



**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

**UNHCR's Representation for the Nordic and Baltic countries**

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18/12/2025

**Notre/Our** 250/RNB/2025  
**code:**

**RE: UNHCR Observations on the legislative proposals in the report  
“Tightened Conditions for Family Immigration”**

Dear Sir/Madam,

The UNHCR Representation for the Nordic and Baltic Countries is pleased to submit to the Ministry of Justice of Sweden its observations on the legislative proposals in the report “Tightened Conditions for Family Immigration”.

UNHCR appreciates the constructive dialogue with the Swedish Government, and we thank you for your consideration of this important matter. We remain at your disposal for any clarification required.

Yours sincerely,

**Annika Sandlund**  
Representative

## UNHCR Observations on the Legislative Proposals in the Report of the Commission of Inquiry “Tightened Conditions for Family Immigration” (*Skärpta villkor för anhöriginvandring, SOU 2025:95*)

### I. Introduction

1. The United Nations High Commissioner for Refugees (UNHCR) Representation for the Nordic and Baltic Countries (RNB) would like to thank the Government of Sweden for the opportunity to provide observations on the legislative proposals in the report of the commission of inquiry “*Tightened Conditions for Family Immigration*” (*Skärpta villkor för anhöriginvandring, SOU 2025:95*) – hereafter referred to as the “Inquiry proposal”.<sup>1</sup>
2. UNHCR has a direct interest in law proposals related to asylum, as the agency entrusted by the United Nations (UN) General Assembly with the mandate to provide international protection to refugees and, together with Governments, seek permanent solutions to the problems of refugees.<sup>2</sup> Paragraph 8 of UNHCR’s Statute confers responsibility on UNHCR for supervising international conventions for the protection of refugees,<sup>3</sup> whereas the 1951 Convention relating to the Status of Refugees<sup>4</sup> and its 1967 Protocol (hereafter collectively referred to as “1951 Convention”) oblige State Parties to cooperate with UNHCR in the exercise of its mandate, in particular facilitating UNHCR’s duty of supervising the application of the provisions of the 1951 Convention (Article 35 of the 1951 Convention and Article II of the 1967 Protocol).<sup>5</sup>
3. UNHCR’s supervisory responsibility is exercised in part by the issuance of interpretative guidelines on the meaning of provisions and terms contained in international refugee instruments, in particular the 1951 Convention. Such guidelines are included in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and subsequent Guidelines on International Protection.<sup>6</sup> UNHCR also fulfils its supervisory

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<sup>1</sup> Swedish Government Official Reports, Report of the Commission of Inquiry “Tightened Conditions for Family Immigration”, SOU 2025:95, 5 September 2025, Full report in Swedish: <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/09/sou-202595/>.

<sup>2</sup> UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V), <https://www.refworld.org/docid/3ae6b3628.html>.

<sup>3</sup> Ibidem, para. 8(a). According to para. 8(a) of the Statute, UNHCR is competent to supervise international conventions for the protection of refugees. The wording is open and flexible and does not restrict the scope of applicability of the UNHCR’s supervisory function to one or other specific international refugee convention. UNHCR is therefore competent qua its Statute to supervise all conventions relevant to refugee protection. See Volker Türk, UNHCR’s supervisory responsibility, Working Paper No. 67, UN High Commissioner for Refugees (UNHCR), October 2002, <https://www.refworld.org/reference/research/unhcr/2002/en/86884>, pp. 7–8.

<sup>4</sup> UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series, No. 2545, vol. 189 <http://www.unhcr.org/refworld/docid/3be01b964.html>. According to Article 35 (1) of the 1951 Convention, UNHCR has the “duty of supervising the application of the provisions of the Convention”.

<sup>5</sup> UNHCR’s supervisory responsibility has also been reflected in European Union law, including by way of general reference to the 1951 Convention in Article 78 (1) of the Treaty on the Functioning of the EU.

<sup>6</sup> UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, April 2019, HCR/1P/4/ENG/REV. 4, <https://www.refworld.org/docid/5cb474b27.html>.

responsibility by providing comments on legislative and policy proposals impacting the protection and durable solutions of forcibly displaced and stateless people.

