



# Convention on the Rights of the Child

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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. 87/2019\* \*\*

<i>Communication submitted by:</i>	J.J., O.L., A.J. and A.S. (represented by counsel, Kirsi Hytinantti)
<i>Alleged victims:</i>	The authors
<i>State party:</i>	Finland
<i>Date of communication:</i>	28 May 2019 (initial submission)
<i>Subject matter:</i>	Deportation of the alleged victims' father to Gambia
<i>Substantive issues:</i>	Non-refoulement; discrimination; best interests of the child; right to life; birth registration; right to identity; family reunification; right to be heard; freedom of thought, conscience and religion; right to privacy; children deprived of a family environment
<i>Articles of the Convention:</i>	2, 3, 5, 6, 7, 8, 9, 10, 12, 14, 16, 18, 27 and 30

1. The authors of the communication are four children, J.J., O.L., A.J. and A.S., all nationals of Finland born in 2017, 2012, 2009 and 2005 respectively. J.J.'s father, who is stepfather to the rest of the authors, had applied for a residence permit in the State party in 2017 on the basis of his marriage to the authors' mother. The application had been rejected by the Immigration Service on 2 November 2017. The decision had been upheld on appeal by the administrative court and the Supreme Administrative Court, on 5 December 2018 and 9 May 2019 respectively. The Optional Protocol entered into force for the State party on 12 February 2016.

2. On 13 August 2019, the State party submitted its observations on the admissibility of the complaint, informing the Committee that on 14 May 2019, the authors' father had filed a new application for a residence permit on the basis of family ties to his daughter. On 13 December 2019, the State party informed the Committee that on 15 November 2019, the Immigration Service had granted him a continuous residence permit for the period from 15 November 2019 to 15 November 2020 on grounds of family ties. The residence permit was

\* Adopted by the Committee at its eighty-fifth session (14 September 2020–1 October 2020).

\*\* The following members of the Committee participated in the examination of the communication: Suzanne Aho Assouma, Hynd Ayoubi Idrissi, Bragi Gudbrandsson, Philip Jaffé, Olga A. Khazova, Gehad Madi, Benyam Dawit Mezmur, Otani Mikiko, Luis Ernesto Pedernera Reyna, José Ángel Rodríguez Reyes, Ann Marie Skelton, Velina Todorova and Renate Winter.



renewable. The State party noted that the Immigration Service, in its decision, had taken into account the development of his family life, as well as the best interests of the child. The State party therefore requested that the communication be discontinued.

3. On 7 January 2020, the counsel submitted the authors' comments on the request for discontinuance, arguing that the communication should not be discontinued as the State party authorities should have granted the authors' father a residence permit on the basis of his application submitted in 2017.

4. At a meeting on 28 September 2020, the Committee, having considered the State party's request, and in the light of the fact that the father had been granted a continuous residence permit following assessment of his family life and the best interests of the child, considered that the case had become moot and decided to discontinue the consideration of communication No. 87/2019 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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