

# Fundamental rights of children displaced in the EU following the Russian war of aggression

Sweden

June 2023

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# 1. Children fleeing Ukraine

## 1.1. Data on children fleeing Ukraine

**Table 1 Children fleeing Ukraine**

Category of child	Registration system Y/N	Number of children (as disaggregated as possible) (as of 30 April 2023 unless otherwise specified)
Overall number of children	Y	<p>Number of registered children in family and unaccompanied children as of 30 April 2023:</p> <p>Asylum-seeking children in family and unaccompanied children, Ukrainian citizens;</p> <p>In total 375 children were registered as asylum-seeking Ukrainian citizens in 2022 and 2023 (362 children in family and 13 unaccompanied children). 151 children were between 0-6 years old (69 girls and 82 boys), 118 were between 7-12 years old (58 girls and 60 boys) and 106 were between 13-17 years old (53 girls and 53 boys).</p> <p>Children in family and unaccompanied children seeking residence permit under the Temporary Protection Directive (TPD);</p> <p>In total 17,067 children were registered as seeking residence permit under the TPD in 2022 and 2023 (16,257 children in family and 810 unaccompanied children). 5,906</p>

		<p>children were between 0-6 years old (2,850 girls and 3,056 boys), 6324 were between 7-12 years old (3,133 girls and 3,191 boys) and 4,837 were between 13-17 years old (2,304 girls and 2,533 boys).</p>
<p>Arrived accompanied by mother, father or another legal guardian</p>	<p>Y</p>	<p>Number of registered children in family as of 30 April 2023:</p> <p>Asylum-seeking children in family, Ukrainian citizens;</p> <p>In total 362 children in family were registered in 2022 (343 children) and 2023 (19 children). 151 children were between 0-6 years old (69 girls and 82 boys), 118 were between 7-12 years old (58 girls and 60 boys) and 93 were between 13-17 years old (44 girls and 49 boys).</p> <p>Children in family seeking residence permit under the TPD;</p> <p>In total 16,257 children in family registered in 2022 (15,452 children) and 2023 (805 children). 5,868 children were between 0-6 years old, 6,163 were between 7-12 years old and 4,226 were between 13-17 years old.</p> <p>In 2022, there were in total 15,452 children in family registered of which 5,516 were between 0-6 years old, 5,905 were between 7-12 years old and 4,031 were between 13-17 years old. The statistics disaggregated by gender for 2022 includes both children in family and unaccompanied children.</p>

		<p>Of the children between 0-6 years old 2,695 were girls and 2,859 boys (of which 38 were unaccompanied). Of the children between 7-12 years old 3,017 were girls and 3,048 boys (of which 160 were unaccompanied). Of the children between 13-17 years old 2,202 were girls and 2,402 boys (of which 573 were unaccompanied).</p> <p>In 2023, there were in total 805 children in family registered of which 352 were between 0-6 years old (155 girls and 197 boys), 258 were between 7-12 years old (116 girls and 143 boys)<sup>1</sup> and 195 were between 13-17 years old (85 girls and 109 boys).<sup>2</sup></p>
Arrived without parents, but with other family members, neighbours or family friends	Y	<p>The Migration Agency reports that, as of 28 May 2023, 863 unaccompanied children granted residence permits following the war in Ukraine were registered. Of these, 801 children arrived in Sweden together with relatives (other than their parents) or other persons in their network and 62 arrived completely unaccompanied.<sup>3</sup></p>
Arrived unaccompanied	Y	<p>Number of registered unaccompanied children as of 30 April 2023:</p> <p>Asylum-seeking unaccompanied children, Ukrainian citizens;</p> <p>In total 13 unaccompanied children were registered in 2022 (10 children)</p>

<sup>1</sup> Of which one is unaccompanied. It is not possible to determine whether it is a girl or a boy.

<sup>2</sup> The statistics on total number of children and children divided by gender differ by one child.

<sup>3</sup> Sweden, e-mail correspondence with legal expert at the Migration Agency (*Migrationsverket*), 14 June 2023.

		<p>and 2023 (three children). Nine girls and four boys. All children were between 13-17 years old.</p> <p>Unaccompanied children seeking residence permit under the TPD;</p> <p>In total 810 unaccompanied children were registered in 2022 (771 children) and 2023 (39 children). Of these, 404 were girls and 406 boys. 38 of the children were between 0-6 years old, 161 between 7-12 years old and 611 between 13-17 years old.</p>
Arrived within a group of children, as an organised evacuation from Ukrainian institutions or foster carers (with or without an appointed legal guardian)	Y	<p>The Migration Agency (<i>Migrationsverket</i>) reports that currently there are no unaccompanied children from Ukraine registered who have arrived through an organised evacuation from Ukrainian institutions, such as children's homes (<i>barnhem</i>). However, according to the Migration Agency, such children have previously been registered, but have now moved to another country.<sup>4</sup></p>
Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)	Y	<p>The Migration Agency reports that currently there are no unaccompanied children from Ukraine registered who have arrived through an organised evacuation.<sup>5</sup></p>

Source: Sweden, Swedish Migration Agency (*Migrationsverket*) (2022) Received applications for asylum and protection under the Temporary Protection Directive 2022 ([Inkomna ansökningar om asyl och skydd enligt massflyktsdirektivet 2022](#)), 2022 and; Sweden, Swedish Migration Agency (*Migrationsverket*) (2023) Received applications for asylum and protection under the Temporary Protection Directive 2023 ([Inkomna ansökningar om asyl och skydd enligt massflyktsdirektivet 2023](#)), 2023.

The Swedish Migration Agency is the government agency responsible for asylum applications and for the registration of persons arriving from Ukraine seeking

<sup>4</sup> Sweden, e-mail correspondence with legal expert at the Migration Agency (*Migrationsverket*), 14 June 2023.

<sup>5</sup> Sweden, e-mail correspondence with legal expert at the Migration Agency (*Migrationsverket*), 14 June 2023.

residence permit under the TPD. The Migration Agency publishes statistics on asylum applications by Ukrainian citizens and applications under the TPD. The statistics are official and available to the public at the Migration Agency's official website. The statistics are updated on a weekly and monthly basis.<sup>6</sup> In addition, some statistics are available upon request, see references above.

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<sup>6</sup> Sweden, Migration Agency (*Migrationsverket*) Applicants from Ukraine ([Sökande från Ukraina](#)), official webpage, accessed 25 April 2023.

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## 2. Child protection – legal, policy framework and procedures in place

### 2.1. Responsibilities of child protection authorities

In Sweden, the general legal framework on child protection is applicable to children displaced from Ukraine. The responsibility for children fleeing Ukraine is divided between the Migration Agency and the municipalities. The Migration Agency has the main responsibility for the reception of persons who have applied for or have received a temporary residence permit under the TPD, including children arriving with their parents or legal guardians. The municipal social services (*socialtjänsten*) are responsible for unaccompanied children.<sup>7</sup> In addition, the municipal social service has a general responsibility for all children up to the age of 18 staying in the municipality. The municipal social services must pay particular attention to children who are at risk of abuse or neglect and must ensure that they are given the protection and support they need.<sup>8</sup> This applies to both unaccompanied children and children staying with their family (including children staying visa-free in Sweden).<sup>9</sup> However, this assumes that the social services are aware of the child's presence in the municipality and requires that the child comes into contact with an authority or someone else who can report to the social services if they become aware of or suspect that a child is being abused or neglected.<sup>10</sup>

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<sup>7</sup> Sweden, Act on the reception of asylum seekers, and others ([Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)), 1 July 2022, section 3.