## II. Scope of the Inquiry Proposal and General Observations

4. The Inquiry proposal is part of a broader legislative reform process aligned with the 2022 Tidö Agreement.<sup>7</sup> It aims to tighten the rules and conditions for family reunification for people with asylum-related residence permits in Sweden and their family members, while staying within the minimum standards required by EU law.
5. The task of the Inquiry has been to: i) determine how the eligibility to act as a sponsor in family reunification cases may be limited, ii) determine how the circle of relatives eligible for residence permits on the basis of family reunification may be narrowed, iii) propose ways to tighten the maintenance requirements, iv) analyze and propose the possibility of introducing a requirement for comprehensive health insurance as a condition for family reunification, v) review the existing provisions on use of DNA analysis in family reunification cases and propose measures to enable a broader application.<sup>8</sup>
6. In recent years, Sweden had already significantly restricted the right to family reunification by introducing a range of legal, practical, and financial obstacles, including through legislative amendments adopted in March 2023, on which UNHCR issued observations<sup>9</sup>. The current Inquiry proposal continues this trend by further reducing standards and safeguards of the former strong legal framework, with the objective of broadly restricting the right and further tightening conditions applicable to persons with asylum-related residence permits and their family members.<sup>10</sup>
7. UNHCR notes that the Inquiry, among other, seeks to fully utilize limitations to the right to family reunification permitted under the Council Directive 2003/86/EC (2003) on the Right to Family Reunification (“FRD”)<sup>11</sup> wherever the Directive applies. By way of general observation, UNHCR notes that the Court of Justice of the European Union (“CJEU”) has emphasized that the objective of the Family Reunification Directive is to

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<sup>7</sup> See “Tidö Agreement: Agreement for Sweden” presented by the Moderate Party, the Christian Democrats, the Liberals, and the Sweden Democrats in October 2022, <https://www.liberalerna.se/wp-content/uploads/tidoavtalet-overenskommelse-for-sverige-slutlig.pdf>, pp. 34; 39-40.

<sup>8</sup> Swedish Government, Terms of Reference: Tightened Conditions for Family Immigration, 11 July 2024, Dir. 2024:68, Full text in Swedish: <https://www.regeringen.se/rattsliga-dokument/kommitteredirektiv/2024/07/dir.-202468>, p. 1.

<sup>9</sup> UNHCR Observations on the draft proposal “Certain stricter conditions for family immigration and limited possibilities for residence permit due to humanitarian reasons” [Utkast till lagrådsremiss: Vissa skärpta villkor för anhöriginvandring och begränsade möjligheter till uppehållstillstånd av humanitära skäl], 28 March 2023, <https://www.refworld.org/legal/natlegcomments/unhcr/2023/en/124241>.

<sup>10</sup> UNHCR Recommendations to Sweden on strengthening refugee protection in Sweden, Europe and globally, September 2022, <https://www.unhcr.org/neu/85579-unhcr-recommendations-to-sweden-onstrengthening-refugee-protection.html>, p. 2.

<sup>11</sup> Council of the EU, Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification, 3 October 2003, OJ L. 251/12-251/18; 3.10.2003, 2003/86/EC, <https://www.refworld.org/docid/3f8bb4a10.html>.

promote family reunification.<sup>12</sup> With regard to refugees specifically, it has held that “special attention should be paid to the situation of refugees, since they have been obliged to flee their country and cannot conceivably lead a normal family life there”.<sup>13</sup> This has also been recognized by the European Court of Human Rights (“ECtHR”), which has found that family unity is an essential right for refugees and they should benefit from a more favorable family reunification regime than other foreigners.<sup>14</sup> States thus have an obligation not only to refrain from interfering with individuals’ right to family life, but to facilitate access to it.<sup>15</sup> In addition, jurisprudence of the ECtHR requires States to give effect to the right to family life and family unity through flexible, prompt, and effective access to family reunification.<sup>16</sup>

