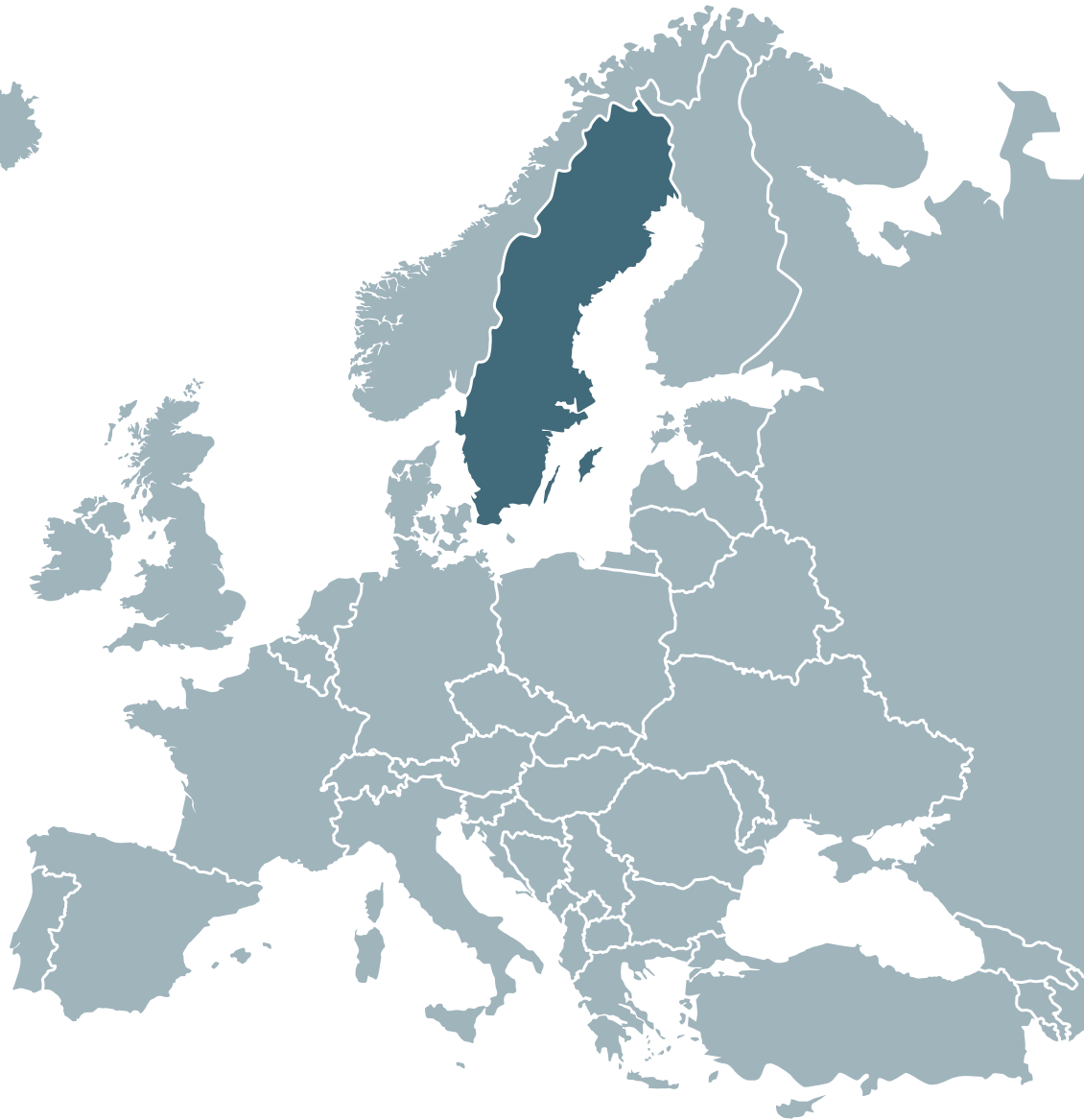
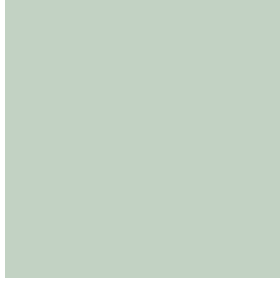


2023 UPDATE

SWEDEN



COUNTRY REPORT

Acknowledgements & Methodology

This report was prepared by the Swedish Refugee Law Center under the lead of Siri Sandin with contributions from Tomas Alvarsson, Anna-Pia Beier, Saloa Rubil, Louise Dane and Karl Nilsson at the Swedish Refugee Law Center, and edited by ECRE. The Annex on Temporary Protection in Sweden was authored by Karl Nilsson at the Swedish Refugee Law Center.

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This report draws on the practice of civil society organisations and other relevant actors, statistical information from the Swedish Migration Agency, the Swedish Migration Courts, as well as legal guidance documents and reports from the Migration Agency. The author would like to thank the Swedish Migration Agency and the Swedish National Courts Administration for their input.

The information in this report is up to date as of 31 December 2023, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 23 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 4 non-EU countries (Serbia, Switzerland, Türkiye, and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), partially funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.



Table of Contents

Glossary & List of Abbreviations	6
Statistics.....	7
Overview of the legal framework	11
Overview of the main changes since the previous report update	12
Asylum Procedure.....	15
A. General	15
1. Flow chart.....	15
2. Types of procedures	16
3. List of authorities intervening in each stage of the procedure.....	16
4. Determining authority	17
5. Short overview of the asylum procedure	20
B. Access to the territory and registration	24
1. Access to the territory and push backs	24
2. Registration of the asylum application	25
C. Procedures	27
1. Regular procedure (“Track 1 and 2”).....	28
2. Dublin (“Track 5A”).....	42
3. Admissibility procedure (“Track 5B” and “Track 5C”).....	49
4. Border procedure (border and transit zones).....	51
5. Accelerated procedure (“Track 4”)	51
D. Guarantees for vulnerable groups	54
1. Identification	54
2. Special procedural guarantees	58
3. Use of medical reports	69
4. Legal representation of unaccompanied children	71
E. Subsequent applications	73
F. The safe country concepts	75
1. Safe country of origin	75
2. Safe third country	77
3. First country of asylum	78
G. Information for asylum seekers and access to NGOs and UNHCR.....	78
1. Provision of information on the procedure	78

2. Access to NGOs and UNHCR.....	80
H. Differential treatment of specific nationalities in the procedure.....	80
Reception Conditions	83
A. Access and forms of reception conditions	84
1. Criteria and restrictions to access reception conditions	84
2. Forms and levels of material reception conditions	86
3. Reduction and withdrawal of material reception conditions	87
4. Freedom of movement	89
B. Housing.....	90
1. Types of accommodation	90
2. Conditions in reception facilities	91
C. Employment and education.....	93
1. Access to the labour market.....	93
2. Access to education	94
D. Health care	96
E. Special reception needs of vulnerable groups	97
F. Information for asylum seekers and access to reception centres.....	101
1. Provision of information on reception	101
2. Access to reception centres by third parties	102
G. Differential treatment of specific nationalities in reception	102
Detention of Asylum Seekers.....	103
A. General	103
B. Legal framework of detention.....	104
1. Grounds for detention	104
2. Alternatives to detention.....	106
3. Detention of vulnerable applicants	106
4. Duration of detention.....	108
C. Detention conditions	108
1. Place of detention	108
2. Conditions in detention facilities.....	109
3. Access to detention facilities	112
D. Procedural safeguards.....	112
1. Judicial review of the detention order.....	112

2. Legal assistance for review of detention	113
E. Differential treatment of specific nationalities in detention	113
Content of International Protection	114
A. Status and residence.....	114
1. Residence permit	114
2. Civil registration.....	115
3. Long-term residence	116
4. Naturalisation	117
5. Cessation and review of protection status	119
6. Withdrawal of protection status	120
B. Family reunification.....	122
1. Criteria and conditions	122
2. Status and rights of family members.....	125
C. Movement and mobility.....	126
1. Freedom of movement.....	126
2. Travel documents.....	126
D. Housing	127
E. Employment and education.....	128
1. Access to the labour market.....	128
2. Access to education	129
F. Social welfare.....	129
G. Health care	130
ANNEX I – Transposition of the CEAS in national legislation.....	131

Glossary & List of Abbreviations

AMIF	Asylum, Migration and Integration Fund
CAT	UN Committee Against Torture
CJEU	Court of Justice of the European Union
CPT	Council of Europe Committee on the Prevention of Torture
CRPD	UN Committee on the Rights of Persons with Disabilities
CSN	Swedish Board of Student Finance Centrala studiestödsnämnden
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ERF	European Refugee Fund
FARR	Swedish Network of Refugee Support Groups Flyktinggruppernas Riksråd
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
JO	Parliamentary Ombudsman
JK	Chancellor of Justice
LGBTQI	Lesbian, gay, bisexual, transsexual, queer and intersex
LMA	Law on the Reception of Asylum Seekers
NPM	National Preventive Mechanism
TPD	Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof
RFSL	Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex rights
RMV	National Board of Forensic Medicine Rättsmedicinalverket
SKR	Swedish Association of Local Authorities and Regions Sveriges Kommuner och Regioner
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency

Statistics

Overview of statistical practice

The Swedish Migration Agency publishes monthly statistical reports on asylum applications and first instance decisions.¹ These include a breakdown per nationality, as well as statistics specifically relating to unaccompanied children.

Applications and granting of protection status at first instance: 2023

	Applicants in 2023	Pending at end of 2023	Total decisions in 2023	Total in merit decisions	Total rejection	In merit rejection ²	Refugee status	Subsidiary protection	Humanitarian protection
Total	12,491	5,229	15,904	12,430	9,573	8,233	2,366	674	731

Breakdown by countries of origin of the total numbers

Afghanistan	1,343	454	2,247	1,963	837	748	792	83	242
Iraq	996	408	1,408	1,265	986	950	114	36	119
Syria	953	405	1,274	1,041	284	203	376	395	22
Uzbekistan	775	192	843	681	725	639	28	2	8
Iran	745	326	847	715	605	535	149	2	13
Türkiye	533	242	595	465	444	370	66	-	9
Ukraine³	524	1,062	388	6	7	4	-	-	1
Colombia	418	104	538	488	492	486	2	-	-
Eritrea	410	97	482	367	124	91	194	8	29
Russia	318	154	557	408	422	343	45	-	8

Source: Information provided by Migration Agency via e-mail in January 2024 and Migration Agency Monthly Statistical Report December 2023 (mårup 2312), pages 9, 16.

Notes:

- ❖ Inadmissibility decisions are excluded.
- ❖ These numbers are defined as first-time applicants, however, applications by persons who have previously had their applications rejected and who apply again after their expulsion decision has become statute-barred (which it is four years after the decision has become final) may also be registered as first-time applications.

¹ Information provided by Migration Agency in January 2024.

² You can find more information about inadmissibility [here](#).

³ The numbers regarding Ukraine only concern cases that are not handled in line with the temporary protection directive. During 2023, the Migration Agency had a decision halt for cases from Ukraine while they assessed the situation in the country. At the end of 2023, the Migration Agency had 1,062 cases pending.

- ❖ Please note that the numbers for refugee status, subsidiary protection and humanitarian protection are based on other total numbers of applicants because the numbers are from another report than the numbers in applicants in a year, pending at end of year, total decisions in year, total in merit decisions, total rejection and in merit rejection. The Migration Agency uses different definitions in different reports, which makes the numbers different in the various sources.
- ❖ Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.
- ❖ Humanitarian protection (in Swedish Synnerligen ömmande omständigheter) is found in Chapter 5 Section 6 Alien Act. If residence permit cannot be granted on other grounds, a permit may be granted to a foreign national if, based on a comprehensive assessment of the foreign national's situation, there are such extremely compelling circumstances that they should be allowed to stay in Sweden. In the assessment, the foreign national's health condition, adaptation to Sweden, and situation in the home country shall be particularly considered. Children may also be granted residence permits even if the circumstances presented do not have the same severity and weight required for permits to be granted to adult individuals.

Applications and granting of protection status at first instance: rates for year 2023⁴

	Overall rejection rate	In merit rejection rate ⁵	Overall protection rate ⁶	In merit protection rate	Refugee rate (1) (4)	Subsidiary protection rate	Humanitarian protection rate
Total	74%	66%	26%	34%	19%	5%	6%

Breakdown by countries of origin of the total numbers

Afghanistan	46%	37%	54%	63%	40%	4%	12%
Iraq	78%	75%	22%	25%	9%	3%	9%
Syria	34%	16%	66%	84%	36%	38%	2%
Uzbekistan	95%	94%	5%	6%	4%	0.3%	1%
Iran	79%	75%	21%	25%	21%	0.3%	2%
Türkiye	84%	80%	16%	20%	14%	0%	2%
Ukraine⁷	99%	50%	1%	50%	0%	0%	17%
Colombia	100%	100%	0%	0%	0.5%	0%	0%
Eritrea	43%	18%	57%	82%	53%	2%	8%
Russia	88%	84%	12%	16%	11%	0%	2%

Source of the percentages: Migration Agency Monthly Statistical Report December 2023 (mårp 2312), p. 5, 11 and a calculation of the numbers from the previous table.

⁴ Information provided by Migration Agency in January 2024.

⁵ You can find more information about inadmissibility [here](#).

⁶ Including humanitarian protection.

⁷ The numbers regarding Ukraine only concern cases that are not handled in line with the temporary protection directive. During 2023, the Migration Agency had a decision halt for cases from Ukraine while they assessed the situation in the country.

Gender/age breakdown of the total number of applicants: 2023

	Men	Women	Adults	Children	
				Accompanied	Unaccompanied
Number	7,910	4,592	9,496 ⁸	2,667	339
Percentage	63%	37%	76%	21%	3%

Source: Information provided by the Swedish Migration Agency in January 2024

Note: The gender breakdown (Men/Women) applies to all applicants, not only adults.

First instance and appeal decision rates: 2023⁹

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	15,904 ¹⁰	100%	9,642 ¹¹	100%
Positive decisions	4,197	26%	468	5%
• <i>Refugee status</i>	2,366	15%	Not available	Not available
• <i>Subsidiary protection</i>	674	4%	Not available	Not available
• <i>Other</i> ¹²	1,157	4.5%	Not available	Not available
Negative decisions	9,573	60%	8,539	89%

Source: Swedish Migration Agency, Monthly Statistical Report December 2023, page 9, 16, 22.

⁸ This number is sourced by calculating the total of men and women and then removing accompanied and unaccompanied children.

⁹ Information provided by the Migration Agency in January 2023.

¹⁰ Includes cases that have been rejected in merit and cases that have not been taken up for processing because the asylum seeker has already applied for asylum in another EU country in accordance with the Dublin Regulation, which is why the percentage does not add up to 100%.

¹¹ Also includes referred cases, which is why the percentage does not add up to 100%.

¹² This could for example be decisions that grant the applicant's appeal and send the application back to the first instance authority for a new decision, positive decisions granting a resident permit on humanitarian grounds, relatives to refugees, children born in Sweden with parents with resident permits, persons who for various reasons have been granted a resident permit to live together with relatives in Sweden.

We have also received the total numbers of refugee status, subsidiary protection and on humanitarian grounds (which is a part of Other) from the Migration Agency by email in March 2024. The total numbers from both First instance and Appeal does not match positive and negative decisions. In First instance, the missing 14% are cases that were dismissed and cancelled. For example, incorrectly entered cases or duplicates. In Appeals, the missing 6 % percentage are cases that are referred back to the Migration Agency for processing. This is why the percentage of positive and negative decisions in appeal does not add up to 100%.

Overview of the legal framework

Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title in English	Original Title (SE)	Abbreviation	Web Link
Aliens Act, 2005:716	Utlänningslag (2005:716)	Util	https://bit.ly/2Hzrris (SE)
Law on Reception of Asylum Seekers and Others, 1994:137	Lag (1994:137) om mottagande av asylsökande	LMA	https://bit.ly/2ES88Ne (SE)
Act concerning Special Controls of Certain Aliens, 2022:700	Lag (2022:700) om särskild kontroll av vissa utlänningar		http://bitly.ws/z8C8 (SE, EN)

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title in English	Original Title (SE)	Abbreviation	Web Link
Aliens Act Ordinance, 2006:97	Utlänningsförordningen, 2006:97	UtIF	https://bit.ly/2HM9fkP (SE)
Ordinance on the Act on Reception of Asylum Seekers, 1994:361	Förordning (1994:361) om lagen om mottagande av asylsökande, 1994:361		https://bit.ly/2jMHsv9 (SE)
Ordinance with Instructions for the Migration Agency, 2019:502	Förordning (2019:502) med instruktion för Migrationsverket		https://bit.ly/2L7YbPr (SE)

Overview of the main changes since the previous report update

The report was previously updated in **April 2023**.

International protection

- ❖ **Key asylum statistics at first instance:** In 2023, 12,491 preliminary applications for international protection were lodged in Sweden. This marks a decrease of 25% from 2022. Most first-time applications were lodged by nationals of Afghanistan (1,343), Iraq (996), Syria (953), Uzbekistan (775) and Iran (745). At first instance, the overall recognition rate was 34%, a slight decrease from 37% in 2022. The recognition rate for Afghans was 63%, a slight increase from 60% in 2022. The recognition rate for Syrian nationals was 84%, a slight decrease from 90% in 2022. The backlog of pending cases at the end of 2023 was 5,229, a decrease from 2022. The average length of proceedings increased from 166 days in 2022 to 195 days in 2023. 7,393 subsequent applications were lodged, particularly from nationals from Iraq, Afghanistan, Iran and Palestine.

Asylum procedure

- ❖ **The Government platform agreement – Tidö Agreement:** In the agreement between the parties in the new government (formed in October 2022) and the Sweden Democrats, the Tidö Agreement,¹³ the parties state different actions that they will undertake to ensure that rights of asylum seekers will be restricted to a minimum level in accordance with international obligations. During 2023, a number of amendments of law took effect and several government inquiries concerning other restrictions were appointed. A selection follows below.
- ❖ **General conditions:** An inquiry chair was appointed in October 2023 with the purpose to suggest which changes can be made to ensure that rights of asylum seekers will be restricted to a minimum level in accordance with international obligations. The purpose of the inquiry is also to remove the possibility for asylum seekers to receive permanent residency permits and instead only grant temporary permits. The inquiry shall also investigate the possibility to remove already existing permanent residency permits and instead grant temporary permits. Another purpose of the inquiry is to look at criteria for legal representatives, interpreters and general restrictions that can be made concerning reception conditions. (See [Reception Conditions](#)).
- ❖ **Humanitarian protection:** An amendment of a law took effect the 1 December 2023, restricting the possibility to receive protection on humanitarian grounds. Before 1 December 2023, there was an alleviation of the requirements for children in general and for adults with a special connection to Sweden. There are still some alleviations for children in effect.
- ❖ **The situation for undocumented migrants:** A directive to inquire other restrictions for undocumented migrants was made in August 2023 and was partially disclosed in February 2024. The part of the inquiry that was disclosed suggests a longer limitation period for return decisions and longer re-entry bans. The part of the inquiry that is not yet disclosed investigates an obligation for all Swedish authorities that encounter undocumented migrants to alert the Swedish Migration Agency or the police. This may include schools, hospitals, and social services. The second part of the inquiry will be disclosed in September 2024.
- ❖ **Resettled refugees:** Sweden lowered the number of resettled refugees accepted from 5,000 in 2022 to 900 in 2023. During 2023, Sweden had to cancel two out of four resettlement delegations due to security risks. 540 refugees were resettled to Sweden during 2023.

¹³ 'Tidöavtalet - Överenskommelse för Sverige', available in Swedish at: <https://tinyurl.com/Tidoavtalet>.

Reception conditions

- ❖ **The Government platform agreement – Tidö Agreement:** According to the political agreement between the Government political parties and the Sweden Democrats, the migration legislation will be subject to comprehensive changes with the aim of restricting the rights of asylum seekers to a minimum level in accordance with international obligations. This far, an interim report has been published proposing how to end the possibility for asylum seekers to choose and arrange their own accommodation. It is proposed that transit centres where asylum seekers are to spend the entire asylum process be introduced. A directive to investigate other restrictions regarding the possibly for asylum seekers to choose where they stay is to be disclosed in May 2024. In 2023, the Swedish Migration Agency received a directive to set up five detention centres, and all asylum seekers whose deportation decision have gained legal force are directed to the return centres if they require accommodation. This will mainly apply to families with children, as adults without children usually do not have the right to accommodation if their deportation decision has gained legal force. (see: [Housing](#)).

Detention of asylum seekers

- ❖ **The Government platform agreement – Tidö Agreement:** A report was published in the beginning of 2024 proposing further restrictions for visitors, room inspections, increased surveillance and increased security checks. The Parliament is expected to vote on the legislation during 2024.
- ❖ Five precedent rulings were made by the Migration Court of Appeal regarding the national rules on detention. They concerned the allowed duration of detention, the grounds for detention, the grounds for denying visitors and on which grounds a public counsel is granted funds (see [Grounds for detention](#)).

Content of international protection

- ❖ **Family reunification:** An amendment of a law took effect on 1 December 2023 restricting the possibility for resettled refugees and asylum seekers granted subsidiary protections to be exempted from maintenance requirements when applying for family reunification. Resettled refugees now have three months when they can apply for family reunification and be exempted from the requirements, but the months are now counted from the day they are granted the status and not from the day they arrive in Sweden. Asylum seekers granted subsidiary protection no longer have an initial period during which they can apply and be exempted from the requirement. The amendment also changed the age limit for family reunification for spouses and partners, removing the grant presumption between the ages of 18 and 21 (see [Family Reunification](#)).
- ❖ **Swedish citizenship:** A directive for an inquiry that will propose additional conditions to qualify for Swedish citizenship was made in September 2023. The inquiry is tasked with giving suggestions regarding longer habitual residence, stricter requirements regarding an honest lifestyle, additional knowledge test, a requirement of a declaration of loyalty with Sweden and sufficient resources to maintain oneself.
- ❖ **Work permit:** An amendment of a law took effect the 1 November 2023 and effectively changed the required income for a granted work permit from 13 000 SEK/month to a yearly changing requirement consisting of 80 % of the median salary in Sweden. In 2023, that meant that the requirement was 27 360 SEK/month. This means that the required salary was more than doubled and that some of the current work permit holders will not be able to extend their permits.

Temporary protection

The information given hereafter constitute a short summary of the 2023 Report on Temporary Protection, for further information, see [Annex on Temporary Protection](#).

- ❖ **Key temporary protection statistics:** In 2023, the Swedish Migration Agency registered 11,401 first time applications for temporary protection. In comparison, the Swedish Migration Agency registered 50,357 applications in 2022. Of those applications, 11,302 were Ukrainian nationals. The remaining applications came from third country nationals from more than 20 different countries, the second largest nationality being Russian with 18 applicants. The Swedish Migration Agency took decisions in 11,864 first time applications, and of those examined on the merits, 10,851 (99%) were granted a residence permit.

Temporary protection procedure

- ❖ **Asylum and expulsion enforcement:** The Swedish Migration Agency have suspended the enforcement of expulsion decisions to Ukraine. The Temporary Protection Directive has been transposed into Swedish law and can be found in Ch. 21 of the Aliens Act.
- ❖ **Scope of temporary protection:** In December 2023, the Government decided to extend the personal scope of temporary protection to include all persons legally staying in Sweden before 22 December 2023, if they belong to the categories of persons mentioned in article 2.1 of the Council implementing decision. Thereby, Ukrainian nationals who had applied for asylum prior to 30 October 2021 and thereafter been staying legally in Sweden are also included in the personal scope.

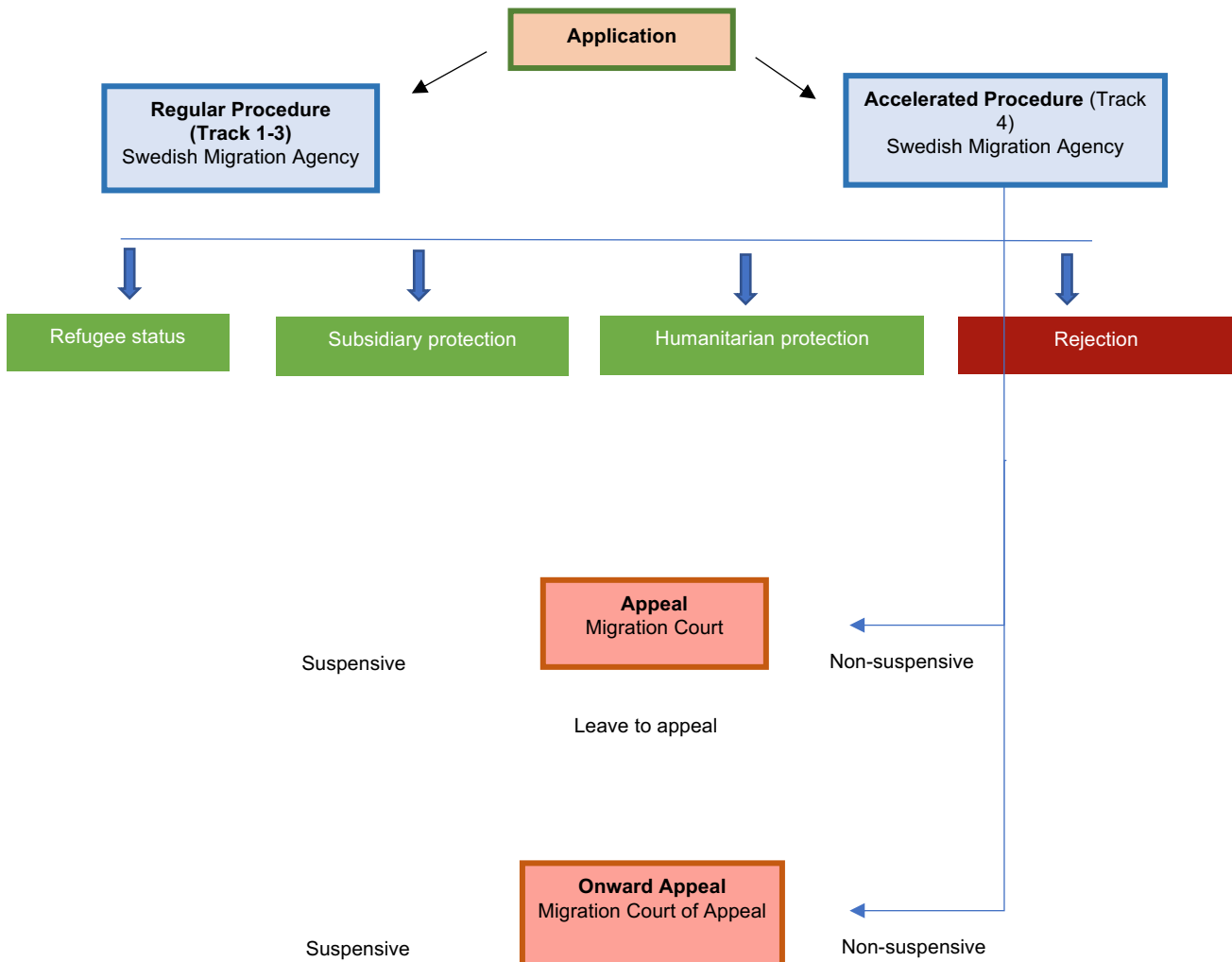
Content of temporary protection

- ❖ **Financial support:** Temporary protection holders are only provided with financial support at the same low level as asylum-seekers, which has not been increased since 1994, and are only entitled to healthcare that cannot be postponed.

Asylum Procedure

A. General

1. Flow chart



The decision gains legal force on the date of decision or judgment. If the decision is not appealed to the Migration Court of Appeal, it gains legal force three weeks after the applicant was notified of the last instance decision or judgment. A decision is statute-barred 4 years after the date of legal force. In February 2024, a committee appointed by the government suggested prolonging the time a decision is statute-barred to 5 years. The committee further suggested that a decision shall never be statute-barred if the person concerned remains in the country (<https://bit.ly/442zSKu>).

2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|--|---|--|
| ❖ Regular procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ¹⁴ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ¹⁵ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Dublin procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Admissibility procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Border procedure: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ❖ Accelerated procedure: ¹⁶ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Other: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Are any of the procedures that are foreseen in the law, not being applied in practice? Yes No

3. List of authorities intervening in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (SE)
Application on the territory	Swedish Migration Agency	Migrationsverket
Dublin (responsibility assessment)	Swedish Migration Agency	Migrationsverket
Refugee status determination	Swedish Migration Agency	Migrationsverket
First appeal	Migration Court	Förvaltningsrätten Migrationsdomstolen
Second (onward) appeal	Migration Court of Appeal	Kammarrätten i Stockholm, Migrationsöverdomstolen
Subsequent application (admissibility)	Swedish Migration Agency	Migrationsverket

The Swedish Security Service also have the authority to intervene and initiate a procedure stipulated in Act concerning Special Controls of Certain Aliens (2022:700) at all stages of the procedure in cases raising issues of national security, or when individuals can be assumed to participate in or commit crimes stipulated in The Terrorist Offences Act. They can intervene in cases regarding residence permit, refugee status determination and travel documents.

¹⁴ For applications likely to be well-founded or made by vulnerable applicants.

¹⁵ Accelerating the processing of specific caseloads as part of the regular procedure, without reducing procedural guarantees.

¹⁶ Entailing lower procedural safeguards, whether labelled as “accelerated procedure” in national law or not.

4. Determining authority

Name in English	Number of staff on average in 2023	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision-making in individual cases by the determining authority?
Swedish Migration Agency	6 037	Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>, 37.

Swedish administrative system

The administrative system in Sweden differs from other European countries in terms of division of tasks. All government decisions in Sweden are collective and all public agencies are subordinate to – but independent from – the government. Unlike in other countries, Swedish Secretaries of State, or ministers, have limited discretion to take independent decisions. All government decisions are taken jointly by the Government. Different Secretaries of State are responsible for different areas and may also act as heads of ministries. Some tasks performed by ministries in other countries are performed by civil service departments in Sweden, which are overseen by a ministry.

As a general rule, the Ministry of Justice and other Government Offices cannot intervene in individual cases concerning applicants for international protection. However, in cases concerning serious threats to national security, the Act concerning Special Controls of Certain Aliens may be used (2022:700).¹⁷ The Act entered into force on 1 July 2022 and replaced the previous Act concerning Special Controls in Respect of Aliens (1991:572). According to Chapter 1, Section 2, the latter Act becomes applicable upon request of the Swedish Security Service. An expulsion decision is, however, according to Chapter 2, Section 1 always issued by the Swedish Migration Agency at first instance. According to Chapter 7, Section 1 of the Act, the Swedish Migration Agency's decision can be appealed to the Government.

According to Chapter 7, Section 14 of the Act, an appeal of an expulsion decision issued by the Migration Agency shall be handed over to the Migration Court of Appeal, who shall submit an opinion whether there are impediments to enforce an expulsion in accordance with Chapter 12 Section 1-3a of the Swedish Alien's Act [*non-refoulement*], and thereafter hand the case over to the government for a final decision. If the Migration Court of Appeal considers that there are such impediments, the Government cannot deviate from that assessment. If the Swedish Migration Agency has decided in a case on both expulsion and regarding an application for protection status, an appeal shall, according to Chapter 7, Section 16 of the Act, instead follow the appeals procedure set out in the Aliens Act. However, this is not the case if the Security Services also appeals the Swedish Migration Agency's decision.

The government made five decisions under the Act concerning Special Controls in Respect of Aliens between 1 July 2022 and 30 June 2023, compared to seven decisions in the previous corresponding period. One of the decisions concerned a dismissal of an appeal against a decision of the Swedish Migration Agency regarding expulsion. One of the decisions concerned a rejection of an appeal against the Swedish Migration Agency's decision regarding a ban to leave a residence area. The other three decisions were rejections of requests from the individual to reconsider expulsion decisions.¹⁸

¹⁷ Act concerning Special Controls of Certain Aliens (2022:700), available in Swedish at: <http://bitly.ws/z8C8>.

¹⁸ See: Government, Skrivelse från Justitiedepartementet, Skr. 2023/24:45, 2023 års redogörelse för tillämpningen av lagen om särskild kontroll av vissa utlänningar, available in Swedish at: <https://bit.ly/3SYJthp>.

Swedish Migration Agency

The Swedish Migration Agency is the central administrative authority in the area of asylum. It is responsible for examining applications for international protection and competent to take decisions at first instance. It further takes decisions on work permits, family reunification, adoption, studies, and citizenship and is also responsible for operating detention centres.

The Swedish Migration Agency is subordinate to the Government as a whole and reports to the Ministry of Justice, with which it cooperates at various levels, such as information exchange, planning and expression of needs. The Government also regulates the direction and priorities of the Swedish Migration Agency.¹⁹ According to Swedish legislation, the Swedish Migration Agency, as is the case with all authorities, is fully independent from the Government as well as the Parliament in relation to individual decisions and the Government is prohibited from influencing its decisions.²⁰ This also applies to the Agency's policy on different topics. The Swedish Migration Agency coordinates and divides tasks between the divisions of Asylum, Managed Migration and Citizenship, thereby upholding due process and ensuring effective case management in line with Sweden's Alien and Citizenship Act. The Swedish Migration Agency is also responsible for aliens without residence permits, i.e., until they obtain a permit and have settled in a municipality. Legal provisions pertaining to the Swedish Migration Agency are found primarily in the Aliens Act and the Ordinance with Instructions for the Swedish Migration Agency.

The Swedish Migration Agency is headed by a Director General, who is appointed by the government. The Director General is responsible before the Government for the Agency, its operations and its results. The Director General is generally not involved in individual decision making but can have an influence on policies. During 2023, Maria Mindhammar was appointed Director General. The Swedish Migration Agency's head office consists of the Senior Management, the Director General's staff and departments supporting the operational activities. This includes the Digitalisation and Development Department, the Planning Department, the Legal Affairs Department, the Communications Department, the Human Resources Department, and the Security Department.²¹ The head office is located in Norrköping.

Stand-alone functions are internal audit, internal investigations and the agency's fund management, which all report directly to the Director General. There is also a dedicated unit for [Dublin procedures](#) and a separate country of origin unit (LIFOS). LIFOS produces reports and conducts missions to certain countries in order to assess and analyse the political situation in a particular country or region. The Swedish Migration Agency has access to a variety of COI reports issued by other countries and organisations through its database, LIFOS. It is the caseworker's duty to regularly update themselves on relevant country of origin information. Caseworkers are generally required to hold a degree in law and/or political science to be working on asylum-related matters. Regarding other training of staff, some specialised training is offered for caseworkers who interview children, based on the EASO Training Curriculum (ETC) module 'Interviewing Children'.²² Also, webinars were developed for case officers and other employees at the Swedish Migration Agency, which are available after the live transmission. The "focus country pages" on the Lifos website were also enhanced by including recommended reading on various topics and main countries of origin.²³

¹⁹ The Migration Agency, 'Laws and regulations', available at: <http://bitly.ws/z8HA>.

²⁰ Instrument of Government, Ch. 12, Section 2, available in Swedish at: <https://bit.ly/3ccbSJ7>.

²¹ The Swedish Migration Agency, 'Our organisation', available at: <http://bit.ly/2P6GRQ7>.

²² The Swedish Migration Agency, *Tematisk kvalitetsuppföljning avseende asylsökande barn i familj*, Dnr: 1.3.4-2022-26331, December 2022, available in Swedish at: <https://bit.ly/3R4IOU8>.

²³ EUAA, *Asylum Report 2022: Annual Report on the Situation of Asylum in the European Union*, June 2022, available at: <http://bitly.ws/AUaD>.

MIGRATIONSVERKETS REGIONINDELNING

2023-02-01

TECKENFÖRKLARING

- Myndighetens huvudkontor och huvudort för den nationella operativa avdelningen.
- Nationellt servicecenter
- Regionens huvudort
- Ort
- Förvar

LÄNSFÖRDELNING I REGIONERNA

Region Nord:

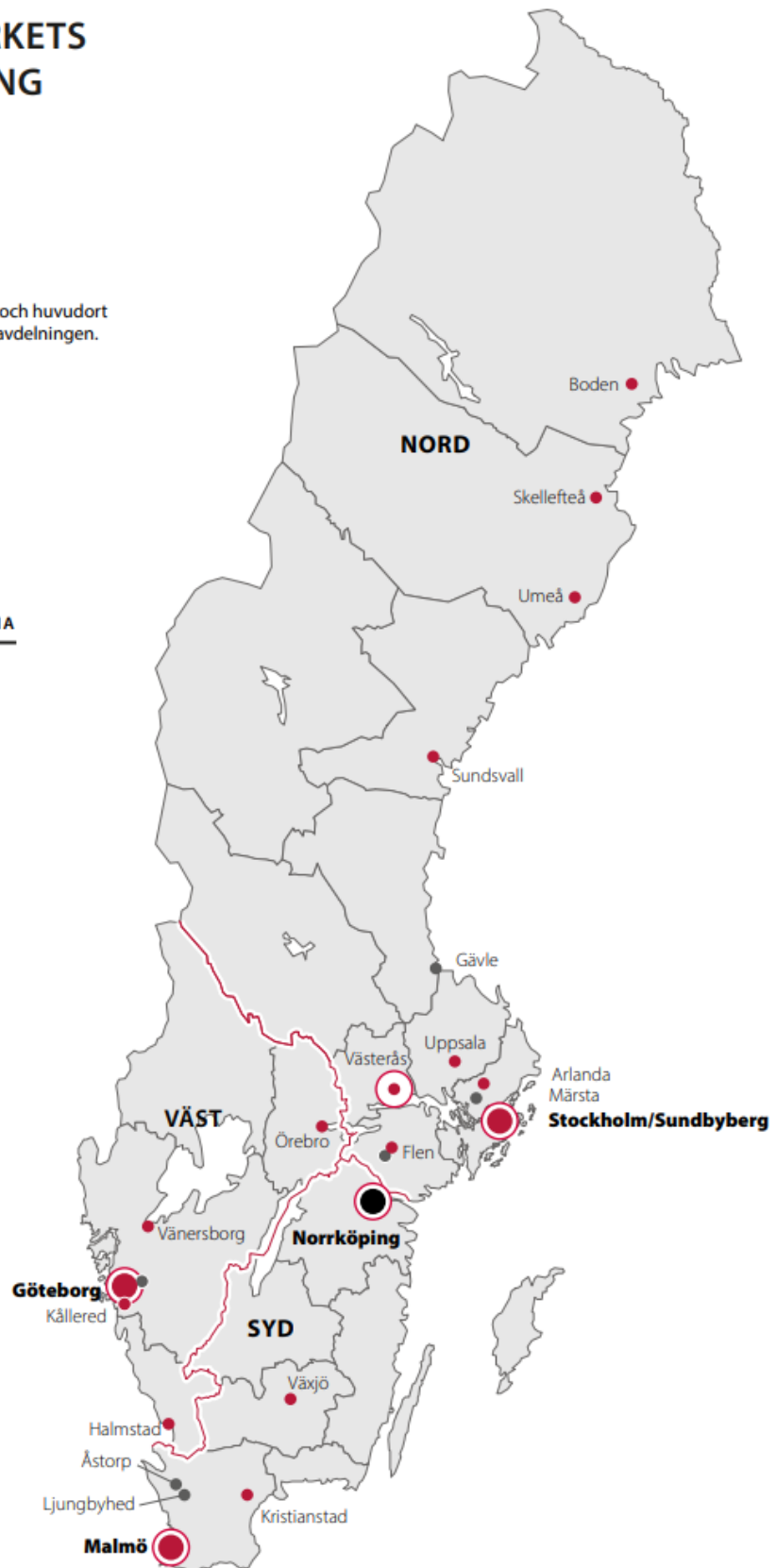
Norrbottnens län
Västerbottnens län
Jämtlands län
Västernorrlands län
Dalarnas län
Gävleborgs län
Uppsala län
Västmanlands län
Stockholms län
Södermanlands län
Gotlands län

Region Väst:

Värmlands län
Örebro län
Västra Götalands län
Hallands län

Region Syd:

Östergötlands län
Jönköpings län
Kalmar län
Kronobergs län
Blekinge län
Skåne län



Quality control and assurance within the Swedish Migration Agency

The Swedish Migration Agency works with internal quality control and assurance on a regular basis and in different ways. The overall goal of quality assurance is to ensure that all decisions that are taken are formally and materially correct, as well as to ensure a uniform application of the law and case management based on current legislation and the applicant's individual circumstances. The Swedish Migration Agency has a number of mandatory indicators within the framework of quality follow-ups that should always be considered within a quality framework assessment, especially processing times. These quality indicators cover the following aspects:²⁴

- ❖ Has the investigation been conducted according to the nature of the case? Was there too little or too much investigation?
- ❖ If an investigation has not been carried out according to the nature of the case, explain what has not been investigated according to the nature of the case?
- ❖ Is the language used simple and comprehensible?
- ❖ Is the outcome of the case correct?
- ❖ Is the classification of the decision correct? (if appropriate)
- ❖ Is the length of the permit granted correct? (if appropriate)

Staffing within the Migration Agency²⁵

The Swedish Migration Agency had an average of 6 037 employees in the year 2023.²⁶ Out of the total number of employees in 2023, 349 were working as case officers and 180 as decision makers in asylum cases.²⁷

The Swedish Migration Agency have an obligation to report suspected war crimes. In 2020, the Agency reported 86 suspected war crimes to the police, and 74 in 2021. In 2022 the Agency reported 37 cases of suspected war crimes.²⁸ In 2023, the Agency reported 48 cases.²⁹ To the authors' knowledge, no such reports have led to an indictment (yet). It is not possible to know how many criminal investigations on the basis of these reports are ongoing as they are confidential until the indictment.

5. Short overview of the asylum procedure

During the processing and examination of applications for international protection, the asylum seeker is covered by the 1994 Reception of Asylum Seekers and Others Act, which is applied by the Swedish Migration Agency.

First instance procedure: Asylum applications can only be made at designated offices of the Swedish Migration Agency, to which applicants at the airport and port are referred. There is no difference in law between making, lodging, and registering an application. The Swedish Migration Agency states that the protection process consists of three parts: (1) initial, (2) appeal and (3) enforcement processes. It runs from the application for asylum to the decision being enforced either by settlement or return.

²⁴ The Swedish Migration Agency, Kvalitetsuppföljningar av rättslig kvalitet i Migrationsverkets processer, RC A - 04/2019.

²⁵ Geographical overview of Migration Agency's regional divisions, available in Swedish at Migration Agency website at <https://bit.ly/3syur23>.

²⁶ Swedish Migration Agency, *Annual Report 2023*, Dnr: 1.3.2-2024-2238, p. 38. available in Swedish at: <https://tinyurl.com/y6ccxbxz>.

²⁷ Information from the Migration Agency.

²⁸ Swedish Migration Agency, *Annual Report 2022*, Dnr: 1.3.2-2022-2199, available in Swedish at: <http://bitly.ws/AUE8>

²⁹ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, p. 110, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>.

Since 2016, cases are screened and sorted in different tracks based on their specific profile during the initial process.³⁰ Manifestly unfounded applications, Dublin cases and applications from nationalities which have a high rate of refusal will go directly to the units that can quickly handle these cases. Other cases are forwarded to the Distribution Unit. There is no oral procedure at this stage for this category, but other procedural measures and screenings are carried out. The different tracks provide guidance on how extensive an investigation should be in an individual case and thus create an efficient flow. A steady flow of cases during the determination process is assured when units request cases from the Distribution Unit. Accommodation is offered based on the nature of a case and the goal is to avoid unnecessary secondary movements. Consideration is given to individual needs. All information and case handling measures under the protection assessment are adapted to the track concerned.

- Track 1** Presumed positive outcome
Permit or any other form of permit granting the right to stay where the presumption is that the case will be successful are handled within track 1. The aim is to create preconditions for rapid settlement for persons who are likely to be allowed to stay in Sweden.
- Track 2** Presumed negative outcome
Cases where there is no presumption of approval are handled within track 2. The aim of track 2 is to deal with cases where the outcome of the case is unclear.
- Track 3** Delayed case processing
Cases where the handling time will extend more than 6 months because of the complexities of the case are handled within track 3. The aim of category 3 is to deal with cases with delayed processing.
- Track 4A** Accelerated Procedure
When there is a presumption that an application will be refused and an expulsion will take place with immediate effect or where the applicant is an EU citizen the case will be sorted under track 4 a. The purpose of Track 4A is for persons with no asylum grounds to stay as short time as possible in the reception system.
- Track 4B** In track 4B cases are categorised based on an applicant coming from a country with a high rejection rate and where a rapid assessment procedure and return is possible. The purpose of track 4B is for persons in this category to remain as short a time as possible in the reception system.
- Track 5A** Cases to be dealt with under the Dublin Regulation.
- Track 5B** Admissibility Procedure: Track 5B concerns cases which can be refused because the applicant has been granted protection in another EU Member State or in Norway, Switzerland, Iceland or Liechtenstein.
- Track 5C** Cases where an applicant can be refused because protection status has been granted in another country which is neither an EU Member State nor Norway, Switzerland, Iceland or Liechtenstein. This track is also used for cases where the **applicant** can be sent to a safe third country.

The Swedish Migration Agency is responsible for examining all asylum claims at first instance but also for assessing subsequent applications concerning cases that have already been fully processed and where

³⁰ Swedish Migration Agency, *Rutin: Spårindela ärendet*. Information in Swedish available upon request: migrationsverket@migrationsverket.se.

there is a legally enforceable removal order. In such cases, the Swedish Migration Agency determines whether new circumstances should lead to a residence permit or a re-examination of the case.

Free legal aid is granted in asylum cases, a legal counsel is appointed unless it must be assumed that there is no need for assistance.³¹ In cases where an unaccompanied minor has applied for asylum a legal counsel must be appointed.³² The applicant can request a specific lawyer on the list administered by the Swedish Migration Agency and this choice must be respected. Interpreters are available at all stages of the procedure. There is always an oral interview at the Swedish Migration Agency, whereas at the Migration Court and the Court of Appeal level an oral hearing is not mandatory but can take place on request if it facilitates decision-making or is deemed necessary in accordance with current practice as determined by the Migration Court of Appeal. In cases where the Swedish Migration Agency has denied an application for international protection with reference to the reliability of the provided information or the applicant's credibility, there is very little room for the Migration Court to deny the applicant an oral hearing, if this has been requested.³³

In **Dublin procedures**, the right to legal counsel is acknowledged at first instance for unaccompanied minors; other applicants have a right to legal assistance if exceptional grounds prevail. Such an exceptional situation could be established where the reception conditions in the receiving country are known to be poor and the principles in the European Court of Human Rights (ECtHR)'s rulings in *M.S.S. v. Belgium and Greece* and *Tarakhel v. Switzerland* apply.³⁴ At the appeal stage, a request for legal assistance can be made but will not automatically be approved, especially if the court deems that the appeal is unlikely to be successful.³⁵ However, appeals against decisions in the Dublin procedure have suspensive effect.

Some NGOs offer limited legal assistance in Dublin cases. Assistance can be provided in making appeals which are submitted in the name of the applicant. Asylum seekers are also informed by some NGOs on the right to lodge appeals themselves and make submissions in their own language.