<sup>8</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2018, chapter 5, section 1.

<sup>9</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for children fleeing Ukraine" ([Socialtjänstens ansvar för barn som flytt från Ukraina](#)), official webpage, accessed 8 June 2023.

<sup>10</sup> Sweden, Social Services Act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2016, chapter 14, section 1.



## 2.1.1. Individual children, including unaccompanied and separated children

### *Children arriving in Sweden with their parents or other guardian*

**In Sweden**, the Migration Agency has the main responsibility for the reception of persons who have applied for or have received a temporary residence permit under the TPD.<sup>11</sup> Children arriving in Sweden with their parents or legal guardians receive an offer of accommodation, daily allowance (*dagersättning*) and a special allowance (*särskilt bidrag*) according to the Act on the Reception of Asylum Seekers, (*Lag [1994:137] om mottagande av asylsökande m.fl., LMA*).<sup>12</sup> Persons receiving assistance according to the LMA are not entitled to assistance according to the Social Services Act (*Socialtjänstlag [2001:435]*) for corresponding benefits.<sup>13</sup> However, if the municipal social services become aware of or suspect that a child is being abused or neglected,<sup>14</sup> the municipal Social Welfare Board (*socialnämnd*) must initiate an investigation of the child's need for protection and support, according to the Social Services Act.<sup>15</sup>

### *Unaccompanied children arriving in Sweden*

**In Sweden**, the care and placement of unaccompanied children falls within the responsibility of the municipal social services. The Migration Agency conducts the assessment of whether the child is unaccompanied or not when the child applies for residence permit. If the child is regarded as an unaccompanied child, the Agency must submit a report of concern (*orosanmälan*) to the Social Welfare Board in the municipality of arrival (*ankomstkommun*).<sup>16</sup> This is described further below. The Migration Agency has an e-service regarding unaccompanied children aimed at municipalities. Through this e-service, the municipalities can see information about the unaccompanied children for whom they are responsible. They can also report any changes in responsibility.<sup>17</sup> According to the Social Service Act, an unaccompanied child can, after a decision by the municipal Social Welfare Board, be placed in family

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<sup>11</sup> Sweden, Aliens Act (*Utlänningslag [2005:716]*), 1 January 2010, chapter 21, section 2.

<sup>12</sup> Sweden, Act on the reception of asylum seekers, and others (*Lag (1994:137) om mottagande av asylsökande m.fl.*), 1 July 2022, section 2 and section 1 point 2.

<sup>13</sup> Sweden, Act on the reception of asylum seekers, and others (*Lag (1994:137) om mottagande av asylsökande m.fl.*), 1 July 2022, section 1.

<sup>14</sup> Sweden, Social services act (*Socialtjänstlag [2001:435]*), 1 January 2016, chapter 14, section 1.

<sup>15</sup> Sweden, Social services act (*Socialtjänstlag [2001:435]*), 1 January 2013, chapter 11, section 1 and 1a.

<sup>16</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023, and; Sweden, Migration Agency (*Migrationsverket*) Unaccompanied children from Ukraine '*Ensamkommande barn från Ukraina*', official website, accessed 25 April 2023.

<sup>17</sup> Sweden, Migration Agency (*Migrationsverket*), See and change responsibilities for unaccompanied children (*Se och ändra ansvar för ensamkommande*), official webpage, accessed 5 July 2023.

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homes (*familjehem*),<sup>18</sup> residential care homes for young persons (*Hem för vård eller boende, HVB-hem*) or residential support homes (*stödboende*) for children and young people aged 16 - 20 years.<sup>19</sup> Children can also be placed in on-call homes (*jourhem*) for a maximum of two months.<sup>20</sup> If the child arrives in Sweden with an adult relative, the child may be placed, temporary or permanently, together with that relative, a so-called placement in a family home in the child's network or kinship care (*placering i barnets nätverk eller nätverkshem*). The social services can also, through a so-called private placement (*privatplacering*), allow a child to live permanently with another family. A private placement falls outside the scope of a placement under the Social Service Act, see further information in the sections below.<sup>21</sup>

Initially, it is important to note that private placements do not seem to have been deemed a suitable alternative for unaccompanied children from Ukraine. The Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*) assesses that private placements must be used with caution in the case of unaccompanied children from Ukraine.<sup>22</sup> Furthermore, the National Board of Health and Welfare (*Socialstyrelsen*) reports that private placements are not used for unaccompanied children.<sup>23</sup> The Swedish Association of Local Authorities and Regions reports that since a majority of the unaccompanied children have arrived together with relatives, a large proportion have been placed in a family home in the child's network, so called kinship care.<sup>24</sup> The National Board of Health and Welfare agrees with this assessment.<sup>25</sup> Therefore, the municipality's need for places in residential care homes for young persons has been very limited.<sup>26</sup>

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<sup>18</sup> Family home is the Swedish term for foster care.

<sup>19</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2016, chapter 6, section 1.

<sup>20</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2013, chapter 6, section 6.

<sup>21</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, pages 3-4.

<sup>22</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Social services responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flyr Ukraina](#)), official website, accessed 8 June 2023.

<sup>23</sup> Sweden, e-mail correspondence with a senior official at the National Board of Health and Welfare (*Socialstyrelsen*), 5 July 2023.

<sup>24</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023.

<sup>25</sup> Sweden, e-mail correspondence with a senior official at the National Board of Health and Welfare (*Socialstyrelsen*), 5 July 2023.

<sup>26</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023.

**In Sweden**, the municipality where children are located when they apply for a residence permit is called the municipality of arrival (*ankomstkommun*). The municipality of arrival has the initial social service responsibility for unaccompanied children who have applied for (but not yet received) a residence permit under the TPD. The Social Welfare Board in the municipality of arrival is responsible for initiating an investigation in accordance with the Social Service Act.<sup>27</sup> The municipal Social Welfare Board must assess the children's needs, regardless of how long they are expected to stay in the municipality. Children's right to be heard is regulated under the Social Service Act.<sup>28</sup> According to the Administrative Procedure Act, an interpreter must be used if this is needed.<sup>29</sup> When assessing the needs of unaccompanied children, the social secretary usually needs to use an interpreter and to involve the temporary guardian (*god man*).<sup>30</sup> According to the Social Service Act, the Social Welfare Board can also consult experts (such as psychologists) to assess the needs of the child.<sup>31</sup> However, the investigation in the municipality of arrival is often limited to deciding on a temporary placement based on the information available. The social services must follow up on the placement of the child, if the stay in the arrival municipality is longer than expected.<sup>32</sup> According to the National Board of Health and Welfare, children usually stay between one and two weeks in the municipality of arrival. The responsibility of the municipality of arrival remains until the Migration Agency assigns a responsible municipality (*anvisningskommun*) in connection with the issuance of a residence permit.<sup>33</sup>

**In Sweden**, once unaccompanied children are granted a residence permit under the TPD, the Migration Agency assigns a responsible municipality. In certain cases, the municipality of arrival may have to report any concerns about the child to the responsible municipality after the child has been assigned to the latter. Such reports can for example concern children with specific needs or if there are suspicions that the

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<sup>27</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2013, chapter 11, section 1 and 1a.

<sup>28</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2013, chapter 11, section 10.

<sup>29</sup> Sweden, Administrative Procedure Act ([Förvaltningslag \[2017:900\]](#)), 28 September 2017, section 13.

<sup>30</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2020) Unaccompanied children and young persons – handbook for the social services ([Ensamkommande barn och unga – handbok för socialtjänsten](#)), February, 2020.

<sup>31</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2013, chapter 11, section 2.

<sup>32</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 1.

