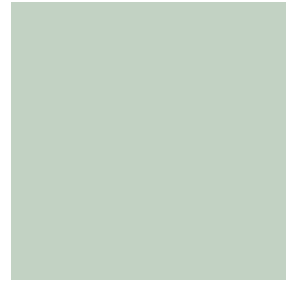
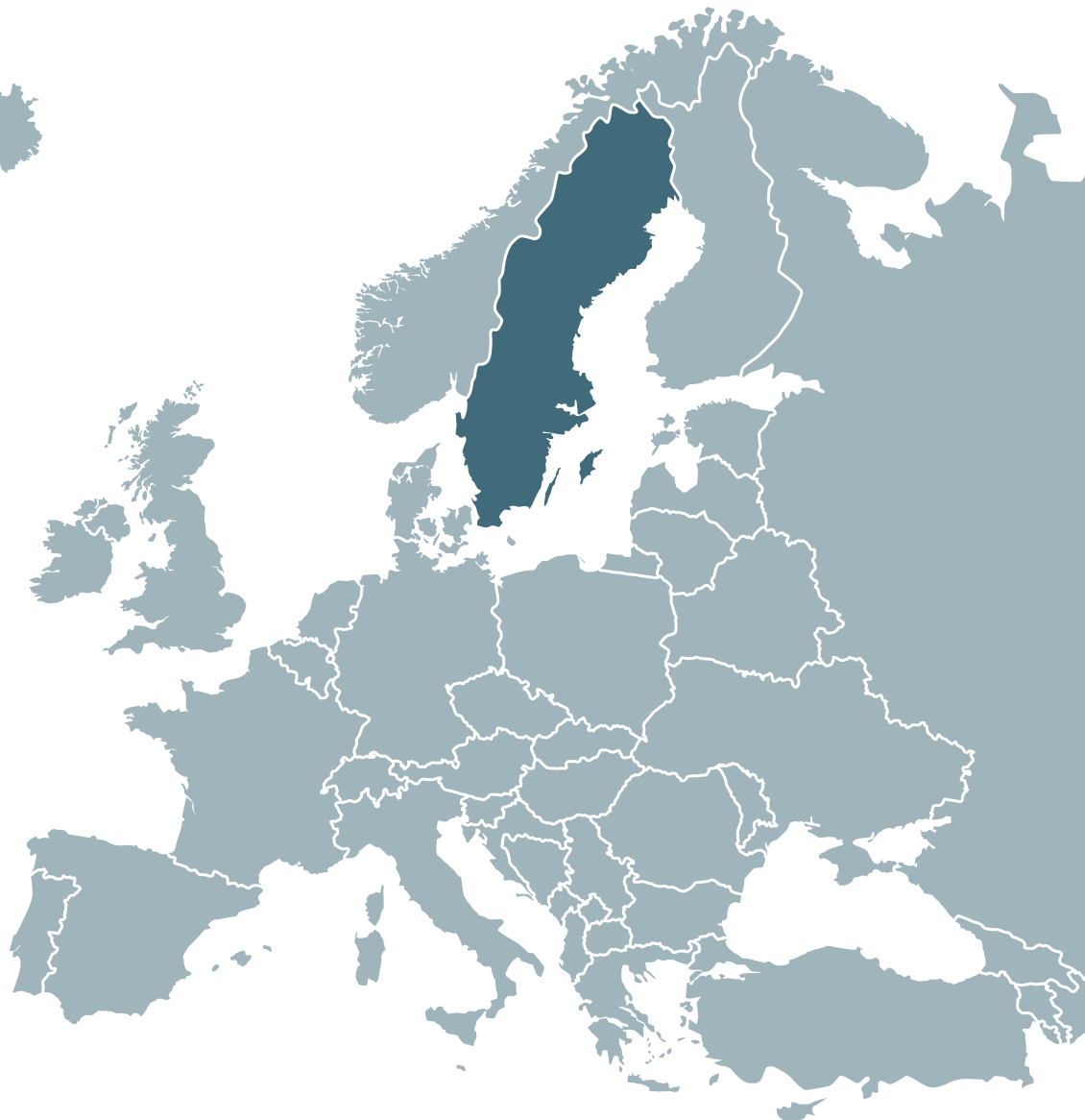


UPDATE ON 2024



SWEDEN



COUNTRY REPORT

MAY 2025

Acknowledgements & Methodology

This report was prepared by the Swedish Refugee Law Center under the lead of Siri Sandin with contributions from Lars Olsson, Anna-Pia Beier, Saloa Rubil, Louise Dane, Karl Nilsson Ylva Carlshamre and Elias Nygren at the Swedish Refugee Law Center, and edited by the European Council on Refugees and Exiles (ECRE). The Annex on Temporary Protection in Sweden was authored by Karl Nilsson at the Swedish Refugee Law Center and edited by ECRE.

Previous reports were prepared by either Caritas Sweden, Swedish Network of Refugee Support Groups (FARR) or the Swedish Refugee Law Center, and edited by ECRE. Previous versions of the Annex on Temporary Protection in Sweden were authored by Karl Nilsson at the Swedish Refugee Law Center and edited by ECRE.

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 2024 update to the AIDA country report on Sweden was shared with the Swedish Migration Authority to provide an opportunity for comments.

The information in this report is up to date as of 31 December 2024, 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 24 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 5 non-EU countries (Serbia, Switzerland, Türkiye, Ukraine 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	17
A. General	17
1. Flow chart	17
2. Types of procedures	18
3. List of authorities intervening in each stage of the procedure	18
4. Determining authority.....	19
5. Short overview of the asylum procedure	22
B. Access to the territory and registration	26
1. Access to the territory and push backs.....	26
2. Preliminary checks of third country nationals upon arrival	27
3. Registration of the asylum application	28
C. Procedures	30
1. Regular procedure ("Tracks 1 and 2")	31
2. Dublin ("Track 5A")	45
3. Admissibility procedure ("Track 5B" and "Track 5C")	52
4. Border procedure (border and transit zones)	54
5. Accelerated procedure ("Track 4").....	54
6. National protection statuses and return procedure	57
D. Guarantees for vulnerable groups.....	60
1. Identification.....	60
2. Special procedural guarantees.....	64
3. Use of medical reports.....	74
4. Legal representation of unaccompanied children.....	77
E. Subsequent applications.....	78
F. The safe country concepts.....	81
1. Safe country of origin.....	81
2. Safe third country.....	83
3. First country of asylum.....	84

G. Information for asylum seekers and access to NGOs and UNHCR	84
1. Provision of information on the procedure.....	84
2. Access to NGOs and UNHCR	86
H. Differential treatment of specific nationalities in the procedure	86
Reception Conditions.....	89
A. Access and forms of reception conditions	90
1. Criteria and restrictions to access reception conditions	90
2. Forms and levels of material reception conditions	93
3. Reduction and withdrawal of material reception conditions	94
4. Freedom of movement.....	96
B. Housing.....	97
1. Types of accommodation.....	97
2. Conditions in reception facilities	98
C. Employment and education	100
1. Access to the labour market	100
2. Access to education.....	102
D. Health care.....	103
E. Special reception needs of vulnerable groups	104
F. Information for asylum seekers and access to reception centres.....	108
1. Provision of information on reception	108
2. Access to reception centres by third parties.....	108
G. Differential treatment of specific nationalities in reception	109
Detention of Asylum Seekers	110
A. General	110
B. Legal framework of detention	111
1. Grounds for detention	111
2. Alternatives to detention	113
3. Detention of vulnerable applicants	114
4. Duration of detention	115
C. Detention conditions	116
1. Place of detention	116
2. Conditions in detention facilities	117
3. Access to detention facilities	119

D. Procedural safeguards	120
1. Judicial review of the detention order	120
2. Legal assistance for review of detention	120
E. Differential treatment of specific nationalities in detention	121
Content of International Protection	122
A. Status and residence	122
1. Residence permit.....	122
2. Civil registration	124
3. Long-term residence.....	125
4. Naturalisation	125
5. Cessation and review of protection status.....	128
6. Withdrawal of protection status	129
B. Family reunification	131
1. Criteria and conditions	131
2. Status and rights of family members	135
C. Movement and mobility	136
1. Freedom of movement.....	136
2. Travel documents	136
D. Housing	137
E. Employment and education	138
1. Access to the labour market	138
2. Access to education.....	139
F. Social welfare	139
G. Health care.....	140
ANNEX I – Transposition of the CEAS in national legislation	141

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
EUAA	European Union Agency for Asylum
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: 2024

	New applicants in 2024	Pending at the end of 2024	Total decisions in 2024	Total in merit decisions ²	Total rejections	In merit rejections ³	Refugee status	Subsidiary protection	Humanitarian protection
Total	9,634	3,685	11,453	8,713	6,221	5,250	1,340	595	310

Breakdown by the main countries of origin of the total numbers of asylum applicants:

Syria	976	473	955	714	230	156	171	326	13
Afghanistan	839	313	1,056	806	366	321	300	41	83
Iraq	572	257	738	631	530	488	51	38	21
Iran	540	302	580	487	392	351	108	1	14
Uzbekistan	517	95	616	501	548	476	14	1	4
Türkiye	393	195	445	341	289	229	88	1	6
Eritrea	359	119	357	262	114	78	136	9	12
Ukraine⁴	330	109	1,235	982	122	121	0	1	0
Nigeria	239	75	243	163	176	127	18	3	8
Colombia	238	63	280	252	249	248	2	0	1

Source: Information provided by the Swedish Migration Agency via e-mail on January 2025, and the Swedish Migration Agencies Monthly Statistical Report of December 2024 (månrap 2412), pages 11 and 16.

¹ Information provided by the Swedish Migration Agency in January 2025.

² The reason the total number of "in merit decisions" does not match the sum of rejections and grants of residence permits on protection or humanitarian grounds is because the data comes from different reports. Figures for refugee status, subsidiary protection, and humanitarian protection are based on a different total number of applicants than the figures for total applicants in a given year, pending cases at the end of the year, total decisions, and in merit decisions. This discrepancy arises because the reports use different data sets.

³ You can find more information about inadmissibility [here](#).

⁴ The numbers regarding Ukraine only concern cases that are not handled in line with the Temporary Protection Directive.

Notes:

- ❖ 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.
- ❖ 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 regarding applicants in a year, pending at end of year, total decisions in year, total in merit decisions, total rejection and in merit rejection. The Swedish 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 of the Alien Act. If a 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 exceptionally 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 2024⁵

	Overall rejection rate	In merit rejection rate ⁶	Overall protection rate ⁷	In merit protection rate	Refugee status recognition rate	Subsidiary protection rate	Humanitarian protection rate
Total	70%	60%	30%	40%	15.3%	6.8%	3.5%

Breakdown by the main countries of origin of the total numbers

Syria	42%	16%	58%	84%	23.9%	45.6%	1.8%
Afghanistan	54%	36%	46%	64%	37.2%	5%	10.2%
Iraq	81%	77%	19%	23%	8%	6%	3.3%
Iran	77%	72%	23%	28%	22.1%	0.2%	2.9%
Uzbekistan	96%	95%	4%	5%	2.8%	0.2%	0.8%
Türkiye	75%	67%	25%	33%	25.8%	0.3%	1.8%
Eritrea	48%	22%	52%	78%	51.9%	3.4%	4.5%
Ukraine	30%	12%	70%	88%	0%	0.1%	0%
Nigeria	85%	77%	15%	23%	11%	0%	4.9%
Colombia	99%	98%	1%	2%	0.8%	0%	0.4%

Source of the percentages: Swedish Migration Agency Monthly Statistical Report December 2024 (månrap 2412), pages 5, 11 and a calculation based on the numbers from the table above.

⁵ Information provided by the Swedish Migration Agency in January 2025.

⁶ You can find more information about inadmissibility [here](#).

⁷ Including humanitarian protection.

Gender/age breakdown of the total number of applicants: 2024

	Men	Women
Number	5,889	3,757
Percentage	61%	39%

	Adults	Children	
		Accompanied	Unaccompanied
Number	7,342 ⁸	2,028	276
Percentage	76%	21%	3%

Source: Information provided by the Swedish Migration Agency in January 2025.

