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Committee on the Rights of the Child**Decision adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 131/2020*, ****

<i>Communication submitted by:</i>	S.M.S.H. and S.M.J.H. (represented by counsel, Emmi Wehka-aho and Atlas Saarikoski)
<i>Alleged victims:</i>	S.M.S.H. and S.M.J.H.
<i>State party:</i>	Finland
<i>Date of communication:</i>	18 December 2020
<i>Subject matter:</i>	Return to Greece under the Dublin III Regulation
<i>Articles of the Convention:</i>	3, 4, 6, 12, 22, 24, 26, 27, 28, 31, 34, 36, and 37

1. The authors of the communication are S.M.S.H. and S.M.J.H., nationals of Afghanistan born in 2007 and 2008, respectively. The authors allege that the State party has violated their rights under articles 3, 4, 6, 12, 22, 24, 26, 27, 28, 31, 34, 36, and 37 of the Convention by deciding to return them to Greece. The authors are represented by counsel. The Optional Protocol entered into force for the State party on 12 November 2015.

2. On an unspecified date, the authors arrived in Greece, where they were granted asylum. In 2020, they left Greece for Finland. On 3 June 2020, they applied, together with their parents, for international protection in Finland. On 25 November 2020, the Finnish Immigration Service denied residence permits to the authors and their parents and dismissed their application for international protection. The authors and their parents were refused entry pending removal to Greece and they were banned from entering Finland for a period of two years. On 11 December 2020, the authors and their parents filed an appeal to the Helsinki Administrative Court and requested a prohibition of enforcement. On 14 December 2020, the Helsinki Administrative Court rejected the application for prohibition of enforcement. On 18 December 2020, the Helsinki Administrative Court suspended the decision of the Finnish Immigration Service while the appeal was pending.

3. On 18 December 2020, the Committee, acting through its Working Group on Communications, registered the communication and granted interim measures under article 6 of the Optional Protocol requesting the suspension of the return of S.H.S.M. and J.H.S.M. and their parents to Greece while the case was under consideration by the Committee.

* Adopted by the Committee at its one-hundredth session (12-30 January 2026).

** The following members of the Committee participated in the consideration of the communication: Suzanne Aho, Thuwayba Al Barwani, Hynd Ayoubi Idrissi, Mary Beloff, Rosaria Correa, Timothy Ekesa, Bragi Gudbrandsson, Mariana Ianachevici, Philip Jaffe, Sopio Kiladze, Cephas Lumina, Benyam Dawit Mezmur, Aissatou Alassane Sidikou, Juliana Scerri Ferrante, Zeinebou Taleb Moussa, and Benoit Van Keirsbilck.

4. On 19 April 2021, the State party submitted its observations on the admissibility of the communication and requested that the admissibility be examined separately from the merits. On 18 August 2021, the State party submitted its observations on the admissibility and merits of the communication. The State party noted that the Supreme Administrative Court had not yet rendered its decision, and the matter was still pending before the Court.
 5. On 28 December 2021, the authors submitted a proposal for a friendly settlement at the national level, which did not result in an agreement.
 6. On 3 January 2022, the authors provided their comments on the State party's observations. On 12 April 2022, the State party submitted further observations on the communication. On 20 October 2023, the Committee, acting through its Working Group on Communications, decided to suspend the consideration of the communication.
 7. On 29 August 2024, the State party informed the Committee that on 20 September 2022, the Supreme Administrative Court prohibited the enforcement of removal order until the request for leave to appeal was decided or ordered otherwise. On 27 October 2023, the Supreme Administrative Court rejected the request for leave to appeal with respect to international protection but granted leave to appeal for other respects and examined the matter. The State party informed the Committee that the Supreme Administrative Court repealed the decisions of the Administrative Court and the Finnish Immigration Service rejecting the request for residence permits for S.H.S.M. and J.H.S.M. and their parents, the denial of entry and the re-entry ban and returned the matter back to the Immigration Service to be re-examined. On 26 July 2024, the Finnish Immigration Service granted S.H.S.M. and J.H.S.M. and their parents continuous residence permits on a discretionary basis on humanitarian grounds in accordance with section 52 of the Aliens Act, valid for one year from the date of the decision. The State party therefore requested the Committee to discontinue its consideration of the communication and to lift its request interim measures. On 31 January 2025, the authors informed the Committee that they partially agreed to the State party's request. The authors asked that the Committee confirms the violation of the children's rights due to the prolonged international protection process.
 8. At its meeting on 30 January 2026, the Committee, taking into account that the authors and their parents had been granted residence permits and were therefore no longer at risk of being returned to Greece, considered that the case had become moot and decided to discontinue its consideration of communication No. 131/2020, in accordance with rule 26 of its rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
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