<sup>33</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, pages 1-2.

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child is at risk of neglect or abuse.<sup>34</sup> The social services in the responsible municipality has the same responsibility for unaccompanied children from Ukraine who have received protection under the TPD as for unaccompanied asylum-seeking children.<sup>35</sup> This means that the responsible municipality assumes the long-term responsibility for the child under the Social Services Act.<sup>36</sup> The municipality must start an investigation to assess the child's need for longer-term accommodation and other interventions. The responsibility begins immediately upon assignment, even if the child is not yet physically present in the municipality.<sup>37</sup>

**In Sweden**, a large proportion of the unaccompanied children fleeing Ukraine have arrived together with a relative. It may be the child's explicit wish to live with that person and the municipal social services then needs to consider a placement in the child's network, temporarily or permanently. As mentioned above, children's right to be heard and express their views is regulated under the Social Service Act.<sup>38</sup>

#### *Temporary placement in the child's network*

**In Sweden**, if the child has a close relative in the country, the social services must consider whether the child can be placed there during the time that the social services investigate the child's needs and the child's long-term placement.<sup>39</sup> However, this does not mean that such placement must always take precedence, but rather that the social service must investigate the possibility of placing the child in their "natural network".<sup>40</sup> The best interest of the child must always be decisive,<sup>41</sup> and the assessment must be documented. A temporary placement in the child's network requires that the child knows the family well from before the arrival in Sweden, that the home is suitable for

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<sup>34</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 2.

<sup>35</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 2.

<sup>36</sup> Sweden, Migration Agency (*Migrationsverket*) Unaccompanied children from Ukraine '[Ensamkommande barn från Ukraina](#)', official website, accessed 25 April 2023.

<sup>37</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 1.

<sup>38</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2013, chapter 11, section 10.

<sup>39</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 7 June 2007, chapter 6, section 5.

<sup>40</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 3.

<sup>41</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 7 June 2007, chapter 6, section 5, and 1 January 2013, chapter 1, section 2.

the child and that the municipal social services assess that the placement is in the best interest of the child.<sup>42</sup> What kind of information about the family home that social services need to review before a decision on a temporary placement in the network is assessed in each individual case. If the municipal social services assess that the conditions in the individual home are suitable, the child can be temporarily placed there. During the temporary placement, the social services need to conduct ongoing assessments of how the family meet the child's needs.<sup>43</sup> Such temporary placements are not covered by the provisions on family homes or on-call homes under the Social Service Act.<sup>44</sup> However, the municipal Social Welfare Board is responsible for ensuring that the temporary home is suitable for the child.<sup>45</sup>

### *Permanent placement in the child's network*

**In Sweden**, the needs of unaccompanied children are investigated by the municipal social services based on the provisions applicable to investigations of the needs of other children. However, the investigation needs to be adapted to the particular situation of the unaccompanied child. After the child's needs have been investigated, the municipal social services may assess that the best interest of the child is to be permanently placed in a family home in their network, so called kinship care.<sup>46</sup> For such placement to be possible, the family home in the network needs to be assessed in the same way as other family homes.<sup>47</sup> An assessment of a family home includes the collection of information through, for example, interviews and references.<sup>48</sup> The municipal social services must make an assessment in each individual case of whether the conditions in the home meet the needs of the child. The care of the child must be

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<sup>42</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 3.

<sup>43</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 3.

<sup>44</sup> A temporary placement in a family home in the child's network is decided under the chapter 4, section 1 of the Social Services Act, in the form of temporary care outside the family home. Before the decision is taken, an investigation must be conducted in accordance with chapter 11, section 1 of the Social Services Act.

<sup>45</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2020) The placement of children and young persons – a handbook for the social services ([Placerade barn och unga – en handbok för socialtjänsten](#)), April 2020, page 17.

<sup>46</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 4.

<sup>47</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2013, chapter 6, section 6.

<sup>48</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2023) Pro-fam - the process when investigating family homes ([Pro-fam – Processen vid utredning av familjehem](#)), June 2023.

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closely followed, including through regular personal visits to the family home and through individual conversations with the child. An assessment of how often the child should be visited should be made continuously during the placement.<sup>49</sup>

The main difference between a temporary and a permanent placement in the child's network is the extent of the assessment of the placement. As described above, the assessment of a temporary placement is not as comprehensive as for a permanent placement. However, the social services still have the main responsibility of the child and must conduct ongoing assessments of how the family meets the child's needs, the same as for permanent placements. The best interest of the child must be decisive in both cases.

### *Private placement*

**In Sweden**, the municipal Social Welfare Board can also, through a so-called private placement, allow a child to live permanently with another family, outside the scope of a placement in a family home.<sup>50</sup> This could for example be a family with whom the child has travelled. However, a private placement is not a form of placement under the Social Service Act, and is not initiated by the social services.<sup>51</sup> Instead, it is an agreement between the child's guardians in their country of origin and a family living in Sweden.<sup>52</sup> If no agreement exists or can be confirmed in a satisfactory way, the conditions for a private placement are not met.<sup>53</sup> In the case of a private placement, the municipal social services are not obliged to follow-up on the care in the same way as they are in the case of a placement in a family home.<sup>54</sup> For the municipal social services to be able to give their consent to a private placement, the conditions in the

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<sup>49</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 4.

<sup>50</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2020) The placement of children and young persons – a handbook for the social services ([Placerade barn och unga – en handbok för socialtjänsten](#)), April 2020, page 71.

<sup>51</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2020) The placement of children and young persons – a handbook for the social services ([Placerade barn och unga – en handbok för socialtjänsten](#)), April 2020, page 71.

<sup>52</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 4.

<sup>53</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 4.

<sup>54</sup> Under chapter 6, section 7 b of the Social Services Act, the social services are only obliged to follow-up on the care in family homes, on-call homes, residential care homes for young persons and residential support homes.

intended home need to be investigated.<sup>55</sup> Such an investigation is conducted following an application from the persons who are to care for the child. How extensive the investigation needs to be is solely dependent on the circumstances of each individual case. The municipal social services cannot allow a private placement if it assesses that the child has health-care needs (*vårdbehov*). Further, the municipal social services may also deny a private placement if they do not have the possibility to follow-up on the care of the child to a sufficient degree.<sup>56</sup> As mentioned above, the Swedish Association of Local Authorities and Regions assesses that private placements must be used with caution in the case of unaccompanied children from Ukraine. This is partly due to the municipal social services' lack of responsibility for the follow-up of such placements.<sup>57</sup> Moreover, the National Board of Health and Welfare reports that private placements are not used for unaccompanied children.<sup>58</sup>

## 2.1.2. Children evacuated from Ukrainian institutions

**In Sweden**, the difference in authorities' involvement and oversight depends on the assessment of whether a child is unaccompanied or not. For children arriving in large groups from Ukrainian institutions, it is therefore decisive to determine whether they have a legal representative with them. Unaccompanied children means children below the age of 18 who, upon arrival in Sweden, are separated from both their parents or from another adult who may be considered to have "taken the place of their parents" (*trätt i föräldarnas ställe*).<sup>59</sup> The Migration Agency is responsible for conducting an individual assessment of whether the child is to be considered as unaccompanied or not when the authority receives an application for a residence permit according to the TPD.<sup>60</sup> According to the Migration Agency's internal procedure, documents relating to custody must be scanned, copied and sent for translation in cases concerning children

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<sup>55</sup> A consent is given in accordance with chapter 6, section 6 of the Social Service Act.

<sup>56</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) "Social services' responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flytt från Ukraina](#)), 17 May 2022, page 5.