Appeal: There are two levels of appeal. A first appeal is submitted before the Migration Court, and an onward appeal before the Migration Court of Appeal. First instance decisions must be appealed within 3 weeks, whether under the regular or the accelerated procedure. When a first instance decision is appealed, the appeal is first reconsidered by the Swedish Migration Agency. The Agency has the discretion to either change its earlier decision or confirm the rejection. In the latter case, the appeal is forwarded by the Agency, sometimes with comments, to the Migration Court within a week.

The appeal before the Migration Court has suspensive effect, except for appeals lodged against decisions rejecting a "manifestly unfounded" application in the accelerated procedure under "Track 4". In such cases, suspensive effect must be requested by the appellant. The Migration Court sits with only one judge in simpler cases but for other cases the judge is joined by three lay judges selected from among their members by the parliamentary parties sitting in the county council of the region where the court is located.³⁶ They have no special legal training and represent the general public. They have varying backgrounds from many different sectors. They sit for four years. If there is a tied vote it is the opinion of the judge that decides the outcome.

³¹ Ch. 18, Section 1 Aliens Act.

³² Ch. 18, Section 1 Aliens Act.

¹⁸ Migration Court of Appeal, Decision MIG 2009:30, UM7867-08, 9 November 2009, available in Swedish at: <https://bit.ly/33Z7aK1> and Migration Court of Appeal, Decision MIG 2017:9, UM 7143-16, 12 April 2017, available in Swedish at: <https://bit.ly/354Hddk>.

³⁴ ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011, available at: <http://bit.ly/3R6Px5c>; ECtHR, *Tarakhel v. Switzerland*, Application No 29217/12, Judgment of 4 November 2014, available at: <http://bit.ly/3JtwkJd>.

³⁵ Migration Court of Appeal, UM 5998-14 and UM 3055-14, 19 December 2014.

³⁶ Migration Court of Appeal, Decision MIG 2007:22, 23 May 2007, available at: <http://bit.ly/3wp7Rg3>.

The appeal process is a written procedure. The applicant has the right to request an oral hearing but this is only granted if it is deemed beneficial for the investigation or if it would result in a rapid determination of the case. If new grounds for seeking protection are presented for the first time at court level, the court may refer the case back to the Swedish Migration Agency for reconsideration. This is because applicants have the right to have their protection grounds assessed at two separate instances.

In 2023, the Migration Courts in total overturned decisions of the Swedish Migration Agency in 5% of regular asylum cases. This marks a slight decrease compared to 2022, when the Migration Courts overturned decisions of the Swedish Migration Agency in 6% of cases. This may in turn be compared to 2021, when the Migration Courts overturned decisions of the Migration Agency in 7% of cases.³⁷

The applicant or the Swedish Migration Agency have three weeks from the date of the Migration Court's decision to request leave to appeal to the Migration Court of Appeal, when there has been an oral hearing in Court, or from the date the applicant's legal representative received the decision if not. Leave to appeal is granted if "it is of importance for the guidance of the application of the law that the appeal is examined by the Migration Court of Appeal or there are other exceptional grounds for examining the appeal."³⁸ Such exceptional reasons can exist where the Swedish Migration Agency has made a serious procedural error. Automatic free legal aid is provided for making an application for leave to appeal. If leave is granted, further legal aid is provided.

The Migration Court of Appeal is the main national source of precedent in the Swedish asylum system. Decisions by the Migration Courts are not deemed to have any special precedent-creating status, even though they may contain important legal reasoning. However, since only the Migration Court in **Stockholm** deals with Dublin appeals, its position on returns to certain EU countries where there are grounds to believe that due process cannot be ensured can entail a temporary halt in returns until a decision has been made by the Migration Court of Appeal on the matter.

The Migration Court of Appeal can exceptionally hold an oral hearing but in most cases, there is only a written procedure. There are no lay judges at this level.

Decisions of the Migration Court of Appeal are final and non-appealable. When the Migration Court of Appeal hands down its decision, the expulsion order is enforceable, and the rejected applicant is expected to leave Sweden voluntarily within four weeks (two weeks for manifestly unfounded claims). In certain circumstances, including cases concerning national security, such time limit can be even shorter or not given at all.³⁹

In national security cases, the Swedish Migration Agency is the first instance body, and the Migration Court of Appeal provides views on the appeal, but the Government is legally responsible for the final decision. However, if the Migration Court of Appeal determines that upon return there is a risk of torture or other breaches of Article 3 of the European Convention on Human Rights (ECHR), which has been incorporated into Swedish law, the Government must abide by this opinion.

On 14 February 2020, the Migration Court of Appeal ruled in case MIG 2020:3 that a person could not be granted refugee status if the person is not present in Sweden. The case concerned an asylum seeker whose asylum application was rejected by the Swedish Migration Agency. The asylum seeker appealed the decision but then left Sweden before the case was decided.⁴⁰

³⁷ The Swedish Migration Agency, Monthly Report – December 2023, Dnr: 1.1.1.2-2023-1728.

³⁸ Ch. 16, Section 12 Aliens Act.

³⁹ Ch. 8, Section 21 Aliens Act.

⁴⁰ Migration Court of Appeal, Decision MIG 2020:3, 14 February 2020, available at: <http://bit.ly/3HEv125>.

B. Access to the territory and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? Yes No
2. Is there a border monitoring system in place? Yes No
3. Who is responsible for border monitoring? National authorities NGOs Other
4. How often is border monitoring carried out? Frequently Rarely Never

EU rules foresee that countries in the passport-free Schengen zone can only establish temporary border controls under exceptional circumstances. In December 2015, Sweden introduced internal border controls. The 2018 AIDA report provides a historical background and legal aspects on the border controls.

Despite the fact that the reintroduction of border control at the internal borders must be applied as a last resort measure, in exceptional situations, and must respect the principle of proportionality, Sweden has regularly re-introduced border controls at its internal borders in recent years. The current temporary border control is valid up until 11 May 2024.⁴¹ The decision to re-introduce border controls is based on the government's assessment that there is a serious threat to public order and internal security in Sweden. According to the government given the current situation, the reintroduction of internal border control is the only available measure that enables the identification of people entering Sweden who pose a security threat or a serious threat to public order and internal security.

While Sweden has not introduced any measures directly affecting the right to seek asylum, there is currently a proposal to introduce a new law which will give the government the authority to, under certain conditions, announce a ban on transporting people by bus, train or passenger ship to Sweden if these persons lack valid identity documents. The government will, according to this proposal, also be given the authority to issue regulations on penalty fees for those who violate such a prohibition. The parliament is set to vote on this new law on the 15th of February 2024.⁴²

1.1. Border monitoring

There is no border monitoring system in place in Sweden.

1.2. Legal access to the territory

Sweden does not have any provisions for granting a visa for the purpose of applying for international protection upon arrival.

The Swedish Migration Agency resettled 297 refugees in 2023 in comparison to 3,744 refugees in 2022, 6,411 refugees in 2021, and 3,599 refugees in 2020. The annual quota was lowered from 5000 to 900 for the year of 2023.⁴³ However, in practice much less were resettled. The focus of the selections is determined by the Swedish Government but the Swedish Migration Agency, in collaboration with UNHCR,

⁴¹ Government Offices of Sweden, 'Reintroduced temporary internal border controls', 15 November 2023, available at: <https://bit.ly/3I3N1IL>.

⁴² More information about the proposal and about its current status may be found here (in Swedish): <https://bit.ly/3SXrND2>.

⁴³ Government of Sweden, 'Regeringens första 100 dagar: Migration', 24 January 2023, available in Swedish at: <http://bit.ly/3nlUgF7>.

determines which refugee groups will be considered for resettlement from different countries.⁴⁴ In 2023, in addition to lowering the number of quota refugees, the government introduced new integration criteria that should be taken into account in the assessment. Among other things, entrepreneurial spirit, skills, education and work experience and values important for integration into Swedish society may be taken into account.⁴⁵

Sweden does not have any relocation operations in place.

2. Registration of the asylum application

There is no difference made in law between making an application, registering it and lodging it.

Indicators: Registration

1. Are specific time limits laid down in law for making an application? Yes No
❖ If so, what is the time limit for lodging an application?
2. Are specific time limits laid down in law for lodging an application? Yes No
❖ If so, what is the time limit for lodging an application?
3. Are registration and lodging distinct stages in the law or in practice? Yes No
4. Is the authority with which the application is lodged also the authority responsible for its examination? Yes No
5. Can an application for international protection be lodged at embassies, consulates or other external representations? Yes No

The Swedish Migration Agency is the only authority responsible for registering an asylum application. Asylum applications can be made at designated offices of the Swedish Migration Agency in Stockholm (**Sundbyberg**), **Gothenburg** and **Malmö**. Unaccompanied minors may apply for asylum in **Boden**, **Gothenburg**, **Malmö**, Stockholm (**Sundbyberg**), **Sundsvall**, **Umeå** and **Örebro**. If a person seeks asylum at an airport or port, they are referred to the Migration Agency.

In 2023, 12,498 applications for international protection were lodged in Sweden. This marks a decrease of 25% compared to 2022, when 16,738 applications were lodged.⁴⁶

In 2023, the majority of the 12,498 applications lodged were in **Stockholm** (6,961), in **Gothenburg** (2,438) and in **Malmö** (2,090).⁴⁷

⁴⁴ More information about the Swedish resettlement programme may be found in English here: <https://bit.ly/48iyYtN>.

⁴⁵ Information available in Swedish here: <https://bit.ly/4bBKCTA>.

⁴⁶ SMA, *Applications for asylum received 2023*, and *Applications for asylum received 2022*, available in Swedish at: <http://bitly.ws/AVIM>.

⁴⁷ SMA, *Applications for asylum received 2023*, available in Swedish at: <http://bitly.ws/AVIM>.

Applications lodged by location: 2023	
Locations ⁴⁸	Number of applicants
Arlanda	735
Boden	48
Flen	12
Gävle	2
Gothenburg	2,438
Halmstad	7
Kristianstad	15
Malmö	2,090
Märsta	3
Norrköping	32
Skellefteå	4
Stockholm	6,961
Sundsvall	17
Umeå	3
Uppsala	23
Vänersborg	18
Västerås	6
Växjö	16
Örebro	12
Other	56
Total	12,498

Source: Swedish Migration Agency, *Applications for asylum received 2023*, available at: <https://bit.ly/3wcV5EC>.

The Swedish Migration Agency is also in charge of running the detention centres. The authors are not aware of difficulties with regard to persons in detention wishing to apply for asylum.

There are no specific time limits laid down in law within which a claim must be made. In reality, however, if a late claim is made, the applicant must put forward reasons for the delay during the asylum interview, and risks having their credibility called into question for not having sought protection earlier.⁴⁹

⁴⁸ Based on the information provided by the Migration Agency in March 2023, it appears that the discrepancies between the number of designated offices and the locations mentioned here are due to the possibility for parents/guardian to register their new-born children at these other locations, without having to present themselves at official designated office.

⁴⁹ See for an example the reasoning from the Migration Agency in the case labelled Migrationsverket 2020-05-07, beslut 3, in a 2023 report from The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights: *Avslagsmotiveringar i HBTQI-asylärenden 2023*, available in Swedish via <https://tinyurl.com/3dr526f9>, 50.

There have been no problems reported for asylum seekers regarding the registration of their claim in practice in 2023.

Upon registration of their claim, asylum seekers receive a receipt that they have applied for asylum. After a couple of weeks, the receipt may be exchanged for a card that shows that they are asylum seekers in Sweden. This card is called an LMA card. It is not an ID document as such, but a certificate that asylum seekers can use to show that they are asylum seekers and that they may be in Sweden when their applications are being processed. The card also shows if the person has the right to work.⁵⁰

Unaccompanied minors may apply for asylum on their own behalf; however, the application needs to be validated by their public counsel or their legally appointed guardian. The applications of accompanied minors will be validated by their parents.⁵¹ The children’s grounds for protection should however be assessed individually.

C. Procedures

Since 2016, the Swedish Migration Agency implements a “tracks” policy whereby asylum seekers are channelled to a specific procedure depending on the circumstances of their case. Beyond the regular asylum procedure (“Tracks 1 and 2”), the policy foresees specific tracks for manifestly unfounded cases (track 4A) or cases coming from low-recognition-rate countries (“Track 4B”), Dublin cases (“Track 5A”) and inadmissibility cases (“Track 5B” and “Track 5C”).

Applications for international protection by track		
	2022	2023
Track 1 – Presumed positive outcome	1,319	1,192
Track 2 – Presumed negative outcome	9,031	7,484
Track 3 – Delayed case processing	23	6
Track 4A – Accelerated procedure	483	342
Track 4B – Safe country origin	1,880	1,223
Track 5A – Dublin procedure	1,420	1112
Track 5B and 5C – Admissibility procedure	216	126
“Unknown”	2,366	1,017
Total	16,738	12,502

Source: Swedish Migration Agency – Statistical Unit

⁵⁰ The Migration Agency, ‘LMA card for asylum seekers’, available at: <http://bitly.ws/zb7q>.

⁵¹ There is no exception in the Aliens Act from the main rule in Swedish law, that a child (under the age of 18) lacks legal authority. A child must therefore be represented by a legally authorized representative. For more information about this system and the problems connected to it, see for example the recent report by the committee appointed by the government to investigate the opportunities for children in Sweden to claim their rights according to the Convention on the Rights of the Child. Available in Swedish here: <https://tinyurl.com/ywb95cye>, pp 435-437.

While Sweden has transposed the recast Asylum Procedures Directive, it should be noted that these tracks do not fully follow the structure of the Directive in terms of regular procedure, prioritised procedure and accelerated procedure. The different sections below refer to the applicable track in each case.

1. Regular procedure (“Track 1 and 2”)

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 6 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? Yes No
3. Backlog of pending cases at first instance as of 31 December 2023: 5,219
4. Average length of the first instance procedure in 2023: Track 1: 133 days
Track 2: 232 days

The legal provisions that regulate the regular asylum procedure at the national level are primarily governed by “Utlänningslagen” (Aliens Act), specifically its provisions related to asylum. Additionally, the “Förvaltningslagen” (Administrative Procedure Act) and the “Förvaltningsprocesslagen” (Administrative Court Procedure Act) play a role in outlining the procedures and legal framework for asylum cases.

The average length of the asylum procedure (i.e., for all tracks) had significantly decreased from 507 days in 2018 to 288 days 2019. In 2020, the asylum procedure increased to total of 302 days, but decreased again to 256 days in 2021. For 2022, the number decreased to 166 days. In 2023, the average length increased to 195 days meaning it is higher than 2022 but still not as high as it was in 2021.

Average length of the asylum procedure: 2018-2023					
2018	2019	2020	2021	2022	2023
507 days - 16.9 months	288 days – 9.6 months	302 days – 10.1 months	256 days – 8.5 months	166 days – 5.5 months	195 days – 6,5 months

Source: Swedish Migration Agency, Monthly Statistical Report December 2023

The increase of the average length of the procedure in 2020 is due *inter alia* to the impact of COVID-19. The Swedish Migration Agency suspended most of its interviews for a two-week period in March 2020.⁵² The Swedish Migration Agency increased its capacity to conduct interviews remotely via video and the interview rooms were equipped with protective equipment during the summer.⁵³ The average length of the procedure decreased in 2022. A total of 1,620 out of 13,252 asylum investigations were conducted by video by the Migration Agency during 2022.⁵⁴ In 2023, 690 out of a total of 8,969 interviews were conducted by video.⁵⁵ There is a slight change in the average length, but it is too early to say if we will start seeing an increase in average time or if it will stay somewhere between 5.5 - 6.5 months. The Migration Agency aims for a process time of six months. During 2023, the Migration Agency started working with a scheduled process. Essentially, the approach entails minimizing the lead time, which is

⁵² Swedish Migration Agency, *Annual Report 2020*, available in Swedish at: <https://bit.ly/42Ura02>, 38.

⁵³ Migration Agency, *Annual Report 2021*, available in Swedish at: <https://bit.ly/3KTSUYy>.

⁵⁴ Information provided by the Swedish Migration Agency’s statistical unit in March 2023.

⁵⁵ Information provided by the Swedish Migration Agency’s statistical unit in March 2024.

the time between various processing actions taken in the individual case. This means that the Migration Agency will schedule an investigation session with the applicant and as soon as possible after the application. The goal is to conduct the asylum investigation within 5 to 14 working days from the application, but no later than within four weeks. Thereafter, the lawyer must submit a written submission, which must be received no later than 14 days after the asylum investigation has been completed. To meet the time prescribed by regulation, the asylum processing units may need to become more restrictive in granting extensions.⁵⁶

The Swedish Migration Agency decided on 44,156 applications for international protection in 2022. This included 14,245 decisions on new applications and 29,911 prolongation decisions where renewal of a temporary protection permit was requested.⁵⁷ The backlog of pending cases increased from 5,906 at the end of 2021 to 9,096 at the end of 2022. In 2023, the backlog was 5,229 cases for first time applicants and 19,811 for prolongation decisions for renewal of a temporary protection permit. The Swedish Migration Agency decided on 83,281 applications of international protection in 2023 – 15,904 of these are first time applications and 67,377 are prolongation decisions where renewal of a temporary protection permit was requested. This is a difference of 39,125 cases. In 2023, the Swedish Migration Agency received 11,401 first time applications and 66,623 prolongation decisions for renewal of a temporary protection permit.⁵⁸ The huge difference in applications for prolongation decisions for renewal of a temporary protection permit is likely due to people from Ukraine having had to renew their resident permits in accordance with the Temporary Protection Directive (see [Annex on temporary protection](#)).

The time limit for the Swedish Migration Agency to make a decision on an asylum application is 6 months from the date the application is received. However, in exceptional circumstances, the time limit can be extended with up to an additional 9 months.⁵⁹ If the Swedish Migration Agency does not respect the time limit for a decision, the applicant can make a complaint to the Parliamentary Ombudsmen (JO), which could result in criticism of the Swedish Migration Agency. Additionally, the applicant has the option to request the Swedish Migration Agency to make a decision even after the time limit has expired. Other than this there are no consequences for not respecting the time limits.

According to The Swedish Refugee Law Center, significant differences exist between the asylum assessment units of the Swedish Migration Agency with regards to approval rates and grant reasons. Although caution should be exercised when interpreting the statistics, as the analysis is based on a limited number of decisions (98), it is noteworthy that Stockholm approved asylum in 85% of Afghan asylum cases in the summer of 2022, while the overall approval rate in Gothenburg was only 28% during the same period.⁶⁰ No new updated data has been retrieved but the Swedish Migration Agency updated their assessment of the security situation in Afghanistan the 6th of December 2022, effectively granting all women and girls from Afghanistan refugee status.⁶¹ This will most likely lessen the differences between the approval rates.

1.2. Prioritised examination and fast-track processing (“Track 1”)

As outlined in the [Short overview of the asylum procedure](#), the Migration Agency introduced a tracks policy in 2016 for different types of caseloads. Track 1 concerns cases where:

- (a) There is a presumption that the claim will be successful;
- (b) There is no need to appoint public counsel;
- (c) The identity of the claimant has been ascertained based on the documents submitted;

⁵⁶ Information provided by the Migration Agency in May 2023. Also available in Swedish at: <https://tinyurl.com/724j6msa>.

⁵⁷ Migration Agency, *Annual Report 2021*, available in Swedish at: <https://bit.ly/3KTSUYy>

⁵⁸ Information provided by the Swedish Migration Agency’s statistical Månadsrapport 2312.

⁵⁹ Ch. 8, section 10, The Aliens Regulation.

⁶⁰ Swedish Refugee Law Center, *Flyktingskapsbedömningar i första instans – ett år efter talibanernas maktövertagande i Afghanistan, 2022*, available in Swedish at: <https://bit.ly/3Jnbf2G>, 42.

⁶¹ Swedish Migration Agency, *Rättsligt ställningstagande. Prövning av skyddsbehov för medborgare från Afghanistan - RS/089/2021 (version 5.0), 2023-11-27*, available in Swedish at: <https://tinyurl.com/2xy9ncnh>.

- (d) No other major processing steps are needed other than an oral interview.

The purpose of the track is to create conditions for rapid settlement for individuals likely to be granted permission to stay in Sweden. There is a presumption for approval when the Migration Agency assesses that everyone coming from a specific country, a specific region, or everyone belonging to a certain group is generally in need of protection.⁶²

In 2020, 841 applications were assigned to Track 1. A total of 1,497 decisions were delivered and 303 cases were open at the end of the year.⁶³ In 2021, the number of applications assigned to Track 1 increased to 897. A total of 858 decisions were delivered and 342 cases were open at the end of the year.⁶⁴ In 2022, the number of applications assigned to Track 1 increased to 1,319. A total of 1,107 decisions were delivered and 594 cases were open at the end of the year.⁶⁵ In 2023, a total of 1,192 cases were assigned to Track 1 and 1,322 decisions were taken. The Swedish Migration Agency had 444 cases still open at the end of the year.⁶⁶

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure?
 Yes No
❖ If so, are interpreters available in practice, for interviews? Yes No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? Yes No
3. Are interviews conducted through video conferencing? Frequently Rarely Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender?
 Yes No
❖ If so, is this applied in practice, for interviews? Yes No

Swedish legislation and regulations allow for a personal interview in all asylum cases.⁶⁷ All interviews, whether in the regular or accelerated procedure, are carried out by the authority that is responsible for taking decisions on the asylum applications. These are carried out by officers of the Swedish Migration Agency and are divided into two phases. A reception officer interviews the applicant regarding personal details, health, family and general background and can also request that any supporting documents be provided. The asylum case officer carries out an interview to establish the basis of the claim in the presence of a legal representative, an interpreter and the asylum seeker. These interviews are not held at the same time. The interview regarding the applicant's personal details such as health and general background usually takes place at the time of application.

All asylum seekers have the possibility to undergo a health screening, which the majority choose to do in practice.⁶⁸ This is particularly crucial for survivors of torture and traumatized individuals. However, due to confidentiality rules, this information is not automatically available to caseworkers. Legal counsel, however, can request access to this information from the health care with the applicant's permission.

As part of the mentioned routine, all Migration Agency staff are obligated to report vulnerabilities in an official note, which is then input into a common database. The note specifies at which stage in the

⁶² Information from the Migration Agency's routine document for categorizing cases into tracks.

⁶³ Information provided by the Swedish Migration Agency.

⁶⁴ Information provided by the Swedish Migration Agency.

⁶⁵ Information provided by the Swedish Migration Agency's statistical unit in January 2023.

⁶⁶ Information provided by the Swedish Migration Agency's statistical unit in January 2024

⁶⁷ Chapter 13 Section 1 Aliens Act.

⁶⁸ Section 7 Health and Medical Services Act, available in Swedish at: <https://tinyurl.com/4nyze5nt>.

procedure the vulnerability is observed and outlines the measures that have resulted from it. It is emphasized that a vulnerability assessment must always be conducted in the initial process.

Some special needs may not be registered in an official note, such as when the Migration Agency notifies the need for a guardian or informs a municipality that an unaccompanied child needs protection. Additionally, the Migration Agency's responses to applicants who have requested a case officer, interpreter, or public counsel of a specific gender may not be officially noted.

The interview regarding the grounds for asylum is held later in the presence of a legal representative. As a general rule, all family members are interviewed separately. Children have the right to have their asylum claims examined individually and not just as part of their parents' cases. The child has a right to be heard, but no obligation. In order for the Migration Agency to be able to hold an investigative interview with a child, the child must want to talk to the Migration Agency themselves. Children are asked if they want to talk to the case officer and if the child wants this to happen without the presence of the parents/legal guardians. It is also required that the parents/guardians have given their consent for the Swedish Migration Agency to talk to the child.

When the child's grounds for asylum are investigated, the Migration Agency's caseworkers should, as much as possible, tailor the investigation to the child's age, maturity, and health. The child has the right to have an adult accompanying them during the investigation. This can be a parent, another guardian, a legal representative, and/or a public counsel.

Even if an individual interview is held with children, a child-focused conversation is always held with the parents about the individual child.

A decision on the merits is taken by two persons: the case officer and a decision maker. The difference between the two is that the case officer is responsible for the management of the case, which include administrative tasks, conducting the interview and writing a proposed decision. The decision maker has regular contact with the case officer, but will, in the end, have the final word regarding the assessment of the application and the decision.

Credibility assessments are of great importance in the asylum procedure. The Swedish Refugee Law Center carried out a study in 2019 that examined which indicators are used by the Migration Agency in credibility assessments for decisions where the application has been rejected. The study covered 90 decisions from four different regions in Sweden and was based on a handbook published by the Department of Psychology at Gothenburg University. This handbook looks at how to assess credibility in asylum cases, i.e. by identifying suitable indicators to that end.⁶⁹

The level of detail and consistency were found to be the two most common indicators and were categorised as suitable credibility indicators in the handbook. However, other less suitable indicators seemed to be also common, such as the reasonableness of the story. The study further identified three indicators that are not mentioned in the handbook but are quite frequently used by the Migration Agency: speculations, hearsay and lack of subjective fear. These indicators have in common that they do not have any scientific support for them being suitable to use in credibility assessments.⁷⁰

It is also possible to conduct interviews over video. It seems that remote interview techniques have not raised particular issues.⁷¹ In the rare cases where issues with videoconferencing were reported, it related to the fact that some difficulties arise if the interpreter is not in the same room as the applicant or if the interpreter is not visible by not using the video-function, or that it is difficult to appropriately communicate

⁶⁹ Göteborg University, *Värdering av muntliga utsagor, ett vetenskapligt baserat beslutsstöd för migrationsärenden*, 2017, available in Swedish at: <https://bit.ly/37iJFzV>.

⁷⁰ Swedish Refugee Law Center, *Tillförlitliga kriterier? En granskning av Migrationsverkets tillförlitlighetsbedömningar av asylberättelser*, 2019, available in Swedish at: <https://bit.ly/3dvtvDMn>.

⁷¹ Practice-informed observation of the Swedish Refugee Law Center, January 2024.

feelings such as fear of being subject to persecution and that it might be difficult to accurately assess credibility through remote interview techniques. Applicants have not expressed particular complaints regarding remote interviews. However, in some instances the legal representative has participated by phone, which works less smoothly. Overall, it seems crucial that the applicant and their legal representative can see and hear each other well during interviews.⁷²

The Migration Agency have confirmed that conducting interviews by video is not a new procedure, that is has been conducted for several years for certain types of cases and that it works well.⁷³ The Migration Agency also stated that online interviews allow for respect of legal safeguards equally as physical meetings do.⁷⁴ These have mainly been conducted with applicants who lived far from the investigation location in order to minimize costs and time for the applicant. In other cases, the applicant has special needs that make an investigation via video link more suitable based on those needs. During the pandemic the need for investigations via video link increased, but with a shortage of sufficient rooms, not all investigations were conducted in this way. There may also be cases where a video investigation is less suitable. Communication can be limited in video investigations, which can create misunderstandings and frustration among those present. This should be particularly considered in cases where the applicant has special needs. Examples of circumstances that may make video investigations less suitable are when those being investigated are traumatized, have a hearing or visual impairment, where difficult and complicated events need to be clarified, or where there has previously been an issue with interpretation. A started interpretation assignment that proves not to be optimal or suitable for the specific investigation situation can be cancelled and rebooked, usually for a physical investigation.

1.3.1. Interpretation

The applicant may request an interpreter and interviewer of a certain gender.⁷⁵ The Migration Agency shall accommodate these requests if possible.⁷⁶ If the interpreter is lacking the necessary skills and this becomes apparent during the interview the case worker can close the interview and rearrange for another time with a competent interpreter. In practice, if there is a clear problem with interpretation during the interview, then the asylum seeker and/or legal representative can point to it and have the interview discontinued. In that case, a competent interpreter will be engaged on the next occasion.

It is not possible for the authorities to select interpreters sharing the same religious belief as an applicant because it is forbidden in Sweden to register a person's faith.

The government decided on 14 March 2019 to expand their annual directives to the Migration Agency by requesting them to assure legal quality and uniform application in asylum cases where religious conviction is a basis for the claim. In the agreement between the parties in the new government and the Sweden Democrats, the Tidö Agreement, it is stated that a review of the asylum process will be conducted with the aim of enhancing its quality, consistency, and legal certainty. The review shall among other things look at criteria for legal representatives, interpreters and lay judges and the assessment of conversion and LGBTQI+ cases.⁷⁷ On 14 December 2023, the Government commissioned the Swedish Agency for Public Management (Statskontoret) to conduct a review of the asylum process with the aim of strengthening quality, uniformity and legal certainty. The review will include cases involving converts and LGBTQI people, as well as other asylum cases. The assignment must be reported to the Government Offices (Ministry of Justice) no later than 7 October 2024. The Government has also looked at the question about legal representatives and found that there should be heightened eligibility requirements for public

⁷² Information provided by lawyers from the Swedish Refugee Law Center on March 2021.

⁷³ Sveriges Radio, 'Kritik mot asylutredningar på distans', April 2020, available in Swedish at: <http://bit.ly/2ZVBipR>.

⁷⁴ FRA, *Migration: Key Fundamental Rights Concerns*, November 2020, available at: <https://bit.ly/2YThMtx>, 23.

⁷⁵ Ch. 8, Section 9 c Aliens Ordinance Act.

⁷⁶ Ibid. Note that Article 15.3(c) recast Asylum Procedures Directive introduces that obligation "wherever possible".

⁷⁷ *Tidöavtalet*, available in Swedish at: <https://bit.ly/3IHPYr9>, 45.

counsel in the migration process, a general declaration of ineligibility for unsuitable representatives and, in cases where the individual is entitled to public counsel, if possible, an authorized interpreter should be used during oral proceedings, and an authorized translator for the translation of documents. We still do not know when these changes will take effect.⁷⁸

In 2020, the Agency also analysed cases concerning Afghans, which is a category of cases where claims based on religion occur, that had been overturned in the courts in 2019. The Agency found that the proportion of cases overturned were not remarkably high, namely 10% compared to 8% in other cases. Out of the cases that were changed by the courts, the courts had made a different assessment of whether the person had a genuine religious belief or atheist conviction in 17% of the cases. The Migration Agency mentions that conversion is a process that takes place over time and that persons could therefore have a stronger religious belief during the court process than during the first instance procedure. However, the Migration Agency also carried out a mapping based on automated searches in their case handling system on cases concerning conversion and atheism. It showed that the term conversion was present in about 10% of the cases. The mapping further demonstrated regional differences in the level of cases granted, varying between 18% and 33%. There was also a regional difference in the courts, varying between 2% and 15% of the appeals being successful. The Migration Agency acknowledged that, based on this mapping, there seems to be a lack of uniformity on cases concerning conversion of religion.⁷⁹ In 2021, the Migration Agency noted that decisions in cases concerning Afghan nationals were subsequently overturned by the courts more often than for other first-time applications (on average below 10%).⁸⁰

Only translators authorised by the Legal, Financial and Administrative Services Agency (*Kammarkollegiet*) have the right to designate themselves as authorised translators. Authorisation is awarded after a demanding written examination, consisting of texts on legal, economic and general topics. Authorised translators are required to observe high professional standards, which include maintaining confidentiality and only taking on assignments they are capable of completing in a satisfactory manner. Likewise, only interpreters authorised by the Legal, Financial and Administrative Services Agency may refer to themselves as authorised interpreters. To obtain authorisation, interpreters have to show in written and oral examinations that they have a good command of both Swedish and the other language concerned, as well as the necessary interpreting skills. They must also have a basic understanding of areas such as social services and social security, health care, employment and general law, and of the terminology used in these fields.⁸¹

The Migration Agency is not obliged to use authorised legal interpreters. However, the Courts do rely on authorised legal interpreters to a larger extent, but they are not always available in certain languages. There is a general code of conduct for interpreters issued by *Kammarkollegiet* in **Stockholm** and last updated in June 2021.⁸² All companies stress that they follow the basic principles and respect the rules on confidentiality.

In 2018, the Migration Agency issued a guidance note to its staff regarding levels of competence necessary for different interpretation tasks. The government also commissioned a wider report on interpretation services which put forward a number of proposals.⁸³ A number of strategic goals for society's provision of interpreters can be formulated as medium-term goals of around five years:

⁷⁸ Government, 'En översyn av vissa frågor om offentliga biträden', Ds 2023:14, 1 June 2023, available in Swedish at: <https://bit.ly/3UD4jo1>.

⁷⁹ Migration Agency, *Annual Report 2019*, available in Swedish at: <https://bit.ly/3nw7dw0>, 38-39.

⁸⁰ Migration Agency, *Annual Report 2021*, available in Swedish at: <https://bit.ly/3KTSUYy>, 96.

⁸¹ Kammarkollegiet, *Kammarkollegiets tolkföreskrifter*, KAMFS 2021:2, 30 June 2021, available in Swedish at: <https://bit.ly/3wBDF10>.

⁸² Kammarkollegiet, *Kammarkollegiets tolkföreskrifter*, KAMFS 2021:2, 30 June 2021, available in Swedish at: <https://bit.ly/3wBDF10>.

⁸³ Government, *Att förstå och bli förstådd – ett reformerat regelverk för tolkar i talade språk*, SOU 2018:83, December 2018, available in Swedish at: <https://bit.ly/3SZly1m>, 36.

- ❖ The State funds fewer educational pathways for interpreters but increases the total capacity. Volume and orientation are coordinated in relation to state authorisation of interpreters, with a basic requirement for training and workplace learning.
- ❖ The State keeps a register of authorised and trained interpreters. This forms the basis of future public sector interpreting services.
- ❖ A new interpreting services act is introduced, and the use of children as interpreters is prohibited and replaced with the use of professional interpreters. Regulatory frameworks, quality assurance and supervision of interpreters and intermediary bodies are developed.
- ❖ The public sector plans for the long term, collaborates, coordinates and uses existing interpreting resources more flexibly and effectively. An increasing share of resources is used to finance core interpreting activities, i.e., interpreting services.
- ❖ Quality-assured interpreters are offered public assignments through the State's coordinated commissioning. Authority requirements are matched against the quality of services delivered.
- ❖ The State and public sector build up their own interpreting resources where appropriate, or agree on guaranteed services. Cost increases for the public sector are held back but quality and societal benefits increase.
- ❖ The interpreting profession is valued and professionalised, which in the long term also leads to more traditional partnerships, a better work environment, higher employment rates and more labour market stability for interpreters.

However, in asylum interviews, when applicants recount the core events in their applications, interpreters occasionally fail to give a detailed account of what is said. At worst this can lead to an assessment by the case worker that the applicant has been vague in the account of events and therefore less credible. The onus is on the legal counsel to expand on clipped translations when making the submission after examining the transcript of the interview. The applicant may well have provided a detailed account in their own language, but it is only what is interpreted that makes its way into the official transcript.

1.3.2. Recording and transcript

The interview may be audiotaped by the asylum case officer, but this is not mandatory. Since the asylum case officer only makes a recording for the purpose of double-checking the notes taken during the interview, the audio-recording is not considered formally part of the processing of the asylum application and therefore the permission of the asylum seeker is not required before a recording is made. For that reason, the tape is not made accessible to legal counsel or the applicant. Legal counsel and/or the applicant can record the interview themselves with their own recording devices but there are no statistics that show how often this occurs, and there has also been situations where interpreters have refused the legal counsel and/or applicant to record the interview.⁸⁴

Almost *verbatim* notes are taken of the interpreter's translation and the transcript is made available to the applicant through the legal counsel to comment on and add to before a decision is made in the case.⁸⁵ A specific date is given by the Migration Agency, usually two weeks from the asylum investigation, by when comments and additional information must be submitted. If the time limit set by the Migration Agency is not enough because of different circumstances, like for example difficulties with booking an interpreter in a specific language, there is a possibility to ask for an extension. But depending on the reason why an extension is needed, it could be more difficult to be granted an extension because the Migration Agency aims for a process time of six months.⁸⁶ Previously, the deadline started from the moment the protocol

⁸⁴ Information provided by lawyers from the Swedish Refugee Law Center, 2024.

⁸⁵ The Migration Agency has introduced quality assurance procedures that retroactively require an analysis of how a case has been handled from various perspectives. This includes methods of promoting a learning organisation and checklists have been introduced covering many issues. The team the case officer belongs to examines quality assessment reports on a regular basis and the team-leader has the responsibility for establishing and developing good practice: Information provided by the Migration Agency, 2015.

⁸⁶ Information provided by the Migration Agency in May 2023. Also available here in Swedish. <https://tinyurl.com/724j6msa>.

was communicated with the legal representative, which often occurred several days after the asylum investigation had been conducted. The time limit starting before the legal representative has received the protocol and it being more difficult to be granted an extension has led to the Bar Association to write to the Migration Agency and ask them to take immediate action to improve the current unsustainable situation.⁸⁷

Video interviews can be conducted when the applicant is residing a long distance from the Migration Agency's designated interview office.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Some grounds <input type="checkbox"/> No

 - ❖ If yes, is it
 - ❖ If yes, is it automatically suspensive

2. Average processing time for the appeal body to make a decision in 2023: 9.5 months

There are two levels of appeal in Sweden: the first level consists of four Migration Courts (*migrationsdomstol*) and the second is the Migration Court of Appeal (*Migrationsöverdomstolen*).

1.4.1. Appeal before the Migration Court

A refusal decision by the Migration Agency can be appealed before the Migration Court and this appeal has suspensive effect under the regular procedure.⁸⁸ Appeals are made to the four Migration Courts in **Stockholm, Luleå, Malmö and Gothenburg**. Appeals can be made both in relation to facts and/or points of law.

The asylum seeker has three weeks after having been informed of the first instance decision to lodge an appeal.⁸⁹ The written decision is communicated orally to the asylum seeker by a staff member of the Migration Agency's nearest reception centre with the assistance of an interpreter, often available by telephone, in a language understood by the applicant. It is the duty of the legal representative to contact their client regarding the decision and to submit an appeal against the refusal decision if the client so requests. This duty is not laid down in law and there are no legal sanctions against the legal representative if the deadline is missed. The Swedish Bar Association can issue disciplinary sanctions against a legal representative if they are a member of the Bar. An asylum seeker can also refrain from appealing the decision by signing an appropriate form and withdrawing the claim.

An appeal can be lodged by applicants in their own language, with some indication in Swedish or English – for practical reasons – as to the nature of the reasons for appeal. In a regular procedure an appeal is lodged in Swedish by the appointed lawyer, but where no legal assistance is available the Migration Agency has a responsibility to ascertain the general content of a submission in a language other than Swedish and its relevance as a basis of an appeal.⁹⁰ This does not mean that all the content needs to be translated in detail before a decision can be made.

⁸⁷ Skrivelse angående Migrationsverkets hantering av förordnanden av advokater som offentligt bitrade, m.m, ÅR-2023/0336, Stockholm 7 mars 2023.

⁸⁸ Ch. 12, Section 10 Aliens Act.

⁸⁹ Chapter 23 Section 2 Administrative Law (Förvaltningslagen).

⁹⁰ Administrative Court Procedure Act (1971:291) Section 50 and Administrative Procedure Act (2017:900) Section 13.

There is a secure online portal through which relevant documents can be submitted and files are kept.⁹¹ It is the lawyer's responsibility to ensure pleadings and appeals are submitted on time. The applicant does not have access to the portal, however if they wish to access the documents, they can ask their lawyer or the Migration Agency. The Migration Agency will either send the documents by mail or hand them over the counter in one of the Migration Agency's offices.

The appeal is formally addressed to the Migration Court but is first sent to the Migration Agency, which has the legal obligation to review its decision based on any new evidence presented.⁹² In 2020 and 2021, respectively, the Migration Agency changed its initial decision in one case out of 15,299 decided cases in 2020 and 12,793 in 2021.⁹³ In 2022, the Migration Agency changed its initial decision in two cases (out of 8,036 cases).⁹⁴ In 2023, the Migration Agency changed its decision in one case out of 9,585 cases. This demonstrates that the Migration Agency almost never changes its initial position. When the Migration Agency does not change its decision, the appeal is forwarded to the Migration Court. In 2023, the Migration Agency took an average of four days to either make a decision on reconsideration or transfer the appeal to the Migration Court.⁹⁵ In 2021, a total of 9,695 cases were forwarded to the Migration Courts.⁹⁶ In 2022, the total number of forwarded asylum cases was 7,855.⁹⁷ And in 2023 this increased to 9,469 cases being forwarded to the Migration Court.⁹⁸

Oral hearings at the Migration Court are not mandatory but can be requested by the asylum seeker. A decision has to be made by the judge on the matter of an oral hearing before the case is examined by the court. Where the court refuses an oral hearing, the applicant is given a set date by which the appeal must be completed. In 2023, the prevalence of oral hearings varied significantly across the migration courts. The most cases held with oral hearings were conducted in Malmö (30,1%%), followed by Luleå (25%), Gothenburg (13,8%) and Stockholm (13,8%).⁹⁹ For 2022, the largest proportion was in Malmö (33.6%), followed by Luleå (22.7%), Stockholm (19.6%) and Gothenburg (18.7%).¹⁰⁰

Oral hearings held by the Migration Courts ¹⁰¹		
Court	Total hearings	
	2022	2023
Malmö	232	209
Gothenburg	468	290
Luleå	129	179
Stockholm	561	567
Total	1,390	1,245

⁹¹ EASO, *Asylum Report 2020: Annual Report of the Situation of Asylum in the European Union*, July 2020, <https://bit.ly/30cGzxc>, 164.

⁹² Chapter 13 Section 13 Aliens Act.

⁹³ Swedish Migration Agency, *Monthly Statistical Report December 2021*, DNR: 1.1.1.2-2021-2118.

⁹⁴ Swedish Migration Agency, *Monthly Statistical Report December 2022*, DNR: 1.1.1.2-2022-1381.

⁹⁵ Swedish Migration Agency, *Monthly Statistical Report December 2023*, DNR: 1.1.1.2-2023-1728.

⁹⁶ Swedish Migration Agency, *Monthly Statistical Report December 2021*, DNR: 1.1.1.2-2021-2118.

⁹⁷ Swedish Migration Agency, *Monthly Statistical Report December 2022*, DNR: 1.1.1.2-2022-1381.

⁹⁸ Swedish Migration Agency, *Monthly Statistical Report December 2023*, DNR: 1.1.1.2-2023-1728.

⁹⁹ Statistics provided by the National Courts Authority in January 2024. The numbers are extracted from the number of asylum cases decided on where oral hearings had been conducted ("FR Rapport 300 Förh tid I avgjorda mål 2023") and the number of concluded asylum cases (Avlägsnandemål asyl, "FR KR Rapport 100 lnk, avg.bal per målkat 2023").

¹⁰⁰ Statistics provided by the National Courts Authority in January 2023. The numbers are extracted from the number of asylum cases decided on where oral hearings had been conducted ("FR Rapport 300 Förh tid I avgjorda mål 2022") and the number of concluded asylum cases (Avlägsnandemål asyl, "FR KR Rapport 100 lnk, avg.bal per målkat 2022").

¹⁰¹ Statistics provided by the National Courts Authority in January 2023 and January 2024.

In 2023, 1,245 cases where oral hearings had been held were concluded in the Migration Courts. This is close to how many were held in 2022, with a difference of 145 oral hearings. An oral hearing may be open to the public initially but, before the proceedings start, the judge enquires about the applicant's wishes regarding confidentiality and decides accordingly. If the court finds indications for confidentiality in the case before the oral hearing, it can choose to keep the name of the appellant confidential, and the name will then not appear on screens in the courthouse or be mentioned when the court calls on the hearing to start. This can for example be the case when the case contains sensitive information or if the appellant comes from a country that is suspected of tracking information about refugees from that country. The judge may, however, override the wishes of the applicant and declare that the hearing be video recorded e.g., in cases of national security.

The average processing time for the Migration Courts to adjudicate a case in 2023 was 11,5 months, which is an increase from 9,5 months in 2022. The Migration Courts changed 9,6% of the appealed asylum cases in 2022 and in 2023 this number decreased to 7,9%.¹⁰² In 2022, the National Audit Office published a report on processing times of asylum cases in migration courts. They found that the times were long and had increased since 2016. The report showed notable regional differences and that half of the processing time did not include any active processing of the case. One reason for the waiting time was the waiting period for oral hearings. The main reason for the delays were concluded to be lack of funding. On 26 July 2022, the Ministry of Justice welcomed the report and conveyed that a series of measures were taken to shorten the processing time.¹⁰³ It is notable that the processing time still increased in 2023.

Court rulings are publicly available. The rulings can be accessed either directly from the Court upon request, in paper or electronically, or via legal information databases (subject to a licence/subscription). In order to not reveal sensitive information about an applicant, the Court can decide that the name of the applicant and/or certain parts of the ruling shall be kept confidential.

Asylum seekers in the regular procedure have access to free legal aid and are usually called to a meeting with the lawyer to prepare the appeal to the Migration Court. The reasons for the first instance rejection are explained and the applicant has an opportunity to provide new evidence or arguments to support their case. An interpreter financed by the state is available at this meeting. On rare occasions, legal counsel may fail to submit the appeal in time, and this means the case is abandoned.¹⁰⁴

However, there is a mechanism whereby an appeal can be made to have the late submission accepted by the court.¹⁰⁵ The outcome of such an appeal depends on whether there are any extenuating circumstances e.g., in the event of the serious illness or death of the applicant's legal counsel. If all the elements of the appeal cannot be submitted within the 3-week period when an appeal has to be lodged, the legal counsel can ask for an extension to complete the appeal. This is often granted. If the applicant wants an oral hearing at court, this has to be specifically requested.¹⁰⁶ When this is done and if the request is refused, a date is set for the completion of the submission and any arguments that would have been presented in a court appearance can be submitted in writing.¹⁰⁷ There are no statutory deadlines during the actual proceedings. Administrative courts can decide for themselves which time limits should apply to, for example, requests for deferrals. Usually, this deadline is a few weeks.

¹⁰² Statistics provided by the National Courts Authority in January 2023 and January 2024.

¹⁰³ National Audit Office, 'I väntan på dom – migrationsdomstolarnas handläggningstider i asylmål (RIR 2022:5)' March 2022, available in Swedish at: <https://tinyurl.com/ns8taxn9>.

¹⁰⁴ Paragraph 6 Administrative Procedure Act (Förvaltningsprocesslagen).

¹⁰⁵ Paragraph 37 b Administrative Procedure Act.

¹⁰⁶ Paragraph 9 Administrative Procedure Act.

¹⁰⁷ Paragraph 37 b, Administrative Procedure Law.

1.4.2. Onward appeal before the Migration Court of Appeal

“Leave to appeal to the Migration Court of Appeal is issued if:

- (1) it is of importance for the guidance of the application of the law that the appeal is examined by the Migration Court of Appeal or
- (2) there are other exceptional grounds for examining the appeal.”¹⁰⁸

In general, administrative procedure law, there is a further ground for leave to appeal “if reason exists for an amendment of the conclusion made by the county administrative court”.¹⁰⁹ However, this ground does not apply to the Aliens Act. Leave is only granted where an appeal may be of importance as a precedent, or if there are exceptional reasons, such as a serious procedural error made by the Migration Agency or the Migration Court.

The applicant and the Migration Agency have 3 weeks to appeal to the Migration Court of Appeal after the delivery of the Migration Court’s decision to the applicant.¹¹⁰ Decisions of the Migration Court of Appeal are final and non-appealable.