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

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

First instance and appeal decision rates: 2024⁹

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	11,453 ¹⁰	100%	8,447	100%
Positive decisions	3,459	30.2%	414	5%
• <i>Refugee status</i> ¹¹	1,340	38.7%	Not Available	Not Available
• <i>Subsidiary protection</i> ¹²	595	17.2%	Not Available	Not Available
• <i>Other</i> ¹³	1,524	44%	Not Available	Not Available
Negative decisions	6,221	54.3%	7,395	87.5%

Source: Swedish Migration Agency, Monthly Statistical Report December 2024, pages 9, 16, 22.

⁹ Information provided by the Migration Agency in January 2025.

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 all other percentages than the total decisions does not add up to 100%. The total numbers from both First instance and Appeal does not match positive and negative decisions. In First instance, the missing 15.5% are cases that were dismissed and cancelled. For example, incorrectly entered cases or duplicates. In Appeals, the missing 12.4% percentage are cases that are referred back to the Swedish Migration Agency for processing. This is why the percentage of positive and negative decisions on appeal does not add up to 100%.

¹¹ The percentage for the Refugee status are calculated over the total of positive decision and not the total decisions.

¹² The percentage for the Subsidiary protection status are calculated over the total of positive decision and not the total decisions.

¹³ This could, for example, be positive decisions granting a resident permit on humanitarian grounds, relatives to refugees, children born in Sweden with parents with resident permits, or persons who for various reasons have been granted a resident permit to live together with relatives in Sweden. The percentage of the 'Other' statuses is calculated over the total of positive decision and not the total decisions.

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)	UtlL	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		Lag (2022:700) om särskild kontroll av vissa utlänningar (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	Utlänningsförfordningen, 2006:97	UtlF	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 2024**.

National context

- ❖ **Key asylum statistics at first instance:** In 2024, 9,634 preliminary applications for international protection were lodged in Sweden. This marks a decrease of 23% from 2023. Most first-time applications were lodged by nationals of Syria (976), Afghanistan (839), Iraq (572), Iran (540) and Uzbekistan (517). At first instance, the in-merit rate was 40%, an increase from 34% in 2023. The recognition rate for Syrian nationals was 84%, the same as in 2023. The recognition rate for Afghans was 64%, a slight increase from 63% in 2023. The backlog of pending cases at the end of 2024 was 3,685, a significant decrease from 5,229 cases 2023. The average length of proceedings decreased slightly from 195 days in 2023 to 187 days in 2024. 6,830 subsequent applications were lodged, particularly from nationals from Iraq, Iran, Afghanistan and stateless applicants.
- ❖ **The Pact on Migration and Asylum (the Pact):** On 12 December 2024, the Government of Sweden submitted its national implementation plan to the Commission. The Government's position is that necessary legislative amendments are expected to be in place by the time the Pact provisions take effect in 2026. The Government of Sweden does not anticipate the need for substantial changes to the asylum system infrastructure. The aspects of the Pact identified as requiring the most thorough analysis and resources are those related to the screening and border procedures, along with the new Eurodac system.

An inquiry was appointed by the Government on 21 November 2024. The inquiry is tasked with reviewing the need for adaption of Swedish legislation in line with the Pact instruments concerning asylum procedures and screening, including questions relating to fundamental rights monitoring mechanisms. The inquiry will present its report to the Government by 21 November 2025 at the latest. According to its terms of reference, the inquiry is to enable an effective and legally secure application of the relevant legal acts while ensuring a prudent and restrictive regulatory framework.

- ❖ **The Government platform agreement – Tidö Agreement:** In the agreement between the parties of the new government (formed in October 2022) and the Sweden Democrats, known as the Tidö Agreement,¹⁴ the parties state various actions to be undertaken during this term of office to ensure that the rights of asylum seekers will be restricted to a minimum level in accordance with international obligations. In 2024, several legal amendments came into effect and several government inquiries concerning other restrictions were completed. A selection follows below.

Asylum procedure

- ❖ **General conditions:** An inquiry chair has been tasked with suggesting possible restrictions to asylum applicants' rights. The aim is to ensure rights are lowered to a minimum level, while remaining in compliance with international obligations. The purpose of the inquiry is also to remove the possibility for asylum applicants to receive permanent residency permits and instead only grant them 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](#)). The consequence of the investigation regarding public counsel may be that the right to public counsel in the first instance is abolished. The inquiry chair was tasked with additional terms of reference

¹⁴ 'Tidöavtalet - Överenskommelse för Sverige', available in Swedish at: <https://tinyurl.com/Tidoavtalet>.

on 21 November 2024, whereby it shall also investigate the need to adapt the national legislation to incorporate changes derived from the Pact. The inquiry shall present an interim report by 31 March 2025 and its final report by 2 October 2025.

- ❖ **The situation for undocumented migrants:** On 12 March 2025, the Swedish Parliament adopted a bill introducing several changes: (i) an extension of the period during which a return decision remains valid, (ii) longer re-entry bans, and (iii) the removal of the possibility to switch from an asylum application to a work permit application. One consequence of the extended validity period is that a return decision now will remain enforceable for as long as the individual remains in Sweden. Previously, such decisions were subject to a limitation period of four years, making the new system a departure from the earlier regime. Another consequence is that individuals who have switched tracks from an asylum application to a work permit will no longer be able to extend their permits. The Swedish Migration Agency estimates that approximately 4,700 people may face difficulties renewing their work permits as a result of this change in legislation. The bill entered into force on 1 April 2025, and does not include any transitional provisions, meaning that the amendment also applies to return decisions and work permit applications issued before that date.

On 26 November 2024, an inquiry regarding reinforcing return operations and internal controls of foreign nationals was completed. The inquiry proposes to increase the reporting obligations of certain authorities when they come into contact with individuals they suspect are not entitled to remain in Sweden. The inquiry recommended exempting healthcare services, schools, and social services from the reporting obligation due to the negative consequences they would have for children. The inquiry's proposal also includes expanded powers for coercive measures and internal immigration checks. The proposal is currently under consultation, and the suggested measures are intended to take effect on 1 July 2026, concomitantly to the date of applicability of all Pact legislative instruments.

- ❖ **Resettled refugees:** As decided in the Tidö Agreement, Sweden lowered the number of resettled refugees accepted from 5,000 in 2022 to 900 the per year the consecutive years. 959 refugees were resettled to Sweden during 2024, a significant increase from 297 in 2023.
- ❖ **Examination of the Swedish Migration Agency's assessments of asylum cases:** The Swedish Agency for Public Management, on behalf of the Swedish Government, has examined the Swedish Migration Agency's assessments of asylum cases. On 7 October 2024, the agency published its analysis, which indicates clear signs of deficiencies in the Swedish Migration Agency's assessment of asylum cases. The analysis highlights that the Swedish Migration Agency struggles to maintain consistency and legal certainty in asylum assessments, as decisions vary significantly across different parts of the country.
- ❖ **Stricter requirements regarding conduct for residence permits:** 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 inquiry presented its findings in 1 April 2025. The inquiry proposes, among other things, that a fundamental requirement of good conduct be reintroduced into the Aliens Act for the assessment of whether an individual should be permitted to enter or reside in Sweden. It also proposes that an individual's dishonourable conduct may constitute grounds for refusing or revoking a residence permit not based on EU law. Examples cited include unwillingness to pay debts, abuse of the welfare system, or other forms of non-compliance with regulations. It may also concern close associations with criminal networks or violent extremist organisations. The amendments are proposed to enter into force on 1 July 2026.

Reception conditions

- ❖ **Housing:** 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.

A bill was passed by the Parliament on 29 January 2025. The legislative proposal provides, among other things, that asylum seekers, as a rule, are only entitled to financial assistance if they reside in the asylum accommodation assigned to them by the Swedish Migration Agency. The Swedish Migration Agency is granted additional authority to verify that asylum seekers reside at the designated accommodation and to withdraw the right to accommodation and financial assistance from individuals who fail to maintain contact with the authorities. Additionally, a statutory obligation is introduced for asylum seekers to participate in a societal introduction program. The new regulations entered into force on 1 March 2025.

On 15 October 2024, additional proposals were presented by an inquiry. It proposed additional obligations for asylum seekers, including participating in attendance checks at their accommodation, remaining within the county where the asylum housing is located, complying with a reporting obligation to the Swedish Migration Agency, and facing reduced daily allowances if they leave the county or fail to comply with their individual reporting obligation. To align Swedish regulations with the EU's minimum standards regarding the reception conditions for asylum seekers, the inquiry also proposes to introduce a six-month time limit before asylum seekers gain access to the labour market. The proposal also includes a change in how the daily allowance is calculated, using a system of percentage of the national standard for income support instead of a fixed number (which will, most likely, raise the allowance). The inquiry's proposal also suggests reinstating the right to accommodation and daily allowance to all individuals subject to a deportation order, which would improve conditions for adults facing deportation (as, currently, adults without minor children generally lack entitlement to accommodation and allowances when they have enforceable deportation orders). The inquiry suggests that the legislative changes would take effect on 1 October 2026.

Detention of asylum seekers

- ❖ **Detention:** An inquiry report was published at the beginning of 2024, proposing further restrictions for visitors, room searches, increased surveillance and increased security checks. The Swedish Parliament was expected to vote on the legislation during 2024, but it has been postponed. The legislative changes are proposed to enter into force on 1 July 2025.

Content of international protection

- ❖ **Citizenship:** On 14 January 2025, an inquiry presented a report on the subject of stricter requirements for Swedish citizenship. The inquiry's proposals include, among other measures, a longer period of residence in Sweden and more stringent requirements for demonstrating good conduct in order to acquire Swedish citizenship. The proposed new period of residence is eight years, replacing the current five-year requirement. Additionally, a requirement for financial self-support is proposed as a condition for acquiring citizenship. The proposal has been circulated for consultation. The legislative changes are proposed to take effect on 1 June 2026.
- ❖ **Work permit:** On 15 February 2024, a report was published presenting several proposals aimed at restricting the conditions for low-skilled labour migration while promoting high-skilled labour migration. The proposal includes, among other measures, a further increase in the income requirement and the possibility of exempting certain professions from the salary threshold. It also proposes that researchers and recent graduates be exempt from the salary requirement. The

proposal has been circulated for consultation but has not yet been adopted. It is proposed that it enters into force on 1 June 2025.

- ❖ **Repatriation:** A committee tasked with examining incentive structures for voluntary repatriation presented its findings on 13 August 2024. The committee concluded that high financial incentives for repatriation could increase the rate of repatriation but simultaneously risk undermining integration efforts. In its 2025 budget proposal, the Government of Sweden proposed a substantial increase in the repatriation grant for 2026, up to SEK 350,000 per person. As of April 10, 2025, this was equivalent to approximately 31,822 euros. The report has not yet resulted in any legislative changes.

Temporary protection (see [Temporary Protection Annex](#))

For further information, see [Annex on Temporary Protection](#).

- ❖ The Temporary Protection Directive has been transposed into Swedish law and can be found in Ch. 21 of the Aliens Act.
- ❖ **Key temporary protection statistics:** In 2024, the Swedish Migration Agency registered 10,646 first time applications for temporary protection. In comparison, the Swedish Migration Agency registered 11,401 applications in 2023. Of those applications, 10,563 were Ukrainian nationals. The remaining applications came from third country nationals from more than 20 different countries, the second largest nationality being Russian with 12 applicants. The Swedish Migration Agency took decisions in 10,743 first time applications, and of those examined on the merits (10,035), 9,946 (99%) were granted a residence permit and 89 applications were rejected.

Temporary protection procedure

- ❖ **Asylum and expulsion enforcement:** On 24 February 2022, the Swedish Migration Agency decided to halt all deportations to Ukraine and decision-making in ordinary asylum cases concerning applications for protection in relation to Ukraine, due to the difficulties to assess the situation in Ukraine and the protection needs. This position applied until 22 December 2023. On 22 December 2023, the Swedish Migration Agency published a new legal position to re-start decision-making in ordinary asylum cases relating to Ukraine.
- ❖ **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 (EU) 2022/382 of 4 March 2022. Thereby, Ukrainian nationals who applied for asylum prior to 30 October 2021 and have thereafter been staying legally in Sweden are also included in the personal scope of the temporary protection.