<sup>57</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Social services responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flyr Ukraina](#)), official website, accessed 8 June 2023.

<sup>58</sup> Sweden, e-mail correspondence with a senior official at the National Board of Health and Welfare (*Socialstyrelsen*), 5 July 2023.

<sup>59</sup> Sweden, Act on the reception of asylum seekers, and others ([Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)), 1 June 2018, section 1b, and; Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 2. The meaning of the phrasing "taken the place of the parents" are described under chapter 3 below.

<sup>60</sup> Sweden, Act on the reception of asylum seekers, and others ([Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)), 1 June 2018, section 1b, and; Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 2.

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from Ukrainian institutions or children with a guardian other than a parent. These documents are then reviewed and assessed according to Ukrainian law. This is further described in section 3.3. below.<sup>61</sup> Generally, if the children have legal representatives with them, the responsibility for the children falls primarily on these representatives. However, the Swedish Association for Local Authorities and Regions assesses that even if children arriving in large groups are not to be regarded as unaccompanied children, the Migration Agency should submit a report of concern (*orosanmälan*)<sup>62</sup> to the social services in the municipality where the children live. This is because a large number of children per individual adult who is considered to have taken the place of the parents constitutes grounds for suspecting that a child may be subject to neglect or abuse.<sup>63</sup> This procedure is confirmed by the Migration Agency who states that, as a rule, a report of concern to the municipal social services is made to notify them about the fact that the child has a guardian other than a parent.<sup>64</sup>

**In Sweden**, the Migration Agency conducts the assessment of whether the child is unaccompanied or not when the child applies for residence permit at the Migration Agency, not at the time of crossing the border. If there is no person who can be considered to have taken the place of the parents, the children are regarded as unaccompanied children by the Swedish authorities. According to the Migration Agency's internal procedure concerning unaccompanied children, the Agency must submit a report of concern to the municipality of arrival when an unaccompanied child seeks residence permit under the TPD. This is to notice the municipality of their social services' responsibility for these children due to their lack of guardians.<sup>65</sup> As described in the section above, after a decision by the municipal Social Welfare Board, an unaccompanied child can be placed in a family home (including a family home in the child's network, temporary or permanent), a residential care home for young persons or a residential support home for children and young people aged 16 - 20 years.<sup>66</sup> As mentioned above, both the Swedish Association of Local Authorities and Regions and the National Board of Health and Welfare indicate that placements in a family home in

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<sup>61</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023.

<sup>62</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2016, chapter 14, section 1.

<sup>63</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Social services responsibility for unaccompanied children fleeing Ukraine" ([Socialtjänstens ansvar för ensamkommande barn som flyr Ukraina](#)), official website, accessed 8 June 2023.

<sup>64</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023.

<sup>65</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023, and; Sweden, Migration Agency (*Migrationsverket*) Unaccompanied children from Ukraine '[Ensamkommande barn från Ukraina](#)', official website, accessed 25 April 2023.

<sup>66</sup> Sweden, Social services act ([Socialtjänstlag \[2001:435\]](#)), 1 January 2016, chapter 6, section 1.



the child's network, kinship care, is the main form of placement used for unaccompanied children from Ukraine. This is because most of the unaccompanied children have arrived together with relatives.<sup>67</sup> Therefore, the municipalities' need for places in residential care homes for young persons have been very limited.<sup>68</sup> The municipal social services have the same responsibility for the care of the child irrespective of which of the above placement forms that are chosen for the individual child, as described in section 2.1.1. above.

**In Sweden**, the legal and policy framework guiding the residential care homes for young persons and residential support homes is of a general nature and does not define specific requirements on, for example, the nationality of personnel. The Ordinance on Social Services (*Socialtjänstförordning [2011:937]*)<sup>69</sup> states that a person with appropriate training shall manage the operation of residential care homes, such as residential support homes and residential care homes for young persons. There must also be such personnel as is needed for effective operations.<sup>70</sup> Moreover, the National Board of Health and Welfare regulations and general advice on residential care homes for young persons<sup>71</sup> states that principals must adjust their number of personnel in order to provide the conditions to meet the care needs of the children and youth and ensure safe and secure care. The personnel must also be available 24 hours a day.<sup>72</sup> The municipalities' assignment to residential care homes and residential support homes must contain information about any need for an interpreter for a certain language, according to the National Board of Health and Welfare's handbook on placements for children and young persons.<sup>73</sup> Any unaccompanied children from Ukraine living in these forms of accommodations also have access to a temporary guardian, as will be described under chapter 3 below. However, as indicated above,

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<sup>67</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023, and; Sweden, e-mail correspondence with a senior official at the National Board of Health and Welfare (*Socialstyrelsen*), 5 July 2023.

<sup>68</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023.

<sup>69</sup> Sweden, Ordinance on social services (*Socialtjänstförordning [2011:937]*), 29 November 2001.

<sup>70</sup> Sweden, Ordinance on social services (*Socialtjänstförordning [2011:937]*), 1 January 2016, chapter 3, section 5.

<sup>71</sup> Sweden, National Board of Health and Welfare's regulations and general advice on residential care homes for young persons (*Socialstyrelsens föreskrifter och allmänna råd om hem för vård eller boende*), HSLF-FS 2016:55, 31 May 2016.

<sup>72</sup> Sweden, National Board of Health and Welfare's regulations and general advice on residential care homes for young persons (*Socialstyrelsens föreskrifter och allmänna råd om hem för vård eller boende*), HSLF-FS 2016:55, 31 May 2016, chapter 6, sections 1-2.

<sup>73</sup> Sweden, National Board of Health and Welfare (*Socialstyrelsen*) (2020) Placement of children and young persons – handbook for social services (*Placering av barn och unga – handbok för socialtjänsten*), April 2020.

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the municipality's need for places in residential care homes for unaccompanied children from Ukraine has been very limited.<sup>74</sup>

**In Sweden**, the Swedish Association of Local Authorities and Regions reports that, to their knowledge, only one municipality has received a group of around 20 children from a Ukrainian institution. These children were assigned to the municipality as unaccompanied children, after consultation between the Swedish Association of Local Authorities and Regions, the Migration Agency, the National Board of Health and Welfare and the Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*). The situation of the children was assessed by the social services and the children were placed with the personnel as family home parents (placement in a family home in the child's network, kinship care).<sup>75</sup> The Swedish Association of Local Authorities and Regions reports that, to their knowledge, the group left Sweden in August 2022 and returned to Ukraine.<sup>76</sup> The Migration Agency reports that the group of children that were previously registered have moved to another country, however not specifying which.<sup>77</sup>

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<sup>74</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023, and; Sweden, e-mail correspondence with a senior official at the National Board of Health and Welfare (*Socialstyrelsen*), 5 July 2023.

<sup>75</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023.

<sup>76</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023.

<sup>77</sup> Sweden, e-mail correspondence with legal expert at the Migration Agency (*Migrationsverket*), 14 June 2023.