The Migration Court of Appeal is the main source of jurisprudence in the Swedish asylum system. Decisions by the Migration Courts are not deemed to set precedent, even though they may contain important legal reasoning.

The Migration Court of Appeal can exceptionally hold an oral hearing but in most cases there is only a written procedure. Decisions on leave to appeal are taken by two or, in exceptional cases, three judges. There are no lay judges at the Migration Appeal Court; it only comprises qualified judges. If leave to appeal is granted, a decision is taken by three judges, while exceptionally important cases are decided by a panel of seven judges.

Free legal aid is provided for public counsel to make an application for leave to appeal. If leave is granted, then further legal aid is provided. Until a decision on leave to appeal is handed down, the appeal has suspensive effect.¹¹¹ If leave is refused, the expulsion order is legally enforceable from the date of refusal.

In 2023 a total of 5,293 appeals were made to the Migration Court of Appeal in asylum cases and the latter decided upon 5,231 cases:

¹⁰⁸ Ch. 16, Section 12 Aliens Act.

¹⁰⁹ Section 34a(2) Administrative Court Procedure Act (1971:291).

¹¹⁰ Ch. 16, Section 10 Aliens Act.

¹¹¹ Ch. 16, Section 10 Aliens Act.

Appeals before the Migration Court of Appeal				
	2020	2021	2022	2023
Total number of appeals lodged	8,358	6,407	4,833	5,293
Total number of decisions		6,388	4,941	5,231
Leave to appeal rejected	8,560	6,373	4,788	5,038
Leave to appeal granted	49	59	13	5
Appeals accepted	6	1	1	0
Appeals rejected	22	45	0	0
Appeals referred back to lower instances	21	13	7	5

Source: The total number of appeals and decisions in asylum cases (*målkategori Avlägsnandemål asyl*), is provided by the National Courts Authority. Information concerning leave to appeal, appeals accepted, rejected and referred back is from the Migration Agency's Monthly statistical report for December 2023.

The discrepancies in the above table between the total number of appeals lodged and the number of decisions is due to the fact that certain decisions were issued on appeals of the previous year. When the Migration Court of Appeal hands down its decision, the expulsion order is enforceable, and the person is expected to leave Sweden voluntarily within two weeks in a manifestly unfounded case or four weeks in regular procedure cases.

In national security cases, where the asylum seeker is considered as a potential threat to national security, the Migration Agency is the first instance and the Migration Court of Appeal provides views on the appeal, but the Government is legally responsible for the final decision.¹¹² However if the Migration Court of Appeal determines that there is a risk of torture or other breaches of Article 3 ECHR, which has been incorporated into Swedish law, then the Government has to abide by this opinion.¹¹³

In February 2022, the Migration Court of Appeal ruled that, in cases where a family member presents new grounds for asylum during the proceedings in the Migration Court, the starting point should be that the family must be kept together; thus, the assessment as to all family members' right to reside in Sweden should be kept together as well, as the right of one family member may affect that of others. So, if the Migration Court decides to refer one family member's case back to the Migration Agency for further examination, the other family members' cases should be referred back as well. Otherwise, a situation could arise where parts of the family would have enforceable expulsion decisions when another family member's new grounds for asylum are being assessed.¹¹⁴

In November 2022, the Migration Court of Appeal ruled in case MIG 2022:9 and expressed that the principle of family unit does not include a separate right to refugee status for a family member of a refugee if the family member lacks individual protection grounds.

¹¹² Ch. 2a, Special Control of Aliens Act (Lagen om särskild utlänningskontroll) 1991:572.

¹¹³ Ch. 10, Special Act of Aliens Act.

¹¹⁴ Migration Court of Appeal, Decision MIG 2022:2, 25 February 2022, available in Swedish at: <https://bit.ly/3zcEKhD>.

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?
 Yes With difficulty No
❖ Does free legal assistance cover:
 Representation in interview
 Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
 Yes With difficulty No
❖ Does free legal assistance cover
 Representation in courts
 Legal advice

Free legal assistance is provided to asylum seekers throughout the regular procedure and at all appeal levels and is funded by state budget.¹¹⁵ The only times where the right to legal assistance is conditional are in cases concerning appeal of the Migration Agency's decision regarding proclamation of protected status and a decision not to grant a re-examination of a subsequent application. The conditions are then that the person must be in Sweden and that it is not obvious that the appeal does not have a reasonable prospect of success. When the application is presumed to be granted, it is often determined that no legal assistance is needed and hence will not be provided.¹¹⁶

The legal representative is assigned and designated by the Migration Agency or the respective court; where applicable the asylum seeker can ask for a specific person to be designated, a request which is normally granted. The criteria for the appointment of legal counsel take into consideration whether the counsel is located close to the office responsible for handling the case, but this is not an absolute criterion if the applicant has requested a specific lawyer. According to a ruling of the Migration Court of Appeal, the choice of lawyer by the applicant must be respected even if the lawyer is located at a distance or is not available at the preferred time of the Migration Agency for an interview.¹¹⁷

At the preparatory meeting, the lawyer should inquire briefly as to the substance of the claim and ask for any substantiating documents as well as provide the asylum seeker with advice on the asylum procedure. The legal counsel then attends the oral interview and subsequently makes a submission which incorporates any views on the oral transcript and any supplementary information counsel wishes to refer to in relation to the substance of the case. It is difficult for the lawyer to know in advance exactly how many hours of work a case will require and also how many of those hours of work will be monetarily compensated by the authorities. Their fee can be reduced by a decision of the Migration Agency or at a later stage by the Court. These decisions can be appealed separately by the legal counsel. On average, 10-15 hours of work are usually approved at the first instance for regular asylum cases and any hours beyond those must be carefully motivated based on the exceptional nature of the case. Interpretation costs are reimbursed separately, along with other necessary expenses. Lawyers do not get paid for investigating country of origin information.

Other areas of legal practice are often better remunerated than asylum cases. Currently, the fees for asylum cases are approximately €130 an hour (SEK 1,476, not including VAT).¹¹⁸ At the Court level, the legal costs are higher if there is an oral hearing compared to a mere written procedure, but the hourly fee remains the same.

There are no special requirements for lawyers with regard to their knowledge of asylum and migration law. The Parliamentary Ombudsman (JO) has stated in a decision that the Migration Agency is responsible for ensuring that the legal counsel is sufficiently competent for the task in hand. In practice,

¹¹⁵ Chapter 18, Section 1 Aliens Act.

¹¹⁶ Chapter 18, Section 1a Aliens Act.

¹¹⁷ Migration Court of Appeal, Decision MIG 2017:21, UM8311-17, 14 November 2017, available in Swedish at: <https://bit.ly/3dg0Ky8>.

¹¹⁸ Standard hourly fee for 2022 according to the Legal Aid Act, see: <http://bit.ly/3rKNoy5>.

it can be argued that it is sufficient that they have a law degree in order for them to be appointed by the Migration Agency or the courts. The JO has also declared that the Migration Agency should have a system where it monitors and documents the skills and/or deficiencies of legal counsel. The previous system – the keeping of a “black list” – was deemed not to meet legal standards.¹¹⁹ Several documents were issued and initiatives raised¹²⁰ but nothing was considered when the Alien Act and related legislative acts were amended in July 2021.¹²¹ In a report in June 2022, the Swedish National Audit Office identified problems in the system regarding public counsels in migration cases, including that some persons had been able to continue working as public counsels after having being convicted of serious offences or having been disbarred.¹²² Following this, the Government initiated an inquiry to examine certain aspects regarding public counsels. The inquiry presented its findings and proposals on 1 June 2023.¹²³ Some of the inquiries proposals were that only those with a law degree or an equivalent older degree may be considered for appointments as a public counsel in migration cases; If a public counsel is deemed unsuitable for their assignment, the Migration Agency or the Police Authority (a decision by the Police Authority may only apply to matters under the Aliens Act) declare them ineligible to act as a representative or assistant at the authority, either for a certain period or indefinitely; Tighter regulations regarding substitutions for all public counsels and a new purpose provision shall be introduced in the Immigration Data Act (2016:27), explicitly stating that the Migration Agency and the Police Authority may process personal data if necessary for assessing individuals' suitability for a public counsel assignment.

The government wants to know the opinions of those affected and the support for the proposal and therefore before the government takes a position on a proposal, it is sent out for consultation to relevant authorities, organizations, municipalities, and other interested. The general public also has the right to provide comments. Last day to provide comments on the inquiry was the 1st of November 2023. All the opinions can be found on the government's website.¹²⁴ If, how or when this will be introduced in a law is not yet specified.

The Swedish Migration Agency maintains a list of persons who have registered with them to be legal counsel in asylum and migration cases and distributes cases according to their availability. There is currently no data available on the number of persons registered on that list.¹²⁵ There are no requirements for legal counsel to pass any tests in this area of law and this means there can be an uneven level of competence, which in individual cases can be to the detriment of the asylum seeker's protection grounds. The asylum seeker has the right to complain if the appointed legal counsel does not fulfil their duties and to request a new lawyer. However, substitution of counsel may only occur with special permission and only if there are particular reasons.¹²⁶ The concept of 'special reasons' in the substitution of public counsel can include situations where there is a significant conflict between the client and the current counsel, lack of trust, or circumstances that substantially affect the ability to provide effective legal assistance. It can also be related to the counsel's health, capacity, or other factors that impact their ability to perform the assignment satisfactorily. Determining 'special reasons' may be subject to assessment based on specific circumstances in each individual case and may vary.¹²⁷

In 2019, legal counsel was granted in 17,099 regular cases and in 277 Dublin cases.¹²⁸ The Migration Agency does not have reliable data on this for 2021. In 2022, legal counsel was granted in 9,056 cases.

¹¹⁹ JO, 'Statement regarding the Migration Board's list of legal counsels who are subject to monitoring, supervision and control', 4500-2014, cited in the Annual Report 2014/2015, available at: <http://bit.ly/219LJMm>.

¹²⁰ See previous updates of this country report, available at: <http://bit.ly/3j5sDyg>.

¹²¹ *Ändrade regler i utlänningslagen, prop. 2020/21:191*, available in Swedish at: <https://bit.ly/3wXzYUK>.

¹²² Swedish National Audit Office, 'Lämpligt biträde med rätt ersättning – hanteringen av offentliga biträden i migrationsärenden (RiR 2022:14)', 2 June 2022, available in Swedish at: <http://bit.ly/3JSRSgP>.

¹²³ The Government Offices, Department of Justice, 'En översyn av vissa frågor om offentliga biträden', Ju2023/01353, 1 June 2023, available at: <https://bit.ly/3UD4jo1>.

¹²⁴ The Government Offices, Inquiry of Ds 2023:14, 'En översyn av vissa frågor om offentliga biträden', 1 June 2023, available at: <https://bit.ly/3T0esK3>.

¹²⁵ Information provided by the Migration Agency by email in march 2024.

¹²⁶ Section 5 of the Act (1996:1620) on Public Counsel and Sections 26-29 of the Legal Aid Act (1996:1619)

¹²⁷ Information in Swedish at: <https://bit.ly/3wiSQ2V>.

¹²⁸ Information provided by the Migration Agency's statistics unit.

The Migration Agency does not have reliable data on this regarding Dublin cases.¹²⁹ In 2023, granting of legal counsel decreased to 3,268 cases and the Migration Agency does not have any reliable data on this for Dublin cases.¹³⁰

Asylum seekers can also approach NGOs for advice. It should be noted that some NGOs have cut back their services to asylum seekers while others such as the Swedish Refugee Law Center are expanding their services through increased funding from their constituent organisations the Church of Sweden, Caritas Sweden, Save the Children Sweden and the Diocese of Stockholm. The Swedish Red Cross offers legal support through a hotline as well as by appointment, and its lawyers can act as legal counsel. The Red Cross prioritises cases concerning family reunification, persecution due to risk of torture and gender-based persecution. The EUAA mentions that the Swedish Refugee Law Centre continued to offer remote counselling in 2021 due to COVID-19 restrictions.¹³¹ However, it was not solely because of the COVID-19 pandemic. Remote counselling was actually maintained as a way for the centre to continue to reach a wider group of asylum seekers. With remote counselling, the centre could provide legal advice to individuals who may not have been able to access in-person services, either due to geographical barriers or COVID-19 restrictions. By offering remote counselling, the Swedish Refugee Law Centre could continue to help a larger number of asylum seekers understand their rights and the asylum procedure.

2. Dublin (“Track 5A”)

2.1. General

Dublin statistics: 1 January – 31 December 2023

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	1,671	1,136	Not available	Total	3,597	2,451	Not available
Take charge	863	639	Not available	Take charge	430	288	Not available
Italy	192	161	.	Germany	94	64	.
Germany	57	51	..	France	125	103	.
Greece	145	5	.	Belgium	21	20	.
France	81	65	.	Netherlands	22	18	.
Croatia	16	14	.	Italy	8	5	.
Take back	828	497	Not available	Take back	2,954	2,163	Not available
Italy	69	32	.	Germany	1,338	932	.
Germany	186	142	.	France	600	388	.
Greece	92	1	.	Belgium	317	250	.
France	44	29	.	Netherlands	163	127	.
Croatia	96	81	.	Italy	109	90	.

Source: Information provided by the Migration Agency’s statistics unit. The numbers show the number of transfer decisions. Statistics on transfers actually implemented were not provided. The countries are chosen after the five

¹²⁹ Information provided by the Migration Agency’s statistics unit.

¹³⁰ Information provided by the Migration Agency by email in march 2024.

¹³¹ EUAA, *Asylum Report 2022: Annual Report on the Situation of Asylum in the European Union*, June 2022, available at: <http://bitly.ws/AUaD>, 198.

countries with most requests in total (take charges and take backs). There is a discrepancy between total requests and total decisions - probably because of a backlog from 2022.

Disclaimer: There are differences in the Swedish Migration Agency's and Eurostat's statistics on asylum seekers because Eurostat reports more asylum seekers than the Swedish Migration Agency. The Swedish Migration Agency counts an application from a person who is in Sweden with a residence permit on the grounds of family ties under the temporary law, and who then applies for asylum, as an extension of the current permit. In Eurostat's statistics, this is counted as a first-time application (if the person has never previously applied for asylum in Sweden). Otherwise, both parties use the same groupings for asylum seekers.

Outgoing Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests sent	Requests accepted
"Take charge": Articles 8-15:	734	565
Article 8 (minors)	3	1
Article 9 (family members granted protection)	1	0
Article 10 (family members pending determination)	1	1
Article 11 (family procedure)	5	3
Article 12 (visas and residence permits)	617	477
Article 13 (entry and/or remain)	107	83
Article 14 (visa free entry)	-	-
"Take charge": Article 16	-	-
"Take charge" humanitarian clause: Article 17(2)	3	2
"Take back": Article 18	781	462
Article 18 (1) (b)	534	331
Article 18 (1) (c)	14	9
Article 18 (1) (d)	233	121
Article 20(5)	1	1

Source: Information provided by the Migration Agency's statistics unit.

Incoming Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests received	Requests accepted
"Take charge": Articles 8-15	316	234
Article 8 (minors)	49	20
Article 9 (family members granted protection)	8	2
Article 10 (family members pending determination)	3	0
Article 11 (family procedure)	14	1
Article 12 (visas and residence permits)	105	209
Article 13 (entry and/or remain)	5	2
Article 14 (visa free entry)	-	-
"Take charge": Article 16	2	1
"Take charge" humanitarian clause: Article 17(2)	41	11
"Take back": Articles 18 and 20(5)	2,620	1,869
Article 18 (1) (b)	2,144	1,496
Article 18 (1) (c)	3	2
Article 18 (1) (d)	470	370
Article 20(5)	3	1

Source: Information provided by the Migration Agency's statistics unit.

2.1.1. Application of the Dublin criteria

In 2023, Sweden issued 1,671 and received 3,579 requests under the Dublin Regulation. Sweden interprets the Dublin Regulation rules rather strictly and respects the hierarchy established by the Regulation. The Swedish Aliens Act refers to the Dublin Regulation rules but not in detail since the Regulation has direct effect in Swedish law.

All asylum seekers are fingerprinted if they are 14 years or older and checked both in the Eurodac and Visa Information System (VIS) databases. In 2023, the top five countries of origin were Afghanistan, Iraq, Uzbekistan, Syria and Iran.¹³² Children aged 6 and above are fingerprinted, but they will not be checked against any databases. If an asylum seeker refuses to be fingerprinted it can be interpreted as refusing to participate in the investigation on whether they have the right to stay in Sweden, which is a basis for detention.¹³³ The law does not authorise the use of force to take fingerprints.

In 2020, the Swedish government adopted two acts relevant to fingerprinting. The first act entered into force on 1 December 2020 and foresees that the Swedish Migration Agency, the Swedish Police and Sweden's diplomatic missions abroad are allowed to process sensitive data under the Aliens Data Act (2016:27).¹³⁴ They are also authorised to test and develop the existing system of managing third-country nationals' personal data. The second act entered into force on 28 December 2020 and amends the Aliens Act and the Act on the Schengen Information System (2000:344).¹³⁵ It foresees that third-country nationals will have to be fingerprinted and photographed at entry and exit for checks against the Schengen Information System (SIS). It also allows several authorities such as the Swedish Migration Agency, the Swedish Police, the Swedish Customs and the Coast Guards to take individuals' photos and fingerprints for counterchecking against data in SIS.

2.1.2. The dependent persons' and discretionary clauses

Sweden made 3 requests based on the "humanitarian clause" (Article 17(2) Dublin Regulation) in 2023 and based on the "dependent persons' clause" (Article 16 Dublin Regulation) and received 41 and 2 incoming requests on those grounds, respectively.

Statistics regarding article 17(1) are limited since there is no formal decision to refrain from sending a take charge request and to examine the application in Sweden is taken.

2.2. Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
 Yes No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
Not available

Track 5A deals with cases under the Dublin Regulation. These cases are not sent to the Distribution Unit but channelled immediately into this track. The Dublin Unit had 25 officials in 2023.¹³⁶ At the national level, the Alien Act refers to the Dublin Regulation rules but not in detail since the Regulation has direct effect in Swedish law. Cases where another member state is found to be responsible because the applicant has

¹³² Information provided by the Swedish Migration Agency.

¹³³ Chapter 10 Section 1 Aliens Act.

¹³⁴ Government. Regerings proposition 2020/21:5. *Behandling av känsliga personuppgifter i testverksamhet enligt utlänningsdatalagen*, 10 September 2020, available at: <https://bit.ly/3SGLCx9>.

¹³⁵ Government. Regerings proposition 2020/21:6. *Ändrade bestämmelser om fotografier och fingeravtryck i SIS II-regelverket*, available at: <https://bit.ly/49cUMs4>.

¹³⁶ Information provided by the Swedish Migration Agency.

been granted a valid residence permit or any other form of permit granting the right to stay in another Member State can be rejected as inadmissible.¹³⁷

If another member state is deemed to be responsible and a transfer decision is made, a combined notification and return interview is held with the applicant. The transfer decision is enforceable and transfer travel planning can begin immediately. In Track 5A, there are no ID issues to consider so the focus of the Migration Agency is on the applicant's attitude to transfer and the availability for executing the transfer.

The applicant is initially informed in writing and orally that a Eurodac or a VIS hit has been registered and is given the opportunity to register, in writing, any objections to being sent to the assigned country. These objections must be handed in before the time limit set by the Migration Agency expires or else the decision can be made based on existing information. The Migration Agency can extend the time limit if requested by the applicant, but the applicant must provide a reason for the extended time limit. Common reasons are for example if one waits for identification documents to be sent to you or if one needs a medical evaluation. There are no set time limits and both the time limit and the possible extension is decided by the Migration Agency.

A decision is then made to formally transfer the person and this decision is communicated in person by the Migration Agency to the applicant. The applicant has to sign that this decision has been received. The reception officer then discusses the practicalities of the transfer to the designated country and indicates how soon this could take place. If the applicant appears willing to cooperate, a date is later fixed for the transfer. If the applicant does not cooperate, then the case will be handed over to the police for an enforced transfer. A decision is usually also made to reduce the daily allowance to the asylum seeker because of their unwillingness to cooperate.¹³⁸ The applicant is informed of the right to appeal in person and the right to write it in their own language if need be but also told that an appeal will not have a suspensive effect unless the Migration Court makes a different assessment.¹³⁹

The Migration Agency has produced information sheets in several languages outlining the mechanisms of the Dublin Regulation (see [Provision of information on the procedure](#)), although technical issues such as the effects of the VIS system are not easily comprehensible to asylum seekers. The asylum seeker receives a copy of these and later a copy of the acceptance by the other Member State. The asylum seeker is informed that a request is being made and about the evidence the request is based on.

2.2.1. Individualised guarantees

The Migration Agency does not seek individualised guarantees prior to a transfer.¹⁴⁰

2.2.2. Transfers

Most Dublin transfers take place on a voluntary basis. Asylum applicants are not detained when they are being notified that another country is responsible for assessing their asylum application. However, Dublin cases are accommodated in facilities that are close to an airport or moved to such accommodation in connection with the impending transfer, instead of allowing them to settle initially anywhere in Sweden.

In 2023 Sweden received 3,579 Dublin incoming requests and issued 1,671 outgoing requests to other Dublin States. A total of 639 Dublin transfers were carried out to another Dublin country in 2023.¹⁴¹

¹³⁷ Chapter 5 Section 1 b Aliens Act.

¹³⁸ The Reception Act (1994:137) Section 10.

¹³⁹ Chapter 12 Section 9 a Aliens Act.

¹⁴⁰ Information provided by the Migration Agency, August 2017.

¹⁴¹ Information provided by the Migration Agency's statistics unit.

The average processing time for all Dublin cases in 2023, i.e., until a transfer decision was issued, was 50 days, down from 64 in 2022, 46 in 2021, 49 in 2020, and 58 in 2019.¹⁴²

2.3. Personal interview

Indicators: Dublin: Personal Interview

Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure? Yes No
 - ❖ If so, are interpreters available in practice, for interviews? Yes No
2. Are interviews conducted through video conferencing? Frequently Rarely Never

According to a precedent-setting ruling by the Migration Court of Appeal,¹⁴³ all Dublin cases are subject to a personal interview conducted by the Migration Agency through an interpreter but without the presence of legal counsel. However, in the case of an unaccompanied child, the guardian is present and legal counsel can be appointed. The interview does not go into the asylum grounds in any detail, but a brief outline of flight reasons is made in most of the interview documentation.

Questions are asked about relatives in other EU countries, previous stays in EU countries, the health condition of the applicant, any objections to being sent to the responsible EU Member State, and attitude towards leaving voluntarily.

A transcript of the interview is made but not normally communicated to the asylum seeker since it is only in Swedish. The transcript and other documents regarding an applicant's asylum case can be requested.

If there are close relatives in another EU country, Swedish authorities take no action to inform that country of the presence of a relative in Sweden but await a request from the other country regarding the desirability of family reunification and written consent from the family present in Sweden to be reunited.¹⁴⁴

2.4. Appeal

Indicators: Dublin: Appeal

Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?
 - Yes No
 - ❖ If yes, is it Judicial Administrative
 - ❖ If yes, is it suspensive Yes No

An application will be dismissed as **inadmissible** when the Dublin Regulation applies.¹⁴⁵ In Dublin cases, there is no legal counsel automatically appointed at first instance (except for unaccompanied children), so the asylum seeker must either appeal alone or seek the support of friends or NGOs. The appeals procedure is no different from the appeal system that applies in the **Regular Procedure: Appeal**.

All Dublin appeals are dealt with by the Migration Court in Stockholm. In line with Article 27(3)(c) of the Dublin III Regulation, if an applicant requests for their appeal to have suspensive effect, the transfer is automatically suspended until the Court decides on whether to suspend the implementation of the transfer.¹⁴⁶ Moreover, appeals in Dublin cases are often expedited quickly by the Migration Court and the

¹⁴² Migration Agency, *Monthly statistical report for December 2022*, 15.

¹⁴³ Migration Court of Appeal, MIG 2007:4, UM 607-06, 22 January 2007, available at: <http://bit.ly/2oZzsl1>.

¹⁴⁴ Information provided by the Swedish Refugee Law Center.

¹⁴⁵ Ch. 5, Section 1c Aliens Act.

¹⁴⁶ Ch. 12, Section 9 a Aliens Act.

Migration Court of Appeal.¹⁴⁷ The appeal body does not take into account the recognition rates in the responsible member state when reviewing the Dublin decision.¹⁴⁸

The Migration Court of Appeal made a reference for a preliminary ruling to the CJEU to clarify whether an applicant is entitled to challenge a Dublin transfer solely on the basis of systemic deficiencies or also on other grounds i.e., relating to the application of the responsibility criteria. The CJEU ruled on 7 June 2016 and found that in order for a correct application of the responsibility determination procedure under the Dublin III Regulation to take place, the applicant must be able to contest a transfer decision and invoke an infringement of the rule set out in Article 19(2) of the Regulation, i.e. where the applicant provides evidence that he/she has left the territory of one Member State, having made an application there, for at least three months and has made a new asylum application in another Member State.¹⁴⁹

On 26 February 2020, the Migration Court of Appeal found in the case MIG 2020:4 that a decision by the Migration Agency to not take charge of an asylum seeker upon request from another member state cannot be appealed.¹⁵⁰ In the present case, the Migration Court of Appeal also rejected a request from the individual concerned that the Court should request a preliminary ruling from the Court of Justice of the European Union, despite the fact that other national courts in Germany and the UK have found that asylum seekers have a right to appeal rejections of take charge requests.¹⁵¹ The Court found that the decision not to take charge primarily concerns the States involved, not the individual, at least not directly in a way that would entail an assessment of potential violations of their freedoms or rights.

2.5. Legal assistance

Indicators: Dublin: Legal Assistance

Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

Yes With difficulty No

❖ Does free legal assistance cover:

Representation in interview

Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

Yes With difficulty No

❖ Does free legal assistance cover

Representation in courts

Legal advice

The Migration Court of Appeal has in the case MIG 2014:29 expressed that the Swedish Migration Agency can appoint a public counsel in Dublin cases, but that it can also consider that there is no need for a counsel. In the same case, the Court also expressed that a public counsel can be appointed at the second instance, in case the appeal has a reasonable prospect of success. In practice, legal counsel is not made available at first instance in Dublin cases, and the Migration Courts are also very restrictive in appointing public counsels.¹⁵²

The Migration Court can appoint legal counsel in Dublin appeals but does take into account whether the grounds for appeal raise issues that could lead to a change in the decision. The difficulties with regard to access to legal assistance in the regular procedure are also applicable here (see [Regular procedure: Legal assistance](#)).

¹⁴⁷ Observation based on practice by the Swedish Refugee Law Center.

¹⁴⁸ Migration Court of Appeal, Decision MIG 2013:23, 9 December 2013, available at: <http://bit.ly/3XDu0mS>.

¹⁴⁹ CJEU, *Karim v. Migrationsverket*, Case C-155/15, Judgment of 7 June 2016, available at: <http://bit.ly/2kKfKa9>.

¹⁵⁰ Migration Court of Appeal, MIG 2020:4, 26 February 2020, see EDAL summary at: <https://bit.ly/3bN6BZv>.

¹⁵¹ See e.g., UK Upper Tribunal, *MS [a child by his litigation friend MAS] v. Secretary of State for the Home Department*, 19 July 2018, available at: <http://bit.ly/3wrBU7a>.

¹⁵² There is a right to free public counsel if a person is detained for more than 3 days as a measure related to expulsion or transfer. Also, certain vulnerable asylum seekers (deaf and mute for example) can be granted public counsel.

2.6. Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? Yes No
❖ If yes, to which country or countries? Hungary

To Hungary

In March 2019, the Swedish Migration Agency announced it considers that there are well-founded reasons to assume that there are currently such systemic deficiencies in the asylum procedure and reception conditions in **Hungary** that transfers there would engage Article 3(2) of the Dublin Regulation. These deficiencies entail a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union.

As far as the authors are aware, no persons have been transferred to Hungary since 2018.

In November 2022 (revised in 2023), the Swedish Migration Agency issued a new legal guidance note regarding Dublin transfers to Hungary.¹⁵³ The Swedish Migration Agency currently do not consider that such systemic deficiencies in the asylum procedure and reception conditions in Hungary exists that transfers would engage Article 3(2) of the Dublin Regulation. The Swedish Migration Agency however consider that there are serious doubts on whether an asylum seeker, after transfer to Hungary, can gain access to the asylum procedure. Therefore, the Swedish Migration Agency assesses that no transfers to Hungary can be done until further notice.

The Swedish Migration Agency continues to make the request and take transfer decision if Hungary is determined to be the responsible Member State. In 2023, 52 request were made to Hungary.¹⁵⁴ However, the transfer decisions may not be enforced as long as the conditions in Hungary remains. All transfer decisions to Hungary in accordance with the Dublin regulation are therefore to be suspended until further notice.

To Greece

In February 2018, the Swedish Migration Agency decided to reinstate transfers to Greece. The decision was made with reference to the recommendation from the European Commission, which was issued almost a year earlier.¹⁵⁵ The Swedish Migration Agency does not take any particular measures with regard to transfers to Greece, but they do take into consideration the recommendations from the Commission.¹⁵⁶ In 2023, 5 take charge decisions and 1 take back decision were issued to Greece.¹⁵⁷

2.7. The situation of Dublin returnees

Dublin returnees with a final negative decision in Sweden are normally taken into custody on arrival and measures are taken to facilitate their removal. If their case is still pending in Sweden and there is no final negative decision, then they are placed in an accommodation centre near a point of departure and continue the procedure in their ongoing case.

¹⁵³ SMA, *Överföringar till Ungern i enlighet med Dublinförordningen*, RS/010/2022, 11 November 2022, available in Swedish at: <https://bit.ly/3LSGAuQ>.

¹⁵⁴ Statistics provided by the Migration Agency's statistical unit.

¹⁵⁵ European Commission, *Commission Recommendation of 8.12.2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) NO. 604/2013*, C(2016) 8525 final, 8 December 2016, available at: <https://bit.ly/3J8EWEP>.

¹⁵⁶ Information from the Migration Agency, Dublin Unit, July 2019.

¹⁵⁷ Information provided by the Migration Agency's statistics unit.

During 2018, the Aliens Act was amended concerning responsibility for the reception of Dublin returnees which means that the police authority takes over the responsibility from the Swedish Migration Agency regarding the reception of persons who have been accepted in accordance with the Dublin Regulation when there is a legally enforceable decision on cancellation or expulsion.¹⁵⁸

Transfers to Sweden for “take back” cases with a legally enforceable removal order in Sweden are not automatically provided with accommodation by the Swedish Migration Agency or the Police on arrival if they are unwilling to return voluntarily to their home country. This applies also to families with children. Since the changes to the Law on the Reception of Asylum Seekers (LMA) in 2016 only families with minor children can be allowed to stay in this accommodation while the removal order is pending and after the period for voluntary return has passed. Families who leave this accommodation for another EU country and are returned according to the Dublin Regulation have no right to re-access accommodation from the Migration Agency.

3. Admissibility procedure (“Track 5B” and “Track 5C”)

3.1. General (scope, criteria, time limits)

According to Chapter 5, Section 1b of the Aliens Act, an application can be dismissed as inadmissible where the applicant:

1. Has obtained international protection in another EU Member State;
2. In a country that is not an EU state has been recognised as a refugee or has equivalent protection, if the applicant will be admitted to that country and is protected from persecution and from being sent to another country where he or she risks persecution, or
3. Can be sent to a country where he or she does not risk persecution, death penalty, corporal punishment, torture, or other inhuman or degrading treatment or punishment, is protected from being sent to another country where he or she does not have equivalent protection, has the opportunity to apply for refugee protection, and has such a connection to the country in question that it is reasonable for him or her to travel there.

In practice, the Swedish Migration Agency deals with cases of persons benefitting from protection in another EU country under “Track 5B”. Cases concerning third countries are processed under “Track 5C”. The Swedish Migration Agency shall take a decision on the admissibility of the application within 3 months. In 2023, the Swedish Migration Agency received 115 applications that were processed under Track 5B and 11 applications were processed under Track 5C. 140 decisions were taken under Track 5B and 8 decisions taken under track 5C.¹⁵⁹ There is no time limit from the Swedish Migration Agency to process these cases.

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure? Yes No
 - ❖ If so, are questions limited to nationality, identity, travel route? Yes No
 - ❖ If so, are interpreters available in practice, for interviews? Yes No
2. Are interviews conducted through video conferencing? Frequently Rarely Never

There are no differences in the practical way the personal interview is conducted in cases where grounds for inadmissibility exist. Applicants are afforded the same two interviews as in the [Regular procedure](#).

¹⁵⁸ Chapter 10, Section 13 Aliens Act.

¹⁵⁹ Information provided by the Migration Agency's statistics unit.

However, there are differences in the actual questions asked if the Migration Agency does not intend to process the asylum case in Sweden. During the interview, they will be asked about their health status to assess any medical needs they may have. Additionally, questions about their family situation may be posed to understand if they have relatives in Sweden or other European countries, which could influence the decision on where their application is processed. Furthermore, details about their journey to Sweden will be explored to determine if they have traveled through other European countries or if they have applied for asylum elsewhere.

The applicant will have one opportunity to say what they think about their application potentially being assessed in another country. The interview is their only opportunity to talk to the Migration Agency and say why they think their application should be assessed in Sweden.

Following an interview with the Swedish Migration Agency, where questions regarding the applicant's health, family, and journey to Sweden are addressed, the Migration Agency will evaluate if any new information emerged that could lead to their application being processed in Sweden. If not, a request for transfer to the responsible country for asylum investigation will be sent. If the Migration Agency determines that the applicant's application should be processed in another country, they will receive an appointment where the decision will be communicated to them. At this stage, they will be informed of their right to appeal the decision within three weeks. Additionally, they have the option to request that the transfer be halted while awaiting a decision from the court.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?

- | | | |
|--|--|--|
| ❖ If yes, is it | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it automatically suspensive | <input checked="" type="checkbox"/> Judicial | <input type="checkbox"/> Administrative |
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Some grounds <input type="checkbox"/> No |

The Swedish Migration Agency may take a decision with immediate enforcement for applications dismissed on the basis of protection in another EU Member State or the first country of asylum concept; not for safe third country cases.¹⁶⁰

Therefore, the appeal has automatic suspensive effect in cases dismissed on safe third country grounds, but not in cases concerning protection in another EU Member State and in first country of asylum cases. That said, the April 2021 legal opinion of the Swedish Migration Agency suggests that in first country of asylum cases a decision with immediate enforcement should be taken only when it is obvious that the applicant enjoys sufficient protection in the country concerned.¹⁶¹ However if the decision on expulsion is appealed, the migration court that is responsible for reviewing the appeal shall consider whether the enforcement of the expulsion decision should be temporarily suspended (inhibition). The decision on expulsion may not be enforced until this review has been conducted.¹⁶²

¹⁶⁰ Ch. 8, Section 19 Aliens Act.

¹⁶¹ Migration Agency, *Rättsligt ställningstagande angående avvísning av ansökan om uppehållstillstånd med stöd av 5 kap. 1 b § utlänningslagen*, RS/065/2021, 23 April 2021, available in Swedish at: <https://bit.ly/3Im5rtq>, 9.

¹⁶² Ch. 12, Section 8a Aliens Act.

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

Same as regular procedure

1. Do asylum seekers have access to free legal assistance during admissibility procedures in practice?
 Yes With difficulty No
❖ Does free legal assistance cover:
 Representation in interview
 Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?
 Yes With difficulty No
❖ Does free legal assistance cover:
 Representation in courts
 Legal advice

As a rule, legal assistance is not granted in cases falling under the grounds for inadmissibility, unless a more thorough assessment of first country of asylum or safe third country considerations is required. Such an assessment is conducted by the Swedish Migration Agency depending on the difficulty of the case. However, legal assistance is always granted to unaccompanied children and may exceptionally be granted to applicants depending on factors such as age or mental illness.¹⁶³

3.5. Suspension of returns for beneficiaries of protection in another Member State

There are no returns of beneficiaries of protection to other Member States.

4. Border procedure (border and transit zones)

There is no border procedure in Sweden.

5. Accelerated procedure (“Track 4”)

5.1. General (scope, grounds for accelerated procedures, time limits)

The law makes no express reference to “accelerated procedures”. However, the Swedish Migration Agency has established a dedicated track for two categories of cases:

- ❖ Manifestly unfounded claims (“Track 4A”) and
- ❖ Claims from nationalities with a recognition rate below 15% (“Track 4B”). The countries currently listed are: Albania, Algeria, Armenia, Belarus, Bolivia, Bosnia and Herzegovina, Brazil, Chile, Colombia, Cuba, Djibouti, Georgia, Great Britain, India, Israel, Kosovo, North Macedonia, Mexico, Mozambique, Morocco, Moldova, Mongolia, Montenegro, Peru, Philippines, Serbia, South Africa, Thailand, USA, and Vietnam.¹⁶⁴

In 2023, 352 cases were decided on after having been processed under Track 4A, manifestly unfounded, and 1,515 cases were decided on after having been processed under Track 4B.¹⁶⁵ In 2022, 470 persons had their applications rejected as manifestly unfounded, up from 331 in 2021. These applications were processed under Track 4A.

¹⁶³ Migration Agency, *Rättsligt ställningstagande angående avvisning av ansökan om uppehållstillstånd med stöd av 5 kap. 1 b § utlänningslagen*, RS/065/2021, 23 April 2021, available in Swedish at: <https://bit.ly/3lm5rtq>, 11.

¹⁶⁴ Migration Agency, *VÄGLEDNING Lista över länder och lägsta idkategorisering för sortering i spår 4B*, Dnr: 1.2.2-2022-20585, 7 May 2021, revised 22 September 2022.

¹⁶⁵ Statistics provided by the Migration Agency's statistical unit.

Under the Aliens Act, there is a basis for handling manifestly unfounded claims in an accelerated procedure. The Swedish Migration Agency may issue an immediately enforceable return order “if it is obvious that there are no grounds for asylum and that a residence permit is not to be granted on any other grounds.”¹⁶⁶ Vulnerable groups are not exempted from the accelerated procedure.

The Migration Court of Appeal has ruled that the requirement of “*manifestly* unfounded” involves the ability to make a clear assessment regarding the right to a permit without any further examination.¹⁶⁷ The assessment should not be summary, by being solely based on the circumstance that the applicant has a certain nationality to which normally asylum is not being granted, for instance. The assessment of “manifestly” must always be based on the circumstances of the individual case.

In the CJEU ruling in *A v Migrationsverket*,¹⁶⁸ published on 25 July 2018, which concerns the interpretation of Articles 31(8)(b) and 32(2) of the recast Asylum Procedures Directive, the CJEU held that a Member State cannot rely on the rebuttable presumption under Articles 36 and 37 of the recast Asylum Procedures Directive in respect of the safe country of origin concept and subsequently find the application to be manifestly unfounded in accordance with Article 31(8)(b) without having fully implemented and complied with the procedures under the Directive relating to the designation of countries as safe countries of origin.

After the CJEU ruling in *A v Migrationsverket*, Sweden could no longer use the procedure for immediately expelling persons with manifestly unfounded claims on the basis that the applicant comes from a Safe Country of Origin, since Swedish national legislation did not include a list of safe countries of origin established in accordance with Annex I to the recast Asylum Procedures Directive duly notified to the Commission and the enactment of additional implementation rules and modalities. This changed in 2021 when Sweden introduced new legislation regarding asylum applications from persons from Safe Countries of Origin (see further information under [Safe Countries of Origin](#)).

A 2021 legal instruction by the Legal Unit of the Migration Agency¹⁶⁹ established that an expulsion with immediate effect should be considered in the following cases:

- ❖ The application is unrelated to the right of asylum;
- ❖ The application presents manifestly insufficient grounds for asylum;
- ❖ EU citizens and persons from safe countries of origin applying for asylum;
- ❖ The applicant has provided false information in all essential elements;
- ❖ If only health reasons are claimed.

Extenuating circumstances leading to access to the full procedure could be health reasons or cumulative grounds. The Swedish Migration Agency has updated its position on expulsion in such cases with immediate effect in its legal guidance, including in light of the abovementioned CJEU ruling in *A v Migrationsverket* as well as *Gnandi*.¹⁷⁰ The Migration Agency states in its guidance that the deadline for voluntary departure does not begin to run as long as the person has the right to remain and the person must also not be detained for removal purposes.

The time limit for a decision under the accelerated procedure is three months in all cases. If the time limit has not been respected the case will be dealt with in the regular procedure.

¹⁶⁶ Ch. 8, Section 19 Aliens Act. See also Ch. 12, Section 7 Aliens Act.

¹⁶⁷ Migration Court of Appeal, MIG 2006:7, UM 230-06, 31 October 2006; MIG 2010:22, UM 2244-10, 22 December 2010.

¹⁶⁸ CJEU, *A v. Migrationsverket*, Case C-404/17, Judgment of 25 July 2018, EDAL, available at: <http://bit.ly/2Ubxvn6>.

¹⁶⁹ Migration Agency, *Rättsligt ställningstagande angående avvisning med omedelbar verkställighet till hemlandet inklusive säkra ursprungsländer*, RS/071/2021, 25 maj 2021, available in Swedish at: <https://bit.ly/3sKhpAZ>.

¹⁷⁰ CJEU, *Gnandi v Etat belge*, C-181/16, 19 June 2018, EDAL, available at : <https://bit.ly/2ITsDwX>.

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure?
 Yes No
❖ If so, are questions limited to nationality, identity, travel route? Yes No
❖ If so, are interpreters available in practice, for interviews? Yes No
2. Are interviews conducted through video conferencing? Frequently Rarely Never

A personal interview is mandatory, as per a guideline decision of the Migration Court of Appeal.¹⁷¹ There are no differences in the way the interview is carried out compared with the [Regular Interview](#) apart from the absence of a legal representative. During the interview the applicant is informed that their case is processed as a track 4 case and what it entails.¹⁷²

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
 Yes No
❖ If yes, is it Judicial Administrative
❖ If yes, is it suspensive Yes Some grounds No

There is no difference in time limits for lodging appeals under the accelerated procedure compared to the regular procedure (see [Regular Appeal](#)). The same time limit of 3 weeks after the decision is notified applies.¹⁷³

Previously, appeals against decisions taken in the accelerated procedure had no suspensive effect. In the meantime, the applicant could be removed by the police, in which case the appeal, if ever made, was abandoned. In fact, many applicants refrained from appealing and left voluntarily in order to avoid forced removal and being issued with a re-entry ban. After the change to Chapter 12 Section 8a in the Alien Act in 2021, the law provides that an appeal has automatic suspensive effect until the Migration Court has made a decision on whether the removal should be suspended pending the outcome of the appeal.¹⁷⁴

The 2021 guidance of the Swedish Migration Agency clarifies that when appealing against decisions with immediate enforcement, a Migration Court must examine the issue of suspending enforcement. Enforcement cannot take place from the decision during the appeal process and up to the Migration Court's examination of the issue of suspension, nor can enforcement measures be taken.¹⁷⁵

¹⁷¹ Migration Court of Appeal, MIG 2007:4, UM 607-06, 22 January 2007.

¹⁷² Observation based on practice by the Swedish Refugee Law Center

¹⁷³ Section 44, The Administrative Procedure Act (2017:900).

¹⁷⁴ Ch. 12, Section 8a Aliens Act.

¹⁷⁵ Migration Agency, *Rättsligt ställningstagande angående avvisning med omedelbar verkställighet till hemlandet inklusive säkra ursprungsländer*, RS/071/2021, 25 May 2021, available in Swedish at: <https://bit.ly/3sKhpAZ>

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
 Yes With difficulty No
❖ Does free legal assistance cover:
 Representation in interview
 Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a decision in practice?
 Yes With difficulty No
❖ Does free legal assistance cover
 Representation in courts
 Legal advice

The Aliens Act states that there is no automatic obligation to provide legal counsel in manifestly unfounded cases, although this is possible in cases of vulnerability.¹⁷⁶ However, if the court is of the opinion that the case is not manifestly unfounded, then the court orders suspension of the expulsion order and legal counsel will be appointed. Such a case is referred back to the first instance if there is not sufficient information regarding material grounds for a permit to be granted. The difficulties with regard to access to legal assistance in the regular procedure are also applicable here (see [Regular Procedure: Legal Assistance](#)).

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?
 Yes For certain categories No
❖ If for certain categories, specify which: Unaccompanied children
2. Does the law provide for an identification mechanism for unaccompanied children?
 Yes No

The legal framework with regard to the needs of vulnerable asylum seekers is part of the 1994 Law on the Reception of Asylum Seekers (LMA). The LMA provides the legal framework and briefly mentions the provision for the needs of vulnerable groups. These are not defined but the Migration Agency has set out guidelines, routines, for the reception of vulnerable asylum seekers, mainly including minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation¹⁷⁷ (See [Reception Conditions](#)).

1.1. Screening of vulnerability

All asylum seekers are offered health screening and a majority of them choose to undergo a health check in practice. This is particularly important in relation to survivors of torture and traumatised persons.

¹⁷⁶ Ch. 18, Section 1 Aliens Act. There do not seem to be particular fixed criteria of vulnerability in which legal counsel is "automatically" given, rather it is a case by case assessment: Swedish Refugee Law Center and UNHCR, *Rättssäkerheten och säkra ursprungsländer – En granskning av Migrationsverkets tillämpning av de nya bestämmelserna*, December 2022, available in Swedish at: <https://bit.ly/3j5MBcm>.

¹⁷⁷ Migration Agency, *Rutin: Ta ställning till särskilda behov, initialt and Rutin: Insatser för asylsökande med särskilda behov*.

However, because of confidentiality rules, this information is not automatically available to caseworkers. The legal counsel can however request access to this information with the permission of the applicant.

The Swedish Migration Agency does not yet collect disaggregated statistics on the number of asylum seekers identified as vulnerable, with the exception of unaccompanied minors.¹⁷⁸ Under the routine mentioned above, all Migration Agency staff are required to report vulnerabilities in an official note that is fed into a common database, mentioning at which stage in the procedure vulnerability is observed and what measures this has led to. It is stressed that a vulnerability assessment must always be made in the initial process.

This routine is monitored by the Swedish Migration Agency to evaluate whether assessments of special needs have been made in all cases, how the documentation of these needs has been recorded and what measures have resulted from the assessment. It is noted in the guideline that the list of vulnerabilities in the EU Directives is not exhaustive. Some special needs need not be registered in an official note. Examples of these are when the Swedish Migration Agency notifies the need for a guardian or informs a municipality that an unaccompanied child needs protection there, or the response of an applicant who has requested a case officer, interpreter or public counsel of a specific gender.

In 2023, 576 cases of suspected human trafficking were identified at the Migration Agency, including 216 women and 360 men. 22 were children, out of which 8 girls and 14 boys. The Migration Agency provided information to the regional coordinators at the Social services in 179 cases and to the Police in 256 cases. The Migration Agency does not always require the consent of the applicant to do so.¹⁷⁹ Moreover, in 2023, a total of 71 persons accepted temporary residence permits, out of which 29 women (2 girls) and 42 men (4 boys). Above all, more cases were identified within the work permit process. Of all the cases identified in 2023, nearly 230 were cases of exploitation in the berry picking sector.¹⁸⁰

1.2. Age assessment of unaccompanied children

The Migration Court of Appeal clarified in a precedent-setting ruling of 2014 that the burden of proof lies with the applicant to establish their stated age as probable, with the aid of supporting documents, where available.¹⁸¹ Where documents or other evidence proving the applicant's age as probable are not available, the age stated at the time of lodging of the application is noted down.