Content of temporary protection

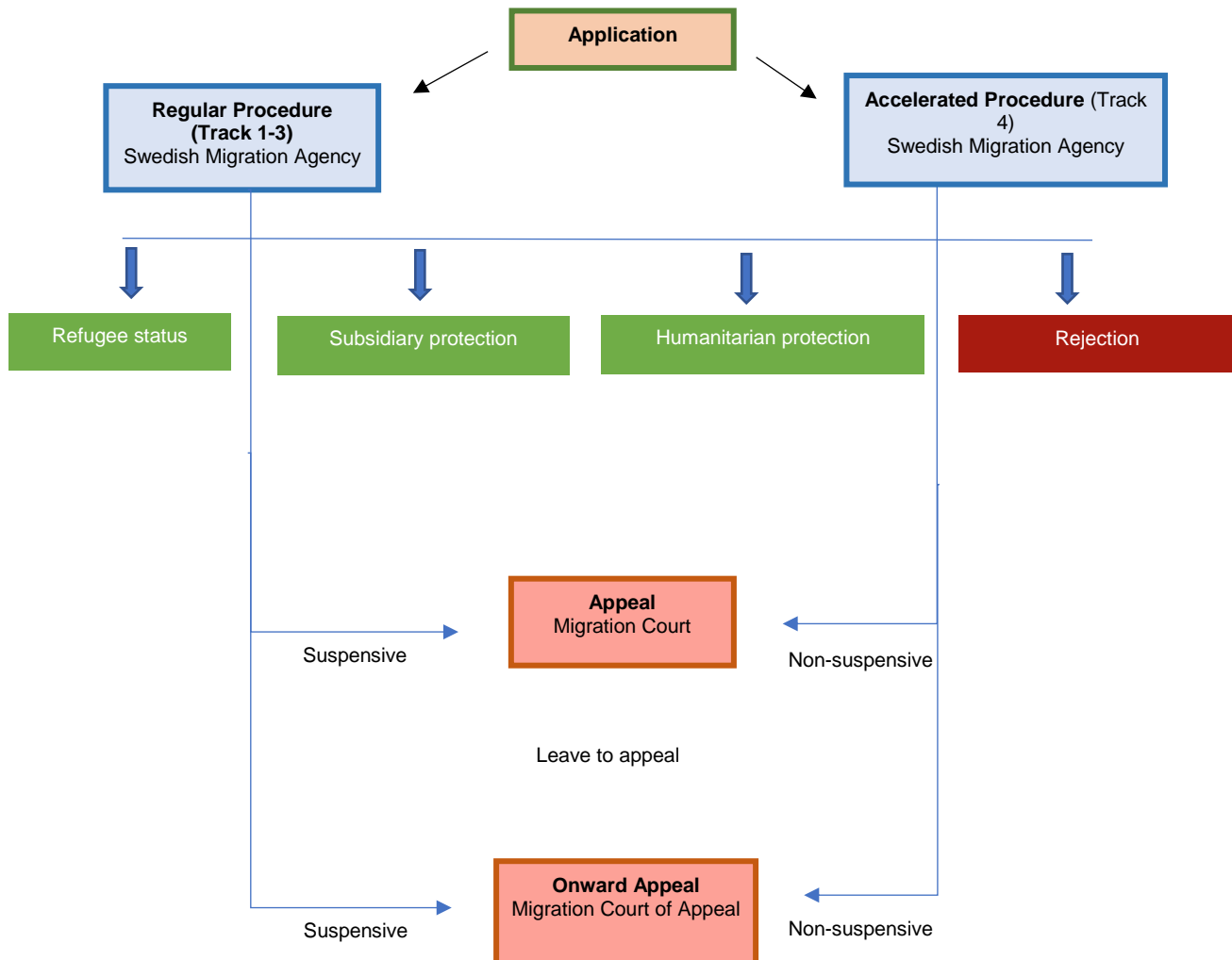
- ❖ **Financial support:** Temporary protection holders are provided with financial support at the same low level as asylum-seekers, which has not been increased since 1994. They are also only entitled to healthcare that cannot be postponed, which is the limited extent to which asylum seekers have the right to healthcare (see [Reception Conditions – Health care](#)). In 2024 it became possible for some holders of temporary protection permits to register as residents in Sweden, giving them the full rights of other holders of residence permits in Sweden who are registered as residents. Earlier in 2024, the Swedish Government prepared a new law giving temporary protection permit holders the possibility to register as residents after one year with a temporary protection permit in Sweden. This proposal came into force on 1 November 2024. However, the social rights of persons who

registered as residents after this date are restricted and are given less rights than those who registered as residents before the new law (see [Temporary Protection Annex](#)).

Asylum Procedure

A. General

1. Flow chart



The decision gains legal force on the date of issuance of the decision or judgment from the Migration Court of Appeal. 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 five years after the date on which it gains legal force; however, the limitation period does not begin to run until the individual has left Sweden in accordance with the decision. This means that return decisions never become statute-barred for individuals who remain in the country. Previously, return decisions in Sweden were always subject to a limitation period of four years, so the current system represents a change from that regime. The bill modifying this entered into force on 1 April 2025 and does not include any transitional provisions, which means that the amendment also applies to return decisions issued prior to 1 April 2025. ([Preskription av avlägsnandebeslut och vissa frågor om återreseförbud](#)).

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: ¹⁵ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ¹⁶ | <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: ¹⁷ | <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 i Luleå, Stockholm, Göteborg och Malmö (Migrationsdomstolen)
Second (onward) appeal	Migration Court of Appeal	Kammarrätten i Stockholm, Migrationsöverdomstolen
Subsequent application (admissibility)	Swedish Migration Agency	Migrationsverket
Revocation / Withdrawal	Swedish Migration Agency	Migrationsverket

The Swedish Security Service also has the authority to intervene and initiate a procedure stipulated in the Act concerning Special Controls of Certain Aliens¹⁸ 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 permits, refugee status determination and travel documents.

¹⁵ For applications likely to be well-founded or made by vulnerable applicants.

¹⁶ Accelerating the processing of specific caseloads as part of the regular procedure, without reducing procedural guarantees.

¹⁷ Entailing lower procedural safeguards, whether labelled as “accelerated procedure” in national law or not.

¹⁸ Act concerning Special Controls of Certain Aliens (2022:700), available in Swedish [here](#).

4. Determining authority

Name in English	Number of staff on average in 2024	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	5,972	Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Swedish Migration Agency, 'Annual Report 2024', Dnr: 1.3.2-2025-1844, 21 February 2025, available in Swedish at: https://www.migrationsverket.se/download/18.2cd2e409193b84c506a346f2/1744638139545/Migrationsverkets_ars_redovisning_2024.pdf, 38.

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.¹⁹ 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 Act concerning Special Controls of Certain Aliens 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 concerning Special Controls of Certain Aliens, 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 (Chapter 7, Section 15). 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 six decisions under the Act concerning Special Controls in Respect of Aliens between 1 July 2023 and 30 June 2024, compared to five decisions in the previous corresponding period. Two of the decisions concerned a dismissal of an appeal against a decision of the Swedish Migration

¹⁹ Act concerning Special Controls of Certain Aliens (2022:700), available in Swedish [here](#).

Agency regarding expulsion. The other four decisions were rejections of requests from the individual to reconsider expulsion decisions.²⁰

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.²¹ 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.²² 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 Aliens Act and Citizenship Act. The Swedish Migration Agency is also responsible for third country nationals 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. In 2023, Maria Mindhammar was appointed Director General (with no change in 2024). 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.²³ 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 country of origin information reports issued by other countries and organisations which is published on its country of origin and case law database (also named LIFOS). It is the caseworkers' 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 EUAA Training Curriculum (ETC) module 'Interviewing Children'.²⁴ 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

²⁰ See: Government, Skrivelse från Justitiedepartementet, Skr. 2024/25:68, 2024 års redogörelse för tillämpningen av lagen om särskild kontroll av vissa utlännningar, available in Swedish [here](#).

²¹ The Migration Agency, 'Laws and regulations', available [here](#).

²² Instrument of Government, Chapter 12, Section 2, available in Swedish [here](#).

²³ The Swedish Migration Agency, 'Our organisation', available [here](#).

²⁴ The Swedish Migration Agency, *Tematisk kvalitetsuppföljning avseende asylsökande barn i familj*, Dnr: 1.3.4-2022-26331, December 2022.

the LIFOS website were also enhanced by including recommended reading on various topics and main countries of origin.²⁵

The Migration Agency's regional division:²⁶

MIGRATIONSVERKET 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:

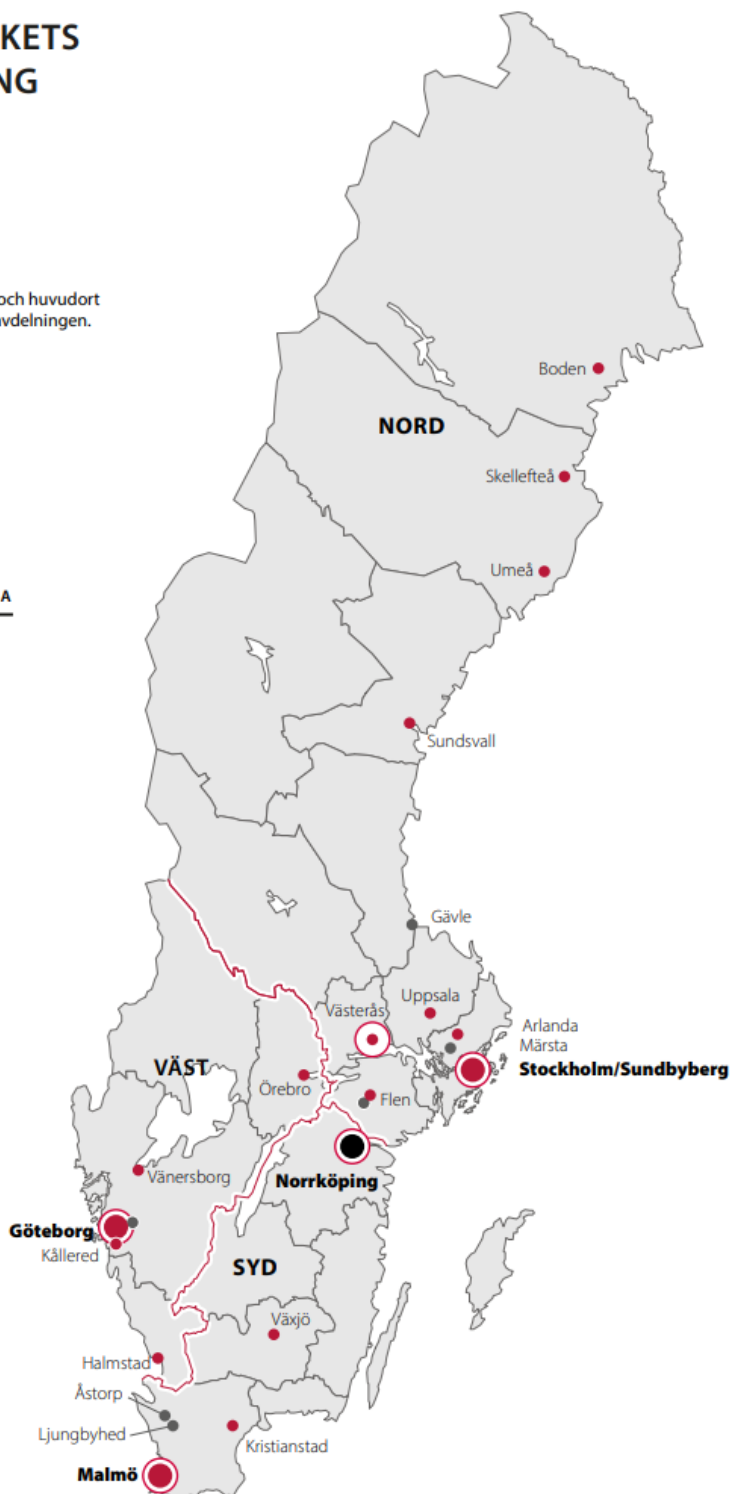
Norrbottens län
Västerbottens län
Jämtlands län
Västernorrlands län
Dalarnas län
Gävleborgs län
Uppsala län
Västmanlands län
Stockholms län
Södermanlands län
Gotlands län

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



²⁵ EUAA, *Asylum Report 2022: Annual Report on the Situation of Asylum in the European Union*, June 2022, available [here](#).