8. UNHCR highlights that the right to family life and the principle of family unity are of particular importance in the refugee context as maintaining and facilitating family unity helps to ensure the physical care, protection, emotional well-being and self-reliance of refugees. UNHCR has also highlighted the importance of family reunification for women and girls to safely access protection and in reducing or removing the risk of undertaking dangerous journeys. A prolonged separation can have devastating consequences on the wellbeing of refugees and their families and as such the possibility of being reunited with one’s family is vital for integration.<sup>17</sup> Family reunification is also an important factor in reducing mental health issues among refugees. Research shows that there is a direct link between family reunification, mental health and successful integration.<sup>18</sup> The need to reunite with family members is one of the key drivers for irregular and unsafe movement. Therefore, giving effect to the right to family life through processing applications for family reunification in a positive, humane and expeditious manner enables refugees to reunify with their family members through safe pathways.

<sup>12</sup> Chakroun v. Minister van Buitenlandse Zaken, C-578/08, The Court of Justice of the European Union, 4 March 2010, available at: <https://www.refworld.org/cases/ECJ/4b962e692.html>, para. 43.

<sup>13</sup> TB v Bevándorlási és Menekültügyi Hivatal, C-519/18, ECLI:EU:C:2019:1070, CJEU, 12 December 2019, <https://www.refworld.org/jurisprudence/caselaw/ecj/2019/en/148651>, paras. 49-50; K and B v Staatssecretaris van Veiligheid en Justitie, C-380/17, ECLI:EU:C:2018:877, CJEU, 7 November 2018, <https://www.refworld.org/jurisprudence/caselaw/ecj/2018/en/148982>, para. 53.

<sup>14</sup> Tanda-Muzinga v. France, Appl. no. 2260/10, ECtHR, 10 July 2014, [www.refworld.org/cases/ECHR/53be80094.html](http://www.refworld.org/cases/ECHR/53be80094.html), para. 75; Mugenzi v. France, Appl. no. 52701/09, ECtHR, 10 July 2014, [www.refworld.org/cases/ECHR/53be81784.html](http://www.refworld.org/cases/ECHR/53be81784.html), para. 54.

<sup>15</sup> Tuquabo-Tekle and Others v. the Netherlands, Appl. no. 60665/00, ECtHR, 1 December 2005, <https://www.refworld.org/jurisprudence/caselaw/echr/2005/en/20377>, para. 42; Jeunesse v. the Netherlands, Appl. no. 12738/10, ECtHR, 3 October 2014, <https://www.refworld.org/cases/ECHR/584a96604.html>, para. 106 and note 13; UNHCR Statement on family reunification for beneficiaries of international protection issued in the context of the preliminary ruling reference to the CJEU in the case of CR, GF, TY v. Landeshauptmann von Wien (C-560/20), 22 June 2021, <https://www.refworld.org/docid/60d20abe4.html>, paras. 3.1.1. – 3.1.4.

<sup>16</sup> Mugenzi v. France, supra note 14, para. 52 and Tanda-Muzinga v. France, supra note 14, para. 73.

<sup>17</sup> UNHCR, Summary Conclusions on the Right to Family Life and Family Unity in the Context of Family Reunification of Refugees and Other Persons In Need Of International Protection, 4 December 2017, Expert Roundtable, [www.refworld.org/docid/5b18f5774.html](http://www.refworld.org/docid/5b18f5774.html), para. 1.

<sup>18</sup> UNHCR Recommendations to Sweden, supra note 10, p. 4.

9. In its specific observations under section III below, UNHCR will focus on aspects related to the proposed limitation of eligibility to act as a sponsor, the proposed restriction of the circle of relatives eligible for residence permits on the basis of family ties, and the proposed tightening of the maintenance requirements.

