UNE released a technical note on the assessment of the best interests of the child in expulsion cases

UNE has released a new technical note to guide case officers in assessing the best interests of the child in expulsion cases. The note is not legally binding but serves as a professional tool.

The note explains legal principles, child-development knowledge, and factors relevant when deciding whether an expulsion is disproportionate. The child's best interests must always be a fundamental consideration, balanced against society's need for immigration control and crime prevention. The assessment must consider family life rights under ECHR Article 8. Children may be strongly affected even if only one parent is expelled, so their situation must be thoroughly reviewed. The note also covers "additional time" as a milder alternative to expulsion in some cases.

It is disproportionate when the consequences for the child and family are clearly heavier than necessary. For very serious offences, only exceptional circumstances—i.e., unusually heavy burdens on the child—can outweigh expulsion.

Factors to consider include child's views, age, vulnerability, stability needs; care situation and remaining parent's caregiving ability; possibility of maintaining family life or contact; child's identity, language, culture; length of the case and stress caused by uncertainty.

From January 2025, expulsion should normally not occur if family life cannot be maintained abroad due to serious abuse risks or extraordinary humanitarian conditions.

Source(s)

- Immigration Appeals Board | Utlendingsnemnda (11 November, 2025), Korleis vurderer UNE barnet sitt beste når foreldre står i fare for utvising? [Is UNE considering the child's best interests when parents are at risk of deportation?], https://www.une.no/aktuelt/arkiv/2025/nytt-fagnotat-om-vurderinga-av-barnet-sitt-beste-i-utvisingssaker/

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