²⁶ Geographical overview of Migration Agency's regional divisions, available in Swedish at Migration Agency website available [here](#).

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:²⁷

- ❖ 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 Agency

The Swedish Migration Agency had an average of 5,972 employees in the year 2024.²⁸ Out of the total number of employees in 2024, 362 were working as case officers and 172 as decision makers in asylum cases.²⁹

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.³⁰ In 2023, the Agency reported 48 cases.³¹ In 2024 the number of reported cases was 67.³² 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, asylum seekers are 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.

²⁷ The Swedish Migration Agency, Kvalitetsuppföljningar av rättslig kvalitet i Migrationsverkets processer, RC A - 04/2019, available upon request from the Swedish Migration Agency via email.

²⁸ Swedish Migration Agency, *Annual Report 2023*, Dnr: 1.3.2-2024-2238, page 38. available in Swedish [here](#).

²⁹ Information provided by the Swedish Migration Agency by the statistics unit via email in January 2025.

³⁰ Swedish Migration Agency, *Annual Report 2022*, Dnr: 1.3.2-2022-2199, available in Swedish [here](#).

³¹ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, page 110, 22 February 2024, available in Swedish [here](#).

³² Swedish Migration Agency, *Annual Report 2024*, Dnr: 1.3.2-2025-1844, p, 106, 21 February 2025, available in Swedish at: [Årsredovisning 2024](#).

Since 2016, cases are screened and sorted in different tracks based on their specific profile during the initial process.³³ 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. As a guideline, a case is considered to have a high rate of refusal if it has a rejection percentage of 85%, based on a sample of at least 10 cases over the past 12 months. However, this does not provide an exhaustive list.³⁴ Other cases are forwarded to the Distribution Unit. 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
C-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 4A. 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.

³³ Swedish Migration Agency, *Rutin: Spårindela ärendet*. Information in Swedish available upon request to migrationsverket@migrationsverket.se.

³⁴ The Swedish Migration Agency, VÄGLEDNING Lista över länder och lägsta idkategorisering för sortering i spår 4B Dnr: 1.2.2.2-2024-6176, 7 May 2021, revised 22 April 2024.

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 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.³⁵ In cases where an unaccompanied minor has applied for asylum a legal counsel must be appointed.³⁶ 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 if it facilitates decision-making or is deemed necessary in accordance with current practice as determined by the Migration Court of Appeal. The applicant can request an oral interview at the court. If an oral interview is requested it should be granted unless the hearing is deemed unnecessary or if there are any special reasons against it.³⁷ 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.³⁸

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.³⁹ 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.⁴⁰ 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.⁴¹ They have no special legal training and represent the general public. They have varying

³⁵ Chapter 18, Section 1 Aliens Act.

³⁶ Chapter 18, Section 1 Aliens Act.

³⁷ Chapter 16, Section 5 Aliens Act.

³⁸ Migration Court of Appeal, Decision MIG 2009:30, UM7867-08, 9 November 2009, available in Swedish [here](#), and Migration Court of Appeal, Decision MIG 2017:9, UM 7143-16, 12 April 2017, available in Swedish [here](#).
³⁹ ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011, available [here](#), ECtHR, *Tarakhel v. Switzerland*, Application No 29217/12, Judgment of 4 November 2014, available [here](#).

⁴⁰ Migration Court of Appeal, [UM 5998-14](#) and [UM 3055-14](#), 19 December 2014.

⁴¹ Migration Court of Appeal, Decision MIG 2007:22, 23 May 2007, available [here](#).

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.

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 2024, the Migration Courts in total overturned decisions of the Swedish Migration Agency in 5% of regular asylum cases.⁴² This is the same percentage as in 2023. It may in turn be compared to 2022, when the Migration Courts overturned decisions of the Migration Agency in 6% of cases.⁴³

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."⁴⁴ 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 be given at all.⁴⁵

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.⁴⁶

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.⁴⁷

⁴² The Swedish Migration Agency, Monthly Report – December 2024, Dnr: 1.1.1.2-2024-1660.

⁴³ The Swedish Migration Agency, Monthly Report – December 2023, Dnr: 1.1.1.2-2023-1728.

⁴⁴ Chapter 16, Section 12 Aliens Act.

⁴⁵ Chapter 8, Section 21 Aliens Act.

⁴⁶ Chapter 2, Section 2 Lag (2022:700) om särskild kontroll av vissa utlännningar.

⁴⁷ 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 2025.⁴⁸ 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, the Swedish Parliament has passed a new law, effective from 1 March 2024, granting the Government the authority to impose temporary bans on transporting individuals without valid identification documents to Sweden via bus, train, or passenger ship. This measure aims to address situations where, due to events in the migration area, there is a serious threat to public order or internal security in the country. Additionally, the Government can establish sanction fees ranging from 30,000 to 250,000 SEK (approximately EUR 2,500 to 21,000) for transport companies that violate such prohibitions.⁴⁹

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 959 refugees in 2024.⁵⁰ This should be compared to 297 refugees in 2023, 3,744 refugees in 2022, 6,411 refugees in 2021, and 3,599 refugees in 2020. The annual quota was lowered from 5,000 to 900 in 2023.⁵¹ The focus of the selections is determined by the

⁴⁸ Government Offices of Sweden, 'Reintroduced temporary internal border controls', 15 November 2023, available [here](#).

⁴⁹ The law is accessible in full [here](#) (in Swedish).

⁵⁰ The Swedish Migration Agency, monthly report December 2024, page 16.

⁵¹ Government of Sweden, 'Regeringens första 100 dagar: Migration', 24 January 2023, available in Swedish [here](#).

Swedish Government but the Swedish Migration Agency, in collaboration with UNHCR, determines which refugee groups will be considered for resettlement from different countries.⁵² 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.⁵³

Sweden does not have any relocation operations in place.

2. Preliminary checks of third country nationals upon arrival

Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks? ☐
Yes ☐ No

Swedish legislation includes provisions for preliminary checks at the point of entry. These checks apply to all third-country nationals regardless of whether they intend to apply for asylum. The categories include individuals entering irregularly and persons not meeting Schengen Borders Code requirements, such as valid travel documents or visas.⁵⁴

Preliminary checks involve identity verification and security checks. The police officer will be validating passports or travel documents and screen through databases such as Schengen Information System and Interpol. In connection with entry control according to the Schengen Borders Code, a police officer may physically search a foreigner and examine his or her luggage, hand luggage, handbags and the like, to the extent necessary to find out the foreigner's identity. Such investigations may also be carried out to find out a third country national's journey to Sweden, if it is of importance for the assessment of the right to enter and stay in this country. In connection with the entry control, a police officer may also examine luggage compartments and other closed spaces in cars and other means of transport with the aim of preventing a third country national from entering Sweden in violation of the provisions of the Schengen Borders Code. When the entry control is handled by specially appointed passport controllers, customs officers or officers at the Coast Guard, they have the same powers as a police officer.

Body searches may not be carried out in more detail than is required with regard to the purpose of the measure. All the considerations that the circumstances allow must be observed. If possible, a witness should be present.⁵⁵

The Swedish Police Authority is responsible for identity, security, and document checks.

There is no explicit maximum time limit in Swedish law by which the checks must be completed. However, checks are conducted promptly to minimize delays and comply with the right to apply for asylum under international and EU law.

Preliminary checks are conducted under various conditions depending on the point of entry. At land borders, the fiction of non-entry is applied, and individuals are processed before officially entering

⁵² More information about the Swedish resettlement programme may be found in Swedish [here](#).

⁵³ Information available in Swedish [here](#).

⁵⁴ Chapter 8 Section 2 Aliens Act.

⁵⁵ Chapter 9, Section 2 and 8 Aliens Act.

Sweden. At sea borders, checks are conducted before passengers disembark from ships, while at air borders, they are typically carried out at international airports prior to passport control.

Preliminary checks may entail restrictions on freedom of movement or detention. For example, individuals without valid documentation may be held in transit zones or temporarily detained during identity and security checks.⁵⁶

The outcomes of preliminary checks include granting entry if all conditions are met, refusal of entry if requirements are not fulfilled, referral to asylum procedures for those expressing an intention to apply for asylum, or detention under specific conditions pending further investigation.⁵⁷

The Swedish police authority's decision on rejection may be appealed to the Swedish Migration Agency. However, if the Swedish Police Authority's decision on rejection has been made in connection with a decision to suspend or revoke a Schengen visa, the rejection decision is appealed to a migration court.⁵⁸

Third-country nationals may apply for asylum during preliminary checks. When an individual expresses an intention to seek asylum, authorities must promptly register the application and refer the person to the Swedish Migration Agency. Preliminary checks may continue alongside the asylum process to verify identity and ensure security.

3. Registration of the asylum application

Indicators: Registration

- | | |
|---|---|
| 3. Are specific time limits laid down in law for making an application?
❖ If so, what is the time limit for lodging an application? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Are specific time limits laid down in law for lodging an application?
❖ If so, what is the time limit for lodging an application? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Are registration and lodging distinct stages in the law or in practice? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Is the authority with which the application is lodged also the authority responsible for its examination? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 7. Can an application for international protection be lodged at embassies, consulates or other external representations? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

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

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**), **Göteborg** and **Malmö**. Unaccompanied minors may apply for asylum in **Boden**, **Göteborg**, **Malmö**, Stockholm (**Sundbyberg**), **Sundsvall**, **Umeå** and **Örebro**. If a person seeks asylum at an airport or port, they are referred to the Swedish Migration Agency.

In 2024, 9,645 applications for international protection were lodged in Sweden. This marks a decrease of 22,8% compared to 2023, when 12,498 applications were lodged.⁵⁹ The majority of the 9,645 applications lodged were in **Stockholm** (4,767), in **Göteborg** (2,078) and in **Malmö** (1,738).⁶⁰

⁵⁶ Chapter 10 Aliens Act

⁵⁷ Chapter 8 Aliens Act

⁵⁸ Chapter 14, Section 2 Aliens Act.

⁵⁹ The Swedish Migration Agency, *Applications for asylum received 2023*, and *Applications for asylum received 2022*, available in Swedish [here](#).

⁶⁰ The Swedish Migration Agency, *Applications for asylum received 2024*, available in Swedish [here](#).

Applications lodged by location: 2024	
Locations ⁶¹	Number of applicants
Arlanda	825
Boden	39
Flen	6
Gävle	1
Gothenburg	2,078
Halmstad	2
Kristianstad	7
Malmö	1,738
Norrköping	24
Skellefteå	3
Stockholm	4,767
Sundsvall	24
Umeå	5
Uppsala	21
Vänersborg	9
Västerås	12
Växjö	9
Örebro	3
Other	72
Total	9,645

Source: Swedish Migration Agency, *Applications for asylum received 2024*, available at: <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asyl.html>.

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.⁶²

⁶¹ 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.

⁶² 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 [here](#), 50.

There have been no problems reported for asylum seekers regarding the registration of their claims in practice in 2024.

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.⁶³

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.⁶⁴ 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 into 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		
	2023	2024
Track 1 – Presumed positive outcome	1,192	903
Track 2 – Presumed negative outcome	7,484	5,616
Track 3 – Delayed case processing	6	6
Track 4A – Accelerated procedure	342	248
Track 4B – Safe country origin	1,223	707
Track 5A – Dublin procedure	1112	905
Track 5B and 5C – Admissibility procedure	126	176
“Unknown”	1,017	1,085
Total	12,502	9,646*

Source: Information provided by the Swedish Migration Agency in January 2025. This statistic is taken from a different document than the statistics under point 3. We strive to maintain consistency by using the figures provided by the Swedish Migration Agency in their respective documents and not mixing different statistical sources—hence, the occasional variation in numbers for the same issue.

⁶³ The Swedish Migration Agency, ‘LMA card for asylum seekers’, available [here](#).

⁶⁴ 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](#), 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 (“Tracks 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 2024:

3,971

4. Average length of the first instance procedure in 2024:

Track 1: 166 days

Track 2: 204 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 length of the asylum procedure increased to a 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. 2024 saw a small decrease of the average length (8 days), which led to a total length of 187 days.