### 3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine

#### 3.1. Arrived unaccompanied

In Sweden, several different laws regulate ways for a child to have a legal representative in Sweden, for example the Parental Code (*Föräldrabalk [1949:381]*),<sup>78</sup> the Act on certain international legal relations concerning marriage and guardianship (*Lag [1904:26 s.1] om vissa internationella rättsförhållanden rörande äktenskap och förmynderskap*),<sup>79</sup> and the Act on Guardians for Unaccompanied Children (*Lag [2005:429] om god man för ensamkommande barn, Lgeb*).<sup>80</sup> According to the Lgeb, a temporary guardian shall be appointed if, upon arrival in Sweden, the child is separated from both parents or from another adult who may be considered to have taken the place of the parents.<sup>81</sup> Thus, unaccompanied children who have applied for a residence permit under the TPD are entitled to temporary guardians, the same as other third-country national children seeking asylum. According to the Migration Agency, all unaccompanied children who receive protection under the TPD are appointed a temporary guardian, except in very few cases.<sup>82</sup>

In Sweden, the temporary guardianship ends if a parent or other custodian arrives in Sweden, if the child leaves Sweden, if a specially appointed custodian (*särskilt förordnad vårdnadshavare*) is appointed or if it is obvious that a guardian is no longer needed for any other reason.<sup>83</sup> The Lgeb further states that the Social Welfare Board in the municipality where the child resides should assess the need for a specially

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<sup>78</sup> Sweden, Parental code (*Föräldrabalk [1949:381]*), 10 June 1949.

<sup>79</sup> Sweden, Act on certain international legal relations concerning marriage and guardianship (*Lag [1904:26 s.1] om vissa internationella rättsförhållanden rörande äktenskap och förmynderskap*), 8 July 1904.

<sup>80</sup> Sweden, Aliens act (*Utlänningslag [2005:716]*), 29 September 2005, chapter 1, section 10.

<sup>81</sup> Sweden, Act on guardians for unaccompanied children (*Lag [2005:429] om god man för ensamkommande barn*), 9 June 2005, section 2.

<sup>82</sup> Sweden, e-mail correspondence with legal expert at the Migration Agency (*Migrationsverket*), 11 July 2023.

<sup>83</sup> Sweden, Act on guardians for unaccompanied children (*Lag [2005:429] om god man för ensamkommande barn*), 9 June 2005, section 5.

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appointed custodian under the Parental Code, unless there are particular reasons against such appointment.<sup>84</sup> According to the Migration Agency, the temporary guardianship ends when an unaccompanied child is granted residence permit. However, in some cases the guardianship can remain for a period of time after the child has been granted residence permit. In such cases the guardianship ends when the municipal Social Welfare Board appoints a specially appointed guardian.<sup>85</sup> The Swedish Association of Local Authorities and Regions assesses that there are particular reasons against appointing a specially appointed guardian for Ukrainian unaccompanied children due to the temporary nature of their residence permits.<sup>86</sup> The Association's understanding is that the municipalities have primarily chosen to appoint a temporary guardian instead of a specially appointed guardian.<sup>87</sup>

**In Sweden**, the role of the public council is to assist the child in legal matters concerning the application for residence permit. The Migration Agency reports that a public counsel (*offentligt biträde*) has only been appointed for a handful unaccompanied children from Ukraine seeking residence permit under the TPD. The Agency reports that a possible explanation to this is that the absolute majority of people who seek protection in Sweden under the TPD, including unaccompanied children, are granted protection and are therefore not considered to be in need of a public counsel.<sup>88</sup>

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<sup>84</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 10.

<sup>85</sup> Sweden, Migration Agency (*Migrationsverket*) "The guardians role during the time of asylum" ([Gode mannens roll under asyltiden](#)), official webpage, accessed 9 June 2023.

<sup>86</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Questions and answers about guardians for unaccompanied children fleeing Ukraine" ([Frågor och svar om ställföreträdare för barn utan vårdnadshavare som flyr från Ukraina](#)), official webpage, accessed 8 June 2023. The Swedish Association of Local Authorities and Regions confirms this assessment in email correspondence, 15 June 2023.

<sup>87</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023.

<sup>88</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 14 June 2023.

## 3.2. Arrived without parents, but with other family members, neighbours or family friends

**In Sweden**, a guardian shall be appointed if, upon arrival in Sweden, the child is separated from both parents or from another adult who can be considered to have taken the place of the parents.<sup>89</sup> As stated under several sections above, the Migration Agency assesses whether the child is considered as unaccompanied or not during registration at the Agency. An individual assessment is made in each individual case.

**In Sweden**, the application of a guardian can be made by the Migration Board or the Social Welfare Board in the municipality where the child resides. The application is made to the municipal chief guardian (*överförmyndaren*).<sup>90</sup> With regard to unaccompanied children, it is the chief guardian's responsibility to assess the situation for each individual child and appoint a suitable temporary guardian. This procedure is the same irrespective of whether a temporary guardian is appointed within the group of accompanying adults or in Sweden. If another adult can be considered to have taken the place of the parents, the child is not considered unaccompanied. Then the chief guardian does not have an obligation to appoint a temporary guardian. This is described further in section 3.3. below. When assessing whether the person appointed as a guardian is suitable for the assignment, the chief guardian must pay particular consideration to the vulnerable situation of the child.<sup>91</sup> Before someone is appointed as temporary guardian, his or her suitability must be controlled.<sup>92</sup> The chief guardian must also, if possible, immediately inform the child of the appointment and give the child the opportunity to express their opinion on the appointment.<sup>93</sup>

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<sup>89</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 2.

<sup>90</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 1 January 2017, section 3.

<sup>91</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 4.

<sup>92</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 4, and; Parental Code ([Föräldrabalk \[1949:381\]](#)) 1 January 2015, chapter 11, section 12.

<sup>93</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 1 January 2017, section 3.

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### 3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)

In **Sweden**, as stated in the section above, the Migration Agency assesses whether the child is considered as unaccompanied or not at the time of registration. According to Lgeb, a temporary guardian shall be appointed for unaccompanied children.<sup>94</sup> According to LMA, unaccompanied children means children under the age of 18 who, upon arrival in Sweden, are separated from both their parents or from another adult who may be considered to have taken the place of the parents, or who after arrival are left without such representatives (*ställföreträdare*).<sup>95</sup> According to the preparatory works of the Lgeb and the LMA, an adult that has “taken the place of the parents” means a person who, due to the law or custom in the country where the child was last domiciled, has the status of guardian for the child. This category also includes persons who, according to a court decision that is recognised in Sweden, are the legal guardians of the child.<sup>96</sup> The preparatory works emphasise that it is central that the Swedish authorities recognise the adult as the representative of the child.<sup>97</sup>

In **Sweden**, the 1996 Hague Convention is applicable as Swedish law and provides guidance on international questions concerning custody. The starting point is that parental responsibility which exists under the law of the state of the child's habitual residence subsists after a change of that habitual residence to another state.<sup>98</sup> According to the Migration Agency, foreign custody decisions are not recognised in Sweden without being based in law.<sup>99</sup> According to the Migration Agency's internal

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<sup>94</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 2.

<sup>95</sup> Sweden, Act on the reception of asylum seekers, and others ([Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)), 1 June 2018, section 1b.

<sup>96</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2005) Strengthened protection for unaccompanied children ([Stärkt skydd för ensamkommande barn](#)), government bill, 2004/05:136, 23 March 2005, page 26, and; Sweden, Ministry of Justice (*Justitiedepartementet*) (2005) Reception of unaccompanied children ([Mottagande av ensamkommande barn](#)), government bill, 2005/06:46, 3 November 2005, page 38.

<sup>97</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2005) Strengthened protection for unaccompanied children ([Stärkt skydd för ensamkommande barn](#)), government bill, 2004/05:136, 23 March 2005, page 26, and; Sweden, Ministry of Justice (*Justitiedepartementet*) (2005) Reception of unaccompanied children ([Mottagande av ensamkommande barn](#)), government bill, 2005/06:46, 3 November 2005, page 38.

<sup>98</sup> Sweden, Act on the 1996 Hague Convention ([Lag \[2012:318\] om 1996 års Haagkonvention](#)), 31 May 2012.

