnish Immigration Service. She is responsible for asylum seekers who are minors and has been able to gain expertise in children's rights and family law from the perspective of international protection. Ms. Mikonsaari is also part of the team responsible for the guideline reform concerning decision-making in children's cases in the Finnish Immigration Service. She has worked in the Asylum unit of The Finnish Immigration Service for 5 years now and in her current position for a year.

Ms. Mikonsaari has a Master's degree in Administrative Sciences.



Ms. Tuuli Tuunanen, Chief Specialist, Migration Department, Ministry of the Interior

Ms. Tuuli Tuunanen works as a Chief Specialist in the Migration Department in the Ministry of Interior's Unit for Legal Affairs. She is responsible for matters concerning minors. Ms. Tuunanen has worked in the Ministry of Interior since 2007. Ms. Tuunanen is specialized in migration policy and fundamental and human rights issues, particularly from the perspective of the residence permit system. In addition, Ms. Tuunanen has participated in multiple national legislative projects concerning family reunification. Ms. Tuunanen holds a Master of Laws (LL.M.) degree with court training.



Ms. Sanna Montin, Chief Specialist, Migration Department, Ministry of Interior

Ms. Sanna Montin works as a Chief Specialist in the Migration Department in the Ministry of the Interior where she is in charge of issues on international protection and asylum procedures. Ms. Montin has been part of different legislative drafting processes on a national as well as the EU-level and part of preparations of the New Pact on Migration and Asylum of the EU. Ms. Montin has worked for the Ministry of Interior since 2017, and before that she worked in the Finnish Immigration Service and Helsinki Administrative Court. Ms. Montin holds a Master of Laws (LL.M.).



Mr. Kadhum Al-Ghaithawi

Mr. Kadhum Al-Ghaithawi is a 24-year-old practical nursing student who works part time as a care assistant and in youth inclusion activities in the Deaconess Foundation's Youth Programme. Mr. Al-Ghaithawi spends his free time in the gym and on the football field, and is interested in self-improvement.



Mr. Joonatan Nsukami, Community Instructor, Deaconess Foundation

Mr. Joonatan Nsukami is a 24-year-old community instructor and service developer, who works at the Deaconess Foundation's Olohuone, which provides help, support and activities to young people who have come to Finland as unaccompanied minors. In his free time, Mr. Nsukami likes to play board games with his friends.



Mirjam Kalland, Professor, University of Helsinki

Mirjam Kalland is a professor in the Department of Education at the University of Helsinki. She holds a PhD in pedagogy and a degree in psychotherapy for children. She is the chair of Mannerheim League for Child Welfare since 2018. Previously she has worked as the director of the Swedish-speaking Centre of Excellence on Social Welfare. Professor Kalland has also worked at Save the Children and Vamlas Foundation which promotes diversity and inclusion of young people with disabilities. She is an expert in matters related to children and parenthood.



Ms. Riitta Koponen, Director of Legislative Affairs, Ministry of the Interior, Migration Department

Ms. Riitta Koponen works as the Director of Legislative Affairs at the Migration Department of the Ministry of the Interior. She has wide experience of working on migration-related questions within the Ministry of the Interior. Ms. Koponen has held various positions of responsibility in the field of migration, including that of a Steering Board member of the EMN. Prior to the Ministry of the Interior she worked at the Helsinki Police Department. Ms. Koponen holds a Master of Laws degree (LL.M.).



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

Ms. Taina Martiskainen works with the theme of Children in Migration at the Central Union for Child Welfare. The Central Union for Child Welfare is an organization that works to promote child welfare and ensure that children's rights are implemented in full. Special points of focus in Ms. Martiskainen's work are asylum seeking and refugee children. She has for long been following the situation of unaccompanied minors including their right to services as well as their right to a capable representative.



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

Ms. Suvi Mäntymäki is a public legal aid attorney, who has sided with humanity for a large part of her career. Ms. Mäntymäki continues her work at the Helsinki Legal Aid Office. Ms. Mäntymäki's current clientele consists for a large part of asylum seekers and women who have been abused. In the criminal proceedings, her main focus is on sexual and domestic violence. Also, personal injury law is close to Ms. Mäntymäki's heart. She holds a Master of Laws (LL.M.) degree with court training.