If there are strong indications that the applicant has reached majority, then the claimed age can be altered in the records and the person transferred to the procedure for adults. These assessments made by the Swedish Migration Agency have been subject to criticism, as reported in [previous versions of this AIDA report](#). In a legal position regarding age assessments, the Swedish Migration Agency clarifies that it can only be applied in unambiguously clear cases, where there is no room for a different assessment than that the applicant is an adult.¹⁸² It must be obvious that the applicant is an adult, or that there is evidence proving the applicant's age, otherwise the age should not be altered.

An applicant can make their date of birth and/or minority probable. When there is a doubt on the minority (but not obvious as mentioned above) the Aliens Act foresees that the Swedish Migration Agency must make a temporary decision on the age.¹⁸³ In the legal position the Migration Agency states that the starting point is that such an age assessment should primarily be made on the basis of documentary evidence together with the applicant's own oral information. Documentary evidence can in some cases be

¹⁷⁸ Information provided by the Migration Agency, January 2018.

¹⁷⁹ Information provided by the Migration Agency, 2023.

¹⁸⁰ Migration Agency, *Annual Report 2022*, Dnr: 1.3.2-2023 – 2262, available at: <http://bit.ly/3JgvP4u>.

¹⁸¹ Migration Court of Appeal, MIG 2014:1, UM 2437-13, 11 February 2014, available at: <http://bit.ly/2jQwVWr>.

¹⁸² Migration Agency, *Rättsligt ställningstagande Åldersbedömning*, RS/040/2021, citing Government, prop. 2016/17:121, *Åldersbedömning tidigare i asylprocessen*, available in Swedish at: <https://bit.ly/3vDAwMW>, 17-18.

¹⁸³ Ch. 13, Section 17, Aliens Act.

considered to have low evidentiary value because the authorities consider them easy to falsify, or because they are based on oral statements. If this evidence is not sufficient and the Swedish Migration Agency therefore considers making a decision whereby the applicant is assessed to be an adult, the Agency is obliged to offer the applicant a medical age assessment.¹⁸⁴ Consent of the applicant and their guardian is required. A refusal of consent to a medical age assessment without an acceptable reason may have the consequence that the applicant is assessed to be 18 years of age or older. The cost of such an examination is borne by the State.

The temporary decision on the age of the applicant can be appealed but applies immediately even if it is appealed. However, the Migration Court may decide that a temporary decision will not apply until further notice. At the same time, when the Swedish Migration Agency takes a decision regarding the asylum claim, it must make a final assessment of the applicant's age. The consideration of the applicant's age in the decision in the asylum case replaces the temporary decision on age.

Any authority that comes into contact with unaccompanied asylum-seeking children needs to take an independent position on the applicant's age within the framework of its activities and the rules governing it.

Medical methods used

The National Board of Forensic Medicine (*Rättsmedicinalverket*, RMV) is responsible for medical age assessments. Assessments are conducted based on medical examination of wisdom teeth and knee joints. RMV's medical age assessments to determine whether a person is under or over 18 years are based on an overall assessment of two studies: X-ray irradiation of wisdom teeth (panoramic image), and an MRI of the lower part of the femur. Scanning and two independent analyses of the respective images will be made by external clinics. Based on the results of these studies, RMV makes a medical age assessment using a standardised matrix. A coroner in RMV will then issue a forensic opinion on the age in the form of a probability assessment in text form. The forensic opinion is thus designed as a probability assessment.¹⁸⁵

The statement from RMV will then become part of the supporting evidence that the Migration Agency uses to issue a decision on age.

¹⁸⁴ Ch. 13, Section 18, Aliens Act.

¹⁸⁵ New findings regarding the reliability of the methods vis-à-vis female asylum seekers led to a suspension of age assessments in November 2017 pending the outcome of a more in-depth investigation by the RMV. The investigation resulted in new guidelines regarding female asylum seekers and the tests were resumed.

Medical age assessments				
	2022		2023	
Forensic opinions on age by the National Board of Forensic Medicine	Male	Female	Male	Female
Total	100	28	119	42
Strongly indicates that the person is 18 or over	23	-	31	
Indicates that the person is 18 or over	23	15	24	26
Possibly indicates that the person is under 18	46	0	48	1
Possibly indicates that the person is 18 or over	8		16	
Indicates that the person is under 18		2		5
No assessment if person is over or under 18 could be made	-	11		10
No assessment was possible	-	0		

Source: National Board of Forensic Medicine, *Statistik*, available in Swedish at: <https://bit.ly/2NukOSX>.

Critique on reliability and accuracy

As reported in previous AIDA reports, the methods used for age assessments have been heavily criticised by the medical community, including by the experts obliged to carry out the tests. Both the Paediatric Medical Association, as well as international experts on age assessment, have distanced themselves from the method of measuring the knee joint. The media has also put forward criticism of the reliability of the methods used and the weight the assessment carries in the decision of the Swedish Migration Agency. Background information on the matter is included in the [previous versions of this AIDA report](#).

In January 2020, the Swedish Bar Association elaborated on their position from 2016 in their guidance to lawyers representing vulnerable clients. It was *inter alia* stated that a lawyer's involvement in the client's age assessment is at risk of being considered contrary to good practice, but that the situation is complex, as the client's refusal to undergo a medical age assessment may, for example, risk being interpreted to the client's detriment. Great caution is required in these cases and advice from the lawyer on participation must be preceded by careful consideration and explanations for the client and a possible legal guardian.¹⁸⁶

After several critiques by the Swedish Council on Medical Ethics, the Council of Europe Commissioner for Human rights and NGOs and lawyers, in April 2019 the Social Democrats and the Green Party decided that a commission of inquiry would be set up. The commission of inquiry were to assess the situation through an independent review and should have submitted its final findings by 31 May 2024 at the latest.¹⁸⁷

As mentioned in the [previous AIDA report](#), age assessment procedures have also been litigated before courts.

On 11 June 2021, RMV stated that the authority sees an opportunity to further differentiate the forensic opinion on age. In the future, RMV would respond in the documentation to the Swedish Migration Agency

¹⁸⁶ Swedish Bar Association, *Promemoria Advokatens uppdrag för svaga och utsatta klienter*, updated January 2020, 35-36, available in Swedish at <https://bit.ly/3if0Bg0>.

¹⁸⁷ Government, Terms of Reference, *Utökat kunskapsunderlag om Rättsmedicinalverkets metod för medicinsk åldersbedömning i asylprocessen*, Dir. 2020:64, available in Swedish at: <https://bit.ly/39uG5Us>.

with different degrees of probability that a person is under or over 18 years of age, depending on the combination of results of the two different surveys.¹⁸⁸

The national inquiry which examined the method applied by RMV for medical age assessment in the asylum process, the current underlying scientific basis for the method, and how the scientific basis and the statements of the Board have developed over time, published its first findings in an interim report on 28 October 2021.¹⁸⁹ The Inquiry stated initially that in a European context, RMV's method is unique. It is the only method to include an MRI of the knee as part of the assessment. The Inquiry concluded that there are uncertainties in RMV's probability model. Furthermore, RMV's estimated percentages are subject to uncertainty.

For uncertainties, risks, and consequences to be evaluated by the Swedish Migration Agency and the Migration Courts in particular, a comprehensive account is needed. For further knowledge of how certain or uncertain the probability model is, its robustness should also be tested by RMV. The Inquiry was also tasked with ensuring that one or more research studies be conducted. The Inquiry would also come back to the question of the form of RMV's statements in its final report.

RMV published an updated methodological description on 5 September 2022, containing a more comprehensive account of uncertainties and factors affecting the model. The basis for assessment or the form of statements were not changed.¹⁹⁰

In December 2022 the new Swedish government decided that the inquiry should be discontinued. The decision to discontinue the inquiry has been criticised by several organisations, including the Swedish Refugee Law Center.¹⁹¹

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people? Yes For certain categories No
- ❖ If for certain categories, specify which: Unaccompanied children

2.1. Adequate support during the interview

Although there is no specialised unit dealing with vulnerable groups at the Migration Agency, the issue of special needs of vulnerable asylum seekers is mainstreamed in the training of caseworkers. The Migration Agency has developed training courses for caseworkers who interview children, *inter alia* based on European Union Asylum Agency (EUAA) training modules, and those who have completed this training are designated as case workers especially for unaccompanied children. The case officers who investigate children must have child rights competence and child competence. They should also have investigative experience and have completed relevant child-related training.

Training courses have been carried out and instructions issued in relation to women refugee claimants and claimants with LGBTQI+ claims.¹⁹²

Examples of measures given in an internal guideline regarding vulnerable applicants and applicants with special needs include prolonging the procedure to allow time for the applicant to put forward their claims;

¹⁸⁸ National Board of Forensic Medicine, 21 June 2021. Only available in Swedish at: <https://bit.ly/49xMKd9>.

¹⁸⁹ Swedish Government Official Report (2021) SOU 2021:84, *Granskning av Rättsmedicinalverkets metod för medicinsk åldersbedömning i asylprocessen*, Summary available in English at: <https://bit.ly/49br8U6>.

¹⁹⁰ National Board of Forensic Medicine, 'Uppdaterad metodbeskrivning för medicinska åldersbedömningar', 5 September 2022, available in Swedish at: <http://bit.ly/3Jfhw2>.

¹⁹¹ Swedish Refugee Law Center, *Kommentar till nedlagd utredning om medicinska åldersbedömningar*, 19 January 2023, available in Swedish at: <http://bit.ly/3KevpFB>.

¹⁹² Information provided by the Migration Agency, February 2023.

choosing a suitable residence for the applicant; as well as flagging medical care needs to the health authorities. It is stressed that employees of the Agency should refrain from making any medical assessment but that they should note what the applicant states about their medical condition. If the applicant states they have suffered torture then the veracity of that statement must not be investigated by agency employees. A suitable measure in such cases can be to lengthen the time for the procedure and, if necessary, book a medico-legal investigation.¹⁹³

Persons with special needs are generally channelled in the regular procedure, in particular where there are indications that an age assessment is needed or indications of human trafficking, torture, or issues of sexual orientation or gender identity. If special reports are needed to verify trauma of various kinds, the Migration Agency can grant an extension of the normal procedure time to accommodate this need and to collect additional documentation.

The Migration Agency has developed a procedure for measures to be taken in the event of suspicion of human trafficking and cooperates with social services and the police. Training initiatives continued during the year and will be evaluated during 2024.¹⁹⁴ The Swedish Migration Agency has also produced support material for legal guardians.¹⁹⁵

New caselaw relating to procedural guarantees

The Migration Court of Appeal ruled in May 2022 in case MIG 2022:4,¹⁹⁶ that the Migration Court's investigative responsibility becomes relevant when it is clear that the appellant has communication difficulties and that these may have affected both the appellant's ability to explain his reasons for asylum and the assessment of the appellant's credibility. The appellant in the case was deaf and his sign language was very limited.

Vulnerability questions pertaining to children

Children do not have the legal capacity to submit an individual application. An application for residence permit/international protection must be submitted by a person with the legal capacity to represent the child, such as parents/legal caregivers or in the case of an unaccompanied minor, a legal guardian. Children have the right to have their asylum claims examined individually. The child has a right to be heard, but no obligation. The case officers who investigate children must have child rights competences and child-related competences. They should also have investigative experience and have completed relevant child training.

In order for the Swedish Migration Agency to be able to hold an investigative interview with a child, the child must want to talk to the Swedish Migration Agency themselves. Children are asked if they want to talk to the case officer and if the child wants this to happen without the presence of the parents/legal guardians. It is also required that the parents/guardians have given their consent for the Swedish Migration Agency to talk to the child. The Swedish Migration Agency must inform the parents, as well as the children, that children may have specific grounds for protection, the child's right to express his or her views and the Swedish Migration Agency's obligation to investigate the child's case individually. The consent of at least one of the guardians is required in order to hear a child. Children have as mentioned above the right to be heard and the right to an individual assessment. However, as the Swedish Migration Agency need the consent of the parents/legal caregivers to conduct an interview with a child, without consent, the child cannot be heard by the authorities. If the Swedish Migration Agency considers that an

¹⁹³ Migration Agency, *Rutin: Ta ställning till särskilda behov, initialt and Rutin: Insatser för asylsökande med särskilda behov.*

¹⁹⁴ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>.

¹⁹⁵ Migration Agency, 'Människohandel. Information till dig som är god man för ensamkommande barn. '; available in Swedish at: <https://tinyurl.com/3keyuj3n>.

¹⁹⁶ Migration Court of Appeal, Decision MIG 2022:4, 31 May 2022, available in Swedish at: <https://bit.ly/3zsrkON>.

accompanied child should be heard and there are conflicting interests, a legal guardian and a public counsel separate from that of the family can be appointed. The Swedish Migration Agency has published a legal position on conflicts of interest between children and the children's important adults, such as parents, legal guardians and public counsels.¹⁹⁷

In the situation where there is a conflict of interest, a legal guardian can be appointed according to the Parental Code section 11 paragraph 2. It is then the legal guardian and not the parents/caregiver that has the legal capacity to represent the child in the migration process. However, according to a recent national inquiry proposing, inter alia, that Sweden ratifies the Third Optional Protocol to the Convention on the Rights of the Child on a communication procedure, in practice this solution is insufficient.¹⁹⁸ The Inquiry has identified several shortcomings and problems that make it more difficult and sometimes impossible for children to exercise their rights. This include both procedural obstacles as well as shortcomings in terms of accessibility and information. The inquiry proposes several legal amendments to ensure the opportunity of children to exercise their rights under the CRC. The inquiry also suggests clarification of the child's right to be heard in the migration process.

Inquiries have identified that despite the explicit provision on the best interests of the child in the Aliens Act, assessments are often not based on the situation of the individual child. There are often references to statements in preparatory work rather than an evaluation of the best interest in the specific case. Several investigations and reports have also shown shortcomings in accompanied minors' right to be heard in asylum cases and having their claims assessed individually.¹⁹⁹

On 1 January 2020, the UN Convention on the Rights of the Child (CRC) was incorporated into Swedish national law and entered into force.²⁰⁰ The government in the preparatory work stated that in addition to incorporation, continued incorporation of the CRC is required and highlighted the importance of the principle of the best interest of the child being used as a rule of procedure.²⁰¹

Other than legislative measures, there have been developments to strengthen the rights of children. The Migration Agency published a legal position on the examination of the best interest of the child in June 2020.²⁰² Sweden has recurrently received criticism from the UN Committee on the Rights of the Child regarding the provision in Chapter 1 Section 11 § of the Aliens Act, which advises refraining from hearing a child if the authority deems it inappropriate. There has been no amendment in the legislation according to the Committee's recommendations. The Swedish Migration Agency, however, has revised their legal position on hearing children.²⁰³ The provision must, according to the Swedish Migration Agency, be interpreted in the light of the Convention and it shall only be considered inappropriate to hear a child if the child themselves declares that they do not wish to be heard. However, the legal position is only a document guiding the personnel at the Swedish Migration Agency, with no particular legal force.

¹⁹⁷ Migration Agency; Rättsligt ställningstagande, *Motsättningar mellan asylsökande barn, god man, offentligt biträde och vårdnadshavare*, RS/060/2021, 21 April 2021, available in Swedish at: <https://bit.ly/3l0zfXG>.

¹⁹⁸ Swedish Government Official Report SOU 2023:40, *Förbättrade möjligheter för barn att utkräva sina rättigheter enligt barnkonventionen*, 23 August 2023, available at: <https://bit.ly/3l2M0Ru>.

¹⁹⁹ Swedish Government Official Report, SOU 2016:19 *Barnkonventionen blir svensk lag*. Available in Swedish at: <https://bit.ly/3l2M0Ru> ; Swedish Government Official Report, SOU 2020:63, *Barnkonventionen och svensk rätt*. Available in Swedish at: <https://bit.ly/4blymR6>

²⁰⁰ Lag (2018:1197) om Förenta nationernas konvention om barnets rättigheter, available at: <https://bit.ly/34PnldJ>.

²⁰¹ Government Bill, prop. 2017/18:186 *Inkopporering av FN:s konvention om barnets bästa*, 20 March 2018, available in Swedish at: <https://bit.ly/3wkgBYb>, 95f.

²⁰² Migration Agency, Rättsligt ställningstagande, *Prövning av barns bästa*, 009/2020, 24 June 2020, available in Swedish at: <https://bit.ly/3SFwG25>

²⁰³ Migration Agency; Rättsligt ställningstagande, *Att höra barn*, 010/2020, 24 June 2020, available in Swedish at: <https://bit.ly/3qe4Tbz>.

An internal quality review of the processing of accompanied children in the asylum process was presented by the Swedish Migration Agency in December 2022.²⁰⁴ According to the review, findings show that measures taken by the authority regarding children seem to have had an effect in some aspects, but shortcomings were identified. In general, the best interests of the children are taken into account during the processing, the investigations are of a high level, the children are treated well and receive relevant questions about their reasons for asylum.

The report however identified shortcomings in documentation and that some cases had not been sufficiently investigated. The children's individual reasons and other relevant factors are highlighted in several decisions – but not in all. The review furthermore showed that in a clear majority of the cases, the best interest of the child is not identified and the balance against opposing interests often done in an unclear manner. A majority of the decisions reveal examples of shortcomings in the application of the method – how the examination of the child's best interests should be carried out, justified and clearly form an integral part of the assessment. The shortcomings occur regardless of whether it is an approval or rejection case. However, the authors concluded that in the majority of the cases, the outcome was regarded as legally acceptable.

In a comment to the report published by the Swedish Refugee Law Centre, criticism was put forward regarding the conclusion made by the authors and that the examination of children's own reasons for asylum had been overlooked in the review. The report identifies shortcomings in the conditions for children to talk about their own reasons for asylum, and it is not clear from the review how many of the decisions granting asylum are based on the child's own reasons for asylum. The Swedish Refugee Law Centre therefore calls for a new review focusing on how children's reasons for asylum are assessed and taken into account. The Swedish Migration Agency is indeed clear in its self-criticism regarding the shortcomings of the examination of the child's best interest. At the same time, the Swedish Refugee Law Centre notes with concern that, despite the serious shortcomings that have been identified, the Swedish Migration Agency considers that the outcome of the reviewed cases has been legally acceptable. The Swedish Migration Agency is of the opinion that the decisions appear to have a correct outcome in the light of the documentation available in the cases, even if they were justified in a deficient and unclear manner. In the comment by the Swedish Refugee Law Centre it is argued that it is not possible to conclude that an outcome is legally acceptable if the documentation is inadequate, the best interests of the child have not been identified or if no examination of the child's best interests has taken place.²⁰⁵

As part of the quality review, a questionnaire was sent to decision-makers at asylum units. The findings from the questionnaire are published in a separate report.²⁰⁶ When respondents are asked what makes it difficult to consider the best interests of the child, lack of resources, unclear legislation and /or conflict with other legal provisions seem to pose the greatest challenges. Lack of resources primarily referred to lack of time. The reasons stated for the lack of time was, among other things, connected to priorities, such as production requirements, but also that the time booked for asylum interviews is not adapted to the individual case and that sufficient time is not allocated for interviews with the children in the family.

At the beginning of 2023, an assignment was given within the Migration Agency to develop an action plan to increase the legal and procedural quality in the parts where the quality follow-up identified deficiencies. The action plan proposes an educational initiative with a focus on writing and justifying the position (in decisions) on the best interests of the child and is aimed at all employees in the asylum process and administrative process. One of the measures proposed in the quality follow-up was that, after the

²⁰⁴ Migration Agency, *Tematisk kvalitetsuppföljning avseende asylsökande barn i familj*, dnr: 1.3.4-2022-26331, 19 December 2022, available in Swedish at: <https://bit.ly/3IFysvt>.

²⁰⁵ Swedish Refugee Law Centre, *Migrationsverkets rapport visar stora brister i prövningen av asylärenden som rör barn i familj*, 4 May 2023, available in Swedish at: <https://tinyurl.com/j3ymsrup>

²⁰⁶ Migration Agency, *Kvalitetsuppföljning asylsökande barn, del 1, enkätundersökning om hur barnets bästa och barnets rätt att uttrycka sin åsikt tolkas och tillämpas*, dnr: 1.3.4-2022-26331, November 2021, available in Swedish at: <https://bit.ly/3IFysvt>.

measures had been introduced, it should be decided whether a new quality follow-up is needed. That is yet to be decided.²⁰⁷

As mentioned in the 2022 AIDA report, during 2022 a review of asylum cases where the issue of the risk of genital mutilation was assessed showed quality deficiencies in the processing. 42 cases were reviewed, of which all asylum seekers were women/girls, the vast majority of them children. The cases involved applicants from Egypt, Eritrea, Ethiopia, Nigeria, Somalia and Sudan and both approval and rejection decisions were reviewed. Shortcomings were identified, including in the investigation of the parents' attitudes towards protecting the child against genital mutilation and the interpretation of country information. Since the review revealed shortcomings, lectures have been conducted within the authority's asylum examination to raise the level of knowledge. A training case has been developed and a processing support has been published.²⁰⁸

Regarding unaccompanied minors and adequate reception in 2022, the Migration Agency published a legal comment on the authority's interpretation of the ruling by the CJEU in case C-441/19 regarding Member states' duty to carry out a general and in-depth assessment of the situation of unaccompanied minors, taking due account of the best interests of the child and to ensure that adequate reception facilities are available for the unaccompanied minor in question in the State of return, before issuing a return decision. Despite criticism from lawyers and civil society, the Migration Agency assessed that the proceedings in Sweden are in compliance with the ruling.²⁰⁹

In 2021, UNICEF published a review of court cases from 2020 pertaining to the Convention on the Rights of the Child.²¹⁰ It found that in court cases where the CRC was brought up, assessments of the best interest of the child were rarely clearly documented and it was often unclear *how* the assessment had been carried out. However, there were positive outcomes in cases where the child was granted a residence permit based on particularly distressing circumstances, with reference being made to the best interest of the child. The author however cautioned that it was too early to draw certain conclusions.

There has also been positive outcomes from the Migration Court of Appeal in asylum cases where the best interests of the child was explicitly mentioned; regarding a 14-year-old child born and raised in Sweden,²¹¹ and regarding a three-year-old boy with a serious health condition.²¹² Both rulings are important as a ruling from the Migration Court of Appeal is indicative and the rulings offer guidance on how to assess the best interest of the child, and on the proportionality test when balancing different interests, such as the best interest of the child vis-à-vis for instance the interest of the state to uphold regulated migration.

In a decision of 17 February 2023, the Migration Court of Appeal found, with reference to, among other things, the principle of the best interests of the child and the right to be heard, that the Migration Court should not have rejected a child's request for an oral hearing.²¹³

In October 2023, the Migration Court of Appeal referred a case back to the Migration Court. The court had granted a child and one of the parents refugee status and residence permit in Sweden, but had rejected the other parent's application for residence permit. Referring to, inter alia, the CRC, the Migration Court of Appeal found that the Migration Court had not made any assessment of the best interests of the

²⁰⁷ Information provided by the Migration Agency in an email 14 February 2024.

²⁰⁸ Migration Agency, Annual Report 2022, Dnr: 1.3.2-2023-2262, available in Swedish at: <http://bitly.ws/AUE8>.

²⁰⁹ Migration Agency, *Rättslig kommentar, Tolkning av EU-domstolens dom C-441/19*, RK/002/2022, available in Swedish at: <https://bit.ly/3ZCams2>.

²¹⁰ UNICEF, *Barnkonventionen som lag i praktiken - En granskning av domar från 2020, 2021*, available in Swedish at: <https://bit.ly/3wcj7h6>.

²¹¹ Migration Court of Appeal, Decision MIG 2020:24, 22 December 2020, available at: <https://bit.ly/3KSnC4m>.

²¹² Migration Court of Appeal, Decision MIG 2021:18, 17 December 2021, available at: <https://bit.ly/3tgs4Ei>.

²¹³ Migration Court of Appeal, Decision UM 3741-22, 17 February 2023

child and the consequences of the expulsion of the parent for the child. This was considered a serious deficiency in the court's handling of the case.²¹⁴

On 1 July 2022, 31 civil society organisations working with children's rights, including the Swedish Refugee Law Center, submitted an alternative report to the UN Committee on the Rights of the Child as a basis for the ongoing review of Sweden. The report is an appendix to the main report *Hör barnens röst (Hear the Children's Voice)* produced by children themselves, without adult analysis or interpretation.²¹⁵ In the report, the children talk about experiences of racism and discrimination, about being children on the move, about violence and about other forms of vulnerability. As an appendix to the children's report, the civil society organisations presented an analysis of the main issues and areas that require improvements in order for Sweden to live up to its obligations under the Convention. Recommendations from the civil society to the Swedish government are also published separately.²¹⁶ The Ombudsman for Children also submitted a report to the Committee.²¹⁷

Concerns that were raised in both reports concerned, inter alia, that there is not yet a systematic approach to the use of the Convention in the application of law in municipalities, regions and by national authorities. Despite the Committee's recommendations, there is still no legislation regarding child-specific persecution. Several investigations and reports have shown that there are major shortcomings in the child's right to be heard in asylum cases when children seek asylum together with parents or guardians, and having their claims assessed individually.

The Committee issued its recommendations and comments to Sweden in February 2023.²¹⁸ The Committee welcomes the fact that the Convention on the Rights of the Child has become Swedish law. However, the Committee expresses great concern about areas where it believes that immediate action needs to be taken, including the situation of refugee children and children in legal proceedings. The review reveals several systemic shortcomings regarding assessments of the best interests of the child, children's participation in legal processes and the lack of child-impact assessments in the legislative process. The audit also shows that it is difficult for children to obtain redress when their rights under the Convention on the Rights of the Child are violated.

With regard to children who are in Sweden as asylum seekers, refugees or in the migration process, the Committee welcomes the work carried out by the Swedish Migration Agency regarding, among other things, assessments of the best interests of the child. However, the Committee is deeply concerned about the restrictions that have been introduced in legislation and the consequences this has had for children in terms of family reunification, access to permanent residence permits and social security. The Committee is also deeply concerned about the proposals for further restrictions presented in the Tidö Agreement, which will have consequences for children.

To strengthen the rights of children in asylum or migration, Sweden is encouraged to take measures to ensure that the best interests of the child are a primary consideration in asylum processes. The Committee maintains its previous recommendation that the unsuitability requirement in the Aliens Act, i.e. that children must be heard unless it is deemed inappropriate, be removed. In addition to guidance and training for relevant actors, the Committee recommends that the Aliens Act be amended in order to clarify the assessment of the best interests of the child, and that child-specific persecution and the assessment of the best interests of the child be integrated into the legislation. The Committee also calls on Sweden to ensure that children who have been taken into care by society after being subjected to violence by their

²¹⁴ Migration Court of Appeal, Decision UM 6238-23, October 2023

²¹⁵ *Hör barnens röst*, Appendix 1: Report from Civil Society Organisations working with Child Rights, 2022, available in English at: <http://bit.ly/3ZeTuYF>.

²¹⁶ *Recommendations, "Report from Civil Society Organisations working with Child Rights"*, August 2022, available in English at: <http://bit.ly/41JXZfs>.

²¹⁷ Barnombudsmannen, FN:s konvention om barnets rättigheter, Tillägsrapport Sverige, 15 augusti 2022. LOIPR220927, available at: <http://bit.ly/3mrkWG6W>.

²¹⁸ Concluding observations on the combined 6th and 7th periodic reports of Sweden, 7 March 2023, available in English at: <https://tinyurl.com/44srwend>.

parents are not deported along with their parents. Sweden is also urged to take measures to make it easier for children to be reunited with family members by removing the maintenance requirement. With regard to unaccompanied minors from Ukraine, Sweden is urged to take measures to maintain or enable contact with the children's family members.

However, rather than taking measures to make it easier for children to be reunited with family members by removing the maintenance requirement, as the Committee urged, on 1 December 2023 further restrictions regarding family reunification was introduced (see: [Family reunification](#)).

On 1 December 2023, restrictions were also introduced on the possibility for both adults and children to be granted a residence permit on humanitarian grounds. For children, the amendment means a return to the wording of the Aliens Act's provision on humanitarian grounds before 2014. That provision was amended in 2014 with the purpose of facilitating assessments concerning children, to highlight the children's rights perspective and to emphasize the principle of the best interests of the child.²¹⁹ The legislative change has been criticized because of the lack of child impact assessment. In addition, the Convention on the Rights of the Child (CRC) became Swedish law in 2020. Civil society has pointed out that removing improvements made to ensure children's rights is in contrast to the CRC and the purpose of the Swedish Children's Rights Act.

Vulnerability questions pertaining to women

As mentioned in the previous AIDA report, an issue that was raised in 2019 by the University of Uppsala with the assistance of the Swedish Refugee Law Center relates to the fact that the Swedish Migration Agency has rejected asylum claims of female applicants in cases where they can rely on a 'male network' (i.e. male relatives such as brothers, the father, male relatives from the woman's husband etc.) in their home country. In such cases, the asylum claim may be rejected and women are subsequently deported to their country of origin. The authors concluded that relying on this so-called 'male network' in asylum assessments violates UNHCR guidelines and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This issue was particularly criticised and reported in cases involving women from Afghanistan.²²⁰

In 2021, Sweden was reviewed by the UN Committee on the Elimination of Discrimination Against Women (CEDAW). On 8 March 2021, a report concerning Sweden's compliance with CEDAW was published by the Swedish CEDAW network, consisting of 25 NGOs and coordinated by the Swedish Women's Lobby.²²¹ The CEDAW network sent a joint submission to the UN Committee.²²² Regarding asylum-seeking women, the network raised concerns regarding the failings in the examination of women's grounds for asylum, for instance insufficient gender sensitive considerations when assessing the oral account and the reference to having "a male network". The CEDAW network also raised concern over the Migration Agency's accommodation for asylum seekers, where women have stated that they have been harassed and feel unsafe.

On 24 November 2021, the Committee published its concluding observations on the tenth periodic report of Sweden.²²³ In a general context, the Committee is concerned about the prevalence of gender-based violence against women, including domestic violence. The Committee remains concerned that the provisions of the Convention, the Optional Protocol thereto and the Committee's general

²¹⁹ Government Bill 2013/14:216, pp. 18–19.

²²⁰ Emma Asplund and Sophie Sjöqvist (2019). *Manligt nätverk*, available in Swedish at: <https://bit.ly/3sYZ2WO>.

²²¹ CEDAW network, *Kvinnor i Sverige 2021. En granskning av hur Sverige lever upp till kvinnokonventionen*, available in Swedish at: <https://bit.ly/3q9E8oD>.

²²² CEDAW network; *WOMEN IN SWEDEN 2021 – A review of Sweden's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, available at: <https://bit.ly/3KUF88q>.

²²³ CEDAW, *Concluding observations on the tenth period report of Sweden*, CEDAW/C/SWE/CO/10, 24 November 2021, available at: <https://bit.ly/400WKrm>.

recommendations are not sufficiently known in Sweden, including by women themselves. The Committee also notes with concern the continued lack of references to the Convention in court decisions in Sweden.

On 8 March 2023, the Swedish Refugee Law Center published a report based on a study of 41 cases concerning gender-based asylum claims; *Kvinnor i asylprocess - vikten av ett genusperspektiv* ("Women in the asylum procedure - the importance of applying a gender perspective").²²⁴ In a number of cases shortcomings regarding the procedural guarantees were noted preventing women from disclosing gender-based asylum claims. Identified areas of concern regarding the assessments were insufficient gender sensitive considerations when assessing the oral account, failure in applying the benefit of the doubt and a lack of due consideration to factors leading to late disclosure. Failings in the future risk-assessments were furthermore identified, where the migration authorities assessed each of the grounds for protection separately and did not sufficiently take into account that several factors and combined grounds could aggravate the risk for the woman having a well-founded fear of persecution.

Identified as a noteworthy area of concern was the reference to a male network and the weight that was attributed to it, in many cases regardless of the woman's individual situation and asylum claim. This issue was as mentioned above raised already in 2019 by the University of Uppsala. Although limited in scope, the shortcomings in the assessments of the Swedish Migration Agency and the Migration Courts that were noted in the cases analysed in the study may be indicative of shortcomings on a general level and warrant further investigations. In the report, recommendations are directed to the Swedish Migration Agency and the Migration Courts. As for the Migration Agency the authority is recommended to carry out a follow-up quality evaluation of both procedural issues and the assessment of women's reasons for asylum, with a suggested strong focus placed on investigations of and assessments of the relevance of a male network. The Migration Agency is also recommended to update the legal position and provide legal guidance to support gender-sensitive interpretation of all Convention grounds. In order to enable correct refugee assessments of women's reasons for asylum, knowledge of gender-based violence and discrimination against women must be strengthened. The Migration Agency is therefore recommended to, within existing educational initiatives, include knowledge of the CEDAW Convention and the CEDAW Committee's recommendations, as well as the Istanbul Convention as these conventions strengthen and complement the international legal framework for refugees and stateless women and girls. The Migration courts are recommended to initiate trainings on gender-based violence in order to enhance competence in assessing asylum claims regarding women fearing gender-based violence, including knowledge of the CEDAW Convention, the CEDAW Committee's recommendations, as well as the Istanbul Convention. Both the Migration Agency and the Migration Courts are recommended to explore the possibility of making greater use of expert opinions in gender-based asylum claims.

It should be noted that the cases concerning women from Afghanistan included in the study predated the Taliban takeover (see below).

On 6 December 2022, the Swedish Migration Agency, in an updated legal position regarding applicants from Afghanistan²²⁵ stated that the situation of women in Afghanistan is considered to be such that their fundamental human rights are violated, and that this is done, inter alia, through legal, administrative, policy and/or judicial measures that are in themselves discriminatory or implemented in a discriminatory manner, cf. Article 9(2)(b) of the Qualification Directive. The Swedish Migration Agency considers that it is likely that women and girls in Afghanistan in general, including women and girls in families with a male family member, through the accumulation of various measures, risk being subjected to discrimination at such a level and with such severe restrictions on their fundamental rights and freedoms that, in a forward-looking assessment, this will reach persecution, cf. Article 9(1)(b) of the Qualification Directive. This means that an asylum-seeking woman or girl from Afghanistan must be assessed to be a refugee as belonging to a particular social group, i.e., gender, according to Chapter 4. Section 1 of the Aliens Act.

²²⁴ Swedish Refugee Law Center, 'Kvinnor i asylprocess - vikten av ett genusperspektiv', 8 March 2023, available in Swedish at: <https://bit.ly/4blzPqA>.

²²⁵ Swedish Migration Agency, Legal position RS/089/2021, *Prövning av skyddsbehov m.m. för medborgare från Afghanistan*, last updated 27 November 2023, available in Swedish at: <https://bit.ly/3wl2Vw8>.

If a woman or a girl has received an expulsion decision, the situation in Afghanistan mentioned above is to be considered a new circumstance according to the rules regarding impediments to enforced return. If it is not deemed possible to grant a residence permit in accordance with Chapter 12, Section 18 of the Aliens Act, the case shall be re-examined in accordance with Chapter 12, Section 19 of the Aliens Act since it can be assumed that the Taliban regime's approach to women and girls and the generally worsening situation constitute such permanent obstacles to enforcement as referred to in Chapter 12, Sections 1-3 of the Aliens Act.

In 2019, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) published its report on Sweden's implementation of the Istanbul Convention. The findings were presented in the 2021 update of the AIDA report.²²⁶ Regarding asylum-seeking women, GREVIO noted limitations regarding gender-specific interviews with case managers, i.e., the difficulty to build trust and be able to tell traumatic experiences. Additionally, GREVIO noted that women are unaware of the importance and relevance that their accounts of gender-based violence and persecution may have on the asylum procedure.²²⁷

GREVIO furthermore commented on restrictions regarding the possibility of a person, having been granted a temporary residence permit as a spouse or partner, being granted an autonomous residence permit. The restrictions introduced by the Temporary Act ceased to exist when the new legislation entered into force in July 2021. A continued and autonomous residence permit may be granted where the relationship has ended following violence on the alien or the alien's child or another serious violation of their liberty or peace (Chapter 5 Section 16). However, there are some limitations on the definition. GREVIO finds it worrying that there is a duration requirement of the relationship (which is not a requirement under the Istanbul Convention) and further criticises the narrow definition of "violence". As a result, women may be reluctant to end their relationship out of fear of not being believed or not meeting the "required" threshold of violence.

Sweden received a total of 41 recommendations from GREVIO and reported back to the Council of Europe on their implementation on 27 January 2022.²²⁸ Among several proposed actions, It was stated that an inquiry should be set up to analyse whether there is a need for additional measures regarding the right to a residence permit for persons covered by the protection rule where a relationship has ended following violence on the alien, or the alien's child, or some other serious violation of their liberty.

During the year, GREVIO proceeded with a follow-up thematic evaluation round of Sweden. A number of civil society organisations submitted a shadow report in November 2023, where the Swedish Refugee Law Center was a contributing organisation with regards to asylum-seeking and migrant women.²²⁹ GREVIO reports and adoption of recommendations will be published during 2024.

As mentioned above, on 1 December 2023, restrictions were introduced on the possibility for both adults and children to be granted a residence permit on humanitarian grounds. Under this provision adults could previously also be granted a residence permit if they had resided in Sweden with a residence permit for a longer period of time but did not meet the requirements for a permanent residence permit and there were no other grounds for an extended residence permit. Explicitly mentioned in the preparatory work was the situation when a temporary residence permit had been granted under Chapter 5, Section 16 of the Aliens Act after a relationship has ended, e.g., because the foreigner had been subjected to violence or other serious violation.

²²⁶ For further information see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available at: <https://bit.ly/3R31wRd>, 55.

²²⁷ GREVIO, *Baseline Evaluation Report: Sweden*, 21 January 2019, available at: <https://bit.ly/3riG6lu>; 59-61.

²²⁸ The Swedish Government's report on the implementation of the recommendations; available in English at <http://bit.ly/3K4uv3V>.

²²⁹ Shadow Report: GREVIO's first thematic evaluation of Sweden: Building trust by delivering support, protection and justice, available at: <https://bit.ly/49hnl2i>.

Questions of concern that were, *inter alia*, further highlighted by CEDAW in its observations in November 2021 concerned the availability of specialized, inclusive and accessible shelters for women and girls who were victims of gender-based violence, taking into account their specific needs. There was also concern regarding the identification and protection of women and girls being trafficked for purposes of sexual exploitation, forced labour or forced criminal activities, and the presence of preventive measures concerning them.

The Migration Agency can offer an asylum seeker who has been subjected to or threatened with violence accommodation in another location, and also mark the address as confidential. However, the Migration Agency cannot offer sheltered housing. This must according to the Migration Agency be offered under municipal auspices.²³⁰ (see also [Reception of women](#)).

A government inquiry from 2017 highlighted that there are ambiguities regarding which principal is responsible for ensuring that asylum seekers have access to sheltered housing, the Migration Agency or the Social services.²³¹ The Istanbul Convention states that the provisions of the Convention (e.g. access to sheltered accommodation) apply regardless of the victim's status as a migrant, refugee or other status. In light of the above, the inquiry suggested that the Social Welfare Board's responsibility for protected housing for asylum seekers and others needs to be clarified through legislative changes.

A law proposal is to be presented with the aim of introducing sheltered housing as a new form of placement in the Social Services Act (2001:453). However, although included in the initial proposal prepared by the inquiry, in the current remit to the Council on Legislation asylum seeking women are excluded. The City Missions in their referral highlighted that current regulations and practice whereby women at risk of violence are denied sheltered housing depending on their migration status is in violation of article 4 of the Istanbul Convention.²³²

A large part of the Swedish Migration Agency's work against human trafficking and exploitation during the year focused on the situation in Ukraine. The information sheet in Ukrainian, Russian and English produced by the Swedish Gender Equality Agency was distributed and displayed at the Migration Agency's application units, accommodation and service centers. In addition to the methodological support and routines that already exist, the Migration Agency's staff were also able to take part in the Swedish Gender Equality Agency's support for professionals, and have been urged to pay extra attention to indications of trafficking and exploitation in the handling of cases and meetings with applicants. During the autumn of 2022, a major training effort was initiated for all administrative staff at all of the authority's detention centres. The training aimed to increase the ability to identify suspected victims and safeguard their rights, regardless of whether the Migration Agency or the Police Authority has made the decision on detention. In addition, new procedures, a screening list and a protocol to be used in cases of suspicion of human trafficking have been developed.²³³

In 2023, a total of 4 590 women (including girls) applied for asylum for the first time and the recognition rate was 40% (compared to 6 071 women and 44 % recognition rate in 2022 and 4 271 women and 38% recognition rate in 2021).²³⁴

²³⁰ Migration Agency, *Rutin: Skyddat boende/ skyddad adress/ sekretessmarkering för asylsökande utsatta för våld eller hot om våld; Rättsutredning angående Migrationsverkets ansvar för frågor rörande så kallat skyddat boende*, dnr 1.3.4 -2018-38994.

²³¹ Swedish Government Official Report, SOU 2017:112, *Betänkande av Utredningen om ett stärkt barnrättsperspektiv för barn i skyddat boende*, 2017, available in Swedish at: <https://bit.ly/3ZEYlg4>.

²³² Sveriges Stadsmissioner, *Yttrande över lagrådsremiss "Ett fönster av möjligheter – stärkta rättigheter för barn och vuxna i skyddat boende"*, available in Swedish at: <https://bit.ly/42DX8Op>.

²³³ Migration Agency, Annual Report 2022, Dnr: 1.3.2-2023-2262, available in Swedish at: <http://bitly.ws/AUE8>.

²³⁴ Migration Agency, Annual Report 2023, Dnr: 1.3.2-2024-2238, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>.

The approval rate regarding subsequent applications increased compared to the previous year. A contributing factor was an updated legal position on Afghanistan from December 2022 to the effect that all girls and women as a main rule would be considered refugees. A total of 2 974 women applied for impediment to enforced return in 2023 and the approval rate was 21%, in comparison to 3 782 women in 2022 with an approval rate of 16 % and 4 782 women in 2021 with an approval rate of 8 %.²³⁵

Vulnerability questions pertaining to LGBTQI+ asylum seekers

In November 2020, RFSL published a report²³⁶ in which they had examined more than 2,000 asylum decisions from the Migration Agency and judgments from the Migration Courts in LGBTQI+ cases during the period 2012–2020. The report finds that several explicit requirements are put upon the asylum seeker by the migration authorities within the credibility assessments in LGBTQI+ cases and that the migration authorities have a number of preconceptions about and expectations on LGBTQI+ people, that have a great impact on whether or not asylum seekers are considered as having made their claims credible. Asylum seekers are expected to have gone through an inner process leading up to their realisation about their sexual orientation, gender identity or gender expression. They are expected to have felt, or at least reflected upon, feelings such as a sense of being different, stigma and shame. The requirements are based on the erroneous and stereotypical notion that LGBTQI+ people share certain universally common experiences that can be investigated and assessed. LGBTQI+ people eligible for protection who don't share or can describe these experiences are deemed non-credible. The report also found that late disclosure of LGBTQI+ asylum claims are often deemed non-credible and non-reliable. According to the report, the migration authorities' requirements lack support in the Swedish Aliens Act and contravene the Migration Agency's judicial guidelines, UNHCR's guidelines, EU Directives, and the European Court of Justice's case law.

The Swedish Migration Agency had a dialogue with RFSL and RFSL Youth during the year 2022. According to the Migration Agency, due to the criticism in RFSL's report they continued the work on skills development, including through training modules from the EUAA and internal courses on norm-conscious approach and equal treatment. Within the administrative support for decision writing, a new section was published on writing more understandable decisions in LGBTQI+ cases with a focus on factual and objective justifications.²³⁷

In 2023, RFSL published a follow-up report.²³⁸ Some positive changes were noted, for instance a few positive rulings. It was also noted by RFSL that the Swedish Migration Agency has started a process of change in order to improve decision-making where the conclusions of the previous report are taken into account. According to the report, the widespread confusion of the various legal grounds for asylum, sexual orientation, gender identity and gender expression seems to have decreased somewhat and indicates increased knowledge. However, the criticism put forward in the report from 2020 was reiterated.

On 14 December 2023, the Government commissioned the Swedish Agency for Public Management (Statskontoret) to conduct a review of the asylum process with the aim of strengthening quality, uniformity and legal certainty. The review will include cases involving converts and LGBTQI people, as well as other asylum cases. The assignment must be reported to the Government Offices (Ministry of Justice) no later than 7 October 2024.

²³⁵ *Ibid.*

²³⁶ RFSL, *Avslagsmotiveringar i HBTQI-asylärenden*, available in Swedish, with a summary in English, here: <https://bit.ly/3fCSkIM>.

²³⁷ Migration Agency, Annual Report 2022, Dnr: 1.3.2-2023-2262, available in Swedish at: <http://bitly.ws/AUE8>.

²³⁸ RFSL, *Avslagsmotiveringar i hbtqi-asylärenden – en uppföljning av rättsutredningen, 2023*, available in Swedish at: <https://tinyurl.com/25dstcpj>.

2.2. Exemption from special procedures

When implementing the Asylum Procedures Directive, Sweden saw no need to change or modify existing legislation, due to the new Article 24 on applicants in need of special procedural guarantees, even though many authorities and organisations, including the Migration Agency, Swedish Red Cross and UNHCR, saw a need to do so.²³⁹

Unaccompanied children and other vulnerable groups are not *per se* exempted from the accelerated procedure, although individual assessments of the appropriate track to be applied may be made continuously. “Track 4” may be applied to an unaccompanied child who has an unfounded claim and who can be accommodated in reception facilities in the country of origin.

3. Use of medical reports

Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant’s statements regarding past persecution or serious harm? Yes In some cases No
2. Are medical reports taken into account when assessing the credibility of the applicant’s statements? Yes No

Medical reports within the context of the asylum claim

The Aliens Act does not contain any guidelines for medical examinations. The Swedish asylum procedure operates on the principle that any evidence can be admitted in support of an asylum claim. Therefore, the law does not expressly refer to the possibility of a medical certificate in support of the applicant’s statement regarding past persecution or serious harm. However, as a result of the *R.C. v. Sweden* ruling of the European Court of Human Rights (ECtHR), Sweden has been reminded of the obligation on its authorities to carry out a medical examination if there is an indication on an initial non-expert medical report that the applicant could have been a victim of torture.²⁴⁰ Following the ruling by the ECtHR, the Migration Court of Appeal has in several rulings specified the investigative duty of the migration authorities and confirmed the principles of *R.C. v. Sweden*.²⁴¹

In September 2022, the Migration Court of Appeal referred a case back to the Migration Court.²⁴² The applicant had requested a medical examination as he claimed he had been the victim of torture. Both the Migration Agency and the Migration court rejected his request. The applicant and counsel contacted the Swedish Red Cross Treatment Centre for persons affected by war and torture on their own initiative, but the Migration court did not wait for the result of the medical examination. The court questioned the credibility of the statements. The result of the medical examination however supported the applicant’s statement. The Migration Court of Appeal found that the fact that the court did not give the applicant the opportunity to submit said evidence was a serious deficiency in the court’s handling of the case.