<sup>99</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023.

procedure, documents relating to custody must be scanned, copied and sent for translation in cases concerning children from Ukrainian institutions or children with a guardian other than a parent. These documents are then reviewed and assessed according to Ukrainian law. If documents concerning a person other than the parents are assessed as proof of custody, that person is considered to have taken the place of the parents and has the primary responsibility of the child. If the documents are not assessed as proof of custody, the child is considered as unaccompanied. As a rule, a report of concern (*orosanmälan*) to the municipal social services must be made to notice the authorities if the child has a guardian other than a parent.<sup>100</sup>

In **Sweden**, if the question of a temporary guardian is raised, the municipal chief guardian needs to conduct its own, independent assessment in accordance with Lgeb. For example, whether an adult person who travelled to Sweden with the child can be considered to have taken the place of the parents.<sup>101</sup> The Swedish Association of Local Authorities and Regions advises that the chief guardian can seek guidance from the assessment made by the Migration Agency. If no concrete reasons have emerged to question the Migration Agency's assessment and no new documents have been submitted, this assessment should, as a rule, be used as a basis for the chief guardian's assessment.<sup>102</sup>

In **Sweden**, the chief guardian does not have an obligation to appoint a temporary guardian when another adult is considered to have taken the place of the parents.<sup>103</sup> However, there can be situations where the municipal Social Welfare Board or the chief guardian nevertheless assesses that the child needs a temporary guardian, even though an adult has taken the place of the parents. According to the Swedish Local Authorities and Regions, this can for example be in situations where one person has taken the place of the parents for a large number of children and where practical difficulties may arise.<sup>104</sup> In these cases, chapter 4 section 3 of the Act on certain

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<sup>100</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023.

<sup>101</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Questions and answers about guardians for unaccompanied children fleeing Ukraine" ([Frågor och svar om ställföreträdare för barn utan vårdnadshavare som flyr från Ukraina](#)), official webpage, accessed 8 June 2023.

<sup>102</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Questions and answers about guardians for unaccompanied children fleeing Ukraine" ([Frågor och svar om ställföreträdare för barn utan vårdnadshavare som flyr från Ukraina](#)), official webpage, accessed 8 June 2023.

<sup>103</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 2.

<sup>104</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Questions and answers about guardians for unaccompanied children fleeing Ukraine" ([Frågor och svar](#)

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international legal relations concerning marriage and guardianship can be applicable.<sup>105</sup> According to this provision, there is a possibility to appoint a guardian under, among other, chapter 11, section 1 of the Parental Code.<sup>106</sup>

### 3.4. Arrived within a group, through private initiatives, such as football clubs (with or without an appointed legal guardian)

In **Sweden**, no information has been identified about children arriving in a group through a private initiative.<sup>107</sup> As stated under several sections above, the Migration Agency assesses whether the child is considered as unaccompanied or not at the time of registration. According to Lgeb, a temporary guardian shall be appointed for unaccompanied children.<sup>108</sup> If the Migration Agency assesses that there is another adult who can be considered to have taken the place of the parents,<sup>109</sup> within the group of accompanying adults, that person has the primary responsibility of the child. For further elaboration on persons who have “taken the place of the parents”, see section 3.3. above.

In **Sweden**, according to the Lgeb, the application of a temporary guardian is made by the Migration Board or the Social Welfare Board in the municipality where the child resides. The application of a temporary guardian is made to the chief guardian in the municipality.<sup>110</sup> As mentioned under section 3.3. above, if the question of appointing a

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[om ställföreträdare för barn utan vårdnadshavare som flyr från Ukraina](#)), official webpage, accessed 8 June 2023.

<sup>105</sup> Sweden, Act on certain international legal relations concerning marriage and guardianship ([Lag \[1904:26 s.1\] om vissa internationella rättsförhållanden rörande äktenskap och förmynderskap](#)), 8 July 1904.

<sup>106</sup> This is also confirmed in email correspondence with legal expert at the Migration Agency ([Migrationsverket](#)), 2 June 2023.

<sup>107</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions ([Sveriges Kommuner och Regioner](#)), 15 June 2023, and; Sweden, e-mail correspondence with a senior official at the National Board of Health and Welfare ([Socialstyrelsen](#)), 5 July 2023.

<sup>108</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 2.

<sup>109</sup> Sweden, Act on the reception of asylum seekers, and others ([Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)), 1 June 2018, section 1b.

<sup>110</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 1 January 2017, section 3.



temporary guardian is raised, the chief guardian needs to conduct its own independent assessment in accordance with Lgeb.<sup>111</sup> As described above, it is the chief guardian's responsibility to assess the situation for each individual child and appoint a suitable guardian – either an accompanying adult or a person in Sweden.

In **Sweden**, the chief guardian does not have an obligation to appoint a guardian when another adult is considered to have taken the place of the parents, as mentioned under section 3.3. above.<sup>112</sup> However, there can be situations where the Social Welfare Board or the chief guardian nevertheless assess that the child needs a guardian, even though an adult has taken the place of the parents. According to the Swedish Local Authorities and Regions, this can for example be in situations where one person has taken the place of the parents for a large number of children and where practical difficulties may arise.<sup>113</sup>

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<sup>111</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Questions and answers about guardians for unaccompanied children fleeing Ukraine" ([Frågor och svar om ställföreträdare för barn utan vårdnadshavare som flyr från Ukraina](#)), official webpage, accessed 8 June 2023.

<sup>112</sup> Sweden, Act on guardians for unaccompanied children ([Lag \[2005:429\] om god man för ensamkommande barn](#)), 9 June 2005, section 2.

<sup>113</sup> Sweden, Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner*) "Questions and answers about guardians for unaccompanied children fleeing Ukraine" ([Frågor och svar om ställföreträdare för barn utan vårdnadshavare som flyr från Ukraina](#)), official webpage, accessed 8 June 2023.

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## 4. Information and practical challenges in access to basic services for children fleeing Ukraine

### 4.1. General information and challenges

#### *Participation of children from Ukraine in Swedish compulsory and upper secondary schools*

In **Sweden**, the Swedish National Agency for Education (*Skolverket*) gathered information regarding the participation of children from Ukraine in Swedish compulsory and upper secondary schools. The Agency conducted a survey asking all municipalities to provide information about the number of children aged 6–17 who have fled Ukraine and were enrolled, or had applied for a place, in school by the beginning of September 2022. According to the municipalities, close to 6 800 children aged 6–17 had by the beginning of September 2022 enrolled in or applied for a place in preschool class, compulsory school, compulsory school for pupils with learning disabilities, upper secondary education, or upper secondary school for pupils with learning disabilities. By comparing the information provided by the municipalities with information provided by the Migration Agency about the number of children aged 6–17 that had sought asylum or a permit according to the TPD, the Agency found that four out of five children from Ukrainian refugee families attend or have applied for a place in schools in Sweden.<sup>114</sup>

In **Sweden**, Gothenburg municipality and Malmö municipality are the second and third largest cities in Sweden. Both municipalities have received a substantial number of persons fleeing Ukraine. The Department for Compulsory Schools in Malmö municipality reported that there are currently 103 pupils with residence permits under the TPD registered in compulsory schools. The municipality further noted that the

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<sup>114</sup> Sweden, Swedish National Agency for Education (*Skolverket*) (2022) Children from Ukraine in Swedish compulsory and upper secondary school ([Barn från Ukraina i Svensk grund- och gymnasieskola](#)), 1 September 2022.

number of de-registered students, who were placed in the municipality's schools based on the TPD, amounts to 50 students.<sup>115</sup>