Average length of the asylum procedure: 2019-2024					
2019	2020	2021	2022	2023	2024
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	187 days – 6.2 months

Source: The Swedish Migration Agency, Monthly Statistical Report December 2024, page 11.

A total of 1,620 out of 13,252 asylum investigations were conducted by video by the Swedish Migration Agency during 2022.⁶⁵ In 2023, 690 out of a total of 8,969 interviews were conducted by video,⁶⁶ and during 2024, 430 out of 6,214 interviews were conducted by video. The Swedish Migration Agency aims for an asylum processing time of 6 months. During 2023, the Migration Agency started working with a scheduled process. Essentially, the approach entails minimizing the lead time, which is the time between various processing actions taken in the individual case. This means that the Swedish Migration Agency will schedule an investigation session with the applicant 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

⁶⁶ Information provided by the Swedish Migration Agency’s statistical unit in March 2023.

⁶⁶ Information provided by the Swedish Migration Agency’s statistical unit in March 2024.

than within 4 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.⁶⁷

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 an increase of 39,125 total cases in comparison with 2022. In 2023, the Swedish Migration Agency received 11,401 first time applications and 66,623 prolongation decisions for renewal of a temporary protection permit.⁶⁸ 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](#)). In 2024, the Swedish Migration Agency decided on 9,645 first time applications on international protection and 21,354 prolongation decisions where renewal of a temporary protection permit was requested.⁶⁹ At the end of January 2024 there was a backlog of 5,409 cases and at the end of December 2024 this number had decreased to 3,685 cases.⁷⁰ There has been a downward trend in new asylum applications and the number of people arriving in Sweden to seek protection.

The time limit for the Swedish Migration Agency to take 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.⁷¹ 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 take a decision even after the time limit has expired. The Swedish Migration Agency can then either take a decision in the case or decide not to process it, in which case they must provide a justification for their decision. This decision can then be appealed to the Migration Court. The Migration Court can either uphold the decision or issue a ruling requiring the Swedish Migration Agency to process the case. This ruling can then be appealed to the Migration Court of Appeal. If the Swedish Migration Agency disregards the court's ruling, a complaint can be filed with the Parliamentary Ombudsman (JO).

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 a public counsel;
- (c) The identity of the claimant has been ascertained based on the documents submitted; and
- (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 Swedish 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.⁷²

⁶⁷ Information provided by the Swedish Migration Agency in May 2023.

⁶⁸ Information provided by the Swedish Migration Agency's statistical Månadsrapport 2312.

⁶⁹ The Swedish Migration Agency annual report, Applications for asylum received 2024, which can be found [here](#).

⁷⁰ Information provided by the Swedish Migration Agency's statistical månadsrapport december 2024

⁷¹ Chapter 8, section 10, The Aliens Regulation.

⁷² Information from the Migration Agency's routine document for categorizing cases into track.

In 2022, the number of applications assigned to Track 1 was 1,319. A total of 1,107 decisions were delivered and 594 cases were open at the end of that year.⁷³ 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.⁷⁴ During 2024, 903 cases were assigned to Track 1, 1,047 decisions were taken and 271 cases were still open at the end of the year.⁷⁵

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.⁷⁶ 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.⁷⁷ This is particularly crucial for survivors of torture and traumatized individuals. However, due to confidentiality rules, this information is not automatically available to caseworkers. The 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 procedure the vulnerability is observed and outlines the measures that have resulted from it. It is emphasised 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 Swedish Migration Agency notifies the need for a guardian or informs a municipality that an unaccompanied child needs protection. Additionally, the Swedish 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,

⁷³ Information provided by the Swedish Migration Agency's statistical unit in January 2023.

⁷⁴ Information provided by the Swedish Migration Agency's statistical unit in January 2024.

⁷⁵ Information provided by the Swedish Migration Agency's statistical unit in January 2025.

⁷⁶ Chapter 13 Section 1 Aliens Act.

⁷⁷ Section 7 Health and Medical Services Act, available in Swedish [here](#).

but no obligation. 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.

When the child's grounds for asylum are investigated, the Swedish 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 includes 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 Swedish 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.⁷⁸

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.⁷⁹

The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSL) have also made a report that focuses partly on credibility assessments. In the report "Rejection motivations in SOGIESC asylum cases in Sweden" they review the migration authorities' assessments in 3,360 individual decisions and court rulings in SOGIESC asylum cases in Sweden, between 2012 and 2024. In the study they, were able to draw conclusions about how credibility assessments were used in practice and where the methods used by the authorities differed from the recommended practices.⁸⁰

The Swedish Migration Agency has confirmed that video interviews are not a new procedure; they have been conducted for several years in certain types of cases and are considered to work well.⁸¹ They are primarily used for applicants living far from the interview location to reduce costs and travel time or when

⁷⁸ Gothenburg University, *Värdering av muntliga utsagor, ett vetenskapligt baserat beslutsstöd för migrationsärenden*, 2017, available in Swedish [here](#).

⁷⁹ Swedish Refugee Law Center, *Tillförlitliga kriterier? En granskning av Migrationsverkets tillförlitlighetsbedömningar av asylberättelser*, 2019, available in Swedish [here](#).

⁸⁰ RFSL; *Rejection motivations in SOGIESC asylum cases in Sweden: A Case Law Analysis of the Migration Agency's, the Migration Courts' and the Migration Court of Appeal's Assessments of Sexual Orientation, Gender Identity and Gender Expression Asylum Claims*, September 2024, available in English [here](#).

⁸¹ Sveriges Radio, 'Kritik mot asylutredningar på distans', April 2020, available in Swedish [here](#).

special needs make video interviews more suitable. The agency also states that remote interviews uphold legal safeguards equally to physical meetings.⁸² However, video interviews can present challenges. Communication limitations may cause misunderstandings and frustration, particularly for applicants with special needs. Difficulties have been reported when the interpreter is not in the same room or not visible due to the lack of a video function. Additionally, remote interviews may make it harder to convey emotions such as fear of persecution or to accurately assess credibility. While applicants have not raised significant concerns, legal representatives participating by phone have found the process less effective. In cases involving trauma, hearing or visual impairments, or complex events requiring clarification, video interviews may be less suitable. If interpretation proves inadequate, the session can be rescheduled, often for an in-person interview.⁸³

1.3.1. Interpretation

The applicant may request an interpreter and interviewer of a certain gender.⁸⁴ The Swedish Migration Agency shall accommodate these requests if possible.⁸⁵ 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 Swedish 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.⁸⁶ 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 included cases involving converts and LGBTQI people, as well as other asylum cases. In its report of 7 October 2024, the Swedish Agency for Public Management found that the proportion between approval and rejection decisions differs between the three regions of the Swedish Migration Agency in a way that cannot be explained. It was also found that there are clear differences between the regions in terms of the extent to which the migration courts change the Swedish Migration Agency's decision or send the case back to the agency. Further, it was found that the internal governance, control and follow-up within the Swedish Migration Agency is weak, and legal quality is not followed up in a systematic manner. The Swedish Agency for Public Management also noted that reports from the Swedish Migration Agency and other actors indicated that the legal quality of the Swedish Migration Agency's assessments of asylum cases, especially in LGBTQI and convert cases, had serious shortcomings.⁸⁷

⁸² FRA, *Migration: Key Fundamental Rights Concerns*, November 2020, available [here](#), 23.

⁸³ Information provided by lawyers from the Swedish Refugee Law Center in March 2021.

⁸⁴ Chapter 8, Section 9 c Aliens Ordinance Act.

⁸⁵ Ibid. Note that Article 15.3(c) recast Asylum Procedures Directive introduces that obligation "wherever possible".

⁸⁶ *Tidöavtalet*, available in Swedish [here](#), 45.

⁸⁷ The Swedish Agency for Public Management, *Många öar små – Migrationsverkets styrning och uppföljning av den rättsliga kvaliteten i asylprocessen*, 7 October 2024, available [here](#).

The Government has also looked at questions surrounding legal representatives. A 2023 inquiry report found that there should be heightened eligibility requirements for public counsels in the migration process, a general declaration of ineligibility for representatives that are deemed to be unsuitable to act as public counsels and that, in cases where the individual is entitled to public counsel, if possible, an authorised interpreter should be used during oral proceedings, and an authorised translator for the translation of documents. A draft of a proposal that is to be submitted to the Council on Legislation (Lagrådet) was circulated for consultation in November 2024. Legislative changes are expected take effect on 1 January 2026.⁸⁸

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.⁸⁹

The Swedish 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 the *Kammarkollegiet* in **Stockholm** and was last updated in June 2021.⁹⁰ All interpreters stress that they follow the basic principles and respect the rules on confidentiality.

In 2018, the Swedish 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.⁹¹ A number of strategic goals for society's provision of interpreters can be formulated as medium-term goals of around five years:

- ❖ 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.

⁸⁸ Government of Sweden, 'Utkast till lagrådsremiss Skärpta krav för offentliga biträden och höjda kompetenskrav för tolkar i migrationsärenden', 13 November 2024, available [here](#).

⁸⁹ Kammarkollegiet, *Kammarkollegiets tolkföreskrifter*, KAMFS 2021:2, 30 June 2021, available in Swedish [here](#).

⁹⁰ Kammarkollegiet, *Kammarkollegiets tolkföreskrifter*, KAMFS 2021:2, 30 June 2021, available in Swedish [here](#).

⁹¹ Government, *Att förstå och bli förstådd – ett reformerat regelverk för tolkar i talade språk*, SOU 2018:83, December 2018, available in Swedish [here](#), 36.

- ❖ 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. The 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.⁹²

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.⁹³ A specific date is given by the Swedish 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 Swedish Migration Agency is not enough because of different circumstances, 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 Swedish Migration Agency aims for a process time of six months.⁹⁴ Previously, the deadline started from the moment the protocol 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 Swedish Migration Agency in 2023 and ask them to take immediate action to improve the current unsustainable situation.⁹⁵

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

⁹² Information provided by lawyers from the Swedish Refugee Law Center, 2024.

⁹³ The Swedish 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 Swedish Migration Agency, 2015.

⁹⁴ Information provided by the Swedish Migration Agency in May 2023.

⁹⁵ Skrivelse angående Migrationsverkets hantering av förordnanden av advokater som offentligt bitrade, m.m, ÅR-2023/0336, Stockholm 7 mars 2023.

1.4. Appeal

Indicators: Regular Procedure: Appeal

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

<ul style="list-style-type: none">❖ If yes, is it❖ If yes, is it automatically suspensive	<table border="0"><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> No</td></tr><tr><td><input checked="" type="checkbox"/> Judicial</td><td><input type="checkbox"/> Administrative</td></tr><tr><td><input type="checkbox"/> Yes</td><td><input checked="" type="checkbox"/> Some grounds <input type="checkbox"/> No</td></tr></table>	<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
<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						
2. Average processing time for the appeal body to make a decision in 2024: 9.6 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 Swedish Migration Agency can be appealed before the Migration Court and this appeal has suspensive effect under the regular procedure.⁹⁶ 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.⁹⁷ The written decision is communicated orally to the asylum seeker by a staff member of the Swedish 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 Swedish 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.⁹⁸ This does not mean that all the content needs to be translated in detail before a decision can be made.

There is a secure online portal through which relevant documents can be submitted and files are kept.⁹⁹ 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 Swedish Migration Agency. The Swedish Migration Agency will either send the documents by mail or hand them over the counter in one of the Swedish Migration Agency's offices.

The appeal is formally addressed to the Migration Court but is first sent to the Swedish Migration Agency, which has the legal obligation to review its decision based on any new evidence presented.¹⁰⁰ In 2022,

⁹⁶ Chapter 12, Section 10 Aliens Act.

⁹⁷ Chapter 23 Section 2 Administrative Law (Förvaltningslagen).

⁹⁸ Administrative Court Procedure Act (1971:291) Section 50 and Administrative Procedure Act (2017:900) Section 13.

⁹⁹ EASO, *Asylum Report 2020: Annual Report of the Situation of Asylum in the European Union*, July 2020, available [here](#), 164.