The Migration Agency issued a legal position as guidance for case workers. The legal position clarifies that applicants who claim that they have been subject to torture or other ill-treatment amounting to a need for international protection and who present a certificate indicating that they have been subjected to such

²³⁹ *Genomförande av det omarbetade asylprocedurdirektivet* (Travaux préparatoires to the transposition of the recast Asylum Procedures Directive), 2016/17:17, available in Swedish at: <https://bit.ly/3l4jL58>.

²⁴⁰ ECtHR, *R.C. v. Sweden*, Application No 41827/07, 9 June 2010, available at: <http://bit.ly/3nt3ks5>.

²⁴¹ Migration Court of Appeal, MIG 2014:21, UM3739-14, 23 September 2014, available in Swedish at: <http://bit.ly/2jPcQ5f>. Migration Court of Appeal, MIG 2012:2, 20 January 2012, available in Swedish at: <http://bit.ly/3TNPcFA>.

²⁴² Migration Court of Appeal, decision UM 2621-22, 20 september 2022.

treatment shall, subject to certain exceptions, be further examined at the state's cost.²⁴³ Exceptions may be made in cases where:

- ❖ Injuries are not disputed;
- ❖ The Migration Agency intends to grant the applicant refugee status or alternative protection status;
- ❖ The applicant's narrative contains extensive credibility issues; and
- ❖ The situation in their country of origin has changed to such an extent that the previous risks of torture and other egregious treatment on the basis of which international protection can be granted is considered to no longer exist.

The Migration Agency has a standard form for medical reports,²⁴⁴ but not specifically for medico-legal certificates. The latter usually follows the Istanbul Protocol. The certificate has to be formulated in accordance with the rules of the National Social Welfare Board and be signed by an expert in the field. Medical reports may also be requested and submitted by the asylum seeker or their legal counsel at any stage of the procedure. If the medical report plays an important role in the outcome of the case, then the costs may be reimbursed by the Court or the Migration Agency. It has proven difficult to get general practitioners to write formal certificates and express an opinion on the results of torture since they are aware that they are not specialists.

If the Migration Agency finds that further investigation of the physical and/or psychological damage should not be at public expenditure, the applicant should be given reasonable time to submit further investigations at their own expense, according to the Migration Agency's legal position.²⁴⁵ This can be done through specialist institutions and through the Swedish Red Cross Treatment Centre for persons affected by war and torture.

In September 2021, the Swedish Red Cross published their alternative report to the United Nations Committee Against Torture,²⁴⁶ reiterating their concerns from 2014.²⁴⁷ During 2021, the Swedish Red Cross initiated work to support the Migration Agency with training on the effects of torture and trauma.

In December 2021, guidance for healthcare professionals meeting patients with torture experiences was published by regional health care training centres.²⁴⁸

Medical reports in the context of expulsion

As a consequence of the ECtHR ruling in *Paposhvili v Belgium*,²⁴⁹ the Migration Agency issued legal guidance on assessing medical grounds that can come within the scope of Article 3 ECHR. In its latest guidance on the matter, the Agency states that the expulsion of a foreigner suffering from a disease, in combination with the lack of adequate care in the home country, may in very specific cases be considered as inhuman and degrading treatment referred to in Article 3 ECHR.

²⁴³ Migration Agency, *Rättsligt ställningstagande, Medicinska utredningar av åberopade skador* – RS/022/2021, available in Swedish at: <https://bit.ly/3fydJMX>.

²⁴⁴ Migration Agency, *Utlåtande från läkare vid prövning av hälsotillstånd i ärenden om uppehållstillstånd eller verkställighetshinder*, available in Swedish at: <https://bit.ly/2GCAwFm>.

²⁴⁵ Migration Agency, *Rättsligt ställningstagande, Medicinska utredningar av åberopade skador* – RS/022/2021, available in Swedish at: <https://bit.ly/3fydJMX>.

²⁴⁶ Swedish Red Cross, *Alternative Report to the United Nations Committee Against Torture regarding Sweden's eighth periodic report submitted by Sweden under article 19 of the Convention pursuant to the optional reporting procedure, due in 2018*, available at: <https://bit.ly/3uDkozo>.

²⁴⁷ In a report from 2014 the Swedish Red Cross highlighted the lack of access to proper investigation in situations where an asylum seeker claims they have been subject to torture: Swedish Red Cross, *Tortyrskador i asylprocessen under lupp. Hur värderas tortyrskador i den svenska asylprocessen*, 2014, available in Swedish at: <https://bit.ly/3uCyEQ>.

²⁴⁸ Transkulturellt Centrum i region Stockholm och Kunskapscentrum för migration och hälsa i region Skåne, *Identifiera, utreda och behandla tortyrskador Handledning för vårdpersonal som möter patienter med tortyrerfarenheter*, December 2021, available at: <https://bit.ly/3kGfhsO>.

²⁴⁹ ECtHR, *Paposhvili v. Belgium*, Application No 41738/10, Judgment of 13 December 2016, EDAL, available at: <https://bit.ly/2UR2eXM>.

- ❖ The standard of proof is high, it must be shown that the person is at a real risk of being subjected to such treatment. The applicant has the burden of proof that an expulsion leads to a treatment contrary to Article 3 ECHR.
- ❖ An overall assessment must be made. Factors that are important in the assessment are the state of health, the availability of adequate and appropriate care in the home country, the cost for the care, social networking and the general situation in the home country.
- ❖ If, even after investigation, there are still uncertainties about whether the applicant risks treatment in contravention of Article 3, the state must obtain individual and sufficient guarantees from the receiving state that appropriate treatment will be available to the person in question.
- ❖ The risk of being subject to treatment contrary to Article 3 ECHR should be assessed for children in the same way as for adults, taking into account the fact the concerned person is a child.²⁵⁰

As mentioned in the [2021 AIDA report](#), on 24 September 2020, the UN Committee on the Rights of Persons with Disabilities (CRPD) published its decision in a case litigated by the Swedish Refugee Law Center concerning the expulsion to Iraq of a woman suffering from severe depression.²⁵¹ The CRPD considered that the Swedish authorities should have assessed whether the woman would be able to access adequate medical care if removed to Iraq and found that Sweden had failed to fulfil its obligations under Article 15 of the Convention on the Rights of Persons with Disabilities.

On 6 September 2021, the UN Committee on the Rights of Persons with Disabilities (CRPD) published a decision in another case litigated by the Swedish Refugee Law Center.²⁵² This time, too, the criticism concerned Sweden's assessment of mental illness in the asylum process. The case concerned a man from Afghanistan with severe mental illness. The CRPD did not consider that Sweden had sufficiently investigated whether the man could actually access care in Afghanistan. Another important part of the criticism concerned the assessment of the seriousness of the man's health condition. The Committee considered that the Swedish authorities' assessment that the risk of suicide was linked to the asylum process had taken too much precedence in the Swedish process. The CRPD found that Sweden had failed to fulfil its obligations under Article 15 of the Convention on the Rights of Persons with Disabilities.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children? Yes No

All unaccompanied children have the right to be represented by a guardian as soon as they have lodged an asylum claim. The law also requires that legal counsel be appointed promptly.

No differences are made between Dublin cases, manifestly unfounded cases or regular procedure cases regarding the right to a guardian. Every unaccompanied child is assigned a guardian but, should an age assessment lead to the person being considered an adult, the assignment ceases despite the fact that the age assessment decision can be appealed and has therefore not gained legal force. In certain cases, courts have pointed out that this practice is not in line with legal principles. The Administrative Court of Gothenburg issued a decision recognising that a child who had had his age adjusted to over 18 was still in the appeal procedure and that the decision on his age had not gained legal force. Therefore, he should still have the right to a guardian during that period.²⁵³

Guardians need to be persons of high moral character and may come from different social backgrounds.

²⁵⁰ Migration Agency, *Rättsligt ställningstagande angående tillämpning av artikel 3 i Europakonventionen då sjukdom åberopas - RS/008/2020*, 17 June 2020, available in Swedish at: <https://bit.ly/48iG3ur>

²⁵¹ UN Committee on the Rights of Persons with Disabilities, *Decision on Communication no. 60/2019*, September 2020, available at: <https://bit.ly/3uPW3BM>, 24.

²⁵² UN Committee on the Rights of Persons with Disabilities, *Decision on Communication no. 58/2019*, September 2021, available at <https://bit.ly/3wfOKGG>.

²⁵³ Administrative Court of Gothenburg, Decision 4737-15, 28 June 2016.

Every municipality, which is the responsible entity for the reception of unaccompanied children, has a “chief guardian” (*överförmyndare*) whose role is to assess a person's suitability to be a guardian. General knowledge of managing personal finances and common sense, combined with a personal and social involvement, are considered appropriate qualities. There is a specific law covering the duties of the guardian.²⁵⁴

According to law, a guardian must be appointed as soon as possible. However, there is no time limit for the appointment of a guardian.²⁵⁵ Guardians are reimbursed for their costs and also receive a nominal fee from municipalities. No requirements about formal education or specialist knowledge in the field of asylum are imposed prior to eligible for appointment. All guardians are appointed by the chief guardian in the municipality and in many cases, are frequently offered basic training courses. There are also national organisations for guardians that also organise courses and exchange views and experiences. Both established NGOs in the field of asylum and the Migration Agency offer courses for guardians.

In several reports children have voiced that the qualities of the legal guardians vary, in terms of commitment, support provided and knowledge of the asylum procedure.²⁵⁶

On 18 July 2019, the Government assigned an inquiry to review the regulations concerning legal guardians and trustees. In May 2021, the inquiry proposed, among other things, mandatory introduction and in-depth training for legal guardians and trustees, as well as better governance and supervision. It was also proposed that a new government agency would have primary responsibility in this area.²⁵⁷

In two legal positions, the Swedish Migration Agency specifies the requirements to be appointed as a public counsel and the case involves children. The person must have knowledge of children in the migration process and should have experience representing children in migration cases.²⁵⁸ A person may be appointed as a public counsel for a child, only if due to his or her knowledge and experience and also in other respects, the person is particularly suitable for the task. A person wishing to be considered for such appointments must provide evidence of experience representing children. The assignment requires knowledge of the Convention on the Rights of the Child and its application in Swedish law. Furthermore, knowledge of children's development and the needs and rights of children is required.²⁵⁹

339 unaccompanied minors sought asylum in 2023.

Country of origin	Number of applicants
Syria	71
Afghanistan	70
Somalia	33
Morocco	25

²⁵⁴ Lag (2005:429) om god man för ensamkommande barn, available in Swedish at: <https://bit.ly/3SzGIY4>.

²⁵⁵ Paragraph 3 § lagen om god man för ensamkommande barn.

²⁵⁶ Rädsla Barnen; Lyssna på mig - barns och ungas röster om asylprocessen, 2017, available in Swedish at: <https://bit.ly/3wgkgGt>; Swedish Government Official Report SOU 2023:40, Förbättrade möjligheter för barn att utkräva sina rättigheter enligt barnkonventionen, 23 August 2023, available in Swedish at: <https://bit.ly/3I2M0Ru>.

²⁵⁷ Swedish Government Official Report (2021) SOU 2021:36, *Ställföreträdarutredningen, Gode män och förvaltare – en översyn*, available in Swedish at: <https://bit.ly/4bGxZXh>.

²⁵⁸ Migration Agency, *Legal position Who can be appointed as a public counsel*, RS 003/2020, 18 May 2020, available at: <https://bit.ly/3SGcXzs>.

²⁵⁹ Migration Agency, *Rättsligt ställningstagande, Kvalitetskrav på offentliga biträden*, RS/021/2020, 10 February 2023, available at: <https://bit.ly/4bCYQU9>.

Eritrea	14
Other	126
Total	339

Source: Swedish Migration Agency, *Inkomna ansökningar om asyl*, 2023, available in Swedish at: <https://bit.ly/3Jdz4dg>.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? Yes No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance Yes, if protection grounds are raised No
 - ❖ At the appeal stage Subject to decision by the Court and pending such decision
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance Yes, if protection grounds are raised No
 - ❖ At the appeal stage Subject to decision by the Court

When an asylum application has been rejected and the decision is final and non-appealable, there is a possibility for newly arising circumstances to be considered under the grounds of “impediments to enforcement”. Such new circumstances may give rise to a residence permit²⁶⁰ or, if such a permit cannot be granted, lead to a re-examination of the initial case. However, a re-examination may only be granted if the new circumstances relate to a need of international protection²⁶¹

Under Chapter 12 Section 18 of the Aliens Act, the Migration Agency may grant a residence permit where “new circumstances come to light that mean that:

- (1) there is an impediment to enforcement under [Article 3 ECHR or Article 33 of the 1951 Refugee Convention];²⁶²
- (2) there is reason to assume that the intended country of return will not be willing to accept the alien; or
- (3) there are medical or other special grounds why the order should not be enforced”.

The Migration Agency may grant a temporary residence permit, usually valid for 13 months, or order the suspension of the removal order while they examine the application. Where the impediment is of a “lasting nature”, the applicant has resided in Sweden for three years and some other criteria are also fulfilled, however, a permanent residence permit may be granted, but this is a discretionary power.²⁶³ Decisions made pursuant to this provision cannot be appealed before the Migration Court and are final.

The Migration Agency can alone open an investigation of impediments of enforcement if new information has emerged that means the subsequent applicant cannot return home. The Migration Agency then has the possibility of granting the subsequent applicant a temporary resident permit, even if he or she has not written and informed the Migration Agency about impediments to enforcement. The police also have a responsibility to notify the Migration Agency if it is not possible to carry out the return to the country of origin.²⁶⁴ In such cases, the Swedish Migration Agency shall provide instructions regarding the enforcement or take other measures. Other measures could be to grant a temporary resident permit.

²⁶⁰ Ch. 12, Section 18 Aliens Act.

²⁶¹ Ch. 12, Section 19 Aliens Act.

²⁶² Ch. 12, Sections 1-2 Aliens Act.

²⁶³ Ch. 12, Section 18 - 18a Aliens Act.

²⁶⁴ Ch. 12, Section 17 Aliens Act.

Conversely, Chapter 12 Section 19 of the Aliens Act deals with subsequent applications invoking new circumstances where:

- (1) these new circumstances “can be assumed to constitute a lasting impediment to enforcement referred to in [Article 3 ECHR or Article 33 of the 1951 Refugee Convention]”,²⁶⁵ and
- (2) these circumstances could not previously have been invoked by the alien or the alien shows a valid excuse for not previously having invoked these circumstances”.

This requirement of providing a valid reason for not presenting new circumstances at an earlier stage can in practice undermine the absolute protection of Article 3 ECHR. Cases involving a real risk of treatment mentioned in Article 3 ECHR can risk being ignored if the applicant is deemed not to have had valid reasons for not presenting the facts earlier. It is worth noting, nevertheless, that this provision of the Aliens Act is in line with the rules laid down by Article 40(4) of the recast Asylum Procedures Directive on subsequent applications.

Much-needed guidance on the interpretation of the requirement of a valid reason was handed down by the Migration Court of Appeal on 10 April 2019.²⁶⁶ The Court concluded that if it is considered that there are reasonable grounds to assume that a foreigner in the country to which expulsion has been ordered would be in danger of being punished with death or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment, it is not required that the applicant shows a valid reason in order for a subsequent application to be admitted.

Where these two cumulative criteria are met, and if a residence permit on humanitarian grounds cannot be granted, the Migration Agency must re-examine the case. *Sur place* reasons such as conversion to a new religion after a final decision can be grounds for reopening the case if there is a risk of persecution in the home country. There is no limitation in the number of subsequent applications that can be submitted, insofar as new grounds for protection are presented. However, the Migration Agency has no discretion to re-examine the application where these conditions are not met.²⁶⁷ Section 19 therefore concerns new grounds for international protection and not humanitarian grounds or practical problems in enforcing expulsion.

According with Chapter 12 Section 19 a of the Aliens Act the refusal of entry or expulsion order may not be enforced before the Migration Agency has decided on the question of whether there will be a re-examination or, if such re-examination is granted, before the question of a residence permit has been settled by a decision that has become final and non-appealable.

Decisions made either not to grant re-examination, or to refuse a subsequent application on the merits, can be appealed to the Migration Court and further to the Migration Court of Appeal. An appeal must be lodged within the normal time limit of 3 weeks following receipt of the negative decision. A separate decision to suspend the removal order must be made by the Court to prevent the expulsion order from being carried out in the meantime. However, the first time a decision not to grant a re-examination is appealed, the appeal has automatic suspensive effect until the court decides whether to suspend the removal order, and a suspensive effect is granted to appeals against decisions to reject a subsequent application on the merits.

There is no free legal assistance to submit a subsequent application, and it is not possible to get legal assistance when the subsequent application is not admitted or rejected on the merits. However, if the application is admitted for re-examination by the Migration Agency – or through a stay in the expulsion order at court level if the Migration Agency’s decision is appealed – legal counsel can be appointed (see: [Regular procedure: Legal Assistance](#)). Asylum seekers can also approach NGOs for advice. However,

²⁶⁵ Ch. 12, Sections 1-2 Aliens Act.

²⁶⁶ Migration Court of Appeal, UM 12194-18, MIG 2019:5, 10 April 2019, available in Swedish at: <https://bit.ly/3rWG1DG>.

²⁶⁷ Ch. 12, Section 19 Aliens Act.

the procedure is written and complex with statistically little chance of changing the negative decision, and applicants also have no access to free interpretation. The Swedish Refugee Law Center provides legal assistance free of charge to persons seeking to submit a subsequent application for international protection. An application is submitted on behalf of the applicant in cases where it is assessed that there are reasonable prospects for a successful outcome.²⁶⁸

In 2023, a total of 7,393 subsequent applications were submitted and the Migration Agency decided on 9,341 subsequent applications. Out of them, 906 subsequent applications resulted in a residence permit being granted, and 292 subsequent applications were admitted for re-examination. The main countries of origin of applicants lodging a subsequent application were **Irak** (1,035); **Afghanistan** (625); **Iran** (476); **Palestine** (334) and Ethiopia (271).²⁶⁹

F. The safe country concepts

Indicators: Safe Country Concepts

- | | | |
|--|---|-----------------------------|
| 1. Does national legislation allow for the use of “safe country of origin” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Does national legislation allow for the use of “safe third country” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Does national legislation allow for the use of “first country of asylum” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

1. Safe country of origin

In May 2021, Sweden implemented the APD’s provision regarding safe countries of origin in its national legislation.²⁷⁰ The legislation process was initiated after the CJEU judgement *A v Migrationsverket* where the court stated that the Migration Agency cannot reject an application as manifestly unfounded with reference to COI stating that the asylum seeker is able to seek state protection, without implementing the provisions regarding safe countries of origin.

List of safe countries of origin

The Swedish Migration Agency is responsible for establishing the national list of safe countries of origin. On 25 May 2021, the Swedish Migration Agency published a provision (“föreskrift”) designating the following countries as safe countries of origin:²⁷¹

- ❖ Albania
- ❖ Bosnia and Herzegovina
- ❖ Chile
- ❖ Georgia
- ❖ Kosovo
- ❖ Mongolia
- ❖ North Macedonia
- ❖ Serbia

²⁶⁸ For more information, see: <https://bit.ly/3T1Oh5W>.

²⁶⁹ Information provided by the Migration Agency’s statistics unit.

²⁷⁰ For further information see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available at: <https://bit.ly/3R31wRd>, 64.

²⁷¹ Swedish Migration Agency, *Migrationsverkets föreskrifter om förteckning över säkra ursprungsländer*, MIGRFS 2021:4, available in Swedish at: <http://bit.ly/3R54OmQ>

The same day the list was published, the Swedish Migration Agency also published new guidelines regarding immediately enforceable returns, including the concept of safe countries of origin.²⁷² The Swedish Migration Agency also published country information reports for all countries on the national list. The country information reports are relatively short and provide general information about the country in question. All reports are updated at least once a year by the Swedish Migration Agency. The reports are available in a database for country guidance and legal governance, called Lifos, that is provided by the Swedish Migration Agency.²⁷³ A description of the human rights situation and the ability to enjoy state protection in each country is also made. The reports do not provide specific information about how the Swedish Migration Agency made the actual assessment to designate the country in question as safe. No references to the criteria set out in the revised Asylum Procedure Directive are made in the reports.

In 2022 the government in Sweden changed following the general elections. Before being able to form a government the now governing parties issued an agreement, "Tidöavtalet", with a non-governing party, the Sweden Democrats, to secure their votes for Parliament. The agreement states that a review will be made of the existing regulations on safe countries of origin to allow for adding to the list countries where parts of the country can be considered safe. They also consider shifting responsibility for the list of safe countries from the Swedish Migration Agency to the Government Offices.²⁷⁴

Application of the concept of safe country of origin

The new Swedish legislation gives the Swedish Migration Agency increased possibilities to use accelerated procedures for asylum seekers from countries on the list. According to the Swedish legislation, the Swedish Migration Agency can expel an asylum seeker who has travelled from a safe country of origin with immediate enforcement, if the asylum application is considered to be manifestly unfounded after an individual assessment. In order to use immediate enforcement, it must also be clear that a residence permit cannot be granted on any other grounds, such as humanitarian reasons or family ties in Sweden. According to Swedish case law, the assessment must be clear and made without more detailed consideration.²⁷⁵

A decision to reject an application for a residence permit from an asylum seeker from a safe country of origin can be appealed to the Migration Court and onwards to the Migration Court of Appeal. In an appeal process, the migration courts can grant the asylum seeker a residence permit if it is determined that the country of origin is not safe for the individual in question. The Migration Court can also amend expulsion decisions from being immediately enforceable to regular, if it is determined that the criteria for immediate enforcement are not met. A court decision to merely amend the expulsion decision does not necessarily mean that a residence permit will be granted, just that the decision is not immediately enforceable. Decisions from the SMA to include a specific country on the list of safe countries cannot, however, be appealed.

The Swedish Migration Agency considers that public counsel, as a main rule, should not be appointed when processing asylum applications from safe countries of origin. However, exceptions can be made for people who face special difficulties in exercising their rights.²⁷⁶ Asylum seekers from safe countries of origin do not usually have the right to work in Sweden while their asylum applications are being processed.

²⁷² Swedish Migration Agency. *Rättsligt ställningstagande RS/071/2021. Avvisning med omedelbar verkställighet till hemlandet inklusive säkra ursprungsländer*, available in Swedish at: <https://bit.ly/33UJbky>.

²⁷³ Swedish Migration Agency, Lifos, available in Swedish at: <https://tinyurl.com/Lifos>

²⁷⁴ Swedish Refugee Law Center. *Asylrättscentrums analys av Tidöavtalet*, available in Swedish at: <http://bit.ly/3LWh7Bi>.

²⁷⁵ See for example Migration Court Of Appeal, Decision MIG 2006:7, 30 October 2006, available in Swedish at: <http://bit.ly/3XC9cMJ>; MIG 2010:22, 22 December 2010, available in Swedish at: <http://bit.ly/3XE1HES>; MIG 2014:22, available in Swedish at: <http://bit.ly/3wuz5IG>

²⁷⁶ Swedish Migration Agency. *Rättsligt ställningstagande RS/071/2021. Avvisning med omedelbar verkställighet till hemlandet inklusive säkra ursprungsländer*, available in Swedish here: <https://bit.ly/33UJbky>, 12-13.

According to a study carried out by The Swedish Refugee Law Center with support from UNHCR,²⁷⁷ 37 decisions with immediate enforcement were made regarding asylum seekers from countries on the list during the first three months after its introduction. During the period under review, decisions with immediate enforcement were made regarding asylum-seekers from four of the countries on the Swedish list of safe countries of origin: Georgia (18 decisions), Mongolia (9 decisions), Albania (6 decisions) and Serbia (4 decisions). In the study, 12 of the decisions concerned families with children. A total of 22 children were affected by decisions with immediate enforcement.

In the study, questions were raised about whether the asylum seekers in all cases had had a real chance to rebut the presumption that the country in question was safe. Concerns were also raised since the threshold for considering an application as manifestly unfounded seemed to be lower in cases regarding safe countries of origin than what follows from previous Swedish case-law. It was also noted that public counsel was appointed only in very few cases and that the assessment of children's own reasons for entitlement to a residence permit, and the best interest of the child, were very standardized in many cases.

2. Safe third country

The "safe third country" concept is a ground for inadmissibility in Sweden (see [Admissibility Procedure](#)). There is no list of safe third countries. However, following the large influx of arrivals in 2015, the (then) Swedish government publicly announced that it would appreciate the development of common standards within the EU in this regard. Practice shows that the safe third country concept is regularly applied by the Swedish Migration Agency.²⁷⁸

2.1. Safety criteria

Chapter 5, Section 1b(3) of the Aliens Act provides that an application may be dismissed if the applicant can be returned to a country where they:

- ❖ Does not risk being subjected to persecution;
- ❖ Does not risk suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment;
- ❖ Is protected against being sent on to a country where they do not have equivalent protection,
- ❖ Has the opportunity to apply for protection as a refugee.

In a legal opinion issued in April 2021 the Migration Agency provides details on the application of the safe third country concept. The opinion details that the possibility of applying for refugee status in a third country should not only exist formally but also be observed in practice. Accordingly, the country must fulfil the requirements of a fair asylum system, effective remedies, and protection from removal where risks of *refoulement* are invoked, on the basis of available country information.²⁷⁹

2.2. Connection criteria

Chapter 5, Section 1b(3) of the Aliens Act also requires a connection to the country concerned that makes it reasonable for them to travel there. An application may not be dismissed if:²⁸⁰

²⁷⁷ Swedish Refugee Law Center. *Rättsäkerheten och säkra ursprungsländer*, available in Swedish with an English summary at: <https://bit.ly/33Ugch5>.

²⁷⁸ Swedish Migration Agency, Statistics, 18 January 2023, available at: <http://bit.ly/3XDtm8U>; Swedish Refugee Law Center, *Rättsäkerheten och säkra ursprungsländer*, available in Swedish with an English summary at: <https://bit.ly/33Ugch5>.

²⁷⁹ Migration Agency, *Rättsligt ställningstagande angående avvisning av ansökan om uppehållstillstånd med stöd av 5 kap. 1 b § utlänningslagen*, RS/065/2021, 23 April 2021, available in Swedish at: <https://bit.ly/3400RM0>, 10.

²⁸⁰ Ch. 5, Section 1b(3) Aliens Act. See also Migration Court of Appeal, UM 3266-14, MIG 2015:12, 20 August 2015, available at: <https://bit.ly/2kbPW6A>.

- ❖ The applicant has a spouse, a child or a parent who is resident in Sweden and the applicant does not have equally close family ties to the country to which a refusal-of-entry or expulsion order may be enforced; or
- ❖ The applicant, because of a previous extended stay in Sweden with a residence permit or right of residence, has acquired special ties to this country and lacks such ties or ties through relatives to the country to which a refusal-of-entry or expulsion order may be enforced.

3. First country of asylum

The concept of first country of asylum is a ground for inadmissibility (see [Admissibility](#)).²⁸¹ A country can be considered to be a first country of asylum for a particular applicant for asylum if:

- (a) They have been recognised in that country as a refugee and they can still avail themselves of that protection; or
- (b) They otherwise enjoy sufficient protection in that country, including benefiting from the principle of *non-refoulement*;

provided that they will be re-admitted to that country.

In a legal opinion issued in April 2021 the Swedish Migration Agency provides details on the application of the first country of asylum concept. It notes that refugee status in another country must be valid and that entry to that country is possible at the time the Agency takes a decision on the application in Sweden. More importantly, the Swedish Migration Agency considers that the requirement of protection from *refoulement* renders it difficult to apply the first country of asylum concept to statuses other than refugee status.²⁸²

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? Yes With difficulty No
 - ❖ Is tailored information provided to unaccompanied children? Yes No

The official language of Sweden is Swedish and all official decisions and judgments are written in Swedish. The Swedish Migration Agency shall provide a one-day mandatory introduction training on the Swedish society to all asylum-seekers that are 15 years or older. The training shall include information on the asylum process, Swedish legislation, the rights of the child, democracy, gender equality and honour-related violence. Children under 15 years shall be given the same information in writing.²⁸³ The 1994 Ordinance on the Reception of Asylum Seekers states that the Migration Agency must inform the applicants of organisations that provide services to asylum seekers.²⁸⁴ There is also information in around 25 languages available through the Migration Agency on various aspects of the asylum procedure. This information is available on the website,²⁸⁵ and occasionally in printed form or in booklets at reception centres. Special efforts have been made to take into account the needs of information of illiterate persons by frequently using audio-visual methods. Furthermore, there are videos providing information in sign

²⁸¹ Ch. 5, Section 1b(2) Aliens Act.

²⁸² Migration Agency, *Rättsligt ställningstagande angående avvisning av ansökan om uppehållstillstånd med stöd av 5 kap. 1 b § utlänningslagen*, RS/065/2021, 23 April 2021, available in Swedish at <https://bit.ly/3400RMO>, 8ff.

²⁸³ Regleringsbrev 2021 Migrationsverket.

²⁸⁴ Ordinance on the reception of asylum seekers, Section 2a

²⁸⁵ Migration Agency, *Protection and Asylum in Sweden*, available at: <http://bit.ly/1sHzLfA>.

languages. Also, the website enables persons to have the text read out to them in Swedish, English, Spanish or Arabic.

The Swedish Migration Agency has also produced material for children both unaccompanied and in families, explaining to them the asylum procedure in seven different languages.²⁸⁶ Reception centres for asylum seekers also have leaflets available in a number of languages on the various aspects of the procedure, as well as on conditions of reception. Videos explaining various procedures has been produced by the Migration Agency in cooperation with NGOs. These videos are available in 7 to 12 languages including sign language and are accessible from the Swedish Migration Agency's website.²⁸⁷ There is also written information in up to 25 languages corresponding to languages understood by the main nationalities of asylum seekers arriving in Sweden in recent years (Syria, Somalia, Eritrea, Kosovo, Afghanistan, Iraq, Albania, Serbia, Ukraine, Egypt, Pakistan, Mongolia, Russia, Georgia, Ukraine, Nigeria, Türkiye, Ethiopia, Morocco, Azerbaijan and Iran).²⁸⁸

The Swedish Migration Agency has held web events on Facebook or other platforms where applicants or the public may ask their questions to experts from the Migration Agency.

The Swedish Migration Agency has also produced leaflets in the above languages containing specific information on the Dublin III Regulation, namely on the Dublin criteria determining the Member State responsible,²⁸⁹ as well as on Dublin procedures followed after a country other than Sweden has been deemed responsible.²⁹⁰ There is also a specific leaflet for unaccompanied minors regarding the Dublin Regulation, as per Article 4(3) of the Dublin III Regulation.²⁹¹

Furthermore, at every stage of the asylum procedure, caseworkers have a duty to explain in their meetings with applicants the next stage of the procedure to each applicant. After a refusal at the first instance, each applicant is summoned to a meeting at the nearest office of the Swedish Migration Agency to discuss their situation and to be provided with information on the possible future outcomes of their case.

Information is also provided by NGOs, notably by the Swedish Network of Refugee Support groups (FARR), which published on its website a 152-page booklet entitled *Goda Råd* (Good Advice), updated in May 2022, available in several languages.²⁹² This information on the entirety of the procedure focuses on what asylum seekers can do themselves to contribute to a fair process and contains links to other NGOs in Sweden. This information is available and can be downloaded in English, Swedish, Arabic, Russian, Spanish and Persian. The Swedish Refugee Law Center (asylrattscentrum.se) and the Swedish Section of Amnesty International (amnesty.se) also provide online information in a number of languages which is of relevance to asylum seekers.

Information is also available at the detention centres to which UNHCR and NGOs have access. All detention centres have computers available with internet access for all detainees. Legal counsels also have an obligation to provide information on the asylum procedures to the client. A number of NGOs visit detention centres on a regular basis and are involved in a dialogue with the Migration Agency regarding the scope and routines for offering this service.

²⁸⁶ Migration Agency, *For Children*, available at: <http://bit.ly/1Feg3vm>.

²⁸⁷ Migration Agency, *Alla filmer på alla språk*, available at: <https://bit.ly/3UGSNb2>.

²⁸⁸ Migration Agency, *Other languages*, available at: <https://bit.ly/2vkhMnH>.

²⁸⁹ Migration Agency, *"I have asked for asylum in the EU – which country will handle my claim?"*, available at: <http://bit.ly/1PSuhgz>.

²⁹⁰ Migration Agency, *"I am in the Dublin procedure – what does this mean?"*, available at: <http://bit.ly/1LRjmgH>.

²⁹¹ Migration Agency, *Children asking for international protection - Information for unaccompanied children who are applying for international protection pursuant to article 4 of Regulation (EU) No 604/2013*, available at: <https://bit.ly/3cIm8eS>. See also information on the Dublin procedure on the website of the Swedish Refugee Law Centre for adults here: <https://bit.ly/3wS9y4Y>; and for children here: <https://bit.ly/2QnNGNL>. Both websites are available in many languages.

²⁹² FARR, *Good Advice for Asylum Seekers in Sweden*, May 2022, available at: <https://bit.ly/49hiiUZ>.

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No

The Swedish Red Cross offers information and legal advice support on asylum and family reunification cases through a free-of-charge number (+46 20 415 000), email, online form or during personal meetings. Swedish Red Cross lawyers, based in Stockholm, Malmö and Gothenburg, can act as legal counsel, mostly in cases within Red Cross prioritised areas such as family reunification and protection needs due to the risk of torture or other forms of ill-treatment.

The Swedish Refugee Law Center provides advice and individual case support in asylum and family reunification cases. This includes legal advice through a free-of-charge number (0200-88 00 66), email (info@sweref.org) and via their website, acting as legal counsels in proceedings at the Migration Agency, the Migration Courts and in international processes. Other NGOs offering advice and support to asylum-seekers include Amnesty International and Caritas Sweden.

Some refugee groups have formed their own organisations to support asylum seekers. One is the Swedish branch of the International Federation of Iranian Refugees (IFRS). Unaccompanied children have also organised themselves in an association which provide advice and support to newly arrived unaccompanied children.²⁹³

UNHCR has an office in **Stockholm**, covering the Nordics and the Baltics. UNHCR's operations in Sweden are primarily focused on advocacy and capacity building efforts. The UNHCR office often refers asylum-seekers to NGOs in the respective countries for individual counselling.

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? Yes No
❖ If yes, specify which: The Swedish Migration Agency does not have a specific list of such nationalities,²⁹⁴ see more information in "Track 1".
2. Are applications from specific nationalities considered manifestly unfounded?²⁹⁵ Yes No
❖ If yes, specify which: Albania, Bosnia and Herzegovina, Chile, Georgia, Kosovo, Mongolia, North Macedonia, Serbia

In 2023 the number of first-time applications was 12,491, a decrease from 16,734 applications in 2022. In 2023, out of the total number of applicants, 1,343 came from Afghanistan, 996 from Iraq, 953 from Syria, and 775 from Uzbekistan.²⁹⁶

At first instance, the recognition rates in cases decided on the merits was 34 % in 2023, compared to 37% in 2022. The recognition rates for major countries of origin were as follows: 63 % for Afghans, up from 60

²⁹³ Ensamkommandes Förbund webpage, available at: <https://bit.ly/3Dekajm>.

²⁹⁴ Information provided in email from the SMA's Digitalisation and Development unit in March 2023.

²⁹⁵ Whether under the "safe country of origin" concept or otherwise.

²⁹⁶ SMA Monthly report December 2023

% in 2022, 25 % for Iraqis, up from 21 % in 2022, 84 % for Syrians, down from 90 % in 2022, 25 % for Iranians, down from 32 % in 2022.²⁹⁷

In 2020 there was a significant decrease in the recognition rate for **Syrians** as a result of a change in the Swedish Migration Agency's assessment of the security situation in the country. In 2022, the Swedish Migration Agency continued to consider that the security situation in the internal armed conflict was not such that each and every one is in need of international protection in several provinces in accordance with Article 15(c) of the Qualifications Directive, and that an individual assessment of the applicant's risk therefore must be made. However, it also considered that the improved security situation was not such that it can be considered as significant and non-temporary in nature in the context of cessation.²⁹⁸ In 2021, the Swedish Migration Agency changed its position regarding refugee claims from Syria based on risks due to military service, as an adjustment to the CJEU case *EZ v. Germany*, meaning refugee status in general was granted to those who would be enrolled in military services.²⁹⁹ The Swedish Migration Agency maintained this position in 2023

In July 2021, the Swedish Migration Agency decided to halt all enforcement of deportations to Afghanistan and to suspend decision-making in general in asylum cases concerning **Afghans**, following the Taliban regime take-over. In November 2021, the Swedish Migration Agency decided to lift the suspension of asylum decisions and stated that in general, Afghans with a deportation order would be entitled to a new examination of their protection claims.³⁰⁰ On 6 December 2022, the Swedish Migration Agency published an updated legal position on protection assessment regarding Afghanistan, stating that, women and girls shall be granted refugee status due to the overall discriminatory human rights violations in Afghanistan.³⁰¹ Asylum claims from men are boys are assessed individually, and the Migration Agency has no general position on granting refugee status to male family members to female refugees. In September 2023, the Migration Court of Appeal published its decision MIG 2023:12, where a woman and her daughter had been granted refugee status by the Migration Court, while the son/brother was not granted refugee status, but residence permit with subsidiary protection status. The Migration Court of Appeal found that the principle of family unity does not necessitate the granting of refugee status to other family members, the principle was sufficiently attained by granting him a subsidiary protection status and a thirteen-month residence permit.³⁰²

In October 2023, the Swedish Migration Agency decided to halt all deportations to Gaza, due to the armed conflict between Israel and Hamas. However, there is no general stay on decision-making regarding Gaza.³⁰³

On 22 December 2023, SMA published a new legal position to re-start decision-making in ordinary asylum cases relating to Ukraine.³⁰⁴ The SMA halted decisions in regular asylum and protection status cases, as well as deportations to Ukraine in 2022 due to the security situation in Ukraine following the Russian invasion 24 February.

²⁹⁷ SMA Monthly report December 2023.

²⁹⁸ Migration Agency, *Rättsligt ställningstagande – Prövningen av skyddsbehov för personer från Syrien*, RS/022/2020, November 2022, available in Swedish at: <http://bit.ly/3LYyC46>.

²⁹⁹ Migration Agency, *Rättsligt ställningstagande. Prövningen av skyddsbehov för personer från Syrien*, RS/022/2020 (version 3.0), available in Swedish at: <http://bit.ly/3LYyC46>.

³⁰⁰ Migration Agency, 'Information regarding the situation in Afghanistan', no longer available at the Swedish Migration Agency's website.

³⁰¹ SMA, Legal position RS/089/2021, *Prövning av skyddsbehov m.m. för medborgare från Afghanistan* (version 5.0) available in Swedish at: <https://bit.ly/3wi2Vw8>.

³⁰² Case MIG 2023:12 available online at: [Mål: UM 1579-23 - Migrationsöverdomstolen vid Kammarrätten i Stockholm](https://www.migrationsverket.se/Stockholm)

³⁰³ Migration Agency, Legal Position. Deportations to Gaza RS 007/2023, 10 October 2023, available in Swedish at: <https://bit.ly/48eWcBa>

³⁰⁴ Rättsligt ställningstagande. Prövning av skyddsbehov för medborgare från Ukraina - RS/009/2023 at Dokument - Lifos extern (migrationsverket.se)

Applicants from countries with a recognition rate below 15% are presumed to have their cases treated under the accelerated procedure (“Track 4B”) even if cases are individually assessed before being placed in this procedure. The countries currently listed are: Albania, Algeria, Armenia, Belarus, Bolivia, Bosnia and Herzegovina, Brazil, Chile, Colombia, Cuba, Djibouti, Georgia, Great Britain, India, Israel, Kosovo, North Macedonia, Mexico, Mozambique, Morocco, Moldova, Mongolia, Montenegro, Peru, Philippines, Serbia, South Africa, Thailand, USA, and Vietnam³⁰⁵ (see section on [Accelerated procedure – interview](#)).

³⁰⁵ Migration Agency, VÄGLEDNING Lista över länder och lägsta idkategorisering för sortering i spår 4B Dnr: 1.2.2-2022-20585, 7 May 2021, revised 22 September 2022.

Reception Conditions

Short overview of the reception system

In Sweden, the Swedish Migration Agency is responsible for the reception of asylum seekers. It provides temporary accommodation while awaiting the decision on the application for international protection. The SMA will cover the costs of accommodation if the applicant does not have enough resources. The applicant is in most cases free to choose and arrange their own accommodation if they do not wish to stay with the SMA. As regards unaccompanied minors, they will be channelled to a local municipality which is then responsible for the reception of the minor.

The right to accommodation starts as soon as an application for international protection is made. If an asylum seeker has been living in accommodation provided by the Swedish Migration Agency, then the Swedish Migration Agency can help them secure housing once they have received a residence permit. The right to accommodation ends once the applicant has received a notice of rejection of the application for international protection, a deportation order, or if the deadline for voluntarily departure has expired. This applies to all adults and persons not living with underaged children. Families with children and unaccompanied children may however continue to live in the temporary accommodations by the SMA and to benefit from the right to financial support until they leave Sweden or until they have deregistered from the reception system. Also, if an applicant applies for a work permit after the rejection of his asylum claim has become effective, they will be deregistered from the reception system and will no longer be entitled to financial support nor accommodations. This also applies to family members who have jointly applied for a residence permit.

As for beneficiaries of international protection who are granted a protection status by the SMA and who do not secure housing for themselves, they will be referred to a municipality who will then become responsible for arranging housing. The municipality becomes responsible two months at the latest after it has been designated and the beneficiary can remain in the SMA reception centre until responsibility has transferred to the municipality. However, if the beneficiary declines the offer of moving to the designated municipality the beneficiary must immediately arrange for their own housing.³⁰⁶

The SMA reception centres are mostly shared flats. Families are always given a room on their own. Single people must share a room with others of the same sex. For applicant with special needs, the SMA will try to arrange a living situation adapted to their situation.³⁰⁷

Following the decision by the SMA on 16 July 2021 to temporarily stop all deportations to Afghanistan following the Taliban take-over, many Afghans with enforceable expulsion decisions were able to apply for individual decisions to temporarily stop their expulsions, and following that to regain financial support and accommodation. However, this resulted in a situation where many could not regain such support, including Afghans who had submitted subsequent applications but were not yet granted a re-examination, Afghans whose applications for extending residence permits for upper-secondary education or work rejected, Dublin returnees and others who simply lacked information on how to apply. This was widely criticised by civil society organisations.³⁰⁸ While currently not a particular problem for Afghans since their cases are now being examined, the underlying problems to the system has not yet been resolved despite the criticism. There is however a commission of inquiry set up by the Government that partly focuses on this issue.³⁰⁹

³⁰⁶ Migration Agency, 'Bosättning i en kommun', available in Swedish at: <http://bit.ly/3RdthXd>.

³⁰⁷ See Migration Agency, 'Accommodation with the Migration Agency', available at: <http://bit.ly/3XJajuc>; See also: Migration Agency, 'Accommodation', available at: <https://bit.ly/3asgrQ2>.

³⁰⁸ See for example Swedish Refugee Law Center, *Ge afghaner tillfälligt uppehållstillstånd*, 9 September 2021, available at: <https://bit.ly/3wnkJnP>.

³⁰⁹ Government, *Ett ordnat initialt mottagande av asylsökande*, dir. 2021:71, 16 September 2021, available in Swedish at: <http://bit.ly/421A0h7>.

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow for access to material reception conditions for asylum seekers in the following stages of the asylum procedure?
- | | | | |
|---------------------------|---|---|-----------------------------|
| ❖ Regular procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Dublin procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Admissibility procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Border procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Accelerated procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ First appeal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Onward appeal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Subsequent application | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?
- | | |
|---|-----------------------------|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|-----------------------------|

In Sweden, all asylum applicants have access to the benefits of the reception system, allowing them to access housing and a daily allowance. An exception applies to certain applicants since 2016 (e.g., persons subject to a deportation order etc.), as is explained further below. If they have resources, applicants are required to use these first, as the provision of reception conditions is conditional upon a lack of sufficient resources. It is the financial allowance that may be restricted, a person still has a right to accommodation.

Upon the lodging of the asylum application, the Migration Agency reception officer enquires about the applicant's financial situation.³¹⁰ An asylum seeker who wants to receive daily allowance must apply for it in writing. The application must contain an explanation that the information provided in the application is correct.³¹¹ Anyone who has been granted daily allowance is obliged to report changed income and other conditions that may affect the right to or the amount of the aid.

Daily allowance should only be paid to a foreigner who does not have sufficient funds. An individual assessment must be made. If applicants have or obtain access to cash, bank deposits, or other assets that are easily converted into cash and cash equivalents, they must primarily use these for their livelihood. The applicants' ability to use any assets that exist in another country for their daily life should also be taken into account. Such an individual needs test is a prerequisite for the application of the provisions on reduction of the daily allowance.³¹² The Supreme Administrative Court has ruled that the Migration Agency may revoke a decision on daily allowance or reduce the allowance if it is later proven that the applicant has personal financial resources.³¹³

Following an amendment to the Reception of Asylum Seekers Act (LMA) introduced in 2016 some applicants no longer have the right to reception conditions when they have received a decision on deportation which can no longer be appealed, or whose period for voluntary return has ended (they are then no longer formally considered to be asylum applicants). This is the case for adult applicants without children who then lose their right to reception conditions i.e. the right to a daily allowance and accommodation provided by the Migration Agency. Adult applicants always have the right to emergency health care (health care that cannot be deferred, maternal healthcare, healthcare related to abortion and

³¹⁰ Section 17, Law on Reception of Asylum Seekers and Others, 1994:137.

³¹¹ Section 8 förordningen (1994:361) om mottagande av asylsökande m.fl.

³¹² Section 15, Law on Reception of Asylum Seekers and Others, 1994:137.

³¹³ The Supreme Administrative Court of Sweden [Högsta förvaltningsdomstolen] Case no HFD 2023 ref 3. English summary of the case available at: <https://bit.ly/3SC7GZE>.

health care in relation to contraception).³¹⁴ If they refuse to leave their accommodation at that point, they may be forcibly removed and be subjected to criminal sanctions.³¹⁵ If a family is in a similar situation the adult is entitled to a reduced allowance, whereas the children are still allowed standard allowance. The family will also keep their right to accommodation. The restrictive changes introduced in 2016 have left many persons destitute and homeless or reliant on support from individuals or civil society organisations. These restrictive changes have led to criticism from civil society, as organisations such as the Red Cross have pointed out that the reform has led more people to turn to civil society organisations to ask for assistance with accommodation, food and health care.³¹⁶

In cases where it is considered “obviously unreasonable” to cease the right to reception conditions, the right to such conditions will not cease and particularly vulnerable persons can therefore be exempted.³¹⁷

If an applicant does not cooperate with regards to a transfer according to the Dublin Regulation, a decision is usually made to reduce the daily allowance to the asylum seeker because of their unwillingness to cooperate.³¹⁸

Families who have left Sweden for another EU country and are returned according to the Dublin Regulation have no right to re-access accommodation from the Migration Agency.