*Legal or practical challenges preventing children fleeing the Ukraine in their access to child protection, health care or education services*

In **Sweden**, children granted protection under the TPD are at large covered by the same social welfare protection as asylum-seeking children from other parts of the world.<sup>116</sup> Children who have applied for or received a residence permit under the TPD have the same right to education as asylum-seeking children under the Education Act. However, neither asylum-seeking children, nor children granted residence permit under the TPD are subject to compulsory school attendance.<sup>117</sup> The Swedish Refugee Law Center (*Asylrättscentrum*) highlighted this as a risk factor for these children.<sup>118</sup> The Swedish Refugee Law Center further reported on a number of challenges identified in their contact with persons fleeing Ukraine, including that: persons granted protection under the TPD do not have the right to receive compensation for care of a sick child; children's lack of a Swedish social security number entails problems with certain activities, and; the low economic allowances<sup>119</sup> greatly affects the lives of these children who, for example, cannot afford public transport to get to the healthcare services etc. The Swedish Refugee Law Center has also received reports concerning the size of the accommodation provided by the municipalities. One example is a family with several children assigned an accommodation of 1,5 rooms.<sup>120</sup>

In **Sweden**, the Migration Agency reported that they initially faced some challenges in relation to the reception of children fleeing Ukraine, due to the lack of legal guidance and internal procedures. In some cases, the Agency reported that there have been difficulties in establishing children's identity and kinship to a family or their belonging to an institution due to the lack of documents such as passports or documentation that

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<sup>115</sup> Sweden, e-mail correspondence with official at the Department for Compulsory Schools in Malmö municipality, 15 June 2023. The data covers the period between 1 January 2022 – 8 June 2023.

<sup>116</sup> Sweden, Act on the reception of asylum seekers, and others ([Lag \[1994:137\] om mottagande av asylsökande m.fl.](#)), 1 July 2022, section 1; Sweden, Population Registration Act (*Folkbokföringslag [1997:481]*), sections 1 and 4.

<sup>117</sup> Sweden, Education Act (*Skollag [2010:800]*), 23 June 2010, chapter 7, section 2 and chapter 29, sections 2-3 and Sweden, Aliens Act (*Utlänningslag [2005:716]*), 1 January 2010, chapter 21, section 2.

<sup>118</sup> Sweden, e-mail correspondence with a lawyer at the Swedish Refugee Law Center (*Asylrättscentrum*), 15 June 2023.

<sup>119</sup> Sweden, Act on the reception of asylum seekers, and others ([Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)), 1 July 2022, section 2 and section 1 point 2.

<sup>120</sup> Sweden, e-mail correspondence with a lawyer at the Swedish Refugee Law Center (*Asylrättscentrum*), 15 June 2023.

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the child belongs to the specified institution.<sup>121</sup> The Migration Agency also reported that unaccompanied children may be left without a representative for a period of time. This is because it may take some time to get a temporary guardian appointed in the municipality where the child resides and in very few cases public counsels have been appointed for unaccompanied children from Ukraine seeking residence permit under the TPD.<sup>122</sup> As mentioned in chapter 3.1 above, the Migration Agency reports that a possible explanation to why only a few public counsels have been appointed is that the absolute majority of unaccompanied children seeking protection under the TPD are granted protection. Therefore, they have not been considered to be in need of a public counsel.<sup>123</sup> Another challenge highlighted by both the Migration Agency and the Swedish Refugee Law Center is the limited time given for an initial conversation with the child. This requires the personnel to be particularly aware of various risk indicators (e.g. human trafficking)<sup>124</sup> and of potential special needs.<sup>125</sup> The Migration Agency reported that initially there were some challenges with regard the different assignment procedures for unaccompanied children and adults respectively.<sup>126</sup> However, the procedure has subsequently been developed and is described further in chapter 5 below.

In **Sweden**, two Social Services Department in Gothenburg municipality reported that no major challenges preventing children fleeing Ukraine in their access to child protection, health care or education services had been identified.<sup>127</sup> However, in some cases, reports of concern have been submitted for individual children.<sup>128</sup> The majority of the children who have arrived in the municipality are attending school.<sup>129</sup> Both the

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<sup>121</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023.

<sup>122</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023.

<sup>123</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 14 June 2023.

<sup>124</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023.

<sup>125</sup> Sweden, e-mail correspondence with a lawyer at the Swedish Refugee Law Center (*Asylrättscentrum*), 15 June 2023.

<sup>126</sup> Sweden, email correspondence with legal expert at the Migration Agency (*Migrationsverket*), 2 June 2023.

<sup>127</sup> Sweden, telephone call with representative from the Social Services Department in Gothenburg municipality, 16 June 2023, and; Sweden, e-mail correspondence with representative from the Social Services Department in Gothenburg municipality, 12 June 2023.

<sup>128</sup> Sweden, telephone call with representative from the Social Services Department in Gothenburg municipality, 16 June 2023.

<sup>129</sup> Sweden, telephone call with representative from the Social Services Department in Gothenburg municipality, 16 June 2023.

Education Department and the Social Services Department in Malmö municipality reported that no challenges in relation to access to education have been identified.<sup>130</sup> The National Board of Health and Welfare and the Swedish Association of Local Authorities and Regions reported that they have not identified any general challenges.<sup>131</sup>

## 4.2. Challenges for children at multiple risk/disadvantage

In **Sweden**, no information has been identified about particular challenges in terms of access to child protection authorities faced by children fleeing the Ukraine who were non-Ukrainian nationals, Roma, children with disabilities, stateless children or other children at multiple risks of exclusion.

In **Sweden**, two of the Social Services Department in Gothenburg municipality reported that no particular challenges in terms of access to child protection authorities faced by children at multiple risks of exclusion have been identified.<sup>132</sup> Gothenburg municipality is working to ensure that all children get the support and services that are needed. The municipality has also introduced a refugee reception program for children who have experienced trauma.<sup>133</sup> The Education Department in Malmö municipality reported that they have received children who were non-Ukrainian nationals, Roma children and children with disabilities. No challenges in relation to access to education have been identified.<sup>134</sup> The Social Services Department in Malmö municipality

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<sup>130</sup> Sweden, e-mail correspondence with representative from the Education Department in Malmö municipality, 15 June 2023, and; Sweden, e-mail correspondence with representative from the Social Services Department in Malmö municipality, 19 June 2023.

<sup>131</sup> Sweden, e-mail correspondence with official at the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Regioner*), 15 June 2023, and; e-mail correspondence with official at the National Board of Health and Welfare (*Socialstyrelsen*), 31 May 2023.

<sup>132</sup> Sweden, telephone call with representative from the Social Services Department in Gothenburg municipality, 16 June 2023, and; Sweden, e-mail correspondence with representative from the Social Services Department in Gothenburg municipality, 12 June 2023.

<sup>133</sup> Sweden, telephone call with representative from the Social Services Department in Gothenburg municipality, 16 June 2023.

<sup>134</sup> Sweden, e-mail correspondence with representative from the Department for Compulsory Schools in Malmö municipality, 15 June 2023.

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reported that they have adapted apartments for children with disabilities. No additional challenges in have been identified.<sup>135</sup>

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<sup>135</sup> Sweden, e-mail correspondence with representative from the Social Services Department in Malmö municipality, 19 June 2023.