### III. Specific Observations

#### *a) A differentiated right for refugees and beneficiaries of subsidiary protection*

10. In view of alignment with the FRD, section 7.2.1 of the Inquiry proposal seeks to render the right to family reunification discretionary for beneficiaries of subsidiary protection, including unaccompanied children with subsidiary protection. For adult refugees whose family relationships predate their entry into Sweden as well as unaccompanied children with refugee status family reunification continues to be a fundamental right.
11. UNHCR would like to highlight that the humanitarian needs of individuals granted subsidiary protection are not different from those of refugees. UNHCR advocates for the inclusion of all persons in need of international protection into family reunification frameworks irrespective of the type of national protection or residence provided. Under Art. 8 ECHR, everyone has the right to respect for their private and family life, irrespective of the type of residence provided, as it is not the status of the applicant that is determinative but whether there is an obstacle preventing the applicant from enjoying family life in his or her home country.<sup>19</sup> Consequently, differences in terms of the rights and requirements for family reunification are not justified based on the individual's flight experience and protection needs. Thus, refugees and beneficiaries of subsidiary protection should both enjoy equal treatment with regard to more favorable access to family reunification to exercise their fundamental right to family life, irrespective of the type of their protection status.<sup>20</sup>
12. The European Commission also considers that the humanitarian protection needs of persons benefiting from subsidiary protection do not differ from those of refugees and encourages Member States to adopt rules that grant similar rights to refugees and beneficiaries of subsidiary protection.<sup>21</sup>

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<sup>19</sup> Submission by the Office of the UNHCR in the case of M.A. v. Denmark (Application no. 6697/18) before the ECtHR, 21 January 2019, <https://www.refworld.org/docid/5c4591164.html>, para. 3.2.4.

<sup>20</sup> UNHCR, UNHCR Guidelines on international legal standards relating to family reunification for refugees and other beneficiaries of international protection, December 2024, <https://www.refworld.org/policy/legalguidance/unhcr/2024/en/149243>, p. 17. The term 'receiving country' is used to identify the direction of movement of family reunification to a country where the receiving family member has been granted refugee status or another form of international protection.

<sup>21</sup> European Commission, Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification, 3 April 2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52014DC0210>, pp. 24–25.

13. UNHCR therefore recommends that the two categories of beneficiaries of international protection should have equal access and rights to family reunification in Sweden and that this be clearly indicated in the Proposal or in the legislative text.

***b) Tightened conditions affecting sponsors and family members***

*A two-year statutory waiting period*

14. The Inquiry proposes introducing a statutory two-year waiting period for sponsorship eligibility for temporary permit holders. This would apply to, among other, refugees whose family relationships predate their entry into Sweden, beneficiaries of subsidiary protection, and persons with residence permits due to enforcement impediment. According to Section 6.2.5 of the Inquiry proposal, the introduction of a statutory waiting period aims to ensure that individuals who come to Sweden remain in the country for a sufficiently long period to reach a certain level of integration before family reunification takes place, thus enabling better integration conditions for family members upon arrival.<sup>22</sup>
15. UNHCR notes that refugees and beneficiaries of subsidiary protection to whom the new requirement applies, will be subject to a significantly longer separation from their family members. The current reunification process, even without the proposed waiting period requirement, is often lengthy, resulting in close family members having to live apart for many years with severe consequences for their well-being and integration. To this end, UNHCR recalls that the CJEU has ruled that a waiting period before family reunification “cannot be imposed without taking into account, in specific cases, all the relevant factors” and that full consideration must be given to “the particular circumstances of specific cases [and] the best interests of minor children”.<sup>23</sup> UNHCR refers to the guidance issued by the European Commission that such a measure must be strictly proportionate and limited to what is necessary to ensure that the sponsor is sufficiently integrated. To avoid affecting family life in a disproportionate way, the European Commission encourages EU Member States to keep waiting periods as short as strictly necessary for achieving the purpose of the provision, especially in cases involving children.<sup>24</sup>
16. In UNHCR’s view, the ability to reunify with one’s family supports the integration process, which States are requested to facilitate as far as possible, pursuant to Article 34 of the 1951 Convention.<sup>25</sup> Prolonged separation of family members during forced displacement can have devastating consequences on peoples’ well-being, as well as on their ability to rehabilitate from traumatic experiences of persecution and war, and inhibit their ability to learn a new language, search for a job and adapt to their country of asylum. UNHCR’s

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<sup>22</sup> Inquiry proposal, p. 165.

<sup>23</sup> European Parliament v. Council of the European Union, C-540/03, ECLI:EU:C:2006:429, CJEU, 27 June 2006, <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-540/03>, paras. 99-101.

<sup>24</sup> European Commission Guidance, supra note 21, p.17.