The restricted access to reception conditions apply until a person is again considered to fall within the scope of the Law on Reception of Asylum Seekers and Others (LMA). This can happen after a subsequent application is handed in but only if a person is granted a re-examination or receives a stay of enforcement decision. An expulsion order is valid for four years. After four years it is possible to apply for asylum again. At this point the applicant will once again fall within the scope of LMA and will hence have access to reception conditions without restrictions.

Another situation where a person in need of protection may be excluded from the benefits of the reception system is where the applicant already has a residence permit in Sweden but wants to be granted protection status. The Supreme Administrative Court has found that in such situations the persons do not fall within the scope of LMA and thus cannot claim assistance for accommodation and allowances for asylum applicants.³¹⁹

In 2020, new rules were implemented for asylum-seekers who choose to settle in so-called socio-economically challenged areas. These persons are no longer entitled to a daily allowance.³²⁰ The aim with this measure was to combat segregation and encourage more asylum-seekers to settle in areas with better prospects. Municipalities can report if certain areas or the whole municipality is “socio-economically” challenged. The Government decides which areas may be considered as “socio-economically challenged”.³²¹ The legislation covers 32 municipalities.³²²

³¹⁴ Section 7, Law (2013: 407) on health care for certain foreigners staying in Sweden without the necessary permits (Lag (2013:407) om hälso- och sjukvård till vissa utlänningar som vistas i Sverige utan nödvändiga tillstånd).

³¹⁵ Sections 11-12a, Law on Reception of Asylum Seekers and Others, 1994:137.

³¹⁶ Sections 11-12a, Law on Reception of Asylum Seekers and Others, 1994:137; Swedish Red Cross, *Consequences of the amendment to Sweden's Reception of Asylum Seekers Act, 2016*, available in Swedish at: <https://bit.ly/3T0iYrX>; VSIU, *Report about Legal Uncertainties in the Asylum Process For Unaccompanied Minors in Sweden*, 26 February 2018, available at: <http://bit.ly/3Jbwqoz>; *Rapport om rättsosäkerhet i asylprocessen för ensamkommande barn och unga*, September 2017, available in Swedish at: <http://bit.ly/2C5QySC>

³¹⁷ Sections 11, Law on Reception of Asylum Seekers and Others, 1994:137.

³¹⁸ The Reception Act (1994:137) Section 10.

³¹⁹ HFD 2022 ref. 40, 13 October 2022, available in Swedish at: <https://bit.ly/3FSzpQ3>.

³²⁰ Section 10a, Law on Reception of Asylum Seekers and Others, 1994:137.

³²¹ See section 10 a, Law on Reception of Asylum Seekers and Others, 1994:137.

³²² Förordning (2018:151) om statsbidrag till kommuner med socioekonomiskt eftersatta områden Svensk författningssamling 2018:2018:151 t.o.m. SFS 2020:1266 - Riksdagen, available in Swedish at: <http://bit.ly/3J9kAeC>. To check whether an area is considered “socio-economically challenged” it is possible to use this site: <http://bit.ly/3XE3Wbj>.

Reports from the Swedish Migration Agency indicate that this legislative change did not result in a change of practice yet, as asylum seekers continue to settle in “socio-economically challenged areas”.³²³ According to the Swedish Migration Agency 3,067 asylum seekers settled in such areas in 2021.³²⁴ In 2022, 6,526 asylum seekers settled in such areas.³²⁵ In 2023, 1556 asylum seekers were denied daily allowance based on them living in a “socio-economically challenged area”.³²⁶

On 14 October 2022 the parties in the now new Government and the Sweden Democrats expressed in the Tidö Agreement that it intends to end altogether the opportunity for asylum seekers to choose and arrange their own accommodation. The government is now implementing investments for this new system for receiving asylum seekers. The investment includes funds so that the Swedish Migration Agency can prepare the establishment of reception centres.³²⁷ The government wants to introduce transit centres where asylum seekers are to spend the entire asylum process. An ongoing inquiry has been given new instructions to analyse and develop proposals on this. The inquiry is to deliver its result the 31st of May 2024.³²⁸ The starting point must be that asylum seekers must live in reception centers for the entire time that their asylum application is examined.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to single adult asylum seekers as of 31 December 2023 (in original currency and in €): SEK 2,130 / €185,97

Financial allowance

The monthly amounts of financial allowances differ for applicants staying in accommodation centres where food is provided free of charge (and the allowance only covers pocket money), and applicants staying in other accommodation, where the allowance should also cover food.

In any event, beyond food, the allowance should be able to cover clothes and shoes, medical care and medicine, dental care, toiletries, other consumables and leisure activities. If asylum seekers are granted a daily allowance by the Migration Agency, they receive a bank card where the money is deposited.

The levels of financial allowance per day has not been raised since 1994 and are as follows:³²⁹

Category of applicant	Allowance in accommodation centres with food provided	Allowance in private accommodation
Single adult	SEK 24 / € 2,09	SEK 71 / € 6,19
Adults sharing accommodation	SEK 19 / €1,65 per person	SEK 61 / € 5,32 per person
Child aged 0-3	SEK 12 / € 1.04	SEK 37 / € 3.23
Child aged 4-10	SEK 12 / € 1.04	SEK 43 / € 3.75
Child aged 11-17	SEK 12 / € 1.04	SEK 50 / € 4.36

Source: Migration Agency.

³²³ SVT, *Migrationsverket ser ingen tydlig effekt av nya ebo-lagen*, available in Swedish at: <https://bit.ly/3k1cCW7>.

³²⁴ Information received 11th of January 2023 from the Statistics Unit at the Swedish Migration Agency via e-mail (statistik-support@migrationsverket.se).

³²⁵ Information received 11th of January 2023 from the Statistics Unit at the Swedish Migration Agency via e-mail.

³²⁶ Information received 5th of February 2024 from the Statistics Unit at the Swedish Migration Agency via e-mail.

³²⁷ Press Release from the government concerning the 2024 budget. Available in Swedish at: <https://bit.ly/42EWkst>.

³²⁸ Supplementary directive to the Investigation on an orderly initial reception of asylum seekers, 22 June 2023, available in Swedish at: <https://bit.ly/42HOK06>.

³²⁹ Migration Agency, ‘Financial support for asylum seekers’, available in English at: <https://bit.ly/3uDFz4h>.

From the third child onwards, the level of financial allowance is reduced by 50%.

Some NGOs have campaigned for these levels to be adjusted to the increase in living costs and for the elimination of discrimination against third and subsequent children in relation to the amount of money that is made available, but so far nothing has changed.³³⁰

Asylum seekers can apply for a special grant for expenses that are necessary for a minimum living standard, such as cost of winter clothing, glasses, supplements, handicap equipment and infant equipment.³³¹ Asylum seekers must demonstrate that they have a strong need of the item or service and that they cannot pay for it by themselves. The Migration Agency makes an individual evaluation of the need and only grants enough for the cheapest alternative which is needed to satisfy the need. The right to a special grant may be affected if the asylum seeker moves to their own accommodation in an area that a municipality has reported as an area with social and economic challenges.

The allowance for asylum seekers is considerably lower than the allowance for settled persons in need of social assistance, which covers similar areas of support. The following table relating to the amount of the monthly social welfare allowance as of January 2024 illustrates this difference:

Category	Asylum seekers in private accommodation	Settled persons on social welfare
Single adult	SEK 2,130 / € 185,97	SEK 5,030 / € 439.18
2 adults	SEK 3,660 / € 319,56	SEK 8,210 / € 716,84
1 adult 1 child (aged 2)	SEK 3,240 / € 282.89	SEK 8,100 / € 707,23
1 adult 2 children (aged 2-5)	SEK 4,530 / € 395,52	SEK 11,400 / € 995,37
2 adults 2 children (aged 5-12)	SEK 6,160 / € 537,85	SEK 15,970 / € 1,394.39
2 adults 3 children (aged 2-5-12)	SEK 7,020 / € 612,93	SEK 19,200 / € 1,676.41
2 adults 4 children (aged 12-14-15-17)	SEK 8,160 / € 712,47	SEK 17,410 / € 1,520.12

Sources: National Social Welfare Board, 1 January 2024; Migration Agency.

3. Reduction and withdrawal of material reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

- Does the law provide for the possibility to reduce material reception conditions?
 Yes No
- Does the law provide for the possibility to withdraw material reception conditions?
 Yes No

Under the Law on the Reception of Asylum Seekers (LMA), an asylum seeker's economic allowance can be reduced for adults if they have personal financial resources. The Supreme Administrative Court has ruled that the Migration Agency may revoke a decision on daily allowance or reduce the allowance if it is

³³⁰ Some examples are Save the Children, 'Dagersättning till flyktingar har inte höjts på 28 år – Rädda barnen: "Den är oacceptabelt låg"', 12 April 2022, available in Swedish at: <https://bit.ly/3149AgG> and 'rapport med nyanlända ensamstående mammors röster', available in Swedish at: <https://bit.ly/3T1EUmz>. See also Swedish Red Cross, 'Ge asylsökande en ersättning som går att leva på', 13 July 2022, available in Swedish at: <https://bit.ly/49hwGfY>.

³³¹ Migration Agency, Financial support for asylum seekers, available at: <https://bit.ly/3uDFz4h>.

later proven that the applicant has personal financial resources.³³² If an asylum seeker's financial situation changes, for example if they get a job, they must tell the Swedish Migration Agency.³³³ Asylum seekers who have an income or who has other economic assets and who lives in an accommodation provided by the Swedish Migration Agency must pay a compensation to the Migration Agency. It is considered a crime to not inform the agency that one has started earning money while still receiving the daily allowance.³³⁴

An asylum seeker's allowance may also be reduced for adults if they refuse to cooperate in the asylum procedure or refuse to abide by an expulsion order.³³⁵ A lack of cooperation may consist, e.g., in refusing to take measures to obtain identity documents or refusing to appear at arranged appointments with the Migration Agency. Persons that were not returned or deported from Sweden can thus end up living with such a low allowance for many years.

According to the LMA the right to financial assistance ceases when there is a deportation decision that is legally enforceable and when the time limit for voluntary departure (which is usually four weeks) has expired.³³⁶ In 2023, there were 13,864 persons with legally enforceable removal orders registered with the Migration Agency.³³⁷ According to Section 11 LMA, the right to financial assistance does not end if the decision on rejection or deportation cannot be enforced as a result of the Migration Agency or a court having decided on inhibition or having granted a new trial in accordance with ch. 12. Section 19 of the Aliens Act. Section 11 LMA also states that it is possible to allow a person continued financial assistance if it is considered "obviously unreasonable" to cease this right.

A decision by the Migration Agency to reduce or cease aid may be appealed to the Administrative Court.³³⁸ An appeal must be submitted no later than three weeks after the person concerned was notified of the decision.

For persons who are no longer considered asylum seekers (people who have been definitely rejected from their asylum claim) a number of decisions from courts have made it difficult to access social aid.

In June 2017, the Supreme Administrative Court (*Högsta Förvaltningsdomstolen*), decided that a rejected asylum seeker who is absent or not cooperating to follow a removal decision falls under the scope of the LMA-regime and therefore does not have the right to any social or emergency aid according to the Social Services Act. This applies even though the person is not entitled to any aid under the LMA. Bearing in mind that it is very hard to be considered as cooperating in the enforcement of a removal decision, the 'cooperation criterion' excludes all absconded families from any social aid.³³⁹

In June 2018, the Supreme Administrative Court decided on social aid for an irregularly residing migrant who had never been subject to the LMA regime. According to the court, applicants for social aid who are in an irregular situation have the right to emergency aid, and in extraordinary situations the aid can even exceed that threshold. In this case, such an extraordinary situation applied as the applicant could not be deported because he was subject to forensic psychiatric care, a penalty due to criminal activity. Since deportation was not an option under these circumstances, the Court concluded that the applicant should be treated in the same way as applicants who had been granted residence permits with regard to the Social service Act.³⁴⁰

³³² The Supreme Administrative Court of Sweden [Högsta förvaltningsdomstolen] Case no HFD 2023 ref 3. English summary of the case available here: <https://bit.ly/3SC7GZE>.

³³³ Section 8 a, Ordinance on the Act on Reception of Asylum Seekers, 1994:361.

³³⁴ Chapter 20, Section 6, Aliens Act.

³³⁵ Section 10, Law on Reception of Asylum Seekers and Others, 1994:137.

³³⁶ Section 11, Law on Reception of Asylum Seekers and Others, 1994:137.

³³⁷ Migration Agency, *Monthly statistical report for December 2022, including year-end numbers*, Dnr: 1.1.1.2-2022-1381.

³³⁸ Section 22, Law on Reception of Asylum Seekers and Others, 1994:137.

³³⁹ Supreme Administrative Court, Decision 1527–1529-16, 5 June 2017, available in Swedish at: <http://bit.ly/3HwXeOX>.

³⁴⁰ Supreme Administrative Court, Decision 4464-17 and 6418-17, 11 June 2018, available in Swedish at: <http://bit.ly/3JejjCQ>.

In a judgment of 2019 concerning an adult Bidoon from Kuwait, the Administrative Court of Appeal of Stockholm stated that the applicant had not taken sufficient initiatives to try and leave Sweden for example by obtaining a certificate from the Kuwaiti authorities stating he would not be admitted to Kuwait. His appeal concerning the right to remuneration and housing was therefore denied.³⁴¹

On 3 May 2021, the Supreme Administrative Court decided on whether a refusal to cooperate to leave the country is an act falling within the scope of Section 10 of the LMA, which states that aid can be reduced if a person without a valid reason refuses to cooperate to an action necessary in the process of enforcing a removal decision. The court ruled in the affirmative.³⁴²

Asylum seekers that have been allowed to work during the asylum process may continue to work until they leave the country or until their decision becomes final. The right to work ceases to apply if the person does not participate in the enforcement of their decision on rejection or deportation when it has become legally binding.³⁴³

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
 Yes No
2. Does the law provide for restrictions on freedom of movement? Yes No

There are no restrictions in law or practice to the freedom of movement of asylum seekers within Sweden. However, if accommodation is requested from the Migration Agency, asylum seekers are not free to choose their place of residence.³⁴⁴ A person may be entitled to accommodation that is adapted to special needs if the person is in a particularly vulnerable situation. If a person has special needs regarding their living situation the person is requested to talk to their reception unit as soon as possible.³⁴⁵ The assignment to a place of residence is not made on the basis of a formal administrative decision. Asylum seekers are in many cases forced to relocate to reception centres in other cities.³⁴⁶

On 14 October 2022 the newly elected Swedish Government announced that it intends to introduce transit centres where asylum seekers are to spend the entire asylum process. An ongoing inquiry has been given new instructions to analyse and develop proposals on this. The inquiry is to deliver its result the 31st of May 2024.³⁴⁷ The use of such transit centres would likely have an impact on the freedom of movement if they are introduced.

In 2023, the Migration Agency introduced a new kind of departure centres (återvändandecenter). The centres have about 650 places and are situated in Burlöv, Enköping, Malmö, Mölndal and Stockholm. The Migration Agency aims to have 2,000 places at such centres at the end of 2024. It is only persons that are still in the reception system that are entitled to a place in a departure centre, which means that, in practice, it is mainly families with minor children that are entitled to a place in a departure centre. The departure centres are not locked facilities; they may however have an impact on the freedom of movement. This is due to the fact that a person that is offered a place at a departure centre is no longer

³⁴¹ Administrative Court of Appeal of Stockholm, UM 4419-19.

³⁴² Supreme Administrative Court, HFD 2021:4, Mål: 4234-20 - Högsta förvaltningsdomstolen, available at: <https://bit.ly/3Lr0ZnF>.

³⁴³ See Chapter 5 Section 4 the Aliens Ordinance Act (2006:97).

³⁴⁴ Migration Agency, 'Accommodation with the Migration Agency', available at: <https://bit.ly/3XJajuc>.

³⁴⁵ Migration Agency, 'Accommodation with the Migration Agency', available at: <https://bit.ly/3XJajuc>.

³⁴⁶ Migration Agency, 'Accommodation with the Migration Agency', available at: <https://bit.ly/3XJajuc>

³⁴⁷ Government, 'Supplementary directive to the Investigation on an orderly initial reception of asylum seekers', 22 June 2023, available in Swedish here: <https://bit.ly/42HOK06>.

allowed to remain in the previous accommodation provided by the Migration Agency, meaning they either have to move to a departure centre or arrange accommodation on their own.³⁴⁸

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation³⁴⁹

- | | |
|--|---------------|
| 1. Number of municipalities with reception centres: ³⁵⁰ | Not available |
| 2. Total number of places in reception centres: | 14,784 |
| 3. Total number of persons in reception centres: | 6,235 |
| 4. Total number of persons in private accommodation ³⁵¹ : | 11,801 |
| 5. Total number of persons in other forms of accommodation: ³⁵² | 2,298 |
| 6. Type of accommodation most frequently used in a regular procedure: | |
| <input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input checked="" type="checkbox"/> Private housing <input type="checkbox"/> Other | |
| 7. Type of accommodation most frequently used in an accelerated procedure: | |
| <input checked="" type="checkbox"/> Reception centre <input checked="" type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other ³⁵³ | |

Housing offered by the Swedish Migration Agency is either in an apartment, in a normal housing area or at a reception centre and is acquired through public procurement. Ordinary apartments are usually the Swedish Migration Agency's primary option for accommodating asylum seekers.³⁵⁴ Asylum seekers can choose to live at a centre but in that case they might need to move to a town where the Swedish Migration Agency can offer them a place. There are differences in the way material reception conditions are provided depending on the procedure ("track") in which asylum seekers are in. For applicants in the Dublin procedure ("Track 5A") and the Accelerated Procedure ("Track 4"), for example, accommodation is located close to airports, with the aim of speeding up potential removal from Sweden.

If asylum seekers have their own resources, although they can still access the accommodation system, they must pay for it themselves. If not, accommodation at a centre is free. Single persons need to share a room. A family can have its own room but must expect to share an apartment with other people. It is possible that asylum seekers are moved around within the centre or to another centre during the processing period.

Asylum seekers may also choose to opt for private accommodation with friends or relatives. However, the Swedish Migration Agency can only influence matters concerning the accommodation they themselves provide since they hold the contracts for the flats and can make demands on the owners regarding material conditions.

Should the asylum seeker choose to settle in so-called socio-economically challenged areas, the rules foresee that these persons are no longer entitled to a daily allowance (see [Criteria and restrictions to access reception conditions](#)).³⁵⁵

³⁴⁸ Information about the reception centres is available in Swedish at: <https://bit.ly/3wkJIQG>.

³⁴⁹ Average numbers for 2022: Migration Agency, *Annual Report 2022*, available in Swedish at: <http://bitly.ws/AUE8>.

³⁵⁰ Both permanent and for first arrivals. This refers to the number of municipalities where the Migration Agency rents flats or other accommodation.

³⁵¹ Not including temporary protection beneficiaries.

³⁵² This includes privately placed unaccompanied minors, youth in care arrangements, persons in criminal detention and others.

³⁵³ Swedish Migration Agency, *Annual Report 2023*, Dnr: 1.3.2-2024-2238, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>.

³⁵⁴ Migration Agency, 'Housing for asylum-seekers', available in Swedish at: <https://bit.ly/3fquSpf>.

³⁵⁵ Section 10a, Law on Reception of Asylum Seekers and Others, 1994:137.

The total number of asylum seekers and Temporary Protection beneficiaries registered in the reception system at the end of 2023 was 55,028 (down from 61,350 in 2022), of which 5,421 were living in Migration Agency accommodation, 33,551 in private accommodation and 16,056 in other forms of accommodation.³⁵⁶ Most likely the decrease from the end of 2022 is due to fewer persons from Ukraine coming to Sweden.

The number of places in Migration Agency accommodation decreased from 19,593 in 2022 to 14 784 in 2023.³⁵⁷

The Swedish Migration Agency also operates “departure centres” for persons who have agreed to voluntary departure to the home country or Dublin cases. In 2023, the Migration Agency started a new kind of departure centre (återvändandecenter). The centres have about 650 places and are situated in Burlöv, Enköping, Malmö, Mölndal and Stockholm. The Migration Agency aim to have 2,000 places at such centres at the end of 2024. It is only persons that are still in the reception system that are entitled to a place in a departure centre, in practice this means it is mainly families with minor children that are entitled to a place in a departure centre.³⁵⁸

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? Yes No
2. What is the average length of stay of asylum seekers in the reception centres? 636 days³⁵⁹
3. Are unaccompanied children ever accommodated with adults in practice? Yes No
4. Are single women and men accommodated separately? Yes No

Asylum seekers are mainly accommodated in private houses and apartments rented by the Swedish Migration Agency or provided by private entities. Apartments are often located in a big apartment building and are considered as reception centres in the Swedish system, but this is still on the basis of individual housing within the apartment buildings concerned.

The Swedish Migration Agency is responsible for supervising the accommodation of asylum seekers in ordinary flats in regular residential areas and to assist asylum seekers accordingly. The ordinary rules for the number of persons per room do not apply to asylum seekers, meaning that more people can live in a 3-room flat than is regularly the case when municipal authorities designate accommodation for citizens.

According to information from the Swedish Migration Agency, they assume that two people can share a room in an apartment when they assess how many places there should be in an apartment. In collective housing, there are individual assessments. But the conditions of the building and the property ultimately determine what is appropriate. The Swedish Migration Agency takes into account, among other things, escape possibilities, air flows in the ventilation, and how many people are allowed to share the kitchen and hygiene areas. When placing asylum seekers in temporary housing, the Swedish Migration Agency also make individual assessments to find the right place. In some cases when there are special needs, it may be necessary for individuals to live alone, even though there are several places in the same room or residence.³⁶⁰

³⁵⁶ Migration Agency, Monthly Statistical Report, December 2023²⁹

³⁵⁷ Migration Agency, Annual Report 2023, Dnr: 1.3.2-2024-2238, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>.

³⁵⁸ Migration Agency, ‘Migrationsverket startar återvändandecenter, 2023-10-17, available in Swedish at: <https://tinyurl.com/227tc44c>.

³⁵⁹ Migration Agency, *Monthly statistical report for December 2023*, including year-end numbers, 28.

³⁶⁰ Information provided for by the Swedish Migration Agency

In a report investigating crimes in asylum reception centres in 2018, the Swedish National Council for Crime Prevention reported several crimes. The most common crimes were assault (21%), vandalism (19%) and drug offences (14%). Most of the assault committed concerned incidents between residents at the facilities (80%) and mostly involved men. The report indicated that mental illness issues and overcrowding were risk factors which contributed to increasing such incidents. The report also noted that there are only a few collective accommodations designed for women. It further highlighted that many crimes or incidents go unreported as a result of fear, a lack of trust in authorities, or the fear to jeopardize their asylum process.³⁶¹ In 2020, the Swedish Church also reported that women are especially vulnerable and subjected to sexual harassment and assault.³⁶²

While there are no reports of restrictions on leisure or religious activities, there are also complaints about the lack of organised activities during the asylum procedure. In some centres, *pro bono* organisations offer different activities and opportunities to learn Swedish in informal ways. The government has provided considerable funding to NGOs and educational associations to provide meaningful activities for all asylum seekers and to set up venues where asylum seekers can meet other people. Activities can be beginner's courses in Swedish, information about Swedish society and the asylum process, children's activities and outdoor activities including sports.³⁶³

Since 1 February 2017, the Swedish Migration Agency is no longer responsible for organising meaningful activities for asylum seekers. This has been handed over to the County administration authorities (*länsstyrelserna*) in cooperation with civil society. Early intervention regarding asylum seekers involves providing activities to men and women who are seeking asylum or who have a residence permit but still live in the Swedish Migration Agency accommodation. The aim of such measures is to accelerate the integration process while the decision on the asylum claim is pending. It includes courses on the Swedish language, Swedish society and the Swedish labour market and health system. The activities are provided by different actors in the society with financial contribution and coordination by the Country administration authorities.

The average duration of stay in reception system depends on the situation of the asylum seekers concerned:

Average duration of stay in reception system: 2023	
Category of applicant	Average stay (days)
Persons returning voluntarily	376
Persons forcibly removed	1,313
Persons absconding	689
Persons granted permits referred to municipalities	761
Persons granted permits arranging other accommodation	539
Total average	568

Source: Migration Agency, *Monthly Statistical Report*, December 2023, 30.

³⁶¹ BRÅ, *Brott och brottsutsatthet på kollektiva asylboenden under 2018*, available at: <https://bit.ly/39KzXbc>.

³⁶² FRA, *Migration: Key Fundamental Rights Concerns. Quarterly Bulletin*, November 2020, available at: <https://bit.ly/36BeJug>, 27.

³⁶³ Information available in Swedish at: <http://bit.ly/3Ddbee1>.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers? Yes No
❖ If yes, when do asylum seekers have access the labour market? After the Migration Agency has decided that the asylum seeker is exempted from having a work permit, they are allowed to work.
2. Does the law allow access to employment only following a labour market test? Yes No
3. Does the law only allow asylum seekers to work in specific sectors? Yes No
❖ If yes, specify which sectors: Unskilled sector
4. Does the law limit asylum seekers' employment to a maximum working time? Yes No
❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? Yes No

Asylum seekers can be exempted from the requirement to have a work permit if they can provide identity documents or other means to establish their identity, that Sweden is responsible for their asylum application and that there are solid reasons for their application in Sweden. An asylum seeker will not be able to work in Sweden if they have received a refusal of entry decision with immediate effect, including if they fall within a Dublin procedure or have a claim considered manifestly unfounded.

This right lasts until a final decision on their asylum application is taken, including during appeals procedures. The right ends when the applicant leaves Sweden if they cooperate in preparations to leave the country voluntarily. If the applicant refuses to cooperate and the case is handed over to the police for expulsion procedures, then the right to work is suspended.³⁶⁴

In 2021, 3,943 asylum-seekers were granted the right to work. In 2022, 7,499 asylum-seekers were granted the right to work. The number decreased to 5,389 in 2023.³⁶⁵

A few municipalities have offered to pay the work insurance that the Migration Agency previously paid in order to facilitate entry to the labour market in cases where an asylum seeker has been able to secure a job offer or work experience placement. However, the main work experience placements will instead be reserved for those with residence permits who are in an establishment programme run by the Employment Agency (*Arbetsförmedlingen*).

Asylum seekers can generally not work in areas that require certified skills such as the health care sector, so their choice is limited in practice to the unskilled sector. Jobs are not easy to get because of language requirements and the general labour market situation with high youth unemployment and a general unemployment rate of 8,8% in 2021.³⁶⁶ The situation improved in 2022, as the general unemployment rate decreased to 7.5%.³⁶⁷ In 2023, the general unemployment rate increased to 7,7%.³⁶⁸

Should an asylum seeker obtain a job or job offer at another place in Sweden, they can apply for accommodation compensation. This is meant for employment which is longer than a three-month period

³⁶⁴ Migration Agency, *Handbok i Migrationsrätt*, section AT-UND, 5.

³⁶⁵ Information provided by the Swedish Migration Agency.

³⁶⁶ The Government Agency Statistics Sweden, 'Unemployment in Sweden', available in Swedish at: <http://bit.ly/2v5GWdu>.

³⁶⁷ The Government Agency Statistics Sweden, 'Unemployment in Sweden', available in Swedish at: <http://bit.ly/2v5GWdu>.

³⁶⁸ The Government Statistics Sweden, 'Unemployment in Sweden', available in Swedish at: <http://bit.ly/3G16xoX>.

and when they have to move to a place where the Migration Agency does not have any residences to offer. The accommodation compensation is SEK 350 (€ 30.55) for a single person household and SEK 850 (€ 74.21) for a family.³⁶⁹ Those who obtain a job in Sweden while having their asylum claims tried by the Migration Agency they can improve their economic situation and possibly switch their status as asylum seeker to becoming a “labour market migrant” if they manage to work 4 months before the decision to reject their asylum application becomes final. If their employer is at that stage able to offer a 1-year contract or longer, then they must apply for permission to work in Sweden within 2 weeks from the date on which the decision to reject their asylum application became final. A successful applicant must have a valid passport and will receive a temporary permit of at least 1 year and at most 2, which can be renewed. After 4 years on temporary permits, a person who still has a job can then apply for a permanent residence permit, provided they have sufficient means to support and accommodate their family. These temporary permits allow for family reunification and the right of the spouse to work.³⁷⁰

The ability to switch status as an asylum seeker to a labour migrant was introduced in 2008 by the government as part of its policy to develop labour migration of third-country nationals to Sweden and to respond to situations where highly qualified persons amongst rejected asylum seekers with skills needed in Sweden and who had shown through work experience that they had the required proficiency and knowledge would have a chance to access the labour market. The fact that such a person has desired labour market skills does not in any way influence the assessment of the asylum grounds. In 2022, 637 asylum seekers were granted work permits after a legally binding deportation order. This number decreased to 495 in 2023.³⁷¹

2. Access to education

Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? Yes No
2. Are children able to access education in practice? Yes No

Asylum-seeking children have full access to the Swedish preschool and school system, and they are to a great extent integrated in regular schools. It is the municipality where the asylum seeker live that is responsible for ensuring that asylum seeking children and young people get access to preschool and school under the same conditions as everyone else who lives in the municipality. Small children who have turned one year old are entitled to attend preschool while their parents work or study. From the autumn term of the year in which the child turns three, he or she is also entitled to 15 hours of preschool per week without paying any fee.³⁷² Asylum seeking children are not covered by the law obliging children between the ages of 6 and 16 to attend school but have the right to attend if they wish so. The right to go to school has also been confirmed in law for those children still present in Sweden with an expulsion order and who have absconded with their parents.³⁷³

Children between 16 and 18 often have to attend a preparatory course to improve their skills in Swedish and other core subjects before being able to access vocational education. Nevertheless, once they have gone through this preparatory phase, they are not prohibited in theory from taking a vocational course. If a teenager begins a 3-year course at the age of 16 or 17 and is still in Sweden without a permit 2 years later, they will be allowed to continue their course. However, persons who are over 18 upon arrival in Sweden have no right to access secondary education. This being said, there is nothing that officially

³⁶⁹ The Migration Agency, ‘Financial support for asylum seekers’, available in English at: <https://tinyurl.com/245js6hn>

³⁷⁰ Chapter 5 Section 15 a Aliens Act, Chapter 4 Section 4 a Aliens Ordinance.

³⁷¹ Information provided by the Migration Agency by email in march 2024.

³⁷² Migration Agency, Education – School for asylum seeking children, available at: <https://bit.ly/3SGBcxw>.

³⁷³ Swedish Parliament, *Betänkande 2012/13:UbU12 Utbildning för barn som vistas i landet utan tillstånd*, available in Swedish at: <https://bit.ly/3wjlYwX>.

restricts or stops municipalities from offering secondary education if they have the possibility to enrol more students.³⁷⁴

Children also have the right to lessons in their own mother tongue on a regular basis, if there are more than 5 pupils with the same language in the area. Itinerant mother tongue teachers are employed for that purpose.³⁷⁵

Following several legislative changes³⁷⁶ there have been (limited) possibilities to get a residence permit allowing applicants to continue their studies.³⁷⁷ There were many factors that affected whether the person could get a residence permit for upper secondary education studies.

The duration of the residence permit depended *inter alia* on the length of the course and whether it was a national or induction programme. A residence permit could be granted for 4 years or 13 months. The applicant could also get a residence permit that was valid for 6 months after the course was completed. The amendment wasn't only applicable to unaccompanied children; young persons coming to Sweden together with their families were also able to apply for a residence permit on the grounds of their upper secondary school studies. It also applied to people over the age of 18 but under 25.

There have been criticisms pointing out that very few people matched all criteria to be granted a residence permit on this ground.³⁷⁸ On 1 July 2018, a new legislation was introduced which made it easier to be granted residence permit to finish secondary education. Those who met the criteria in the new provisions were able to re-apply for a residence permit.³⁷⁹ By August 2019, 7,303 persons were granted residence permits based on this provision.³⁸⁰ This specific provision was only in force for a limited period.

The regulations on being able to get a residence permit for studies at upper secondary level or the equivalent ended on 20 December 2023. At the same time, the regulation on being able to get a residence permit to continue studying at an introductory programme also ended. It is therefore no longer possible to be granted a residence permit residence permit for studies at upper secondary level. The possibility to make subsequent applications based on the legislation will remain until 20 January 2025.³⁸¹

³⁷⁴ Skolverket, *Nyanländas rätt till utbildning*, available in Swedish at: <https://bit.ly/39JXuZK>.

³⁷⁵ The 2011 School Regulation (Skolförordningen 2011:185), Chapter 5, Paragraph 7.

³⁷⁶ For an overview see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available at: <https://bit.ly/3R31wRd>, 101.

³⁷⁷ Migration Agency, 'Frågor och svar om uppehållstillstånd för gymnasie studier', available in Swedish at: <http://bit.ly/3Hti95m>.

³⁷⁸ Swedish Television, 'Migrationsverket: "Gymnasielagen ingen räddning', 6 October 2017, available in Swedish at: <http://bit.ly/2GpkjBC>.

³⁷⁹ Section 16 f, Law on temporary limitations to the possibility of being granted a residence permit in Sweden.

³⁸⁰ Swedish Red Cross, *Mitt liv räknas*, February 2020, available in Swedish at: <https://bit.ly/2A8rFdX>.

³⁸¹ Lag (2017:353) om uppehållstillstånd för studerande på gymnasial nivå, SFS nr: 2017:353, available in Swedish at: <https://bit.ly/3l0QYyc>.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
 Yes No
2. Do asylum seekers have adequate access to health care in practice?
 Yes Limited No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
 Yes Limited No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
 Yes Limited No

During the asylum process and until the asylum seeker leaves Sweden or is granted a residence permit, they are entitled to a free medical examination, emergency health care and urgent medical or dental care that cannot be “postponed” (“vård som inte kan anstå”). They are also entitled to gynaecological and prenatal care, including health care on the occasion of childbirth, as well as health care in accordance with the Swedish Communicable Diseases Act (smittskyddslagen).³⁸²

Children and teenage asylum seekers under the age of 18 are entitled to the same health care as all other children living in the county council area where they are seeking treatment.³⁸³

County councils are the authorities responsible for primary health care centres (*vårdcentralen*), hospitals and the National Dental Service (*Folktandvården*).

As far as possible the health care should be given in accordance with the wishes of the patient. But in the end it is the medical condition of the patient that determines which medical staff is best suited for the patient. The patient can wish for a certain doctor or a doctor of a certain gender, but there is no absolute right for such. The patient can always decline the offered health care and contact another health care centre.³⁸⁴

Should there be a need for health care beyond the free medical examination, mentioned above, patient fees (co-aids) may differ depending on the county council, region and type of care involved. But in general asylum seekers pay SEK 50 (€ 4.36) to see a doctor at the district health centre or to receive medical care after obtaining a referral. Other medical care, such as with a nurse or physical therapist, costs SEK 25 (€ 2.18) per visit. Medical transportation costs SEK 40 (€ 3.49). Gynaecological and prenatal care, including health care on the occasion of childbirth, as well as health care in accordance with the Swedish Communicable Diseases Act is free of charge. The fee for emergency care at a hospital varies from county to county. Asylum seekers pay no more than SEK 50 (€ 4.36) for prescription drugs. Children are in most cases entitled to health care free of charge until they turn 18 years old. Dental care is free of charge for children until they turn 23 years old. However, there may be a patient fee (co-aids) for emergency care for children in some of the regions.³⁸⁵

If an asylum seeker pays more than SEK 400 (€ 34,92) for visits to a doctor, medical transportation and prescription drugs within 6 months, they can apply for a special allowance. The Migration Agency can

³⁸² Section 6 of Law (2008:344) on health care for asylum seekers etc. (lag (2008:344) om hälso- och sjukvård åt asylsökande m.fl.) section 7 of Law (2013: 407) on health care for certain foreigners staying in Sweden without the necessary permits (Lag (2013:407) om hälso- och sjukvård till vissa utlänningar som vistas i Sverige utan nödvändiga tillstånd), chapter 7, section 3 of The Communicable Diseases Act (2004:168) (Smittskyddslagen (2004:168)).

³⁸³ 1177 Vårdguiden, 'Healthcare in Sweden for asylum-seekers, people with no papers and people in hiding', available at: <http://bit.ly/2GoMC3k>.

³⁸⁴ Västra Götalandsregionen, 'Rättigheter i mötet med vården', 21 August 2023, available in Swedish at: <https://bit.ly/3weFuEy>

³⁸⁵ 1177 Vårdguiden, 'Healthcare in Sweden for asylum-seekers, people with no papers and people in hiding', available at: <http://bit.ly/2GoMC3k>.

compensate for costs over SEK 400. The “400 SEK rule” applies individually for adults and common for siblings under 18. The cost of emergency medical or dental care is not covered.³⁸⁶

As mentioned above, the health care an asylum seeker is entitled to is limited to urgent medical or dental care that cannot be “postponed” (“vård som inte kan anstå”). It is the treating physician or dentist that makes the assessment if the person seeking health care is in need of health care that cannot be postponed. Critics highlight that the concept of “health care that cannot be postponed” is inexplicit and difficult to interpret for the health care staff.³⁸⁷ Transkulturellt Centrum (a part of the County Council of Stockholm, Region Stockholm) has expressed concern that persons seeking health care rarely gets questions about torture and health care staff are seldomly educated in recognising, documenting and treating injuries of torture.³⁸⁸ This means that the access to treatment for injuries of torture in practice is limited and depending on which physician or dentist that medically examines the asylum seeker.

The new Swedish government, following the general election in September 2022, has proposed that employees that come in contact with persons that live in Sweden with an expulsion order that has gained legal force should report these persons to the police or the Migration Agency. Critics point out that this is not in accordance with the health care ethics and could risk that persons in need of health care wait even longer before contacting a health care provider and could by that be even sicker when getting the medical examination.³⁸⁹

A study conducted by the Karolinska Institute revealed that the suicide rate among asylum-seeking young people reached 51.2 out of 100,000 persons, while for the general population (same age group) the suicide rate was as low as 5.2 out of 100,000 persons. The study further documented 43 suicides by 2017, an issue that persisted up until 2020 as six suicides and three suicide attempts were recorded during that year.³⁹⁰ In another study from 2020, the Red Cross University College and the Swedish Public Health Agency looked at the prevalence of post-traumatic stress among young newcomers living at the municipalities between 2014-2018. The results indicated that 56% of asylum-seeking young people from Afghanistan suffered from post-traumatic stress.³⁹¹

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
 Yes No

The Swedish Government saw no need to make legislative changes in order to implement the recast Reception Conditions Directive, where special consideration is given to persons with special reception needs, *inter alia* in Article 22. The needs of vulnerable asylum seekers are considered when designating suitable accommodation and where needed they are placed in the vicinity of institutions that can provide expert care.³⁹²

³⁸⁶ Migration Agency, ‘Fees for medical care’, available at: <https://bit.ly/37Y350F>.

³⁸⁷ Läkare Utan Gränser, ‘Ge asylsökande och papperslösa vård på lika villkor’, 28 January 2018, available in Swedish at: <http://bit.ly/403TZFS>.

³⁸⁸ Transkulturellt Centrum, ‘Tortyrskadade patienter’, available in Swedish at: <http://bit.ly/3Jf9zlx>.

³⁸⁹ AftonBladet, ‘Vi kommer att vägra ange våra patienter’, 21 December 2022, available in Swedish at: <http://bit.ly/3kFLEYD>.

³⁹⁰ EvaMärta Granqvist och Joel Larsson. *Find a humane solution for Sweden’s unaccompanied young people – now!*, October 2020, available at: <https://bit.ly/3ugPWpB>.

³⁹¹ Röda Korsets Högskola, ‘Study on post-traumatic stress among newly arrived children and young people points to continued need for support’, 16 April 2021, available at: <http://bit.ly/3JfqQLy>.

³⁹² Migration Agency, *Redovisning av uppdrag att inrätta återvändandecenter (Ju2023/01593)*, 1 December 2023, is available in Swedish at: <https://bit.ly/3wkJIQG>, and Migration Agency, *Rutin: Ta ställning till särskilda behov, initialt*, 23 January 2023, provided via email by the Migration Agency.

The Swedish Migration Agency has established guidelines and procedures for the reception of vulnerable asylum seekers. Examples of groups of asylum seekers who might be in need of special measures mentioned are, with reference to Article 21 of the recast Reception Conditions Directive: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.³⁹³

The procedure for measures for asylum seekers with special needs sets out that accommodation shall be adapted to the individual needs of the asylum seeker. If the asylum seeker has special needs, the accommodation shall be adapted accordingly. There might be a need to provide accommodation outside of the Swedish Migration Agency's usual accommodation. A first screening shall be made at the time of application, but since the conditions might change over time, the identification and facilitation of special needs shall be made throughout the asylum procedure. Examples of special accommodation include ground-level apartments without thresholds, accommodation in the proximity of e.g., sign language interpreters and special schools, in the proximity of necessary specialised care or treatments, or a separate room or apartment due to mental disorders.³⁹⁴

In the case of an asylum seeker who has been subjected to or is at risk of harassment due to any of the grounds of discrimination (gender, gender identity and gender expression, sexual orientation, disability, ethnicity, religion or other belief, or age), placement in secure housing should be considered. The purpose of safe housing is to offer housing close to identity-creating networks and social contexts. This may, for example, apply to an asylum seeker who is vulnerable due to sexual orientation and needs access to such networks.³⁹⁵

The Swedish Migration Agency had previously special accommodation for especially vulnerable people in the three major cities: **Stockholm**, **Gothenburg** and **Malmö**. However, they are all closed today, and the Swedish Migration Agency has not acquired any new centres. The current solutions are a combination of both adapting the living arrangements in already existing centres and, in some cases, providing private apartments. Which solution is preferred varies depending on the need of the vulnerable person and interim solutions will sometimes have to be found since the adaptation of the existing accommodations might take time. The Swedish Migration Agency makes an individual assessment in each case where they should consider the need of special competences, medical care and private accommodation. For people that previously been subject to discrimination they should also take into account the safety of the person and if a special safe accommodation is preferred.

In cases where LGBTQI+ persons are involved, private apartments are preferred, and they try to place the persons close to larger cities, specialised centres or support centres for LBTQI+ persons.³⁹⁶

As already mentioned above, the Swedish Migration Agency does not collect statistics on the different vulnerable groups such as ethnic minorities, victims of torture, other vulnerable persons or LGBTQI+ persons with individual needs of extra security in housing, although vulnerability is not necessarily associated with group membership.

1. Reception of families with children and unaccompanied children

After placement in temporary accommodation, the Swedish Migration Agency assigns a municipality that will take care of the unaccompanied child. The municipality is responsible for appointing a guardian and

³⁹³ Migration Agency, *Rutin: Ta ställning till särskilda behov, initialt, 23 January 2023, provided via email by the Migration Agency.*

³⁹⁴ Migration Agency, *Rutin: Insatser för asylsökande med särskilda behov, 23 January 2023, provided via email by the Migration Agency.*

³⁹⁵ Migration Agency, *Rutin: Insatser för asylsökande med särskilda behov, 23 January 2023, provided via email by the Migration Agency.*

³⁹⁶ Information provided by the Swedish Migration Agency.

for investigating the child's needs and for taking a decision *inter alia* on placement in suitable accommodation. That can be in a foster home, as well as a home of relatives of the child (if deemed suitable accommodation after investigation). It can also be special accommodation for unaccompanied children. Unaccompanied children are never accommodated with adults.

During a process of age assessment, the person will still be considered a child until a decision has been made that says differently. A person who claims to be an unaccompanied child will not be placed with adults until an assessment is made that concludes that the person is not a child. If a person claims to be a child but the Swedish Migration Agency assesses that it is obvious that the person is an adult, the Swedish Migration Agency can decide to change the person's age directly when the person applies. The person will then be placed with adults.

Municipalities are also responsible for meeting the welfare needs of all children and can arrange for them to be sent either alone or with their family to a suitable residence where they can obtain expert help in relation to their problems. Unaccompanied children aged 16 and over are given a daily allowance of personal needs such as clothes, medicine and leisure activities.

Single women are housed together with other single women or single mothers taking into account language and which part of the world they come from. Families are kept together.

2. Reception of LGBTQI+ persons

Accommodation facilities can be problematic for LGBTQI+ asylum seekers as they can end up experiencing harassment. However, they can always request a transfer or address their complaint to the Discrimination Ombudsman (DO). Between 2009 and 2020, a total of 17 complaints from asylum seekers regarding their accommodation were addressed to the Discrimination Ombudsman. However, none of these complaints lead to any further investigation.³⁹⁷ In 2023, 13 complaints against the Swedish Migration Agency were registered with the Discrimination Ombudsman and 8 of these were from asylum seekers. They could not give information about how many were regarding accommodation.³⁹⁸ No complaints against the Migration Agency regarding discrimination based on sexual orientation were registered in 2021 or 2022.³⁹⁹ The Discrimination Ombudsman could not provide the information if any complaints against the Migration Agency in 2023 regarded discrimination on sexual orientation.

The special needs of LGBTQI+ persons are currently being addressed more seriously in the context of housing. The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex rights (RFSL) has successfully lobbied for LGBTQI+ persons' interests and more effort is being made to find suitable solutions, which sometimes can consist in living in student-like corridor facilities. LGBTQI+ persons can be accommodated in specific centres on an individual basis or together with other vulnerable groups in the special centres established by the Swedish Migration Agency. In 2023, at least one centre in Västerås has special apartments for LGBTQI+ persons and activities arranged with specialised organisations.⁴⁰⁰

Asylum seekers who declare their LGBTQI+ identity as a reason for asylum are offered a place in the Swedish Migration Agency's temporary housing. An individual needs assessment is carried out, for example whether they require their own apartment, access to networks and medical care. An LGBTQI+ perspective is integrated into the social information that asylum seekers are provided with in the asylum process.⁴⁰¹

³⁹⁷ Diskrimineringsombudsmannen. Information provided upon request in February 2020.

³⁹⁸ Diskrimineringsombudsmannen. Information provided upon request in March 2024.

³⁹⁹ Information provided by Diskrimineringsombudsmannen via email in March 2022 and March 2023.

⁴⁰⁰ Information provided by the Swedish Migration Agency.

⁴⁰¹ Migration Agency, Annual Report 2021, available in Swedish at: <https://bit.ly/3KTSUYy>, 106.

3. Reception of persons with physical disabilities

The Swedish Migration Agency has special flats available to accommodate the needs of persons who are in wheelchairs. Persons with various forms of physical handicaps can have their needs assessed by the staff of the local municipality, who base their assessments on the general rules for the population at large. The municipality makes recommendations regarding an individual's need for special care and the agreed costs are paid by the Swedish Migration Agency. There is a cooperation between the Swedish Migration Agency with Västerviks folkhögskola, a Folk High School in **Leksand** to accommodate deaf asylum seekers.⁴⁰²

4. Reception of traumatised persons

There is no separate accommodation provided for traumatised persons. There are specific homes for unaccompanied children where the municipality has the overall responsibility for the welfare of the children. Their needs are dealt with in accordance with general legislation in this field.

