(English version)

Question for written answer E-000708/26
to the Commission
Hanna Gedin (The Left)
(19 February 2026)

Subject: Deportations of children

The Swedish Government's migration policy reforms — including no longer allowing residence permits to be granted on the grounds of exceptionally distressing circumstances, the transition to temporary residence permits and a steep increase in the wage requirement for work permits — have had a direct impact on administrative practices and resulted in children and teenagers being deported from Sweden without their parents, even though they have lived in Sweden for a long time and have strong ties to the country. When consulted on the government's legislative proposal, the Swedish Migration Agency stated that the consequences for children had not been sufficiently investigated and warned of increased legal uncertainty and unpredictable family separations, raising questions about compliance with the principle of the best interests of the child under EU law.

1. Does the Commission take the view that Swedish deportation orders concerning children are consistent with Article 3(3) TEU, Article 24 of the EU Charter of Fundamental Rights and the objectives of the European Child Guarantee as part of the Pillar of Social Rights?

2. Has the Commission carried out any legal analysis or received legal advice regarding the Member States' obligations to promote the protection of children's rights under the EU Treaty, and what legal liability would a failure to act entail?

3. Does the Commission intend to take action, including dialogue or infringement proceedings, to ensure that children's rights are upheld in Member States' migration practices?

Submitted: 19.2.2026

Answer given by Mr Brunner on behalf of the European Commission
(5 May 2026)

Member States are responsible to assess the merits of return cases in accordance with the Return Directive ([1]). This directive applies to illegally staying third-country nationals including minors.

When returning a minor, national authorities must take due account of the best interests of the child and family life, notably in proceedings leading to a return decision.

Article 24 of the EU Charter establishes that in all actions relating to children, whether taken by public or private bodies, the child's best interests must be a primary consideration. It is at the discretion of national authorities and courts to interpret and secure such interests in individual cases.

The Return Handbook ([2]) provides guidance to Member States on the Return Directive, including on the return of minors, although only legal acts produce legally binding effects and can be invoked before a national jurisdiction. Legally binding interpretations of Union law can only be given by the Court of Justice of the European Union.

The Commission is in regular contact with all Member States on the implementation of the Pact of Migration and Asylum ([3]), including on aspects related to minors in migration.

([1]) Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

([2]) Commission Recommendation (EU) 2017/2338 of 16 November 2017 establishing a common 'Return Handbook' to be used by Member States' competent authorities when carrying out return-related tasks, OJ L 339 of 19.12.2017, p. 82.

([3]) https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en.