¹⁰⁰ Chapter 13 Section 13 Aliens Act.

the Swedish Migration Agency changed its initial decision in two cases (out of 8,036 cases).¹⁰¹ In 2023, the Swedish Migration Agency changed its decision in one case out of 9,585 cases. This demonstrates that the Swedish Migration Agency almost never changes its initial position. When the Swedish Migration Agency does not change its decision, the appeal is forwarded to the Migration Court. In 2023, the Swedish Migration Agency took an average of four days to either make a decision on reconsideration or transfer the appeal to the Migration Court.¹⁰² In 2022, the total number of forwarded asylum cases was 7,855.¹⁰³ In 2023 this increased to 9,469 cases being forwarded to the Migration Court.¹⁰⁴ In 2024, this number decreased to 7,025 cases.¹⁰⁵

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. For 2022, the largest proportion of oral hearings was in Malmö (33.6%), followed by Luleå (22.7%), Stockholm (19.6%) and Gothenburg (18.7%).¹⁰⁶ 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%).¹⁰⁷ During 2024 the largest proportion was in Luleå (27.3%), followed by Gothenburg (24.4%), Malmö (23.9%) and Stockholm (13.9%).¹⁰⁸

Oral hearings held by the Migration Courts ¹⁰⁹		
Court	Total number of hearings	
	2023	2024
Malmö	209	243
Gothenburg	290	446
Luleå	179	189
Stockholm	567	471
Total	1,245	1,349

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. In 2024 there were 1,349 cases in the Migration Court where oral hearings were granted. 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

¹⁰¹ Swedish Migration Agency, *Monthly Statistical Report December 2022*, DNR: 1.1.1.2-2022-1381.

¹⁰² Swedish Migration Agency, *Monthly Statistical Report December 2023*, DNR: 1.1.1.2-2023-1728.

¹⁰³ The Swedish Migration Agency, *Monthly Statistical Report December 2022*, DNR: 1.1.1.2-2022-1381.

¹⁰⁴ The Swedish Migration Agency, *Monthly Statistical Report December 2023*, DNR: 1.1.1.2-2023-1728.

¹⁰⁵ The Swedish Migration Agency, *Monthly Statistical Report December 2023*, page 22.

¹⁰⁶ 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 Ink, avg.bal per målkat 2022").

¹⁰⁷ 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 Ink, avg.bal per målkat 2023").

¹⁰⁹ Statistics provided by the National Courts Authority in January 2023 and January 2024.

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 2024 was 9.6 months which can be compared to 9.5 months in 2023 and 2022. The Migration Courts changed 9-6% of the appealed asylum cases in 2022 and in 2023 this number decreased to 7.9%. In 2024 this number slightly decreased to 7.4%.¹¹⁰ 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.¹¹¹ It is notable that the processing time has not changed in 2023 and 2024.

Migration Court rulings are publicly available. The rulings can be accessed either directly from the Migration 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 Migration 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.¹¹²

However, there is a mechanism whereby an appeal can be made to have the late submission accepted by the Migration Court.¹¹³ 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.¹¹⁴ 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.¹¹⁵ 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.

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."¹¹⁶

¹¹⁰ Statistics provided by the National Courts Authority in January 2023, January 2024 and January 2025.

¹¹¹ National Audit Office, 'I väntan på dom – migrationsdomstolarnas handläggningstider i asylmål (RIR 2022:5)' March 2022, available in Swedish [here](#).

¹¹² Paragraph 6 Administrative Procedure Act (Förvaltningsprocesslagen).

¹¹³ Paragraph 37 b Administrative Procedure Act.

¹¹⁴ Paragraph 9 Administrative Procedure Act.

¹¹⁵ Paragraph 37 b, Administrative Procedure Law.

¹¹⁶ Chapter 16, Section 12 Aliens Act.

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”.¹¹⁷ 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.¹¹⁸ 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 is only comprised by 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.¹¹⁹ If leave is refused, the expulsion order is legally enforceable from the date of refusal.

In 2024 a total of 5,067 appeals were made to the Migration Court of Appeal in asylum cases and the latter decided upon 5,132 cases:

Appeals before the Migration Court of Appeal					
	2020	2021	2022	2023	2024
Total number of appeals lodged	8,358	6,407	4,833	5,293	5,067
Total number of decisions		6,388	4,941	5,231	5,132
Leave to appeal rejected	8,560	6,373	4,788	5,038	4,964
Leave to appeal granted	49	59	13	5	10
Appeals accepted	6	1	1	0	1
Appeals rejected	22	45	0	0	1
Appeals referred back to lower instances	21	13	7	5	8

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 2024.

¹¹⁷ Section 34a(2) Administrative Court Procedure Act (1971:291).

¹¹⁸ Chapter 16, Section 10 Aliens Act.

¹¹⁹ Chapter 16, Section 10 Aliens Act.

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.¹²⁰ 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.¹²¹

In May 2024, the Migration Court of Appeal ruled in case MIG 2024:3, where a woman's application to reunite with her husband had been rejected because she was under 21 years old. The court stated that it is sufficient to establish that one of the spouses is under 21 to deny the application. There is no requirement to prove that the marriage was entered under coercion or that rejection is necessary to prevent poor integration. The decision risks leading to overly simplified assessments. The ruling lacks, among other things, an assessment of compliance with international conventions and references to EU law.

In June 2024, the Migration Court of Appeal ruled in case MIG 2024:4, where a man applied for permanent residence in Sweden in April 2023 after holding residence permits as a family member (2017-2021) and worker (2022-2024). To qualify for permanent residency, one must have lived in Sweden for at least five uninterrupted years with a valid residence permit. The Migration Court of Appeal referred to preparatory works, stating that "legally settled" means residing in Sweden with a residence permit, right of residence, or permanent right of residence. The Migration Court of Appeal stated in its ruling that the time between granted residence permits should not be considered if the permits are based on different grounds, even if the individual has remained legally in the country during the processing of their new residence permit application. The ruling effectively means that an individual cannot apply for long-term resident status unless they have held residence permits on the same grounds for five consecutive years, raising concerns about its alignment with EU law.

In September 2024, The Migration Court of Appeal ruled in case MIG 2024:9, where a man without permission to stay in Sweden was found during a workplace inspection and taken into custody. He held a residence permit in Greece. The Migration Court of Appeal ruled that the man posed a threat to public order due to suspicions that he was working without a work permit, and decided he could be deported without being encouraged to voluntarily return to Greece. The court argues that employing foreign nationals without work permits contributes to unfair competition in the labor market and poses broader societal issues. It concludes that such employment generally threatens fundamental societal interests, including a regulated labor market, controlled immigration, and a well-functioning welfare system. Consequently, a foreign national working without a permit can be deemed a threat to public order without the need for an in-depth individual assessment. This ruling broadens the concept of threats to public order and security and therefore risks deviating from EU case law, which requires that such a threat must be real, current, and sufficiently serious.

¹²⁰ Chapter 2a, Special Control of Aliens Act (Lagen om särskild utlänningskontroll) 1991:572.

¹²¹ Chapter 10, Special Control of Aliens Act.

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.¹²² 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.¹²³

The legal representative is assigned and designated by the Swedish 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 Swedish Migration Agency for an interview.¹²⁴

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 as well as how many of those hours of work will be monetarily compensated by the authorities. Their fee can be reduced by a decision of the Swedish 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 €137 an hour (SEK 1,586, not including VAT).¹²⁵ 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.

According to Section 26 of the Legal Aid Act, the Swedish Migration Agency shall, when appointing a public counsel, assess whether they are suitable. If a person wishes to be appointed, they need to prove their qualifications. To be appointed as a public counsel in migration matters, the person must have a Swedish law degree or equivalent knowledge of migration law, family law and administrative law. The

¹²² Chapter 18, Section 1 Aliens Act.

¹²³ Chapter 18, Section 1a Aliens Act.

¹²⁴ Migration Court of Appeal, Decision MIG 2017:21, UM8311-17, 14 November 2017, available in Swedish [here](#).

¹²⁵ Standard hourly fee for 2022 according to the Legal Aid Act, see [here](#).

person must also have experience in proceedings in a Swedish court. The Swedish Migration Agency also requires that the person have liability insurance.

Anyone who has been suspended by a general court or an administrative court, expelled from the bar association, committed a crime, has debts to the Swedish Enforcement Authority or has been declared bankrupt may be deregistered or suspended for a period of time by the Swedish Migration Agency. The same applies to a person who has otherwise proven to be unsuitable for assignments as a public counsel.

In order for the Swedish Migration Agency to be able to make a competence assessment, the person wanting to be a public counsel need to submit the form "Materials for competence assessment", together with their degree certificate from law school, course certificates and other documents that are important to prove their competence in migration law and children's rights.

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.¹²⁶ 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.¹²⁷ 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.

In 2022, legal counsel was granted in 9,056 cases. The Migration Agency does not have reliable data on this regarding Dublin cases.¹²⁸ In 2023, granting of legal counsel decreased to 3,268 cases and the Swedish Migration Agency does not have any reliable data on this for Dublin cases.¹²⁹ In 2024, legal counsel was granted in 2,870 cases and not granted in 398 cases. The Swedish 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. The Swedish Refugee Law Center offers legal support through e-mail and telephone. 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.

¹²⁶ Information provided by the Migration Agency by email in March 2024.

¹²⁷ Section 5 of the Act (1996:1620) on Public Counsel and Sections 26-29 of the Legal Aid Act (1996:1619)

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

¹²⁹ Information provided by the Migration Agency by email in March 2024.

¹³⁰ Information provided by the Migration Agency by email in January 2025.

2. Dublin (“Track 5A”)

2.1. General

Dublin statistics: 1 January – 31 December 2024

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	1,539¹³¹	923	470	Total	3,497	2,664	Not available
Take charge	663	486	Not available	Take charge	474	330	Not available
Greece	124	2	Not available	Germany	188	136	Not available
Germany	36	32	Not available	France	67	49	Not available
Italy	137	123	Not available	Belgium	30	30	Not available
France	53	46	Not available	Italy	28	15	Not available
Croatia	5	5	Not available	Netherlands	20	15	Not available
Take back	872	437	Not available	Take back	2,963	2,334	Not available
Greece	212	4	Not available	Germany	1,350	1147	Not available
Germany	178	143	Not available	France	581	376	Not available
Italy	66	31	Not available	Belgium	229	177	Not available
France	38	17	Not available	Italy	207	168	Not available
Croatia	75	50	Not available	Netherlands	114	97	Not available

Source: Information provided by the Swedish Migration Agency in January 2025. The numbers show the number of transfer decisions. The countries are chosen after the five 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.

¹³¹ Information provided by the Migration Agency by email in January 2025. The total number of 1,539 outgoing requests is taken directly from the Swedish Migration Agency's official statistics and has not been calculated by the Swedish Refugee Law Centre. The Swedish Refugee Law Center cannot account for the discrepancy of four cases when adding the totals for the take charge and take back requests.

Outgoing Dublin requests by criterion: 2024		
Dublin III Regulation criterion	Requests sent	Requests accepted
"Take charge": Articles 8-17:	540	411
Article 8 (minors)	2	1
Article 9 (family members granted protection)	0	0
Article 10 (family members pending determination)	0	0
Article 11 (family procedure)	4	1
Article 12 (visas and residence permits)	451	338
Article 13 (entry and/or remain)	82	71
Article 14 (visa free entry)	0	0
"Take charge": Article 16	0	0
"Take charge" humanitarian clause: Article 17(2)	1	0
"Take back": Article 18 and Article 20(5)	770	387
Article 18 (1) (b)	526	261
Article 18 (1) (c)	2	2
Article 18 (1) (d)	240	124
Article 20(5)	2	0

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

Incoming Dublin requests by criterion: 2024		
Dublin III Regulation criterion	Requests received	Requests accepted
"Take charge": Articles 8-17	382	266
Article 8 (minors)	36	18
Article 9 (family members granted protection)	19	11
Article 10 (family members pending determination)	2	1
Article 11 (family procedure)	9	4
Article 12 (visas and residence permits)	265	213
Article 13 (entry and/or remain)	23	7
Article 14 (visa free entry)	0	0
"Take charge": Article 16	3	0
"Take charge" humanitarian clause: Article 17(2)	25	12
"Take back": Articles 18 and 20(5)	2,512	1,926
Article 18 (1) (b)	2,080	1,558
Article 18 (1) (c)	8	7
Article 18 (1) (d)	421	358
Article 20(5)	3	3

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

2.1.1. Application of the Dublin criteria

In 2024, Sweden issued 1,539 and received 3,497 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 that are 14 years or older are fingerprinted and checked both in the Eurodac and Visa Information System (VIS) databases¹³² 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 1 request based on the "humanitarian clause" (Article 17(2) Dublin Regulation) and none based on the "dependent persons' clause" (Article 16 Dublin Regulation) in 2024 and received 25 and 3 incoming requests on those grounds, respectively.