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## 5. Policies in place

### 5.1. Dedicated action plan and/or integrated measures

In **Sweden**, no dedicated policy or action plan at the national level specifically addressing children fleeing Ukraine has been identified. As mentioned in several chapters above, unaccompanied children under the TPD are covered by the LMA when they apply for a residence permit. Children granted protection under the TPD are by and large covered by the same social welfare protections and rights as asylum-seeking children.<sup>136</sup> According to the Migration Agency, the difference mainly concerns the processing at the time of application.<sup>137</sup>

In **Sweden**, the Migration Agency has developed a process for issuing residence permits under the TPD for unaccompanied children from Ukraine.<sup>138</sup> An application for protection under the TPD from unaccompanied child does not have to be approved by a deputy guardian (*ställföreträdande vårdnadshavare*). When an unaccompanied child arrives, the Migration Agency submit a report of concern to the social services in the municipality of arrival. The arrival municipality has the social services responsibility for the child until the Migration Agency has decided on a residence permit and assigned a responsible municipality. The responsible municipality then assumes the long-term responsibility under the Social Services Act.<sup>139</sup>

In **Sweden**, many of the unaccompanied children from Ukraine arrive with relatives who are not their guardians. If it is considered to be in the best interest of the child, children can be placed in arrival accommodation or their own accommodation together with the persons they arrived with, after approval of the latter from the social services in the municipality of arrival. This means that these children do not always

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<sup>136</sup> Sweden, Act on the reception of asylum seekers, and others ([Lag \[1994:137\] om mottagande av asylsökande m.fl.](#)), 1 July 2022, section 1; Sweden, Population Registration Act ([Folkbokföringslag \[1997:481\]](#)), sections 1 and 4.

<sup>137</sup> Sweden, Migration Agency (*Migrationsverket*) Unaccompanied children from Ukraine '[Ensamkommande barn från Ukraina](#)', official website, accessed 25 April 2023.

<sup>138</sup> Sweden, Migration Agency (*Migrationsverket*) Unaccompanied children from Ukraine '[Ensamkommande barn från Ukraina](#)', official website, accessed 25 April 2023.

<sup>139</sup> Sweden, Migration Agency (*Migrationsverket*) Unaccompanied children from Ukraine '[Ensamkommande barn från Ukraina](#)', official website, accessed 25 April 2023.

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stay in the municipality of arrival when awaiting a decision on a residence permit and an assigned responsible municipality.<sup>140</sup>

In **Sweden**, since 1 July 2022, the Swedish Migration Agency may assign a municipality to arrange accommodation for persons who have been granted a residence permit based on the TPD.<sup>141</sup> Unaccompanied children granted a residence permit under the TPD are not covered by these provisions. As mentioned above, these children are assigned a responsible municipality once they receive residence permits.<sup>142</sup> However, this legislative change may affect unaccompanied children who arrive in Sweden and apply for residence permits together with co-applicant relatives who are covered by the new provisions.<sup>143</sup> According to the Migration Agency, unaccompanied children arriving in Sweden together with relatives in need of assistance with accommodation and who are covered by the new provision are subject to a specific process.<sup>144</sup> The Migration Agency reports the child's need for protection and any affiliation to relatives in Sweden to the municipality that is registered as the municipality of arrival. The municipality where the relatives are temporarily placed (in the Migration Agency's accommodation) will also be assigned to the child, based on affiliation to the relative. That municipality becomes a temporary responsible municipality, provided that the child wants to live with the relatives and that the social services in the municipality of arrival have deemed it suitable. When the Migration Agency then assigns a municipality to arrange a more permanent accommodation for the relatives, and the child moves in with them, the Migration Agency will decide on a new assignment for the child to the municipality where the child's relatives will be accommodated.<sup>145</sup>

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<sup>140</sup> Sweden, Migration Agency (*Migrationsverket*) Unaccompanied children from Ukraine '[Ensamkommande barn från Ukraina](#)', official website, accessed 25 April 2023.

<sup>141</sup> Sweden, Act (1994:137) on the reception of asylum seekers, and others ([Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)), SFS 1994:137, 1 July 2022, section 3, paragraph 1; Sweden, Ordinance on the assignment of a municipality to organize accommodation for certain foreigners ([Förordning om anvisning av en kommun som ska ordna boende för vissa utlänningar](#)), SFS 2022:1008.

<sup>142</sup> Sweden, Act (1994:137) on the reception of asylum seekers, and others ([Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)), SFS 1994:137, 1 July 2022, section 3.

<sup>143</sup> Sweden, Migration Agency (*Migrationsverket*) Instruction of unaccompanied children together with relatives '[Anvisning av ensamkommande barn med medsökande anhöriga](#)', official website, accessed 9 June 2023.

<sup>144</sup> Sweden, Migration Agency (*Migrationsverket*) Instruction of unaccompanied children together with relatives '[Anvisning av ensamkommande barn med medsökande anhöriga](#)', official website, accessed 9 June 2023.

<sup>145</sup> Sweden, Migration Agency (*Migrationsverket*) Instruction of unaccompanied children together with relatives '[Anvisning av ensamkommande barn med medsökande anhöriga](#)', official website, accessed 9 June 2023.



## 5.2. European Child Guarantee

In **Sweden**, the national action plan on the implementation of the European Child Guarantee has not been adapted to specifically include measures to address the basic need for protection and access to services for children fleeing Ukraine.<sup>146</sup> That is, the plan does not specifically refer to the war and displaced children from Ukraine. However, asylum-seeking children, children who have recently immigrated to Sweden from outside Europe, and children without the necessary permits to stay in Sweden are identified as children in need in the Swedish context. According to the action plan, children in these situations need to be taken into account in the measures taken.<sup>147</sup>

## 5.3. Budget

In **Sweden**, the budget bill for 2023 includes no specific budget post for displaced children from Ukraine.<sup>148</sup> According to the government, the Migration Agency's need for additional funding increased because of the developments in Ukraine. To handle the large increase in people in need of protection from Ukraine in 2022, the Migration Agency upgraded the reception system and restructured its examination operations. This resulted in increased costs for, among other things, housing and personnel. The additional costs for housing were allocated funding through the spring amending budget 2022,<sup>149</sup> while the increased personnel costs were managed within available funds.<sup>150</sup> According to the government, the funds for accommodation, government allowances and personnel costs will be increased for future years compared to estimated appropriations in the budget bill for 2022.<sup>151</sup> The government therefore provided funds to the Migration Agency's administrative grant (*förvaltningsanslag*) to ensure that the authority can handle the continued high amount of cases within

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<sup>146</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) '[National Action Plan to implement the European Child Guarantee](#)', 24 May 2022.

<sup>147</sup> Sweden, Ministry of Health and Social Affairs (*Socialdepartementet*) (2022) '[National Action Plan to implement the European Child Guarantee](#)', 24 May 2022, pages 57-58.

<sup>148</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2022) Budget bill 2023 ([Budgetpropositionen 2023](#)), budget bill, 2022/23:1, 8 November 2022.

<sup>149</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2022) Extra amending budget for 2022 – spring amending budget and support for Ukraine ([Extra ändringsbudget för 2022 – Vårändringsbudget för 2022 och stöd till Ukraina](#)), budget bill, 2021/22:269, 17 June 2022.

<sup>150</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2022) Budget bill 2023 ([Budgetpropositionen 2023](#)), budget bill, 2022/23:1, 8 November 2022, page 955.

<sup>151</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2022) Budget bill 2023 ([Budgetpropositionen 2023](#)), budget bill, 2022/23:1, 8 November 2022, page 955.

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reception and examination. The grant will be increased by SEK 535 million in 2023 and SEK 270 million in 2024.<sup>152</sup>

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<sup>152</sup> Sweden, Ministry of Finance (*Finansdepartementet*) (2022) Budget bill 2023 ([Budgetpropositionen 2023](#)), budget bill, 2022/23:1, 8 November 2022, page 956.