5. Reception of women

In 2023, a total of 4,590 women applied for asylum, which is less than 6,002 women in 2022.⁴⁰³ 5,588 women applied for protection under the Temporary Protection Directive in 2023. This is significantly more than in 2022, when 30,850 women applied.⁴⁰⁴

Throughout the year, a total average of 29,445 women were registered in the reception system. This is similar to 26,790 women in 2022.⁴⁰⁵

Out of the women registered in the reception system:

- ❖ 10% are listed as housed under the Swedish migration Agency and are asylum seekers,
- ❖ 14% are in private housing and registered as seeking asylum,
- ❖ 42% are in private housing and have applied for protection under TPD,
- ❖ 31% are listed in housing under the municipalities and applied for protection under TPD,
- ❖ 2% in other housing.⁴⁰⁶

In 2019, GREVIO published its report on Sweden's implementation of the Istanbul Convention.⁴⁰⁷ GREVIO highlighted shortcomings in the reception system. Despite the requirement in the Istanbul Convention to provide specialised centres for women, this has not been sufficiently implemented in practice. There have been reports of young migrant women being placed in accommodation with older men and sharing bathroom facilities. As a result, incidents of sexual harassment of women and girls and indications of gender-based violence at reception accommodation centres have been reported, and three women have been killed since 2015. The Swedish Migration Agency have since updated their internal guidelines. In 2023, their policy was to not place men and women in accommodations together if they were not in the same families. Men and women can share bathroom facilities. They are generally well lit, but accommodations vary in standard.⁴⁰⁸

The Swedish Refugee Law Center has, in 2023, received reports from individuals complaining of sexual harassment and gender-based violence at the Swedish Migration Agency's accommodations.⁴⁰⁹ The

⁴⁰² Västerviks folkhögskola, *Mottagande av asylsökande*, available in Swedish at: <https://bit.ly/39YGvWa>.

⁴⁰³ Swedish Migration Agency, 'Asylum', available at: <https://bit.ly/3Jdz4dg>.

⁴⁰⁴ Swedish Migration Agency, 'Asylum', available at: <https://bit.ly/3Jdz4dg>.

⁴⁰⁵ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>.

⁴⁰⁶ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>.

⁴⁰⁷ GREVIO, *Baseline Evaluation Report: Sweden*, 21 January 2019, available at: <https://bit.ly/3riG6lu>.

⁴⁰⁸ Information provided by the Swedish Migration Agency in March 2023.

⁴⁰⁹ Information provided by the Swedish Refugee Law Center .

Swedish Migration Agency is supposed to ensure a safe environment in all their accommodations but according to the reports we receive, this is not how all accommodations are perceived.

The accommodations provided by the Swedish Migration Agency are very different and some are not well suited to prevent gender-based violence. There are generally no social workers or police officers on site, but they have security measures of different standards. Some are based far from cities which leave women far from all services and in remote places. Accommodations are usually well lit indoors. A women can ask for a female interviewer or interpreter, and this is usually possible for the Swedish Migration Agency to provide. The guards that are employed by the security companies can be both female and male.

The Migration Agency has developed a routine which provides guidelines for protected housing for those asylum seekers who have been subjected to, or threatened with, violence.⁴¹⁰ The guidelines describe that if the asylum seeker, following an investigation, needs help to increase security in their accommodation, measures shall be taken in the following order (the measures can also be combined, and an individual assessment must always be made):

- ❖ Move to construction housing if the alien lives in his/her own housing.
- ❖ New accommodation within the same unit, but not together with the perpetrator (if this is, for example, spouse / partner / family / relatives).
- ❖ New accommodation in another location.
- ❖ New accommodation at another reception unit.
- ❖ Privately marked address.
- ❖ Sheltered housing provided by local municipalities.

The Migration Agency can also, in cooperation with the police, arrange safe houses for threatened individuals. In these situations, even the municipal social welfare authority can be involved.

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

Asylum seekers receive information with regard to the reception system for asylum seekers in Sweden, including with regard to housing and allowances at the initial interview at the Swedish Migration Agency when they lodge their asylum application. Such information is provided by the reception officer of the Swedish Migration Agency. The following information is provided:

“Housing offered by the Swedish Migration Agency (accommodation centre) is either in an apartment in a normal housing area or at a centre. If you choose to live at a centre, you will need to move to a town where we can offer you a place. If you have money of your own you pay for the accommodation yourself. If you do not have any money the centre accommodation is free. Single persons will need to share a room. A family can have its own room but must expect to share an apartment with other people. It could be that you need to move around within the centre or to another centre during the processing period. If you are granted a residence permit, and are entitled to an introduction plan, the Public Employment Service can in connection with your introduction interview, help you to get housing in a municipality. If you are granted a residence permit on the basis of employment, you must arrange your own housing. If you choose to arrange somewhere to live yourself, you will as a rule be personally responsible for the cost of the accommodation. If for any reason you cannot remain living in accommodation you have arranged yourself, you can move to one of the Migration Board’s centres where there is room for you. Contact the reception unit where you are registered for further information.

⁴¹⁰ Migration Agency, *Rutin: Skyddat boende/skyddad adress/sekretessmarkering för asylsökande utsatta för våld eller hot om våld*. Information provided upon request in January 2023.

Apart from food, the daily allowance should be sufficient to pay for: clothes and shoes, medical care and medicine, dental care, toiletries, other consumables and leisure activities. If you are granted a daily allowance by the Swedish Migration Agency you will receive a bank card where the money is deposited.”

This information is provided both orally and in writing. In general, other asylum seekers inform each other of more detailed aspects. Each asylum seeker also has access to a reception officer of the Swedish Migration Agency who can provide more detailed information. The number of languages documents are available in can vary from 8 up to 21 (information on the bank card). The information on housing is available in Albanian, Amharic, Arabic, Bosnian, Croatian, Dari, French, Serbian, Persian, Romani, Russian, Somali, Spanish and Tigrinya on the website of the Migration Agency.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
 Yes With limitations No

Since many asylum seekers live in private flats, there is no problem of access for any interested groups or individuals. Even the new temporary housing buildings are accessible to groups and individuals who wish to make contact. There is frequent involvement by members of the general public throughout Sweden in making new contacts.

The LMA provides that information should be provided to all asylum seekers on organisations providing assistance to asylum seekers.

G. Differential treatment of specific nationalities in reception

There should be no institutionalised difference in treatment with respect to nationality. However, if a person belongs to a vulnerable group, solutions are sought based on the individual’s needs (see [Special Reception Needs](#)).

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of third country nationals detained in 2023:	3,178
2. Number of third country nationals in detention at the end of 2023:	443 ⁴¹¹
3. Number of detention centres:	6
4. Total capacity of detention centres:	567

The majority of detention decisions are taken by the Swedish Migration Agency, the Migration Courts or the Police. In some cases, the Swedish Security Service have authority to decide on detention.⁴¹²

The Police authority can issue a detention decision before asylum seekers have their asylum case registered at the Swedish Migration Agency as well as where aliens are present illegally in the country or have been expelled on grounds of criminality and served their sentence but are still in the country.⁴¹³ The Police is also responsible for taking decisions on detention when the Swedish Migration Agency has handed over responsibility for a person's case to them. This happens when the Swedish Migration Agency no longer considers that the persons will leave the country on a voluntary basis even though their appeal has been rejected. Normally a rejected asylum seeker has 4 weeks to leave the country voluntarily, although this may in practice be extended if the circumstances warrant this.

The Swedish Migration Agency can take decisions on detention as long as they are handling the asylum case or an application for a residence permit.⁴¹⁴ The Migration Courts can issue decisions on detention while dealing with an appeal. If a decision on detention is taken first at the Migration Court, the decision can be appealed to the Migration Court of Appeal without being subject to leave to appeal.⁴¹⁵

If a case is being dealt with by the government, e.g. in cases regarding expulsion due to a security threat, it is the responsible Secretary of State who can take decisions on whether an alien should be detained or not.⁴¹⁶ The police are also allowed to place an alien in detention, even if this is not their formal responsibility, when circumstances so require e.g. if there is a clear risk of an alien disappearing once apprehended. Even the coastguards and customs officers can detain an alien if there is a danger that the alien will go into hiding. However, the detention must be reported immediately to the police, who then takes over responsibility.⁴¹⁷

In the current system, the officers of the Swedish Migration Agency are not allowed to use coercive force to implement a decision. They must therefore call on the Police for assistance to for example escort an alien to or from the detention centre or to enforce and expulsion order when a detainee refuses to comply.⁴¹⁸

The number of detainees based on the Aliens Act increased slightly from 3,028 in 2022 to 3,178 in 2023. This includes 5 children and 3,173 adults, out of which 406 were women and 2,767 men (compared to 7 child and 3,022 adults - 286 women and 2,736 men – in 2022).⁴¹⁹ There was a decrease in the number of detainees in 2020 compared with 2019 due to COVID-19. The number of detainees remained

⁴¹¹ Migration Agency, *Monthly statistical report for December 2023*, including year-end numbers, 29

⁴¹² Ch. 10, Section 13(3) Aliens Act.

⁴¹³ Ch. 10, Sections 13 and 17 Aliens Act.

⁴¹⁴ Ch. 10, Section 14 Aliens Act.

⁴¹⁵ Ch. 16, Section 11 Aliens Act.

⁴¹⁶ Lag (1991:572) om särskild utlänningskontroll.

⁴¹⁷ Ch. 10, Section 17 Aliens Act; Lag (1991:572) om särskild utlänningskontroll.

⁴¹⁸ Ch. 12, Section 14 Aliens Act.

⁴¹⁹ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>, p.78.

approximately at the same level in 2021 as in 2020. During 2022 the numbers returned to the normal situation before COVID-19.⁴²⁰

Detention orders in Sweden: 2019-2023					
Year	2019	2020	2021	2022	2023
Number	4,144	2,528	2,216	3,028	3,178

Source: Swedish Migration Agency.

During 2022 a new detention centre in **Mölndal** replaced the detention centre in **Källered**. During 2023, there were six detention centres (**Gävle, Märsta, Flen, Mölndal, Ljungbyhed, Åstorp**) with an overall capacity of 567.⁴²¹

The number of persons detained because of inability to identify themselves is minimal, whereas the number of Dublin detainees who may still have an appeal pending is a little higher. In practice, applicants in Dublin procedures may abscond before an attempt to remove takes place. During 2017 the rules were changed regarding which authority is responsible for Dublin returnees with a legally enforceable removal order so that these now are the responsibility of the police not the Swedish Migration Agency.⁴²²

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

- In practice, are most asylum seekers detained
 - ❖ on the territory: Yes No
 - ❖ at the border: Yes No
- Are asylum seekers detained during a regular procedure in practice?
 - Frequently Rarely Never
- Are asylum seekers detained during a Dublin procedure in practice?
 - Frequently Rarely Never

The detention of an alien who is seeking asylum can take place at any time during the asylum procedure and after the claim has been rejected at the final instance. A person can only be deprived of their liberty for a reason set out in law.

Under Ch. 10, Section 1(1) of the Aliens Act, an alien, whether an asylum seeker or irregular migrant, over the age of 18, may be detained where:

- (1) Their identity is unclear upon entry; *and*
- (2) They cannot make probable that the identity given to the authorities is correct.

Moreover, an alien may be detained:⁴²³

- (1) Where it is necessary for the carrying out of an investigation of their right to remain in Sweden;
- (2) Where it is probable that they will be refused entry or will be expelled; or

⁴²⁰ Swedish Migration Agency, *Annual Report 2022*, Dnr: 1.3.2-2023-2262, available in Swedish at: <http://bitly.ws/AUE8>, 84.

⁴²¹ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>, p.78.

⁴²² Ch. 12, Section 14 Aliens Act.

⁴²³ Ch. 10, Section 1(2) Aliens Act.

(3) For the purpose of preparing or carrying out deportation.

Detention under points (2) and (3) of para 2 can only be ordered if there are some reasons to presume that the alien will abscond or will engage in criminal activities in Sweden or in any other way attempt to prevent deportation.⁴²⁴

Detention can also be applicable in so called Dublin cases, pursuant to Article 28 of the Dublin III Regulation. In Dublin cases, the Aliens Act provisions regarding detention are not applicable. The threshold for when detention can be used according to the Dublin Regulation must be met.⁴²⁵ In a 2017 ruling, the Migration Court of Appeal held, after referring preliminary questions to the CJEU on the matter, that the applicable rules on detention under the Dublin Regulation cannot be read in such a way as to set hindrances to the carrying out of transfers to other EU countries, and that the Dublin Regulation provisions on the length of detention must be read in line with the preamble of the Regulation and national law.⁴²⁶

To determine if a person is at considerable risk of absconding from a Dublin procedure there has to be an individual assessment of all circumstances from case to case. When doing such an assessment the circumstances have to be concrete and implicate a considerable risk of absconding. Examples of such concrete circumstances include if the person has used different aliases, if the person has been expressing strongly negative feelings regarding the decision on transfer according to the Dublin Regulation, if the person has stated incorrect information or if the person has withheld essential information.⁴²⁷

The courts also regularly rule on questions of detention. On 30 June 2020, the Migration Court of Appeal ruled that Article 8(3)(d) of the Reception Conditions Directive does not allow the detention of asylum seekers under the Aliens Act when they are not detained as part of a return procedure covered by the Return Directive at the time of the asylum application.⁴²⁸ This was confirmed on 25 January 2021.⁴²⁹ Furthermore, the provisions on detention in the Aliens Act do not provide the same possibilities for detention as the Reception Conditions Directive. The Directive's grounds for detaining an asylum seeker for the purpose of determining or confirming the applicant's identity or nationality or for the purpose of determining the factors on which the asylum application is based can therefore not be applied when there is no support for this in the Aliens Act.

On 22 June 2022 the Migration Court of Appeal found that a decision on detention is repealed when the expulsion order is enforced. Should the person return to Sweden and be detained again, there has to be a new decision on detention, not only a new assessment of the former decision on detention.⁴³⁰

During 2023, there were five precedent rulings made by the Migration Court of Appeal regarding the national rules on detention. They concerned the allowed duration of detention, the grounds for detention, the grounds for denying visitors and on which grounds a public counsel is granted funds.⁴³¹

⁴²⁴ Ch. 10, Section 1(3) Aliens Act.

⁴²⁵ Migration Court of Appeal, MIG 2015:5, 3 June 2015, available at: <http://bit.ly/2mzQO8X>.

⁴²⁶ Migration Court of Appeal, MIG 2017:23, 5 December 2017, available at: <http://bit.ly/2FV6IGQ>.

⁴²⁷ SMA, Legal Position, Förvar i ärenden där Dublinförordningen ska tillämpas, Lifos no 45250, available in Swedish at: <http://bit.ly/3IN6CWT>.

⁴²⁸ Migration Court of Appeal, MIG 2020:14, 30 June 2020.

⁴²⁹ Migration Court of Appeal, MIG 2021:3, 25 January 2021, available in Swedish at: <http://bit.ly/3XE2y8w>.

⁴³⁰ Migration Court of Appeal, MIG 2022:5, 22 June 2022, available in Swedish at: <http://bit.ly/3kx3Q6E>.

⁴³¹ Migration Court of Appeal, MIG 2023:6, 17 May 2023, available in Swedish at: <https://tinyurl.com/bde9sxb2>;
Migration Court of Appeal, MIG 2023:9, 21 June 2023, available in Swedish at: <https://tinyurl.com/26ezxms9>;
Migration Court of Appeal, MIG 2023:11, 25 August 2023, available in Swedish at: <https://tinyurl.com/593xfrrs>;
Migration Court of Appeal, MIG 2023:13, 19 October 2023, available in Swedish at: <https://tinyurl.com/37an3jfe>;
Migration Court of Appeal, MIG 2023:15, 15 November 2023, available in Swedish at: <https://tinyurl.com/488kpk3c>.

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law? Reporting duties
 Surrendering documents
 Financial guarantee
 Residence restrictions
 Other
2. Are alternatives to detention used in practice? Yes No

Supervision is an alternative measure that may be used instead of detention.⁴³² Authorities are obliged to consider supervision before deciding on detention. Even though this should always be done by the decision body, there have been concerns raised as to the lack of extensive and qualitative argumentation as to why *inter alia* supervision is not used instead of detention.⁴³³ Concerns have been raised by several actors in 2020, including by the Parliamentary Ombudsman (JO), including *inter alia* on insufficient use of supervision as an alternative to detention, placement of detainees in prison or police facilities and a lack of sufficient proportionality assessments.⁴³⁴

Supervision entails regular reporting to the police or to the Swedish Migration Agency, depending on which authority is responsible for the decision. It may also entail surrendering passports or other identity documents.⁴³⁵ Similarly to detention, supervision in the asylum context is rarely used during ongoing asylum procedures and when it is used it is mainly applied in relation to applicants in Dublin procedures or applicants who are undergoing a new procedure following a subsequent application. In 2023, a total of 155 supervision decisions were taken by the Migration Agency, an increase from 108 decisions in 2022.⁴³⁶

On 5 February 2020, the Migration Court of Appeal expressed that, in order for supervision to be used as an alternative to detention, there must be a ground for detention in accordance with the Aliens Act – and that that ground must be in compliance with the Returns Directive.⁴³⁷

Supervision is the only alternative to detention and it is used both for adults and children.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice? Frequently Rarely Never
- ❖ If frequently or rarely, are they only detained in border/transit zones? Yes No
2. Are asylum seeking children in families detained in practice? Frequently Rarely Never

According to Ch. 10, Section 2 of the Aliens Act, a child may be detained in the following circumstances:

⁴³² Ch. 10, Section 6 Aliens Act.

⁴³³ Swedish Red Cross, *Förvar under lupp*, June 2019, available in Swedish at: <https://bit.ly/48f7fdC>. See also comparative study on use of alternatives to detention, where Sweden was one of the studied countries: Odysseus Network, *Alternatives to immigration and asylum detention in the EU. Time for implementation*, 2015, available at: <http://bit.ly/1JX4hMm>.

⁴³⁴ Swedish Refugee Law Center, *Hur ser regelverket ut när det gäller förvar i Sverige och finns det problem med hur det tillämpas?*, *Rapport om Förvar av juriststudenterna Cecilia Alpin och Arvid Skagerlind vid Uppsala Universitet inom ramen för en människorättsklinik*, 22 April 2020, available in Swedish here: <https://bit.ly/3vGq1bA>.

⁴³⁵ Ch. 10, Section 8 Aliens Act.

⁴³⁶ Information provided by the Migration Agency's statistics unit.

⁴³⁷ Migration Court of Appeal, MIG 2020:2, 5 February 2020, available in Swedish at: <http://bit.ly/3WDSlrF>.

- (1) "It is probable that the Police will be the authority enforcing the expulsion order or the child will be refused entry with immediate enforcement" and "there is an obvious risk that the child will otherwise [abscond] and thereby jeopardise an enforcement that should not be delayed";⁴³⁸ or
- (2) For the purpose of enforcing or preparing the enforcement of a refusal of entry or an expulsion order.⁴³⁹

In both cases, there is an express condition that alternatives to detention ("supervision") are not deemed sufficient to meet the purpose pursued.⁴⁴⁰ Children may not be detained for over 72 hours or, in exceptional circumstances, another 72 hours, hence in total maximum 6 days.⁴⁴¹ A child cannot be separated from its guardians through the detention of either the guardian or the child.⁴⁴² Where the child has no guardian in Sweden, detention may only be applied in exceptional circumstances.⁴⁴³

The Swedish Red Cross published a survey of children in detention during 2017. In their summary they state that "A review of the decisions that form the basis for the detention of the 57 cases also shows deficiencies in the application of law. The principle of the best interests of the child does not appear to have been applied in 33% of the decisions, which is contrary to Swedish law, EU law and international law. In 38% of the decisions, the mandatory application of the rules on alternatives to detention is lacking."⁴⁴⁴

A review of research on children's health in connection with detention shows that there is strong evidence that it has a profound and negative impact on children's health and development – also when it comes to short periods or with their families. Migration Agency figures for 2023 show that 5 children were detained, 1 girl and 4 boys. The average time of stay for girls was 2 days and for boys 47 days.⁴⁴⁵ In 2022, 7 children were detained, 4 girls and 3 boys.⁴⁴⁶

Women are placed in the same detention centres as men, although there are certain parts of the detention centres where men are not allowed to go.⁴⁴⁷

In May 2020, RFSL Ungdom (RFSL Youth) published a report regarding young LGBTQI+ persons in detention.⁴⁴⁸ The three detained persons interviewed in the report expressed *inter alia* stress and fear regarding who would find out about their sexual orientation and how they would be treated because of it. Recommendations to the Migration Agency in the report include training of staff at the detention centres in LGBTQI+ matters and the establishing of safe sections where LGBTQI+ persons can be placed if they want or need.

⁴³⁸ Ch. 10, Section 2(1) Aliens Act.

⁴³⁹ Ch. 10, Section 2(2) Aliens Act.

⁴⁴⁰ Ch. 10, Section 2(1)(3) and 2(2) Aliens Act.

⁴⁴¹ Ch. 10, Section 5 Aliens Act.

⁴⁴² Ch. 10, Section 3 Aliens Act.

⁴⁴³ Ch. 10, Section 3 Aliens Act.

⁴⁴⁴ Swedish Red Cross, *Barn i förvar*, November 2018, available in Swedish at: <https://bit.ly/3jPifXm>.

⁴⁴⁵ Children can only be detained for a maximum of 6 days. The high average time reported for boys in 2023, 47 days, was due to the fact that the Swedish Migration Agency considered three of them to be adults during the time that they were detained. Out of the four boys detained, one was detained for one day and considered a minor during the whole time, the other three were detained for 9 days, 38 days and 139 days, one of them had a younger age registered in another EU-country but Sweden considered him an adult. The last two were considered adults at the time they were detained. After investigation, their age was changed so they were considered to be younger than eighteen and they were released immediately. This information was provided from the Swedish Migration Agency via email in March 2023. The Swedish Migration Agency conveyed that the boys who later were considered to be children would not have been detained for so long if they had not considered them adults during the time they were detained.

⁴⁴⁶ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>, p.78.

⁴⁴⁷ Migration Agency website, *Uppsyn och förvar*, available in Swedish at: <https://bit.ly/3cLbCDE>.

⁴⁴⁸ RFSL Ungdom, *Attention Detention – Situationen för HBTQ-ungdomar i Migrationsverkets förvar*, 2020.

4. Duration of detention

Indicators: Duration of Detention

What is the maximum detention period set in the law (incl. extensions):	12 months
In practice, how long in average are asylum seekers detained?	52 days

The duration of detention of adults is governed by Chapter 10, Section 4 of the Aliens Act. Generally, detention may not exceed 2 weeks, unless there are exceptional grounds for longer detention.⁴⁴⁹ Persons who are issued with an expulsion or refusal of entry order may be detained for up to 2 months, with a possibility of extension if there are exceptional grounds.⁴⁵⁰ Even if there are such exceptional circumstances, they cannot be detained longer than 3 months or, if it is likely that the execution will take longer because of the lack of cooperation by the alien or because it takes time to acquire the necessary documents, more than 12 months. The time limits of 3 and 12 months do not apply if the alien is expelled by ordinary courts because of crimes.

The 2-month time limit therefore does not apply to asylum seekers throughout the examination of their claim, unless a deportation order has already been issued against them. Asylum seekers are in principle detained for up to 2 weeks. Moreover, detention for the purposes of investigating the alien's right to remain in Sweden under Ch. 10, Section 1(2)(1) cannot exceed 48 hours.⁴⁵¹

The average period of detention was 46 days in 2023, thus decreasing from 52 days in 2022 and 57 days in 2021. This refers to an average 47 days for men and 40 days for women in 2023 (compared to 53 and 37 days respectively in 2022).⁴⁵²

In their concluding observations on the eighth periodic report of Sweden the Committee against Torture (CAT) emphasised that detention of asylum seekers should only be used as a last resort and, where necessary, for as short a period as possible.⁴⁵³

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e., not as a result of criminal charges)? Yes No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? Yes No

The Swedish Migration Agency is the responsible authority for running detention centres. During 2022 a new detention centre in **Möndal** replaced the detention centre in **Källered**. At the end of 2023 there were six detention centres (**Gävle, Märsta, Flen, Möndal, Ljungbyhed, Åstorp**) with an overall capacity of 567.⁴⁵⁴

The detention centres have to take responsibility for all those aliens who have received an expulsion or deportation order. Thus, detention centres can also hold third-country nationals who have never sought

⁴⁴⁹ Ch. 10, Section 4(2) Aliens Act.

⁴⁵⁰ Ch. 10, Section 4(2) Aliens Act.

⁴⁵¹ Ch. 10, Section 4(1) Aliens Act.

⁴⁵² Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>, p.78.

⁴⁵³ CAT, *Concluding observations on the 8th periodic report of Sweden*, 2021, available at: <https://bit.ly/3ws6gGn>.

⁴⁵⁴ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>, p.78.

asylum but have received an expulsion order on other grounds such as minor crimes or for overstaying. However, persons who have an expulsion order because they committed a serious crime, with or without previously seeking asylum, are detained either by the prison authority or the police. Furthermore, detainees who pose a real threat to others, with or without previously seeking asylum, can also be removed to police custody.⁴⁵⁵ However, a child under 18 may never be placed in a prison or in a police holding centre. There are no special detention centres for children.

The placement of asylum seekers and irregular migrants in police custody units and prisons in accordance with previously mentioned situations, has for a long time been criticised by NGOs, JO and the Council of Europe Committee on the Prevention of Torture (CPT).⁴⁵⁶ The issue persisted, however, and in 2020 JO expressed further criticism including regarding the possibility for detainees to be held together and having contacts with the outside world. The JO considered that the Government needs to assess how detainees' rights can be ensured and questions whether detainees who are not expelled for criminal offences should be placed in prison facilities at all.⁴⁵⁷

The Council of Europe Committee on the Prevention of Torture (CPT) published a new report after their visit to Sweden in January 2021, where they expressed continued concerns regarding lack of access to health care and to legal aid for people being detained, and that detainees were placed in prison facilities.⁴⁵⁸

The CPT published the response of the Swedish authorities to the report on the 2021 visit, where the Swedish authorities express that apart from the regular presence of medical staff, staff employed at the detention centres are trained in first aid and the use of early warning of suicidal tendencies as well as techniques to cope with such situations. All detention staff working close to detainees also undergo training in the use of defibrillators. The Swedish authorities expressed that the Migration Agency may under certain circumstances decide that a detainee held in detention shall be placed in prison. Such a special placement can be decided to uphold order and security in the detention premises, as the Migration Agency does not have the capacity to handle persons who cause serious security disturbances and poses a threat to themselves or others.⁴⁵⁹

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|--|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it limited to emergency health care? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Chapter 11 of the Aliens Act contains specific rules on how the detention centre should be run. Aliens who are held in detention must be treated humanely and their dignity should be respected.⁴⁶⁰ By humane treatment is meant that: (a) the foreigner is always the focal point and their case must be dealt with in a legally safe and expedient manner; (b) a good relationship must be established between the detainee and the staff from the very outset of the detainee's entry to the premises; (c) the foreigner must be able to feel secure and safe in this exposed situation; and (d) the staff must be sensitive to the needs of the detainee.

⁴⁵⁵ Ch. 11, Section 7 Aliens Act.

⁴⁵⁶ See Swedish Refugee Law Center, *Hur ser regelverket ut när det gäller förvar i Sverige och finns det problem med hur det tillämpas?, Rapport om Förvar av juriststudenterna Cecilia Alpin och Arvid Skagerlind vid Uppsala Universitet inom ramen för en människorättsklinik*, 22 April 2020, available in Swedish at: <https://bit.ly/3vGq1bA>, Swedish Red Cross, *Förvar under lupp (Detention centres under the magnifying glass)*, May 2012, available at: <https://bit.ly/48f7fdC>. See also, CPT, *Report sent to the Swedish Government on the visit to Sweden from 9 to 18 June 2009*, 11 December 2009, available at: <http://bit.ly/2mdQ3Qk>.

⁴⁵⁷ JO, *Säkerhetsplacerade förvarstagna berövas sina rättigheter*, 2020, available in Swedish at: <http://bit.ly/3qZLqZJ>.

⁴⁵⁸ CPT, *Report to the Swedish Government on the visit to Sweden carried out from 18 to 29 January 2021*, 9 September 2021, available at: <https://bit.ly/3NqjvOa>.

⁴⁵⁹ CPT, 'Council of Europe anti-torture Committee publishes the response of the Swedish authorities to the report on the 2021 visit', 25 February 2022, available at: <http://bit.ly/3R7v4Nx>.

⁴⁶⁰ Ch. 11, Section 1 Aliens Act.

Conditions in detention centres should be as close as possible to those at regular reception centres, run by the Swedish Migration Agency. The only difference should be that the detainees are in a closed building and therefore have certain restrictions to their freedom of movement. Coercion or limitations in freedom of movement should not exceed what is necessary based on the grounds for the deprivation of freedom.

Religious observance is possible for persons of all creeds. It is a basic right according to the Swedish Constitution. However, this does not mean they can leave the centre to go to a mosque, shrine or church. Instead, a neutral room is reserved for religious observance at the detention centre. Detainees are also able to request visits from pastors, imams and others who are important in their religious observance. Some faith communities see to it that a leader or representative visits the detention centre regularly.

While at the detention centre, the detainee has the right to a daily allowance in the same way as other asylum seekers. Sanitary towels and other provisions for hygiene for women are not provided for separately by the Swedish Migration Agency, but to be covered by the daily allowance. Daily activities are organised for both their physical and mental health.⁴⁶¹

If deemed necessary to uphold security, a detainee can be confined in their room if this is necessary for the orderly running of the centre and for safety reasons or if the foreigner represents a danger to themselves or to others. Such a decision must be reviewed as often as is required but at least every third day. If the person is a danger to themselves then a medical examination should be promptly ordered.⁴⁶² There is no requirement that detention confined to a room at the centre must be tried before removing someone to police custody or to the prison services.

A detainee is not allowed to have alcoholic drinks or other stimulants or any object that can hurt anyone or be to the detriment of the keeping of order at the detention centre.⁴⁶³ But, the detainee should be allowed to retain objects of personal value and other belongings.

Detainees have the right to freedom of information and the right to express opinions in the same way as other citizens. Therefore, no restrictions can be placed on the individual's possession of certain newspapers or magazines.

If the detention centre staff suspects that a detainee may be in possession of forbidden substances such as drugs, alcohol or objects that can harm others or be a threat to order at the centre then a body search can be ordered.⁴⁶⁴

Mail sent to the detainee can sometimes be the object of examination, in which case it should be opened in the presence of the detainee. If the detainee does not consent to the package being opened in their presence then the object should be put aside and not opened. An examination of the contents should not include reading a letter or other written documents. Mail from legal counsel, lawyers, international organisations that have the right to receive complaints from individuals or from the UNHCR must not be opened.⁴⁶⁵

Smart phones are not allowed in detention centres since they can be used to take photos of persons present there. Simpler mobile phones without a camera function can be borrowed from the detention centre.⁴⁶⁶ Personal belongings that the detainee cannot have in their room are stored at the detention centre, unless the property is illegal, in which case it is handed over to the police.⁴⁶⁷ They can have access to these objects upon leaving the detention centre, as a list needs to be made of all stored objects.

⁴⁶¹ Ch. 11, Section 3 Aliens Act

⁴⁶² Ch. 11, Section 7 Aliens Act.

⁴⁶³ Ch. 11, Section 8 Aliens Act.

⁴⁶⁴ Ch. 11, Section 9 Aliens Act.

⁴⁶⁵ Ch. 11, Section 10 Aliens Act.

⁴⁶⁶ Migration Agency, 'Supervision and detention', available in Swedish at: <http://bit.ly/3Y142tz>.

⁴⁶⁷ Ch. 11, Sections 11-12 Aliens Act.

All detainees have access to health care at the same level as other applicants, therefore, requiring, regular visits from nurses and doctors.⁴⁶⁸

Inspections are carried out in detentions centres in accordance with the Optional Protocol to the Convention against Torture. In Sweden, the designated National Preventive Mechanism (NPM) to carry out the task is the Parliamentary Ombudsman (JO).

Kållerød, Gothenburg: During their inspection in 2018,⁴⁶⁹ the Ombudsman (JO) pointed out that routines regarding the removal and placement of disruptive detainees in a police holding were lacking in consistency and poorly motivated. The general impression at the inspection was that the work at the detention centre in many ways was satisfactorily, but that the facility was overcrowded and there were problems with the detainees who have drug addictions. The JO noted some deficiencies, including:

- ❖ lack of uniform procedures for how circumstances are documented as the basis for decisions on separation and security placement are and that the documentation when the separation is suspended has not been done uniformly;
- ❖ many decisions lacked a clear individual assessment, and in some decisions it was difficult to understand why the circumstances reported led to the conclusion that a separation was necessary or why a separation could not continue in the local detention centre;
- ❖ application of different assessment levels;
- ❖ many decisions lacked an assessment of whether the Migration Agency could take measures to avoid a police holding placement, for example by placing the detainee in another detention centre;
- ❖ separation was used as a form of punishment for the detainees with drug issues and the custodians were placed in a police holding for the purpose of addressing and correcting a general problem with drugs in the detention centre;
- ❖ it is common for security placements to be made with reference to the Migration Agency's limited resources and that the detainees with psychological problems are placed in custody mainly because the staff at the detention centre do not have the skills to handle them;
- ❖ that it took a long time before the Migration Agency visited the detainees who were placed in security holdings and reconsidered the decisions on security placement, and that the Migration Agency at its ongoing;
- ❖ in several cases the review had not examined the reasons for the placement, mentioned in the decision.

In March 2022, the Parliamentary Ombudsman (JO) made an inspection in accordance with the Optional Protocol to the Convention against Torture at the detention centre in **Märsta**. The Parliamentary Ombudsman (JO) expressed concerns about the following. During 2021 there had been detainees secluded for longer periods of time, as long as a couple of weeks. The Parliamentary Ombudsman (JO) noticed that the rooms where detainees were held secluded had camera surveillance all day long. According to the Parliamentary Ombudsman (JO) camera surveillance is a very serious breach of a person's privacy. Even though the area around the bathroom did not have camera surveillance, it was almost impossible for the detainee to take care of personal hygiene or changing clothes without being observed. The Parliamentary Ombudsman (JO) also noticed that personal information about the detainees were written on boards by the staff in a manner that made it possible for other detainees to see.⁴⁷⁰

In a decision dated in May 2022 the Human Rights Council Working Group on Arbitrary Detention expressed concerns at the very serious allegations concerning the lack of appropriate treatment provided

⁴⁶⁸ Ch. 11, Section 5 Aliens Act.

⁴⁶⁹ JO, *Inspektion av Migrationsverket, försvarsheten i Kållerød, Göteborg, den 13–14 mars 2018*, available in Swedish at: <http://bit.ly/2JSx7WX>.

⁴⁷⁰ The Parliamentary Ombudsman (JO) report from inspection available in Swedish at: <https://bit.ly/3kLMLpW>.

to a detainee in Sweden for his health condition and recalled that all persons detained must be treated with humanity.⁴⁷¹

In January 2023, the Parliamentary Ombudsman (JO) made an inspection in accordance with the Optional Protocol to the Convention against Torture at the detention centre in Mölndal. The JO expressed concerns about the following. During the inspection there was serious breaches in how the staff treated the detainees such as discriminating treatment or threats of coercive measures. The JO also noted that the staff did body searches and attendance controls on a regular basis and expressed concerns if this was in accordance with the law. The JO also expressed concern about the lack of routines regarding access to health care for the detainees being separated from others in the detention centre.⁴⁷²

3. Access to detention facilities

Indicators: Access to Detention Facilities

Is access to detention centres allowed to:

- | | | | |
|-------------------|---|----------------------------------|-----------------------------|
| ❖ Lawyers: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ NGOs: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ UNHCR: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ Family members: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |

Detainees are allowed visitors and to receive and make phone calls on an unrestricted basis. This also includes contacts with media or politicians. There can, however, be limitations based on practical reasons regarding the safe running of the detention centre.⁴⁷³ Drunken visitors will not be admitted, nor will visits in large numbers at the same time. Visiting hours should be generous and flexible and at times that are suitable to the visitor. More flexibility is shown to members of the family than to adult friends of the detainees. These visitors can never be searched bodily, however, if it is necessary, a visit can be supervised for reasons of security. But a visit by legal counsel can only be supervised at the request of the detainee or legal counsel. If it is suspected that illegal objects have been handed over to the detainee then the detainee may be bodily searched after the visit. Visits should in general take place privately in a suitable room. If a visit is denied for some reason, the detainee has the right to appeal the decision. If a visitor does not wish to give their name then this is not in itself grounds to deny a visit, nor is it in itself sufficient grounds to decide to supervise the visit.

NGOs and UNHCR have unlimited access to detention centres. However as of 2018 NGOs have to designate in advance the persons from their organisation who visit the detention centres. As far as the author is aware, this has not caused any particular issue in practice.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

- | | | |
|---|---|-----------------------------|
| 1. Is there an automatic review of the lawfulness of detention? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. If yes, at what interval is the detention order reviewed? | 2 weeks or 2 months | |

With the exception of 48-hour detention of persons pending investigation on their right to remain in Sweden (see [Grounds for Detention](#)), a detention order must be reviewed within 2 weeks, while detention

⁴⁷¹ Human Rights Council Working Group on Arbitrary Detention, *Opinion No. 26/2022 concerning Hassan Fazali (Sweden)*, 19 May 2022, available at: <https://bit.ly/3INcUFv>.

⁴⁷² JO, 'Opcat-inspektion av Migrationsverket, förvaret i Mölndal, den 17 och 18 januari 2023', March 2023, available in Sweden at: <https://bit.ly/3OKruZL>.

⁴⁷³ Ch. 11, Section 4 Aliens Act.

orders against persons issued with a removal decision are reviewed within 2 months.⁴⁷⁴ Review of alternatives to detention (“supervision”) is carried out within 6 months.⁴⁷⁵

Where time limits are not respected, a decision to detain or hold a person under supervision ceases to be legally binding.⁴⁷⁶

Each review of a detention order must be preceded by an oral hearing.⁴⁷⁷ This also applies to supervision, unless it appears obvious from the nature of the investigation or other circumstances that no hearing is needed.

A decision regarding detention can be appealed.⁴⁷⁸ Depending on the authority responsible for the initial decision to detain, an appeal can be made either to the Migration Agency, the Migration Courts or to the Migration Court of Appeal. In the case of the latter, no leave to appeal is required as is the case for an asylum application. In certain cases, it is the responsible minister that can make a decision on detention. This detention decision can be reconsidered in accordance with the time limits and changed by the government. A government confirmation of a detention order can only be changed by another authority if new circumstances arise that are raised before the Migration Agency in the form of a subsequent application. However, a government order must also be reviewed according to the legal time limits.

In October 2019, the Migration Court of Appeal clarified that the 12-month time limit is the maximum time limit an alien may be held in detention for the purpose of enforcement of a removal order. This applies also to the case where the removal failed and the person is brought back to Sweden and subsequently detained. This cannot be considered as a new detention order and it must thus not exceed 12 months in total.⁴⁷⁹

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
 Yes No
2. Do asylum seekers have effective access to free legal assistance in practice?
 Yes No

After 3 days in detention, an asylum seeker has access to free legal assistance on detention matters only,⁴⁸⁰ if needed, accompanied by an interpreter. Prior to that date, other persons such as a private lawyer, a person with a power of attorney, possibly from an NGO, and the applicant may request a review of the detention order.

A child detained on the basis of the Aliens Act is always appointed a legal counsellor if they have no parent in Sweden.⁴⁸¹

E. Differential treatment of specific nationalities in detention

There is no information on specific nationalities being more susceptible to detention or systematically detained.

⁴⁷⁴ Ch. 10, Section 9(1) Aliens Act.

⁴⁷⁵ Ch. 10, Section 9(2) Aliens Act.

⁴⁷⁶ Ch. 10, Section 10 Aliens Act.

⁴⁷⁷ Ch. 10, Section 11(1) Aliens Act.

⁴⁷⁸ Ch. 14, Section 9 Aliens Act

⁴⁷⁹ Migration Court of Appeal, MIG 2019:17, 22 October 2019, available in Swedish at: <http://bit.ly/3WDMk2H>.

⁴⁸⁰ Ch. 18, Section 1(1)(4) Aliens Act.

⁴⁸¹ Ch. 10, Section 1(3) Aliens Act.

A. Status and residence

1. Residence permit

Indicators: Residence Permit

- | | |
|--|------------------------------------|
| 1. What is the duration of residence permits granted to beneficiaries of protection? | |
| ❖ Refugee status | 3 years, renewable for two years |
| ❖ Subsidiary protection | 13 months, renewable for two years |
| ❖ Distressing circumstances (Humanitarian protection) | 13 months, renewable for two years |

Up until 20 July 2016 the vast majority of residence permits granted to persons in need of international protection or with humanitarian grounds were all permanent. They could, in principle, only be withdrawn if a person spent a major part of their time in another country or if a person was charged with a serious crime that involved deportation. Occasionally temporary permits were granted, mainly for medical reasons or for temporary hindrances to expulsion.

A new system was introduced in July 2016⁴⁸² initially with the adoption of a temporary law.⁴⁸³ The government expressed that the law was proposed in order to deter asylum seekers from coming to Sweden.⁴⁸⁴ After a Cross-party Committee of Inquiry, on 22 June 2021 the Swedish Parliament voted in favour of introducing the proposed changes to the Aliens Act. They came into force on 20 July 2021. According to the changes introduced, temporary residence permits are the general rule for beneficiaries of international protection; while resettled refugees are granted permanent permits. Residence permits should remain limited to three years for refugees and 13 months for subsidiary protection status holders, in both cases extendable by two years subject to a new assessment. Beneficiaries of international protection can get permanent residence permits after having temporary permit for at least three years, but need to demonstrate their ability to provide for themselves and, already as of the age of 15, so-called 'good conduct', i.e. can be expected to have an honest, non-criminal, lifestyle (vandelskrav).⁴⁸⁵ The condition to provide for oneself does not apply to children, persons who are eligible for retirement pensions, or if there are other particular reasons.

On 5 October 2023, The Swedish Government instructed an official report of the Government to present an overview of the national legal framework on asylum and how it can be adjusted to the minimum EU-level. The official report shall examine the possibility to discard permanent residence permit for certain migrants, as well as the possibility to withdraw permanent residence permit. The report shall present its findings in January and October 2025.⁴⁸⁶

On 21 November 2023, the Swedish Government instructed an official report of the Government to present an overview of the legal possibilities to deny and withdraw residence permits due to "vandel / dishonourable conduct or other reasons. The report shall present its findings in January 2025.⁴⁸⁷

⁴⁸² For further details see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available at: <https://bit.ly/3R31wRd>, 101.

⁴⁸³ Lag om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige, 2016:752, available at: : <https://bit.ly/3rNCGa6>.

⁴⁸⁴ Government of Sweden, Temporary restrictions regarding the possibility of being granted a residence permit in Sweden, 22 June 2016, available in Swedish at: <http://bit.ly/3zdyPZG>.

⁴⁸⁵ SOU 2020:54, En långsiktigt hållbar migrationspolitik, available in Swedish at: <http://bit.ly/3TQYNf0>, 25-28.

⁴⁸⁶ Government, 'Anpassning av det svenska regelverket för beviljande av asyl och asylförfarandet till miniminivån enligt EU-rätten', 5 October 2023, available in Swedish at: <https://bit.ly/42KPTes>.

⁴⁸⁷ Government, 'Skärpta krav på hederligt levnadssätt och ökade möjligheter till återkallelse av uppehållstillstånd', 21 November 2023, available in Swedish at: <https://bit.ly/3SSGonTK>.

If a person is considered to be a **refugee**, they will receive a refugee status declaration. If they are considered to be a person in need of **subsidiary protection**, they will receive a subsidiary protection status declaration.

Convention refugees are granted a three-year temporary permit with the right to **Family reunification**. Beneficiaries of **subsidiary protection** are granted an initial period of 13 months temporary residence permit. A condition for **family reunification** is that the sponsor should have “well-founded” prospects of being granted a residence permit “for a longer time”. The residence permit can be extended another two years if protection grounds persist. The temporary residence permit gives holders the right to live and work in Sweden for the duration of the permit. During that period the person has the same right to medical care as a person with a permanent residence permit.

A temporary residence permit may be granted when the circumstances in the case are particularly (for children) or exceptionally (for adults) distressing. A child who had already lived in Sweden with a temporary residence permit and had acquired a particular affiliation with Sweden needed to show particularly, and not exceptionally, distressing circumstances. On 1 December 2023, changes in the legislation were introduced, entailing that circumstances for both adults and children must be exceptionally distressing.⁴⁸⁸ The circumstances regarding the applicant’s health condition, their private life in Sweden, and the situation in their country of origin should be taken into account when assessing this ground for a residence permit. The initial temporary permit is granted for thirteen months and could be prolonged for two years if the grounds persist.

1,047 first time applicants were granted permits for these reasons in 2023.⁴⁸⁹ Temporary residence permits give the person the right to live and work in Sweden for thirteen months. During that time, they have the same right to medical care as a person with a permanent residence permit. The person’s family is eligible for residence permits to join the sponsor in Sweden only in exceptional cases.

In 2023, the SMA granted residence permits in 4,197 first time asylum applications, in comparison to 3,742 in 2022, and 3,310 in 2021.⁴⁹⁰

The vast majority of beneficiaries of international protection applying for a renewal of their temporary residence permits have had it granted. In 2023, the Migration Agency received 66,623 applications and took decisions in 67,377 cases. However, this statistic includes 32,784 decisions to renew temporary protection permits. The acceptance rates in cases examined on the merits was 98 %. Besides Ukrainians, who were granted temporary protection, the majority of decisions concerned **Syrians** (10,173 decisions, of which 9,689 were granted, or 98% of those tried on the merits), **Afghans** (6,115 decisions, of which 5,489 were granted, or 94% of those tried on the merits), **Eritreans** (3,813 decisions, of which 3,593 were granted, or 98% of those tried on the merits), **Stateless persons** (2,901 decisions, of which 2,768 were granted, or 98% of those tried on the merits), **Iraqi** (2,244 decisions, of which 2,123 were granted, or 98% of those tried on the merits). The average processing time for applications to extend residence permits based on protection status was 199 days in 2023.⁴⁹¹

2. Civil registration

Persons residing in Sweden need to register at the Swedish Population Register. All refugees and subsidiary protection status holders will therefore need to register BIP shall register at the Tax authority, bringing documents such as passports and marriage certificates to a Tax authority office. If all documents are submitted, the registration will be ready in about three weeks.⁴⁹²

⁴⁸⁸ Aliens Act Chapter 5, Section 6

⁴⁸⁹ Migration Agency, *Monthly statistical report December 2023*.

⁴⁹⁰ SMA Monthly statistical report, December 2023

⁴⁹¹ SMA Monthly report 2023

⁴⁹² Skatteverket, ‘Moving to Sweden’, available at: <http://bit.ly/1U1ljcY>.