Statistics regarding Article 17(1) are limited since 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 24 officials in 2024.¹³⁶ At 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 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.

¹³² Information provided by the Swedish Migration Agency in email January 2025.

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 [here](#).

¹³⁵ Government. Regerings proposition 2020/21:6. *Ändrade bestämmelser om fotografier och fingeravtryck i SIS II-regelverket*, available [here](#).

¹³⁶ Information provided by the Swedish Migration Agency.

¹³⁷ Chapter 5 Section 1 b Aliens Act.

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

As a general rule the Swedish 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 2024 Sweden received 3,497 Dublin incoming requests and issued 1,539 outgoing requests to other Dublin States. A total of 470 Dublin transfers were carried out to another Dublin country in 2024.¹⁴¹

The average processing time for all Dublin cases in 2024, i.e., until a transfer decision was issued, was 42 days, down from 50 in 2023, 64 in 2022.

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 and *Monthly statistical report* December 2024 page 26.

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,¹⁴² 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.¹⁴³

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.¹⁴⁴ 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.¹⁴⁵ Moreover, appeals in Dublin cases are often expedited quickly by the Migration Court and the Migration Court of Appeal.¹⁴⁶ The appeal body does not take into account the recognition rates in the responsible member state when reviewing the Dublin decision.¹⁴⁷

¹⁴² Migration Court of Appeal, MIG 2007:4, UM 607-06, 22 January 2007, available [here](#).

¹⁴³ Information provided by the Swedish Refugee Law Center.

¹⁴⁴ Chapter 5, Section 1c Aliens Act.

¹⁴⁵ Chapter 12, Section 9 a Aliens Act.

¹⁴⁶ Observation based on practice by the Swedish Refugee Law Center.

¹⁴⁷ Migration Court of Appeal, Decision MIG 2013:23, 9 December 2013, available [here](#).

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.¹⁴⁸

On 26 February 2020, the Migration Court of Appeal found in the case MIG 2020:4 that a decision by the Swedish Migration Agency to not take charge of an asylum seeker upon request from another member state cannot be appealed.¹⁴⁹ 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.¹⁵⁰ 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?

<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No
------------------------------	--	--

 - ❖ Does free legal assistance cover:

<input checked="" type="checkbox"/> Representation in interview
<input checked="" type="checkbox"/> Legal advice

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
------------------------------	---	-----------------------------

 - ❖ Does free legal assistance cover

<input checked="" type="checkbox"/> Representation in courts
<input checked="" type="checkbox"/> 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.¹⁵¹

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](#)).

¹⁴⁸ CJEU, *Karim v. Migrationsverket*, Case C-155/15, Judgment of 7 June 2016, available [here](#).

¹⁴⁹ Migration Court of Appeal, MIG 2020:4, 26 February 2020, see EDAL summary [here](#).

¹⁵⁰ 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 [here](#).

¹⁵¹ 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.¹⁵² The Swedish Migration Agency currently does not consider that such systemic deficiencies in the asylum procedure and reception conditions in Hungary exist 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 2024, 64 requests were made to Hungary.¹⁵³ However, the transfer decisions may not be enforced as long as the current conditions in Hungary remain. All transfer decisions to Hungary in accordance with the Dublin regulation are therefore suspended until further notice. This means that after six months have passed, their asylum process continues in Sweden, and they can apply for asylum here.

To Greece

In 2024 Sweden submitted 347 requests for Dublin transfers to Greece but only 2 take charge decisions and 4 take back decision were issued to Greece. Sweden does not transfer applicants to Greece unless individual guarantees have been obtained by Greek authorities. The Swedish Migration Agency barely receives individual guarantees from the Greek authorities, which in practice means that Sweden does not transfer applicants to Greece under the Dublin Regulation. Instead, Sweden assumes responsibility for examining the application after the six months have passed.¹⁵⁴

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.

¹⁵² SMA, *Överföringar till Ungern i enlighet med Dublinförordningen*, RS/010/2022, 11 November 2022, available in Swedish [here](#).

¹⁵³ Statistics provided by the Migration Agency's statistical unit.

¹⁵⁴ 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.¹⁵⁵

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 2024, the Swedish Migration Agency received 170 applications that were processed under Track 5B and 6 applications were processed under Track 5C. 166 decisions were taken under Track 5B and 7 decisions taken under track 5C.¹⁵⁶ 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If so, are questions limited to nationality, identity, travel route?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
❖ If so, are interpreters available in practice, for interviews?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Are interviews conducted through video conferencing? ☒ Frequently ☐ Rarely ☐ Never

¹⁵⁵ Chapter 10, Section 13 Aliens Act.

¹⁵⁶ Information provided by the Migration Agency's statistics unit.

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](#). However, there are differences in the actual questions asked if the Swedish 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 travelled 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 country responsible for the asylum investigation will be sent. If the Swedish 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 against 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.¹⁵⁷

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.¹⁵⁸ However if the decision on expulsion is appealed, the migration court 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.¹⁵⁹

¹⁵⁷ Chapter 8, Section 19 Aliens Act.

¹⁵⁸ Migration Agency, *Rättsligt ställningstagande angående avvisning av ansökan om uppehållstillstånd med stöd av 5 kapage 1 b § utlänningslagen*, RS/065/2021, 23 April 2021, available in Swedish [here](#), 9.

¹⁵⁹ Chapter 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.¹⁶⁰

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, Bolivia, Bosnia and Herzegovina, Brazil, Chile, Cuba, Georgia, India, Israel, Kosovo, North Macedonia, Mexico, , Moldova, Mongolia, Peru, Serbia, South Africa, Thailand, USA, and Vietnam.¹⁶¹

In 2024, 248 cases were decided on after having been processed under Track 4A, manifestly unfounded, and 707 cases were decided on after having been processed under Track 4B.¹⁶²

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

¹⁶⁰ 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 [here](#), 11.

¹⁶¹ The Swedish Migration Agency, VÄGLEDNING Lista över länder och lägsta idkategorisering för sortering i spår 4B Dnr: 1.2.2.2-2024-6176, 7 May 2021, revised 22 April 2024.

¹⁶² Statistics provided by the Migration Agency's statistical unit.

obvious that there are no grounds for asylum and that a residence permit is not to be granted on any other grounds.”¹⁶³ 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.¹⁶⁴ 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*,¹⁶⁵ 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 Swedish Migration Agency¹⁶⁶ 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*.¹⁶⁷ The Swedish 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.

¹⁶³ Chapter 8, Section 19 Aliens Act. See also Chapter 12, Section 7 Aliens Act.

¹⁶⁴ Migration Court of Appeal, MIG 2006:7, UM 230-06, 31 October 2006; MIG 2010:22, UM 2244-10, 22 December 2010.

¹⁶⁵ CJEU, *A v. Migrationsverket*, Case C-404/17, Judgment of 25 July 2018, EDAL, available [here](#).

¹⁶⁶ Migration Agency, *Rättsligt ställningstagande angående avvisning med omedelbar verkställighet till hemlandet inklusive säkra ursprungsländer*, RS/071/2021, 25 maj 2021, available in Swedish [here](#).

¹⁶⁷ 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.¹⁶⁸ 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.¹⁶⁹

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.¹⁷⁰

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.¹⁷¹

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.¹⁷²

¹⁶⁸ Migration Court of Appeal, MIG 2007:4, UM 607-06, 22 January 2007.

¹⁶⁹ Observation based on practice by the Swedish Refugee Law Center

¹⁷⁰ Section 44, The Administrative Procedure Act (2017:900).

¹⁷¹ Chapter 12, Section 8a Aliens Act.

¹⁷² Migration Agency, *Rättsligt ställningstagande angående avvisning med omedelbar verkställighet till hemlandet inklusive säkra ursprungsländer*, RS/071/2021, 25 May 2021, available in Swedish [here](#).

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.¹⁷³ However, if the court is of the opinion that the case is not manifestly unfounded, then the court will order the 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](#)).

6. National protection statuses and return procedure

National forms of protection

Swedish national legislation provides forms of protection for individuals who do not qualify for international protection but still face significant risks or have strong humanitarian ties to Sweden. These mechanisms, governed by the Alien Act ensure that Sweden upholds its commitment to human rights and international obligations.

During the asylum process, if a residence permit cannot be granted on other grounds based on protective reasons, a resident permit may be issued to a foreign national if, based on an overall assessment of the foreign national's situation, there are particularly compelling reasons why he or she should be allowed to stay in Sweden.¹⁷⁴ In the assessment, special consideration shall be given to the foreign national's health condition, integration into Sweden, and situation in their home country.

Children may be granted a residence permit even if the circumstances presented do not carry the same level of seriousness and weight as required for granting a permit to adults.¹⁷⁵

A residence permit granted under this section is temporary and valid for thirteen months. Each new temporary residence permit granted thereafter is valid for two years. And an application for a permanent residence permit may, upon the expiration of the validity period of a residence permit, be granted if the foreign national has held a temporary residence permit for at least three years and the conditions are met.¹⁷⁶

There is also a possibility to be granted a temporary residence permit if there is an obstacle, which is not permanent, to the enforcement of a removal or expulsion decision.¹⁷⁷ Two common grounds for granting

¹⁷³ Chapter 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 [here](#).

¹⁷⁴ Chapter 5, Section 6 Alien Act.

¹⁷⁵ Chapter 5, Section 6 Alien Act.

¹⁷⁶ See Chapter 5 Alien Act.

¹⁷⁷ Chapter 5, Section 11 Alien Act.

a residence permit in accordance with Chapter 5, Section 11 of the Aliens Act are, first, that the individual has been excluded from the right to asylum, yet there is an impediment to enforcing the deportation order due to the risk of persecution upon return. Alternatively, it has been established that there is a practical obstacle preventing the individual from returning to their country of origin, although the circumstances could change in the foreseeable future.

The Aliens Act also contains Chapter 12, which addresses situations where an individual has already received a deportation order but afterwards may have grounds to be granted a residence permit. In such cases, a residence permit may be granted either under the provisions of Chapter 12 or by allowing the individual a new examination, which could subsequently result in being granted a protection status. The Swedish Migration Agency can always examine protection grounds *ex officio*, and therefore it is not always required that the individual invokes protection grounds themselves.

In accordance with Section 1 the enforcement of a removal or expulsion order against a foreign national may never take place if there are reasonable grounds to believe that the individual would be at risk of being sentenced to death, subjected to corporal punishment, torture, or other inhuman or degrading treatment or punishment. Additionally, removal cannot be enforced if the person is not protected from being transferred to another country where they would face such risks.¹⁷⁸

Based on Section 2, a foreign national may also not be removed to a country where they are at risk of persecution or where they are not protected from being transferred to another country where they would face such a risk. However, an individual may be sent to such a country if it is not possible to enforce the expulsion or deportation to any other country and the individual has shown through a particularly serious crime that allowing the person to remain in Sweden would be associated with a serious danger to public order and security. This does not apply, however, if the persecution that threatens in the other country involves a danger to the individual's life or is otherwise of a particularly serious nature. Similarly, an individual may be sent to such a country if the person has conducted activities that have posed a danger to the security of the Swedish realm and there is reason to assume that the individual would continue the activities in this country, and it is not possible to send the individual to any other country.¹⁷⁹

As stated in Section, 3 in cases of armed conflict, the removal or expulsion of a foreign national may not be enforced to their home country or to a country where they risk being transferred to their home country if there are exceptional reasons against such enforcement.¹⁸⁰

The Swedish Migration Agency is required to consider all potential grounds for protection, including national forms, during the asylum process and in appeals. Even after a final rejection, individuals can submit new evidence or circumstances (e.g., changes in their home country or personal situation) to request a reassessment of their expulsion decision.