<sup>25</sup> Convention Relating to the Status of Refugees, supra note 4.



ExCom Conclusion No. 104 on local integration notes the potential role of family members in promoting the smoother and more rapid integration of refugee families given that they can reinforce the social support system of refugees.<sup>26</sup> Facilitating family reunification will therefore have a positive effect on integration in all its aspects, including employment.

17. UNHCR is concerned that the proposed measures could hamper rather than facilitate integration. UNHCR thus cautions against the imposition of a waiting period, noting that such a requirement may impede the stated objective of promoting integration.

***c) Tightened maintenance requirements***

*Reduced exemptions from the maintenance requirement*

18. The Inquiry maintains the strict income and accommodation requirements for refugees and beneficiaries of subsidiary protection. Refugees are exempted from this rule only for a period of three-months from the date of granting of protection status.<sup>27</sup> In addition, the Aliens Act currently provides for further exemptions from the main rule regarding the income requirement when the family *as a whole* has “special links” to a third country in which family reunification is considered possible.<sup>28</sup>
19. Section 8.7.2 of the Inquiry proposal now seeks to align the wording in this provision with Article 12(1), second subparagraph of the FRD, which would reduce the scope of exemptions from the maintenance requirement. Under the proposed amendment, it would no longer be required that “special links” be established in respect of the family as a whole. Instead, the maintenance requirement would apply where such links are established in relation to only one family member, thereby extending the scope of the current ‘special links’ provision.
20. UNHCR refers to the European Commission Guidance<sup>29</sup> which clarifies that, while this option requires that the third country be a realistic alternative and, thus, a safe country for the sponsor and the family members, the burden of proof on the possibility of family reunification in a third country lies on the Member State, not the applicant.

*Maintenance requirement for extension of residence permits as a general rule*

21. Section 8.7.3 of the Inquiry proposal seeks to apply the maintenance requirement as a

<sup>26</sup> UNHCR, Conclusions on International Protection Adopted by the Executive Committee of the UNHCR Programme 1975 – 2017 (Conclusion No. 1 – 114), Conclusion on Local Integration, October 2017, HCR/IP/3/Eng/REV. 2017, <https://www.refworld.org/docid/5a2ead6b4.html>.

<sup>27</sup> According to the current provision under Chapter 5, Section 3d of the Aliens Act, which the Inquiry seeks to maintain, strict income and accommodation requirements apply to sponsors with refugee status if the application for family reunification is not submitted within three months from the date of granting of the protection status.

<sup>28</sup> Aliens Act Chapter 5, Section 3d, first subparagraph, point 2.

<sup>29</sup> European Commission Guidance, *supra* note 21, p. 23.

general rule also to the assessment of applications for *extension* of residence permits, with a view to aligning the regulation with Article 16(1)(a) of the FRD, while not providing for any maximum time limit for its application. Refugees and beneficiaries of subsidiary protection would be required to meet the strict self-sufficiency and housing requirements every time their family members' residence permits are subject to renewal. The ultimate consequence of not meeting the maintenance requirement in an application for extension of the residence permit may be that the family member is required to leave Sweden.

22. Both the European Commission and the case law have confirmed that family reunification constitutes the general rule, and that the maintenance requirements under Article 7(1)(c) must be interpreted narrowly, ensuring they are not applied in a manner which would undermine the purpose of the FRD or compromise its effectiveness.<sup>30</sup> In UNHCR's view, the type of regular maintenance assessments proposed could give rise to legal uncertainty for the family members concerned, increasing the risk of family separation, while also imposing unnecessary administrative burden on migration authorities and additional costs for the State. Ensuring the right to family life and the principle of family unity requires States to refrain from conduct that would result in family separation,<sup>31</sup> and to take measures to maintain family unity.

23. Further, as family members of refugees and beneficiaries of subsidiary protection admitted through family reunification may themselves have international protection needs, States are required to provide access to individual refugee status determination or other forms of international protection in the event that a residence permit based is not renewed under the proposed measure. Given the particularly vulnerable situation of refugees and beneficiaries of subsidiary protection and the risk of family separation due to the complexity of assessments under such proposed measure, and to ensure that Swedish law remains consistent with, and does not fall below minimum international and regional standards, UNHCR recommends that Sweden refrain from applying the maintenance requirement during the assessment of residence permit extension applications.