When a child is born in Sweden, the maternity ward gathers information about the child and parents and sends a notification to the taxation authorities. If one of the parents is registered in the Registry, the taxation authorities will register the birth and give the child a unique personal identity number which gives access to the welfare system, inter alia.⁴⁹³ If the parents are not registered, the taxation authorities will ask for additional information from the parents before registering the child. Thereafter, the Tax authority will notify the Migration Agency, which then informs the parents that they must apply for a residence permit for their child.⁴⁹⁴

To register an existing marriage that took place outside Sweden, the taxation authorities have to be notified and evidence of the marriage submitted. If the Tax authority deems the marriage to be valid in Sweden, it is registered in the population register. Marriages that take place in Sweden require that the couple first go through a procedure with the taxation authorities to prove that there are no impediments to marriage (*hindersprövning, such as marriages with underaged persons, polygamy, or marriages between siblings*). A certificate from the taxation office has to be shown before any marriage ceremony. The person effecting the marriage ceremony must testify that a marriage took place and fill in the requisite form.⁴⁹⁵

Without civil registration, a person will have problems with: opening a bank account; working in Sweden; obtaining medical treatment; registering for social insurance. Civil registration is not necessary in order to attend Swedish language courses for a person who has a right to reside in Sweden.⁴⁹⁶

If civil registration does not take place promptly and the beneficiary of international protection needs **Health Care** then there is a risk that the care giver may bill the patient for health care that is not urgent or cannot be postponed. In practice this has not been reported to be a problem.

Delayed registration with the social insurance office can also cause problems for access to health insurance and the right of a parent to be at home with a sick or newly-born child and get paid the appropriate rate.

Persons who are not residing in Sweden but need to have contact with Swedish authorities could be assigned a Coordination number by the Tax authority. For example, asylum seekers who are working in Sweden will need a Coordination number.⁴⁹⁷ Coordination numbers are assigned upon requests from other public authorities or upon request from the concerned individual. In September 2023, changes in the registry system were made introducing three different types of coordination numbers, clarifying whether the identity has been assessed as confirmed, probable, or uncertain. For the highest level of coordination number, confirmed identity, the applicant must appear in person at the Tax authority, this may include registering fingerprints. Coordination number upon the request of the individual will only be assigned if the individual's identity can be confirmed. In practice, passports, travel document (or EU identity card for EU citizens) can be accepted to confirm identity.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2023:	Not available
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Applying for long-term residence status was previously not necessary for beneficiaries of international protection since they were granted permanent residence permits until 2016. Moreover, most refugees

⁴⁹³ Migration Agency, 'Children born in Sweden', available at: <http://bit.ly/2FbnVt1>.

⁴⁹⁴ Skatteverket, 'New parents', available at <https://bit.ly/3f1ZAWM>.

⁴⁹⁵ Swedish Tax Authority, 'Getting married in Sweden or abroad', available at: <https://bit.ly/3wkBLFA>.

⁴⁹⁶ Education Act (Skollag (2010:800) Ch. 22, Section 13 and Ch. 29, Section 2. See National Board of Trade, 'Without a personal identity number in Sweden', available at: <http://bit.ly/2t2f0Fq>.

⁴⁹⁷ Skatteverket, 'Coordination numbers', available at: <https://bit.ly/49DpbzD>.

preferred to apply for citizenship after 4 years of residence rather than applying for long-term residence statuses. However, refugees must also hold a permanent residence permit in order to be naturalised. Following the shift to temporary residence permits in 2016, obtaining long-term residence status has become an increasingly relevant option as persons obtaining this status also obtain a permanent residence permit in Sweden. The national legislation overall reflects the conditions in Directive 2003/109/EC. For protection status holders the minimum five-year residence period is calculated from the time of asylum application.⁴⁹⁸

4. Naturalisation

Indicators: Naturalisation

1. What is the waiting period for obtaining citizenship?	
❖ Refugee status, statelessness	4 years
❖ Subsidiary protection	5 years
2. Total number of citizenship grants in 2023:	58,215
3. Number of citizenships through naturalisation in 2023:	47,699

According to the Act on Swedish Citizenship (2001:82), in order to acquire citizenship in Sweden through application, a person must:

- ❖ Be able to prove their identity;
- ❖ Have reached the age of 18;
- ❖ Have a permanent residence permit, a right of residence or residence card in Sweden;
- ❖ Have fulfilled the requirements for period of residence (lived in Sweden for a specified period, see table above);
- ❖ Have good conduct in Sweden.

To become a Swedish citizen, as a rule a person must have lived in Sweden on a long-term basis for a continuous period of five years. Habitual residence means that the person is a long-term resident and intends to remain in Sweden. Whether it is possible to count all the time spent in Sweden as a period of habitual residence depends on the reason why the person settled and the permit they have had during their time here. The main rule is that time with a residence permit that leads to a permanent residence permit is counted as a period of habitual residence. If the person is **stateless** or a **refugee**, they only have to have resided in Sweden for four years.⁴⁹⁹

If a person had a permanent residence permit or a residence permit for settlement when they entered Sweden, they count the duration of stay from the date of arrival. Otherwise, the duration of stay is calculated from the date on which the application for a residence permit was submitted and approved. If the application was initially rejected and the person then submitted a new application, the time is counted from the date on which they received approval.

A child can obtain Swedish citizenship through notification by the parent or guardian, if the child has a permanent residence permit and has been residing in Sweden for three years, or two years if the child is stateless.⁵⁰⁰

If a person is married to a Swedish citizen or living in a registered partnership with or cohabiting with a Swedish citizen, they can apply for Swedish citizenship after three years. In these cases, the couple must have lived together for the past two years. It is not enough to be married to one another; they must also live together.

If the person's partner used to have a nationality other than Swedish nationality or was stateless, they must have been a Swedish citizen for at least two years. The applicant must also have adapted well to Swedish society during their time in Sweden. Relevant criteria can include the length of the marriage, knowledge of the Swedish language and ability to support oneself.

⁴⁹⁸ Aliens Act, Ch. 5, Section 2 b and Ch. 5 a Section 2

⁴⁹⁹ Act on Swedish Citizenship, Section 11.

⁵⁰⁰ Act on Swedish Citizenship, Section 7.

If the person has previously been in Sweden under an identity that is not their correct identity or if they have impeded the execution of a refusal-of-entry order by, for example, going into hiding, this may hamper possibilities of obtaining citizenship after three years.⁵⁰¹

The decision is taken by the Migration Agency and can be appealed to the same instances as in the case of applications for protection status and residence permit. Rejection grounds include proving ones' identity and meeting the requirements of good conduct in Sweden. Matters that are taken into account include *inter alia* whether the person has been abiding with the law or not, and whether the person has properly managed bank loans well or other finances (personal and other).

An applicant that cannot prove their identity may obtain Swedish citizenship after eight years of habitual residence. This concerns cases where they are not able to get documents that could prove their identity but the identity could at least be assessed as probable. The Migration Agency does not consider that passports issued by Afghan or Somali authorities may prove the identity of the passport holder as regards applications for Swedish Citizenship.⁵⁰²

The Migration Court of Appeal published a decision in May 2023 in a case where the Migration Agency had rejected an application for Swedish citizenship. During his asylum procedure, the applicant had first said he was born in 1998, but later in the process said he was born in 1992. The Migration Agency did not find the information credible and registered his year of birth as 1989. When applying for citizenship the applicant handed in a passport with the same date of birth as registered by the Migration Agency. The Migration Court of Appeal found that the passport could prove his identity due to the conflicting information regarding his date of birth. The fact that the applicant himself had provided the inconsistent information regarding his age also led the Court to conclude that he had not made his identity probable and could not be granted Swedish citizenship.⁵⁰³

The Migration Court of Appeal published a decision in June 2023, where it found that a person who had been enrolled in unarmed service in the Syrian Army during the armed conflict should be denied Swedish citizenship until a substantial time has elapsed since that service. As he had been active in an organisation that committed systematic and grave violations, the practice of a substantial time shall apply. According to previous rulings, this time is 25 years.⁵⁰⁴

In September 2023 the Government instructed an official report of the Government to suggest new and more restrictive conditions for Swedish citizenship, including a longer habitual residency in Sweden and stricter demands for a good character. The report shall leave its recommendations by latest on 30 September 2024.⁵⁰⁵

In 2023, the SMA registered 71,183 new applications for Swedish citizenship. A total of 72,242 first instance decisions were issued in 2023, out of which 58,215 granted citizenship. The majority of citizenship were granted to applicants from, **Syria** (11,680), **Eritrea** (8,964), **Afghanistan** (3,663), , **Somalia** (2,950). The SMA had 94,798 requests pending at the end of the year.⁵⁰⁶

The average number of days from application to decision at first instance was 435 in 2023, compared to 452 days in 2022.⁵⁰⁷

⁵⁰¹ Act on Citizenship (Medborgarskapslagen) Section 12, see also Migration Court of Appeal case MIG 2007:28

⁵⁰² SMA, 'The Swedish Migration Agency's assessment of identity documents', available at: <http://bit.ly/3KdNs5t>.

⁵⁰³ Migration Court of Appeal case MIG 2023:7, available in Swedish at: <https://tinyurl.com/24de7fz2>.

⁵⁰⁴ Migration Court of Appeal case MIG 2023:8, available in Swedish at: <https://tinyurl.com/2a4acrc2>.

⁵⁰⁵ Government, 'Skärpta krav för att förvärva svenskt medborgarskap', 8 September 2023, available in Swedish at: <https://bit.ly/3I3DTEo>.

⁵⁰⁶ SMA Monthly statistical report December 2023

⁵⁰⁷ SMA Monthly statistical report December 2023

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? Yes No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? Yes No
3. Do beneficiaries have access to free legal assistance at first instance in practice?
 Yes (if risk of expulsion) With difficulty No

Swedish legislation on cessation and revocation of status of international protection has changed since the implementation of relevant recast EU Directives. Relevant legislation can be found in Chapter 4 of the Aliens Act. There is no up-to-date English translation of the Aliens Act, but Sweden adheres to relevant EU legislation and national law.

According to Chapter 4, Section 5, a person ceases to be a **refugee** when they:

- ❖ have of their own free will used the protection of the country of which they are a citizen;
- ❖ voluntarily apply for and regain citizenship of said country;
- ❖ apply for and get citizenship in another country;
- ❖ return and reside yet again in the country where they used to reside;
- ❖ when the circumstances in connection with which they have been recognised as a refugee have ceased to exist or have changed to such a degree that protection is no longer required. The changes must be durable and fundamental.

Chapter 4, Section 5a provides that a person will cease to be considered as in need of **subsidiary protection** (*alternativt skyddsbehövande*) if the circumstances that lead to him or her being considered in need of such protection have ceased to exist or have changed to such a degree that protection is no longer required. The changes must be durable and fundamental.

In both Sections 5 and 5a of Chapter 4, it is stipulated that the status should not be considered as ceased if the refugee/beneficiary of subsidiary protection is able to invoke compelling reasons arising out of previous persecution/experiences constituting the ground for protection, respectively, for refusing to avail themselves of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

With the shift from permanent to temporary residence permits through the Temporary Law introduced in 2016, the questions of cessation and withdrawal of protection status came much more in focus. The Migration Agency, which is also responsible for cessation procedures, therefore issued guidance on these topics.⁵⁰⁸ When a beneficiary of international protection applies for an extension of their residence permit or applies for Swedish citizenship, the questions of cessation and withdrawal of protection status can be looked into if new information has appeared. Case law highlights that the burden of proof lies with the Swedish authorities.⁵⁰⁹

In 2021, the Migration Court of Appeal decided in a precedent case on the issue of cessation and revocation of subsidiary protection when the beneficiary, who was granted protection because of child-specific risks, has become an adult.⁵¹⁰ The case concerned an **Afghan** citizen who was granted subsidiary protection in Sweden as a child, in line with the Migration Court of Appeal ruling in MIG 2017:6. The Court found that subsidiary protection status had ceased and should be revoked. The fact that the

⁵⁰⁸ Migration Agency, *Rättsligt ställningstagande. Förutsättningarna för att återkalla en skyddsstatusförklaring - RS/054/2021* (version 5.0), 8 December 2023, available in Swedish at: <https://bit.ly/3vtWJlp>.

⁵⁰⁹ Migration Court of Appeal, MIG 2011:13, 13 June 2011, available at: <http://bit.ly/2n4FaA6>.

⁵¹⁰ Migration Court of Appeal, MG 2021:14, 8 July 2021, available in Swedish at: <https://bit.ly/3R7zgwL>.

beneficiary had become an adult was considered such a fundamental change that the status could be revoked, and that there were no other protection grounds.

If the Migration Agency considers that a situation of cessation might be at hand, e.g. following an application for extension of the residence permit by a beneficiary of international protection, a withdrawal procedure will be initiated. (see [Withdrawal of protection status below](#)).

In 2021, the Swedish Refugee Law Center published a report on cessation, developed with support by UNHCR, including a case study of the Migration Agency's cessation cases during a six-month period. Cessation of refugee status was in all cases due to voluntary re-availment of protection of the country of nationality. No protection status was withdrawn based on cessation due to a change of circumstances in the country of origin, either for refugee status or subsidiary protection status.⁵¹¹

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? Yes No
2. Does the law provide for an appeal against the withdrawal decision? Yes No
3. Do beneficiaries have access to free legal assistance at first instance in practice?
 Yes (if risk of expulsion) With difficulty No

Swedish legislation on cessation and revocation of status of international protection has changed since the implementation of relevant recast EU Directives. Relevant legislation can be found in Chapter 4 of the Aliens Act. There is no up-to-date English translation, but Sweden adheres to relevant EU legislation and international law.

A refugee or subsidiary protection status shall be withdrawn if the person cannot be regarded as a refugee or in need of subsidiary protection. The grounds for withdrawal are based on the grounds included in Qualification Directive article 14 and 19:⁵¹² cessation, exclusion, committing a serious crime, danger to national security, and misrepresentation or omission of facts. According to case law, to withdraw subsidiary status due to committing a crime, at least one of the crimes committed must be a serious crime.⁵¹³

Decisions on withdrawal of protection status are taken by the Migration Agency. There is no explicit requirement for conducting a personal interview, however the Migration Agency's position is that a personal interview should be held in these cases given the impact the decision can have for the individual as well as the fact that the burden of proof rests with the Migration Agency. The beneficiary of protection will be informed by letter that the Migration Agency has started a case regarding withdrawal of status, including information on the reasons to start such a case. The beneficiary of protection will have the possibility to respond to relevant questions either in written form or at an interview. Withdrawal of status does not automatically lead to withdrawal of residence permit. A permanent residence permit may only be withdrawn when the permit was granted based on false information. If the person of concern has lived in Sweden more than four years, her/his permit may only be withdrawn when there are exceptional grounds. If the status should be withdrawn in the process of renewal of permit, a residence permit may be granted if the applicant fulfils the condition for another ground for residence permit. If the possibility of expulsion arises as a result of the withdrawal procedure, a legal counsel is appointed on the same grounds

⁵¹¹ Swedish Refugee Law Center, *What happens when the need for protection ends?*, May 2021, available at: <https://bit.ly/3wz4zXj>.

⁵¹² Aliens Act Chapter 4, Section 5 b, for refugee status and Aliens Act Chapter 4, Section 5 c, for subsidiary protection status.

⁵¹³ See case MIG 2020:16 the Migration Court of Appeal, available in Swedish at: <https://tinyurl.com/3p69t97p>.

as in a normal asylum case.⁵¹⁴ Decisions to withdraw status can be appealed to the Migration Court, and Migration Court judgments can be appealed to the Migration Court of Appeal, subject to leave to appeal. The time limit for appeal is three weeks, and the Migration Court may assign a legal representative when a decision of withdrawal has been appealed.

On 21 November 2023, the Swedish Government instructed an official report of the Government to present an overview of the legal possibilities to deny and withdraw residence permits due to dishonourable conduct or other reasons. The report shall present its findings in January 2025.⁵¹⁵

In a Government Bill in November 2023, the Government proposed that it shall be possible to withdraw a residence permit if it can be assumed that the person will engage in corporate espionage conducted by a foreign state or activity relating to terrorism.⁵¹⁶

The Government has instructed the Migration Agency to give special priority to cases regarding withdrawal of residence permit.⁵¹⁷

In 2022, 296 cases regarding residence permits and 788 cases concerning citizenship were reported to the Swedish Security Service.⁵¹⁸ The Migration Agency has no available statistics regarding reported cases to Swedish Security Service for 2023.

In 2022, Sweden withdrew international protection status for 361 individuals (251 refugee status, 110 subsidiary protection status). The three most common nationalities regarding refugee status were Afghanistan (72), Iraq (29) and Iran (29), regarding subsidiary protection status the most common nationalities were Afghanistan (58), Syria (38) and Iraq (5).⁵¹⁹

In 2023, SMA withdrew international protection for 280 individuals (217 refugee status, 63 subsidiary protection) The most common nationalities regarding refugee status were Afghanistan (43), Iraq (28), Syria (23), regarding subsidiary protection status the most common nationalities were Syria (27), Afghanistan (18), and Somalia (5).⁵²⁰

⁵¹⁴ Migration Agency, Rättsligt ställningstagande. Förutsättningarna för att återkalla en skyddsstatusförklaring - RS/054/2021 (version 5.0), 8 December 2023, available in Swedish at: <https://tinyurl.com/29wp6usm>.

⁵¹⁵ Swedish government, 'Skärpta krav på hederligt levnadssätt och ökade möjligheter till återkallelse av uppehållstillstånd', Dir. 2023:158, 21 November 2023, available in Swedish at: <https://bit.ly/3SGonTK>.

⁵¹⁶ Swedish government, 'Skärpta krav på hederligt levnadssätt och ökade möjligheter till återkallelse av uppehållstillstånd', 21 November 2023, available in Swedish at: <https://bit.ly/3SGonTK>.

⁵¹⁷ Regleringsbrev Migrationsverket 2023, available at: <https://tinyurl.com/3vns2uau>.

⁵¹⁸ Migration Agency, *Annual Report 2022*, Dnr: 1.3.2-2023-2262, available in Swedish at: <http://bitly.ws/AUE8>, 121.

⁵¹⁹ Information provided by the Migration Agency's statistical unit.

⁵²⁰ Information provided by the Migration Agency's statistical unit.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?
 Yes No
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?
 Yes No
❖ If yes, what is the time limit?
Time limit of 3 months to be exempted from maintenance requirement.
3. Does the law set a minimum income requirement? Yes No

1.1. Eligible beneficiaries and family members

As mentioned in [Residence permit](#), the 2016 temporary law and then 2021 amendments to the Aliens Act affected persons' ability to get a residence permit, the length of the residence permit as well as the ability to reunite with their family members.⁵²¹

In general, the right to family reunification is limited to core family members only, although other family members may be accepted under special circumstances. It also includes requirements on incomes and housing (i.e., the size and standards of housing). The right to family reunification is available to both refugees and beneficiaries of subsidiary protection. For refugees, these requirements must be met when family members apply for family reunification more than three months after the beneficiary was granted protection status. Until 1 December 2023, beneficiaries of subsidiary protection were also exempted from these requirements within the same time limit as refugees. However, since 1 December 2023, beneficiaries of subsidiary of protection are not exempted from these requirements.

Personal scope – sponsors and beneficiaries

With the Temporary law valid until 19 July 2019, only refugees had the right to be reunited with their nuclear family, while beneficiaries of subsidiary protection were subject a general ban save restricted exceptions. On 20 October 2022, the ECtHR ruled in the case *M.T. and Others v. Sweden* and found that in that particular case the restrictions to the right to family reunification for the applicants concerned, where the person in Sweden was a beneficiary of subsidiary protection, did not breach Article 8 of the ECHR or Article 14 in conjunction with Article 8.⁵²² The extension of the Temporary Law in 2019 removed the ban on family reunification for beneficiaries of the subsidiary protection which is now available to both. This was mainly the result of litigation efforts and a Migration Court of Appeal ruling where the denial of family reunification for a young Syrian child was considered in breach of Article 8 of the European Convention on Human Rights (ECHR) and Articles 3, 9 and 10 of the United Nations Convention on the Rights of the child (CRC).⁵²³

Beneficiaries of international protection are required to have “well-founded” prospects of being granted a residence permit “for a longer time” in order to be entitled to family reunification.⁵²⁴ With the exception of certain cases, e.g. in the case of cessation or withdrawal procedures, the Migration Agency considers

⁵²¹ For further details see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available at: <https://bit.ly/3R31wRd>, 101.

⁵²² ECtHR, *M.T. and Others v. Sweden*, Application No 22105/18, 20 October 2022, available at: <http://bit.ly/42MqE3T>.

⁵²³ Migration Court of Appeal, MIG 2018:20, 13 November 2018, available in Swedish at: <http://bit.ly/3R5eAp0>.

⁵²⁴ Aliens Act, Ch. 5, Section 3 Note that the Swedish translation of “reasonable” in Article 3 of the Family Reunification Directive is equal to “well-founded” rather than reasonable.

that beneficiaries of protection, who since 2016 have temporary residence permits, have “well-founded” prospects of being granted such a residence permit in practice, unless it is clear from SMA Legal Guidance that the situation in the county of origin has changed so fundamentally that protection status shall be withdrawn.⁵²⁵

The following persons are eligible for family reunification:

- ❖ Husband, wife, registered partner or cohabiting partner over 18 years;
- ❖ Children under the age of 18 years at the time of application (see below regarding when age is assessed in practice);
- ❖ Parents to a child with protection status.
- ❖ Other relatives and children over 18 years may be eligible to reunite with the sponsor in Sweden if a particular dependency exists.

As from 1 December 2023, residence permit may be denied if one of the spouses or cohabiting partners are under 21 years.

If the person in Sweden has a permanent residence permit, family reunification can also take place with the person they plan to marry or cohabit with in Sweden, subject to income and housing requirements (see below).

There is no difference in the law between the right to family reunification for heterosexual couples and for same-sex couples. In the case of a couple that has not lived together as partners at the time of application, residence permit may be granted if the relationship is considered serious.

In 2022, in a precedent ruling,⁵²⁶ a case litigated by the Swedish Refugee Law Center, the Migration Court of Appeal found that when determining the age of the sponsor the relevant time should be the time of application of family reunification, rather than at the time of the decision on family reunification, if the reference person is under 18 years when the application for family reunification is lodged. There shall be no condition that the application must be lodged within three months from the decision of residence permit for the reference person if the reference person is under 18 years at the time of application. The Migration Court of Appeal referred to the CJEU case C-133/19.⁵²⁷

In addition to this precedent ruling, the SMA issued a legal position in 2022 regarding the relevant time for determining the age of the applicant or the sponsor. According to the legal position:⁵²⁸

- ❖ For a child who apply to a reunite with a parent in Sweden:
 - In principle, the relevant time is the time of application for family reunification, or,
 - In cases when the application for family reunification is made within three months from when the parent was granted residence permit and protection status the relevant time is when the parent applied for asylum.
- ❖ For a parent who applies to reunite with a child in Sweden:
 - In principle, the relevant time for determining the age of the child/reference person is the time of application for family reunification, or,
 - In cases when the child was under 18 years when applying for asylum but has turned 18 years at the time of application for family reunification, that child is still considered as a child if the application for family reunification was lodged within three months from the date the child was granted residence permit.

⁵²⁵ Migration Agency Legal position RS(080/2021, Migrationsverket Rättsligt ställningstagande Kravet på välgrundade utsikter att beviljas varaktigt uppehållstillstånd - RS/080/2021 (version 3.0), available in Swedish at: <https://bit.ly/3uluzmt>.

⁵²⁶ Migration Court of Appeal, Decision MIG 2022:11, 8 December 2022, available in Swedish at: <https://bit.ly/3WAhx2c>.

⁵²⁷ CJEU, Case C-133/19, *B.M.M., B.S., B.M., B.M.O. v. Belgium*, 16 July 2020, available at: <http://bit.ly/3JQb0fs>.

⁵²⁸ Migration Agency, *Rättsligt ställningstagande. Tidpunkt för bedömning av barns ålder i ärenden om uppehållstillstånd på grund av familjeanknytning* - RS/001/2022 (version 3.0), updated May 2023 available in Swedish at: <https://bit.ly/3VjRGOP>.

Proving one's identity

For several years, one of the major obstacles to family reunification related to the obligation to prove one's identity, as laid down in law. A number of precedent-setting rulings from the Migration Court of Appeal, the first from 2012, have allowed for the reunification of families who are unable to prove their identity. The Migration Appeal Court handed down a ruling on 5 March 2018, stating that for refugees and their nuclear family the level of proof of identity could be relaxed because it was unreasonable to expect them to approach their national authorities to obtain a passport and thereby endanger the situation of remaining family members in the country of origin.⁵²⁹ In such cases a DNA test would be taken as a first instance measure as a means of proving identity. The Migration Agency has accepted this standard of proof both for refugees and for beneficiaries of subsidiary protection in cases where the family has lived together. Moreover, the Migration Agency stated in October 2021 that due to the Taliban take-over in Afghanistan, Afghan citizens cannot acquire new passports. Therefore, if other conditions are met, Afghans applying for family reunification may be exempt from the obligation to prove their identity and present a passport. A DNA test could in these cases assist in making the identity sufficiently probable. The Migration Agency confirmed this position again in June 2022.⁵³⁰

DNA testing is offered by the Migration Agency to applicants in cases where the biological relationship has not been sufficiently established. If it is evident that such relationship does not exist, or if the application will be rejected on other grounds, DNA testing will not be offered. Costs for test-taking, transport and analysis of tests are covered by the State. If DNA testing is not offered by the Migration Agency, the applicant may pay for and present a DNA analysis. The applicant can get reimbursed if the DNA analysis verifies the biological relationship and the residence permit is granted.⁵³¹

The Migration Agency may issue a temporary alien's passport in cases where the applicant is granted residence permit but has no valid travel document.

1.2. Material requirements and procedure

Material requirements

Everyone who wants to bring their family members to Sweden must be able to financially support both themselves and their family members and must have a domicile of sufficient standard and size. Refugees whose family applies for family reunification within three months of the sponsor being granted a permit are exempt from this requirement. The exemption only applies to families who have cohabited, or when the relationship otherwise is considered as well established. Unaccompanied minors applying to be reunited with their parents are exempted from the maintenance requirement.

- ❖ The income requirement is based on a standard amount for each member of the household that must be met after the rent/housing cost has been deducted. For 2023, the standard amount as from 1 January was: SEK 5,717 / € 491,17 for a single adult
- ❖ SEK 9,445 / € 824,67 for spouses or partners living together
- ❖ SEK 3,055 / € 266,74 for children aged 6 years or younger
- ❖ SEK 3,667 / € 320,17 for children aged 7 to 10 years
- ❖ SEK 4,279 / € 373,61 for children aged 11 to 14 years
- ❖ SEK 4,889 / € 426,87 for children aged 15 years or older⁵³²

⁵²⁹ Migration Court of Appeal, MIG 2018:4, UM-2630-17, 5 March 2018, available at: <https://bit.ly/3jOZ7Jf>.

⁵³⁰ Migration Agency, *Rättsligt ställningstagande. Afghanska medborgares möjligheter att skaffa pass - RS/087/2021*, 11 October 2021, available in Swedish at: <http://bit.ly/3JgWVJm>.

⁵³¹ Aliens Act Chapter 13 Section 15 and 16.

⁵³² Aliens Act Ordinance Chapter 4, Section 4d

The sponsor should have an accommodation of sufficient size and standard. For two adults without children a home is big enough if it has a kitchen or kitchenette and at least one room. If children are going to live in the home, there must be more rooms. Two children can share a bedroom.⁵³³

With the changes in the Aliens Act that came into force 20 July 2021, some exceptions were introduced to the maintenance requirement. When there are special reasons, the maintenance requirement may be lifted fully or partly. The preparatory work gave as an example that there could be special reasons for persons who have retired from the labour market or who are unable to work due to disability or sickness.

Procedure

The procedure is initiated by the family members abroad, who are the applicants in this procedure, however it may be initiated by a representative in Sweden (the sponsor or someone else) provided they are given a Power of Attorney to do so. Applications are either handed in at a Swedish Embassy or Consulate that provide this service or made through the online application form of the Swedish Migration Agency.⁵³⁴

For applications made by family members other than the spouse, partner or child of a BIP, there is an application fee of SEK 2,000 / EUR 174,62 per adult and SEK 1,000 / EUR 87,31 per child.⁵³⁵

According to the Aliens Ordinance Act, Chapter 4, Section 21 a, an application for family reunification shall, unless there are any particular reasons, be decided on within 9 months. According to the Administrative Procedure Act, Section 12, an applicant may in all applications to authorities at first instance request a decision if more than six months has passed since the application. The Swedish Migration Agency must then within four weeks either decide on the case or take a separate decision to reject the request. A decision to reject such a request may be appealed to the Migration Court.

In 2023, the average waiting time from applications to decisions was 346 days for first time applications, and 195 days for subsequent applications.⁵³⁶

In 2023, a total of 42,506 applications for residence permits based on family ties were lodged (of which 26,278 were first time applications). The Swedish Migration Agency issued a total of 39,897 decisions (of which 29,433 were first time applications). 53% of the first-time applications and 92% of subsequent applications were approved. By the end of the year 2023, a total of 41,478 family reunification applications were pending (of which 30,503 first time applications). Across all instances, 1,555 residence permits were granted in family reunification cases where the person in Sweden was a former asylum seeker.⁵³⁷

In case of a negative decision, applicants may submit an appeal before the Migration Court within three weeks of receiving the decision from the Swedish Migration Agency.⁵³⁸ There is no general right to be assigned a legal representative.

2. Status and rights of family members

Family members are given a residence permit for reasons of family reunification. The residence permit card will generally be handed to the family member at the Embassy or Consulate where the interview took place. The length of the permit is two years, or if the reference person has a shorter temporary permit, the family member will get a permit for the same duration. The permit may also not be longer than the

⁵³³ Migration Agency Regulation 2022:8, available in Swedish at: <https://bit.ly/3KaTKII>.

⁵³⁴ Migration Agency, 'Make an online application', available at: <https://bit.ly/4bM47J2>.

⁵³⁵ Utlänningsförordningen/Aliens Ordinance Act Chapter 8 Section 5.

⁵³⁶ Swedish Migration Agency Monthly statistical report December 2023.

⁵³⁷ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, p. 64, 22 February 2024, available in Swedish at: <https://tinyurl.com/Arsredovisning2023>.

⁵³⁸ Aliens Act Chapter 14 section 3.

validity of the family members passport. The residence permit entails the right to work in Sweden, and the family members will access social benefits, and the same introduction program as beneficiaries of protection. When in Sweden, family members can apply for status as a refugee or person eligible for subsidiary protection, following the same procedure as an asylum seeker.

For family members of refugees, there is the possibility to obtain a subsidy to cover travel costs to Sweden.⁵³⁹ In 2023, 71 applications for subsidies were granted by the SMA. The budget for travel grants for relatives in 2022 was SEK 3 million SEK, and SMA will use the remaining of that sum to cover travels during 2024.⁵⁴⁰ For family members of persons with subsidiary protection, during 2023 the Swedish Red Cross was able to assist 8 families (representing a total of 48 individuals) to reunite in Sweden.⁵⁴¹

C. Movement and mobility

1. Freedom of movement

Persons with a residence permit have freedom of movement across the territory. Unless due to a decision of detention, beneficiaries are not assigned to a specific residence for reasons of public interest or public order. As described in [Reception Conditions: Special Reception Needs](#), there are reception centres with a specific profile (LGBTQI+ profile, for instance). There are cases where violence and protests have occurred in reception centres between different nationalities. Such incidents, when they occur, can result in changes of housing arrangements.

2. Travel documents

The regulations covering travel documents are contained in Chapter 2 of the Aliens Ordinance Act (2006:97), supplemented by rules issued by the Migration Agency.

The travel documents issued to **refugees** are valid for all countries except for their home country. Palestinian refugees under UNRWA protection are granted Refugee Convention travel documents. A total of 23,555 travel documents were issued in 2023.

Persons granted **subsidiary protection** can under certain circumstances be granted an Aliens passport. If they possess a valid national passport, they are allowed to keep it but if they are unable to acquire or renew a national passport they can apply for an Aliens passport. Similar to the travel documents issued to refugees, an Aliens passport issued to a person granted subsidiary protection will be valid for all countries but the country the person has fled from. In 2023, a total of 12,340 Aliens passports were issued.

Both travel documents and Aliens' passports can include information that the identity of the holder has not been fully established. If the beneficiary has been unable to fully substantiate their identity, then the refugee travel document or Alien's passport is stamped with the phrase "The holder has not proven his/her identity". This means that there can be difficulties travelling between EU countries and even greater difficulties visiting other countries.

The travel documents are normally issued for at most two years (Refugee Convention travel documents) or three years (Aliens passport). The travel documents cannot be extended. Unless the person is granted Swedish citizenship in the meantime (see: [Naturalisation](#)) they will have to apply for a new travel document after the old one has expired.

⁵³⁹ Förordning (1984:936) om bidrag till flyktingar för kostnader för anhörigas resor till Sverige.

⁵⁴⁰ Information provided by Migration Agency via e-mail in January 2024.

⁵⁴¹ Information provided by the Swedish Red Cross via email in January 2023.

Travel document applications are handled by the Swedish Migration Agency.

D. Housing

Indicators: Housing

- | | |
|--|-------------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | 2 months ⁵⁴² |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2023 | 1,006 ⁵⁴³ |

Persons obtaining positive decisions can be placed in municipalities by the Migration Agency based on a quota system. This is described as “settlement” (*Bosättning*). A law was passed in 2016 mandating municipalities to receive those granted residence permits after the asylum procedure.⁵⁴⁴ This was done to address the situation where many permit holders were forced to wait many months in the Migration Agency’s accommodation and thus delayed their integration into Swedish society. The municipalities now have an obligation to offer them housing within two months from being designated by the Migration Agency as a reception municipality.⁵⁴⁵ After that period the responsibility for providing support and housing falls on the municipality, including language courses, school, pre-school.⁵⁴⁶ This initial responsibility lasts for 2 years while the so-called establishment process is going through. After that period many municipalities revoke the housing contract and individuals are obliged to find their own accommodation. If they fail they can request social housing as a temporary solution. The responsibility for providing school and pre-school falls on the municipality in accordance with general rules on this subject.

In 2023, a total of 7,689 persons were assigned to be received in municipalities throughout Sweden after receiving a residence permit, including 541 who were resettled, 2,397 who had been staying in reception centres, 2,513 who had been residing in accommodation that they had arranged themselves and 1,404 relatives and 834 “other”.⁵⁴⁷

The average time between the granting of a permit and being settled in a municipality was 62 days in 2023, the same as in 2021, and just above the two-month deadline for leaving Migration Agency accommodation.⁵⁴⁸ A total of 1,006 beneficiaries with residence permits were living in Migration Agency accommodation at the end of 2023, down from 1,587 in 2022.⁵⁴⁹

Those granted permits can also find their own accommodation. Should they refuse an offer from a municipality through the Migration Agency, they will no longer receive support or accommodation from the Migration Agency.⁵⁵⁰

Swedish municipalities are obliged by law to provide housing for persons granted protection or the right to stay on other grounds. This obligation lasts for two years only and after that there is no guaranteed housing and persons can be evicted. A court decision has confirmed that this is a correct interpretation of

⁵⁴² 2 months is the maximum time following the designation of a municipality as a reception municipality by the Migration Agency, Section 10, Förordning (2016:39) om mottagande av vissa nyanlända invandrare för bosättning, available in Swedish at: <https://bit.ly/3bfdUXN>.

⁵⁴³ Migration Agency, *Monthly statistical report December 2023*, including year-end numbers, 29.

⁵⁴⁴ Lag (2016:38) om mottagande av vissa nyanlända invandrare för bosättning, available at: <http://bit.ly/2mqkzq2>.

⁵⁴⁵ Section 10, Förordning (2016:39) om mottagande av vissa nyanlända invandrare för bosättning, available in Swedish at: <https://bit.ly/3bfdUXN>.

⁵⁴⁶ Migration Agency, ‘Bosättning i en kommun’, available in Swedish at: <http://bit.ly/3XAPykg>.

⁵⁴⁷ Migration Agency, *Monthly statistical report December 2023*, including year-end numbers, 31.

⁵⁴⁸ Migration Agency, *Monthly statistical report December 2023*, including year-end numbers, 33.

⁵⁴⁹ Migration Agency, *Monthly statistical report December 2023*, including year-end numbers, 29, and *Monthly statistical report December 2022*, 2.

⁵⁵⁰ Section 11 Lag (2016:38) om mottagande av vissa nyanlända invandrare för bosättning, available at: <http://bit.ly/2mqkzq2>.

the law.⁵⁵¹ This leads to greater insecurity in the integration process and if no other housing is available locally the refugees might have to move to another town.

E. Employment and education

1. Access to the labour market

The Swedish Migration Agency have a responsibility to arrange suitable activities for applicants during the examination of the asylum claim.⁵⁵² According to annual “regleringsbrev” from the government such social orientation classes are to be obligatory for all applicants as soon as possible after an application for asylum has been registered, during the examination of the asylum claim. There is a proposal to stipulate in the law that the Swedish Migration Agency are to arrange those obligatory social introduction classes.⁵⁵³ The induction is now more comprehensive and delivered to all applicants over the age of 15 through two half-day sessions, while the material is adapted and in written for accompanied children and studied with the case officer for unaccompanied children. The sessions are organised in different languages in first reception centres or through videoconference for persons who have their own accommodation. The Swedish Migration Agency offers childcare while parents follow the course.⁵⁵⁴

When a person is granted a residence permit, they are entitled to an “Introduction Plan” to plan their education and professional development and provide for language training, courses on Swedish society, vocational training and work experience.⁵⁵⁵ The Public Employment Service (*Arbetsförmedlingen*) has the responsibility for these persons between 20 and 64.⁵⁵⁶ A person is entitled to be in the program until he or she finds an employment, is on parental leave or on sick leave for more than a month. The maximum time period in the program is 24 months during a period of 36 months.⁵⁵⁷ In December 2023, a total of 9,785 persons were attending The Public Employment Service (*Arbetsförmedlingen*) “etableringsprogram”.⁵⁵⁸

Since 1 January 2018, a person who has recently been granted a residence permit and is under the responsibility of the Public Employment Service has to take part in any education that the Public Employment Service assess as necessary for the person to be able to access the labour market. Should the person not take part in the designated education, they can be warned or lose their “introduction benefit”.⁵⁵⁹

Refugees granted residence permits under the upper secondary education law can extend their residence if they find full-time jobs within six months.⁵⁶⁰ However, this was reported to be very difficult during COVID-19 and several organisations have expressed concern to the FRA about the insecurities in this regard.⁵⁶¹

⁵⁵¹ Sabo, ‘Ny dom ger kommun rätt att säga upp nyanländas hyreskontrakt’, 5 April 2018, available in Swedish at: <https://bit.ly/2UwxmH2>.

⁵⁵² Lagen (1994:137) om mottagande av asylsökande m.fl. section 4, available in Swedish at: <https://tinyurl.com/4842atr4>

⁵⁵³ SOU 2022:64, ‘En ny ordning för asylsökandes boende, 220-221’, 2022, available in Swedish at: <https://bit.ly/48kHubL>.

⁵⁵⁴ EUAA, ‘Asylum Report 2022: Annual Report on the Situation of Asylum in the European Union’, June 2022, available at: <http://bitly.ws/AUaD>, 171-172.

⁵⁵⁵ Migration Agency, ‘Bosättning i en kommun’, 20 January 2017, available in Swedish at: <http://bit.ly/3XAPykg>.

⁵⁵⁶ Lag (2017:584) om ansvar för etableringsinsatser för vissa nyanlända invandrare, available in Swedish at: <https://tinyurl.com/yte86wc7>.

⁵⁵⁷ Swedish Public Employment Service, ‘Etableringsprogrammet’, available at: <https://bit.ly/3SFu4Bo>.

⁵⁵⁸ Swedish Public Employment Service, ‘Statistik om insatser och program’, available at: <https://bit.ly/3uwtfD5>.

⁵⁵⁹ Swedish Public Employment Service, ‘När du deltar i ett program’, available at: <https://bit.ly/311ZdKu>.

⁵⁶⁰ Lag (2017:353) om uppehållstillstånd för studerande på gymnasial nivå, section 4

⁵⁶¹ FRA, ‘Migration: Key Fundamental Rights Concerns’, November 2020, available at: <https://bit.ly/3aM2e0b>, 7.

In 2023, the general unemployment rate increased to 7,7%, compared to 7,5% in 2022.⁵⁶² However, when it comes to individuals born abroad, it is higher. In the first quarter of 2023, the unemployment rate was 13,5% for women and 10,9% for men in this group.⁵⁶³ In May 2022, it was reported that slightly more than 50% of refugees aged 20 to 64 were gainfully employed ten years after having received a residence permit and reception in a local municipality.⁵⁶⁴

Obstacles to obtaining employment include lack of language skills, complicated process for validation of diplomas, lack of low-skill job opportunities and host society attitudes.⁵⁶⁵

The Swedish Council for Higher Education evaluates foreign secondary education, post-secondary vocational education and academic higher education certificates.⁵⁶⁶

According to EUAA, the Swedish Institute for Evaluation of Labour Market and Education Policy researched the impact of the length of the asylum procedure on integration and found that beneficiaries who had to wait longer for their final decision had lower earnings.⁵⁶⁷ Also the Swedish Public Employment Service published a report showing an important increase in the number of unemployed people who lack upper secondary-level education, with the majority of them being female beneficiaries of international protection. The report argues to establish more efforts to identify and eliminate obstacles for these women to enter the labour market.⁵⁶⁸

2. Access to education

Beneficiaries of international protection, including youth out-of-school and pre-school, have the right to full access to education at all levels.⁵⁶⁹ There are requirements regarding proficiency in Swedish and English for higher education studies and other more specific requirements regarding proficiency in other subjects relevant to the course of studies. Fulfilling these requirements can take time and therefore add to the time it takes to obtain full qualifications.

There is financial support for higher education. Higher education is financed by student loans with partial grants. A person with a degree or qualifications from another country can, free of charge, apply for an evaluation and recognition of qualifications by the Swedish Council for Higher Education in order to provide support for finding work, or enable their continued studies in Sweden.⁵⁷⁰ Some universities offer fast track courses for those already possessing higher education degrees.⁵⁷¹

F. Social welfare

Refugees and subsidiary protection beneficiaries have the same rights regarding social welfare under the same conditions as nationals. There is a special remuneration system for able-bodied successful asylum seekers between 18 and 64 for the first two years, called the “introduction benefit”.⁵⁷² The Swedish Public

⁵⁶² SCB, The Statistics Authority, , ‘Fortsatt dämpad arbetsmarknad’, December 2023, available in Swedish at: <https://bit.ly/3I6hKW4>.

⁵⁶³ SCB, The Statistics Authority, ‘Sysselsättningen fortsätter att öka första kvartalet 2023’, Quarter 1 2023, available in Swedish at: <https://bit.ly/42PBab5>.

⁵⁶⁴ SVT, ‘Mer än var tionde utrikesfödd person är arbetslös – gapet mellan grupperna ökar’, 23 May 2022, available in Swedish at: <http://bit.ly/3LXUFYH>.

⁵⁶⁵ IFAU, ‘Utrikes föddas etablering på arbetsmarknaden’, updated 19 November 2022, available in Swedish at: <https://bit.ly/3T5hqx5>.

⁵⁶⁶ Swedish Council for Higher Education, ‘Recognition of foreign qualifications’, available at: <https://bit.ly/3T5Ndht>.

⁵⁶⁷ EUAA, Annual Asylum Report 2023, July 2023, p. 268, available at: <https://bit.ly/3PAIFOb>.

⁵⁶⁸ EUAA, Annual Asylum Report 2023, July 2023, p. 273, available at: <https://bit.ly/3PAIFOb>.

⁵⁶⁹ Centrala studiestödsnämnden, *Refugee – support from CSN*, available at: <https://bit.ly/3TnP9R3>.

⁵⁷⁰ Swedish Council for Higher Education, available at <https://bit.ly/3LmbEQB>.

⁵⁷¹ See e.g., Akademikerförbuden SSR, *Snabbspår*, available in Swedish at: <https://tinyurl.com/39vpsexf>.

⁵⁷² Lag (2010:197) om etableringsinsatser för vissa nyanlända invandrare.

Employment Service, County Administrative Board and the municipalities have a shared responsibility for different parts of this introduction, such as programs to help the beneficiary to get a job, “society-introduction” and so on. If after that they are unable to support themselves, they have access to social welfare on the same basis as nationals. Social welfare is administered by the Swedish National Insurance Board and the Municipal Welfare Board.⁵⁷³

It is the municipality where a beneficiary is registered as resident that has the responsibility to provide support. This can mean that if a family resides in one place and the father moves to another town to find work and fails, then he will not receive support from the municipality he moved to but will be referred back to the initial municipality.

To be granted full social welfare from the municipalities, the general principle is that you must be registered in the Swedish Population Register, managed by the Swedish Tax Agency.⁵⁷⁴ In practice, it can take time to get registered by the Swedish Tax Agency in the Swedish Population Register. Such delay of registration in the Swedish Population Register may have a temporary impact on beneficiaries’ access to social welfare since a prerequisite for the right to social welfare is such registration. Even though, the municipalities may handle such a situation differently and sometimes grant social welfare without such registration.⁵⁷⁵

G. Health care

Persons with a residence permit have the same access to health care as any person living in Sweden. Information about health care can be found in different languages on the website www.informationsverige.se. Health care access differs from county to county or region to region.

Persons who are victims of torture and in need of rehabilitation do not always get prompt help and the queue for treatment, which is often lengthy, is on the increase.⁵⁷⁶ The county health authorities are the main providers of health care but the Swedish Red Cross also has a number of rehabilitation centres and extensive experience of treating victims of torture.

Today a person has the right to a publicly financed interpreter when in contact with the health care.⁵⁷⁷ The new Swedish government has proposed that Swedish citizens and persons with a residence permit should pay for an interpreter themselves. Critics point out this risks leading to situations where the health staff cannot fulfil their obligations to give the right health care needed.⁵⁷⁸

⁵⁷³ Socialtjänstlag (2001:453) Svensk författningssamling. See also Socialstyrelsen, *Social assistance*, available at: <https://bit.ly/3u05Wwb>.

⁵⁷⁴ Socialtjänstlagen (2001:453) Chapter 2 a, Section 2-3

⁵⁷⁵ Socialstyrelsen, ‘Ekonomiskt bistånd Handbok för socialtjänsten’, 2021, available in Swedish at: <https://bit.ly/3UMuKrb>.

⁵⁷⁶ Swedish Red Cross, ‘Tillgång till vård för tortyröverlevare’, available in Swedish at: <https://bit.ly/49GrQIN>.

⁵⁷⁷ Patientlagen (2014:821) Chapter 3 Section 6-7

⁵⁷⁸ STRÖM M., ‘Nya sjukvårdsministern: Att ta bort tolkstöd skulle strida mot flera lagar’, 24 October 2022, available in Swedish at: <http://bit.ly/3WD5LE0>.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other instruments transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	26 November 2014	Law (2013/14: SfU20) amending the Aliens Act	http://bit.ly/2m9WuTs (SE)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	16 December 2016	Law (2016:1243) amending the Aliens Act	http://bit.ly/2kP9vkz (SE)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	-	No transposition, as the Swedish reception system is deemed in line with recast standards	
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	17 June 2014 1 July 2017 (Article 27.3 (c))	Law (2013/14: SfU20) amending the Aliens Act due to the entry into force revised Dublin Regulation Law (2017:523) amending the Aliens Act	http://bit.ly/2m9WuTs (SE) https://bit.ly/2Sh5mZB (SE)