Unaccompanied Minors and Danish Asylum Procedures; a discussion of the nexus of protection of children and protection of well-fare state

*Vibeke Andersson, Aalborg University, Denmark*

Abstract

Europe has recently experienced a growing number of refugees and asylum seekers arriving at their borders. Among these are ‘unaccompanied minors’ – children who arrive without their parents or other guardian. These children are received under a set of regulations stipulated by, among others UN (UN Convention on the right of the Child (UNCRC), EU (European Convention on Human Rights (ECHR) and European directives. Broader frameworks are thus in place, but the practice of receiving these children vary. The paper will analyze this within the context of the Danish (universal) Welfare State. I will discuss the practices employed by the State and the criticism of these practices coming from different stakeholders, among these the Danish Institute for Human Rights. The Danish welfare state operates between an ideal of protecting vulnerable individuals and the ‘reality’ of pressure on the asylum system due to a growing number asylum seekers, which has led to a demand for restrictive asylum policies from parts of the population and political parties in power. Central to the discussion the principle of ‘child’s best interest’ will be discussed, and especially how the child’s best interest might collide with state interest, and how this can lead to ambiguous laws and practices towards this type of asylum seekers. The wording is important; are we talking about children or unaccompanied minors? The categories describing this group of asylum seekers become important for the bureaucracies’ ways of addressing the needs of children arriving not accompanied by adults.