***d) Provisions concerning children as sponsors of family reunification***

24. UNHCR welcomes the Inquiry's proposed measures aimed at clarifying the legal position of children; however, it is concerned that the Inquiry also advances several measures that would limit access to family reunification for unaccompanied and separated children ("unaccompanied children") holding international protection status, whether as sponsors in family reunification cases or as applicants seeking to join their families in Sweden.

<sup>30</sup> Ibidem, pp. 3 and 12; Mimoun Khachab v Subdelegación del Gobierno en Álava, C-558/14, CJEU, 21 April 2016, [www.refworld.org/jurisprudence/caselaw/ecj/2016/en/114032](http://www.refworld.org/jurisprudence/caselaw/ecj/2016/en/114032), para. 25; Chakroun v. Minister van Buitenlandse Zaken, supra note 12, paras. 43 and 44.

<sup>31</sup> HRC, CCPR General Comment No. 16: Article 17 (Right to Privacy), The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation, 8 April 1988, [www.refworld.org/legal/general/hrc/1988/en/27539](http://www.refworld.org/legal/general/hrc/1988/en/27539), paras. 3–4.



*A removed requirement that children be unmarried*

25. UNHCR welcomes the Inquiry’s proposal to not apply any of the general or specific conditions regarding the length of the permit, prospects for permanent residence permit, statutory two-year waiting period, and maintenance requirements to unaccompanied children acting as sponsors. UNHCR further notes with appreciation that Section 6.2.4 of the Inquiry proposal seeks to remove the requirement of the current provisions under Chapter 5 Sections 3 and 3a of the Aliens Act that children must be unmarried to be able to act as sponsors or be granted a residence permit on family ties.

*A partially expanded access to family reunification for siblings*

26. According to Section 6.2.3 of the Inquiry proposal, individuals who have been granted a temporary residence permit on the basis of family ties will also be eligible to act as sponsors for family reunification.<sup>32</sup> As a result, siblings of unaccompanied children could be granted a residence permit based on their family relationship to a parent who has obtained a residence permit by virtue of family ties to the unaccompanied child, provided that all other requirements, such as the statutory waiting period and the maintenance requirement, are met.

27. Moreover, according to Section 7.2.9 of the Inquiry proposal, when family reunification is not possible because the parent cannot meet the maintenance requirement or the statutory waiting period applies, a residence permit may still be granted to siblings of unaccompanied children on the basis of a “special connection” to Sweden, in situations of exceptional circumstances (*synnerliga skäl*), where such a permit is required to comply with Sweden’s obligations under international or EU law.

28. UNHCR welcomes the proposed change regarding access to family reunification for siblings of unaccompanied children. UNHCR notes however that the stringent threshold for demonstrating exceptional circumstances would mean that, in practice, access to family reunification for siblings of unaccompanied children is likely to remain limited. As a result, where a sibling is denied family reunification with an unaccompanied child, parents may choose to remain in the country of origin.<sup>33</sup>

29. In UNHCR’s view, where the sponsor is an unaccompanied child, the right to family reunification should not only apply to the parents but also extend to other dependent family members, including siblings who are dependent on the parents for their essential care and

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<sup>32</sup> Inquiry proposal, p. 159.

<sup>33</sup> In *CR, GF, TY v. Landeshauptmann von Wien*, the CJEU held that the adult sister of an unaccompanied child must be granted an entry and residence permit in the specific situation where the right of the child to be reunified with the parents is dependent on the admission of the sister who is living with a serious illness in a situation of total and permanent dependence on the parents. *CR, GF, TY v. Landeshauptmann von Wien*, paras. 60 and 61, [www.refworld.org/jurisprudence/caselaw/ecj/2024/en/148328](https://www.refworld.org/jurisprudence/caselaw/ecj/2024/en/148328).

assistance. In such situations, permitting only the parents to reunite with their unaccompanied child may force the parents to leave other children behind, thereby perpetuating family separation.<sup>34</sup> Rather than uniting families, this would have the effect of dividing families. UNHCR therefore recommends that Sweden ensure its legislation provides siblings of unaccompanied children with effective access to family reunification.

