

Unedited version

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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. 159/2021^{*}, ^{}**

<i>Communication submitted by:</i>	S.A.H et al. (represented by counsel, Atlas Saarikoski)
<i>Alleged victims:</i>	S.A.H et al.
<i>State party:</i>	Finland
<i>Date of communication:</i>	20 September 2021
<i>Subject matter:</i>	Return to Greece under the Dublin III Regulation
<i>Articles of the Convention:</i>	3, 4, 20, 22, 24, 26, 27 and 37

1. The authors of the communications are S.A.H. and I.A.H, nationals of Iraq born in 2008 and 2005, respectively. The authors allege that the State party has violated their rights under articles 3, 4, 20, 22, 24, 26, 27 and 37 of the Convention by deciding to return them to Greece, together with their mother and their older brother. The authors are represented by counsel. The Optional Protocol entered into force for the State Party on 12 November 2015.

2. In 2019, together with their mother, they were granted international protection in Greece. On 13 April 2021, the authors arrived in Finland and applied for international protection, together with their mother and older brother. On 30 July 2021, the Finnish Immigration Service denied them residence permits and declared their application inadmissible. The authors and their mother were ordered to return to Greece. On 18 August 2021, the authors and their mother appealed against the decision of the Finnish Immigration Service to the Helsinki Administrative Court and petitioned that the court prohibit the enforcement of the decision. On 19 August 2021, the court rejected the petition for prohibition of enforcement by interlocutory decision.

3. On 21 September 2021, 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.A.H et al. and their mother to Greece while the case was pending before the Committee.

4. On 21 January 2022, the State Party submitted its observations on the admissibility of the communication and requested that the admissibility be examined separately from the merits. On 20 May 2022, the State party submitted its observations on the admissibility and

^{*} 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.

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 25 January 2023, the authors provided their comments on the State party's observations. On 28 March 2024, the authors provided additional submissions on the communication. On 4 June 2024, the State party submitted additional information on the communication. On 5 June 2024, the Committee, acting through its Working Group on Communications, decided to suspend the consideration of the communication.

6. On 4 June 2024, the State party informed the Committee that on 30 October 2023, the Supreme Administrative Court had overturned the earlier decisions of the Helsinki Administrative Court and the Finnish Immigration Service regarding the denial of their residence permit, their return order and the re-entry ban. The Supreme Administrative Court returned the authors' and their parent's case to be re-examined by the Finnish Immigration Service. On 11 November 2024, the Finnish Immigration Service granted the authors and their mother continuous residence permits on a discretionary basis on humanitarian grounds under 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 21 March 2025, the authors informed the Committee that they partially agreed to the State party's request as there are uncertainties surrounding the residence permit, particularly concerning children who have reached or are approaching the age of 18. The authors requested that the Committee maintain the interim measures to ensure that the applicants can fully recover from their traumatic experiences and live in the safety they have found in Finland.

7. At its meeting on 30 January 2026, the Committee, taking into account that the authors 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. 159/2021, 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.