*Differentiation in access to family reunification for children based on ground of protection*

30. The Inquiry proposes a differentiation between unaccompanied children based on their protection status.<sup>35</sup> While the Proposal maintains family reunification as a fundamental right for unaccompanied refugee children, it would make it discretionary for those with subsidiary protection status. This contrasts with the current provisions of Chapter 5, Section 3 of the Aliens Act, under which family reunification is recognized as a fundamental right for all unaccompanied children, irrespective of their protection status.
31. As noted in paragraph 10 above, given that the humanitarian needs of beneficiaries of subsidiary protection are no different than those of refugees, differential treatment in terms of the rights and requirements for family reunification based on the protection status lacks justification. Hence, it is essential to guarantee equal treatment for all individuals, including children in need of international protection, meaning both refugees and subsidiary protection holders.
32. Further, the Convention on the Rights of the Child (“CRC”) also emphasizes that States must ensure that children can exercise their rights without discrimination of any kind.<sup>36</sup> As such, States are required to take appropriate proactive measures to ensure effective equal opportunities for all children to enjoy their rights. The CRC reiterates the importance of the family as ‘the fundamental group of society and the natural environment for the growth and well-being of [...] children’<sup>37</sup> and specifies that children and parents separated from each other shall have their applications for family reunification dealt with ‘in a positive, humane and expeditious manner.’<sup>38</sup> Limiting family reunification for children based on their or their family member(s)’ legal status, is in breach of the principle of non-discrimination and the best interests of the child.<sup>39</sup>

<sup>34</sup> UNHCR, UNHCR Statement in the case of CR, GF, TY v. Landeshauptmann von Wien, supra note 15, para. 4.4.1.

<sup>35</sup> Inquiry proposal, Section 7.2.1, pp. 185-188.

<sup>36</sup> CRC Committee, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), 29 May 2013, CRC/C/GC/14, [www.refworld.org/legal/general/crc/2013/en/95780](http://www.refworld.org/legal/general/crc/2013/en/95780), para. 41.

<sup>37</sup> United Nations, Convention on the Rights of the Child (“CRC”), 20 November 1989, Treaty Series, vol. 1577, <https://www.refworld.org/docid/3ae6b38f0.html>, Recital 5.

<sup>38</sup> Ibidem, Article 10.

<sup>39</sup> Ibidem, Arts. 2 and 3(1); UNHCR Guidelines on international legal standards relating to family reunification for refugees and other beneficiaries of international protection, supra note 20, para 47; CRC Committee, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration

33. Therefore, UNHCR advises against the proposed differentiation and recommends that family reunification remain a fundamental right for all unaccompanied children, regardless of their protection status.

#### **IV. Concluding Recommendations**

34. In the light of the above, UNHCR invites the Government of Sweden to consider the following recommendations:

- a. Refrain from differentiating the conditions for, or the right to, family reunification based on the protection status of both adults and unaccompanied children.
- b. Refrain from introducing a two-year waiting period for refugees whose family relationships existed prior to their entry in Sweden, as well as for beneficiaries of subsidiary protection, before they can submit an application for family reunification.
- c. Refrain from expanding the application of the maintenance requirements to the process of extending residence permits granted on the basis of family ties for refugees and beneficiaries of subsidiary protection.
- d. Ensure that siblings of unaccompanied children have effective access to family reunification.

**UNHCR Representation for Nordic and Baltic Countries**  
**18 December 2025**

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(art. 3, para. 1), supra note 36, paras. 6(c) and 41; PACE, Resolution 2243 (2018) on family reunification of refugees and migrants in the Council of Europe member States, 11 October 2018, [www.refworld.org/legal/resolution/coepace/2018/en/122476](http://www.refworld.org/legal/resolution/coepace/2018/en/122476), para. 5, stating that children must not be discriminated based on the family they come from; Nicholson, The "Essential Right" to Family Unity of Refugees and Others in Need of International Protection in the Context of Family Reunification, pp. 151–52.