In accordance with Section 18, the Swedish Migration Agency may grant a residence permit if, in the enforcement of a final decision on refusal of entry or expulsion, new circumstances arise that mean that:

1. There is an impediment to enforcement under Sections 1, 2, or 3,
2. There is reason to believe that the intended receiving country will not be willing to accept the foreign national, or
3. There are medical obstacles or other special reasons why the decision should not be enforced.

The Swedish Migration Agency may also decide on a suspension of enforcement (inhibition) while trying the case.

¹⁷⁸ Chapter 12, Section 1 Alien Act.

¹⁷⁹ Chapter 12, Section 2 Alien Act.

¹⁸⁰ Chapter 12, Section 3 Alien Act.

Children may be granted a residence permit under point 3 above even if the circumstances that have arisen are not as serious or compelling as those required for an adult to be granted a permit. When assessing under point 3 whether there is another special reason why a decision should not be enforced, particular consideration must be given to the consequences for a child of being separated from a parent, provided that it is clear that a residence permit due to strong ties would have been granted if the assessment had been made before the entry into Sweden.

People with a residence permit in Sweden have access to accommodation, work, and social services in Sweden, but people with a refugee status enjoy a broader and more secure set of rights, including stronger family reunification rights and an earlier possibility of permanent residency. Those with other statuses may face more temporary or conditional protection, and their family reunification rights are more limited. To be granted a residence permit based on family ties to a person in Sweden, that person must be able to support themselves, other members of the household, and the family members applying for a residence permit. They must also have a home of sufficient size and standard for everyone to live in. However, if the person has a residence permit with refugee status, and the family applies for family reunification within three months from when the refugee was granted the permit in Sweden, and it is not possible to reunite in a country outside the EU the maintenance and housing requirements do not apply.

People who are granted a residence permit based on temporary impediments to the enforcement of a deportation order are generally issued a permit valid for only twelve months. As a result, they are not entitled to register in the Swedish population register and therefore face restrictions in access to certain social and economic rights.

In order to ensure that Sweden does not deport individuals in violation of human rights, specific rules exist to address obstacles to enforcement — that is, circumstances that prevent the implementation of a final decision on refusal of entry or expulsion. Such obstacles arise when new circumstances come to light after the decision has been finalized, making deportation either impossible or impermissible. Examples include changes in the political conditions of the home country, a deterioration in the individual's health that renders travel unfeasible, or significant changes in family circumstances.¹⁸¹

However, invoking these obstacles is challenging. The requirements are high, and the technical nature of the information often makes it difficult for applicants to understand what is needed. The burden of proof rests on the applicant, and without legal assistance, meeting these demands can be particularly arduous. Consequently, the high thresholds for granting a stay of execution often result in deportation decisions remaining in force.

If a residence permit decision cannot be granted pursuant to Section 18, the Swedish Migration Agency shall refer the matter for a new examination if the foreign national, in an enforcement case of a final decision on refusal of entry or expulsion, invokes new circumstances that (1) can be presumed to constitute a lasting impediment to enforcement as referred to in paragraph 1, 2, or 3, and (2) have not been previously invoked by the foreign national — or if the foreign national provides a valid reason for not having invoked such circumstances earlier.¹⁸²

If these conditions are not met, the Swedish Migration Agency shall decide not to grant a new examination. The provisions of the first paragraph shall not apply if the foreign national applies for a residence permit as a refugee under Chapter 4, Section 1 or as an alternative beneficiary of international protection under Chapter 4, Section 2, and such an application has not previously been examined by a final decision during the foreign national's stay in Sweden. In that case, the Swedish Migration Agency shall examine the application and decide on a suspension of enforcement (inhibition) in the enforcement case.

¹⁸¹ Chapter 12, Section 18 Alien Act.

¹⁸² Chapter 12, Section 19 Alien Act.

Return procedure

In Sweden, the asylum procedure and the return procedure are closely linked. If an asylum application is rejected, the Swedish Migration Agency typically issues a return decision at the same time. This joint issuance ensures that rejected applicants are informed of their obligation to leave Sweden, either voluntarily or under enforcement. Applicants have the right to appeal both the asylum rejection and the return decision together to the Migration Courts. The appeal must be submitted within three weeks of the decision. The return decision is automatically suspended during the appeal process, meaning deportation cannot be enforced while the case is under review.

In 2024, the Swedish Migration Agency received 7,128 appealed decisions in asylum cases. An appeal is initially sent to the Swedish Migration Agency, which reconsiders the decision. If the agency upholds its rejection decision, the appeal is then forwarded to one of the Migration Courts. Of the 7,128 cases, one was changed directly by the Migration Agency, and the remaining cases were sent to the Migration Court.¹⁸³

In 2024, there were 517 decisions made under Chapter 12, Section 18 of the Aliens Act regarding impediments to enforcement. Of these, 491 were granted due to other special reasons, 6 because the receiving country refused entry, 6 involved recognition as Convention refugees, 9 were granted on subsidiary protection grounds, 2 concerned other protection needs, 1 was based on humanitarian or medical grounds, and 2 fell under unspecified reasons.

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 mutilation¹⁸⁴ (see [Reception Conditions](#)).

1.1. Screening of vulnerability

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

¹⁸³ The Swedish Migration Agency's monthly report December 2024.

¹⁸⁴ Migration Agency, *Rutin: Ta ställning till särskilda behov, initialt* and *Rutin: Insatser för asylsökande med särskilda behov*.

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.¹⁸⁵ 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 2024, 684 cases of suspected human trafficking were identified at the Migration Agency, including 181216 women and 503360 men. 11 were children, out of which 5 girls and 6 boys. The Migration Agency provided information to the regional coordinators at the Gender Equality Agency and to the Police Authority. The Migration Agency does not always require the consent of the applicant to do so.¹⁸⁶ In 133 cases the applicant gave consent and the Swedish Migration Agency has reported to the Police Authority on 219 occasions. A police report can include several potential victims.

According to Chapter 5 Section 15 of the Aliens Act a temporary residence permit should be granted to witnesses upon the investigative leader's request. In 2024, a total of 56 persons were granted such temporary residence permits, out of which 30 women and 26 men (including 1 minor boy).¹⁸⁷

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.¹⁸⁸ 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.¹⁸⁹ 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.¹⁹⁰ In the legal position the Migration Agency states that the starting

¹⁸⁵ Information provided by the Migration Agency, January 2018.

¹⁸⁶ Information provided by the Migration Agency, 2023.

¹⁸⁷ Migration Agency, *Annual Report 2024*, Dnr: 1.3.2-2025-1844, p.107, available [here](#).

¹⁸⁸ Migration Court of Appeal, MIG 2014:1, UM 2437-13, 11 February 2014, available at: <http://bit.ly/2jQwVWr>.

¹⁸⁹ Migration Agency, *Rättsligt ställningstagande Åldersbedömning*, RS/040/2021, citing Government, prop. 2016/17:121, *Åldersbedömning tidigare i asylprocessen*, available in Swedish [here](#), 17-18.

¹⁹⁰ Chapter 13, Section 17, Aliens Act.

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 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.¹⁹¹ 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.¹⁹²

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

Medical age assessments				
	2023		2024	
Forensic opinions on age by the National Board of Forensic Medicine	Male	Female	Male	Female
Total	119	42	51	18
Strongly indicates that the person is 18 or over	31		7	
Indicates that the person is 18 or over	24	26	30	3
Possibly indicates that the person is under 18	48	1	8	1
Possibly indicates that the person is 18 or over	16		6	
Indicates that the person is under 18		5		0

¹⁹¹ Chapter 13, Section 18, Aliens Act.

¹⁹² 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.

No assessment if person is over or under 18 could be made		10		14
---	--	----	--	----

Source: National Board of Forensic Medicine, *Statistik*, available in Swedish [here](#).

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. 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.¹⁹³

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

As mentioned in the [previous AIDA report](#), after several critiques by the Swedish Council on Medical Ethics, the Council of Europe Commissioner for Human Rights, NGOs and lawyers, it was decided that a commission of inquiry was to assess the situation through an independent review. The national inquiry published its first findings in an interim report on 28 October 2021.¹⁹⁴ 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. 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.¹⁹⁵

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 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.¹⁹⁶

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.¹⁹⁷

¹⁹³ Swedish Bar Association, *Promemoria Advokatens uppdrag för svaga och utsatta klienter*, updated January 2020, 35-36, available in Swedish [here](#).

¹⁹⁴ Swedish Government Official Report (2021) SOU 2021:84, *Granskning av Rättsmedicinalverkets metod för medicinsk åldersbedömning i asylprocessen*, Summary available in English [here](#).

¹⁹⁵ Swedish Refugee Law Center, *Kommentar till nedlagd utredning om medicinska åldersbedömningar*, 19 January 2023, available in Swedish [here](#).

¹⁹⁶ National Board of Forensic Medicine, 21 June 2021. Only available in Swedish [here](#).

¹⁹⁷ National Board of Forensic Medicine, 'Uppdaterad metodbeskrivning för medicinska åldersbedömningar', 5 September 2022, available in Swedish [here](#).

The RMV has updated the model used in the asylum process to more closely resemble the one used in criminal cases when it comes to the assessment of wisdom teeth. In the asylum process, the RMV has so far only assessed whether the wisdom teeth have reached the final stage or not. As of 1 November 2024, the total staging of wisdom teeth will be used in all cases. According to the RMV, the model enables a more precise assessment of how the age of the person examined relates to the different age limits.¹⁹⁸

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 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.¹⁹⁹

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; 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 that 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.²⁰⁰

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. The Swedish Migration Agency has also produced support material for legal guardians.²⁰¹ The Swedish Migration Agency states in the Annual Report for 2024 that one of the most prioritized issues during the year has been the increased identification of suspected human trafficking in the agency's processes. For example, in response to the

¹⁹⁸ Rättsmedicinalverket - Uppdaterad modell för medicinska åldersbedömningar - Rättsmedicinalverket

¹⁹⁹ Information provided by the Migration Agency, February 2023.

²⁰⁰ Swedish Migration Agency, *Rutin: Ta ställning till särskilda behov, initialt* and *Rutin: Insatser för asylsökande med särskilda behov*.

²⁰¹ Swedish Migration Agency, 'Människohandel. Information till dig som är god man för ensamkommande barn.'; available in Swedish [here](#).

latest review report from GRETA, the Migration Agency has initiated a review of cases processed under the Dublin Regulation. The results of this review will be presented in 2025. External collaboration has been highly prioritized with the Swedish Gender Equality Agency, the Swedish Police Authority, the Swedish Prosecution Authority, and also to some extent with the Council of the Baltic Sea States, particularly regarding police reports, reflection periods for witnesses, and improved ability to identify suspected human trafficking in connection with workplace inspections. Internally, the agency's network against human trafficking has, among other things, worked on capacity-building efforts within the detention operations.²⁰²

New caselaw relating to procedural guarantees

The Migration Court of Appeal ruled in May 2022 in case MIG 2022:4,²⁰³ that the Migration Court's investigative responsibility becomes relevant when the appellant has communication difficulties which 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 as well as have investigative experience and have completed relevant child training.

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 needs 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 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.²⁰⁴

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.²⁰⁵ The Inquiry has identified several shortcomings and problems that make it more difficult and sometimes impossible

²⁰² Migration Agency, *Annual Report 2024*, Dnr: 1.3.2-2025-1844, available [here](#).

²⁰³ Migration Court of Appeal, Decision MIG 2022:4, 31 May 2022, available in Swedish [here](#).

²⁰⁴ Migration Agency; Rättsligt ställningstagande, *Motsättningar mellan asylsökande barn, god man, offentligt biträde och vårdnadshavare*, RS/060/2021, 21 April 2021, available in Swedish [here](#).

²⁰⁵ Swedish Government Official Report SOU 2023:40, *Förbättrade möjligheter för barn att utkräva sina rättigheter enligt barnkonventionen*, 23 August 2023, available [here](#).

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.²⁰⁶

On 1 January 2020, the UN Convention on the Rights of the Child (CRC) was incorporated into Swedish national law and entered into force.²⁰⁷ 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.²⁰⁸

Other than legislative measures, there have been developments to strengthen the rights of children. The Swedish Migration Agency published a legal position on the examination of the best interest of the child in June 2020.²⁰⁹ 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 its legal position on hearing children.²¹⁰ 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 standing.

An internal quality review of the processing of accompanied children in the asylum process was presented by the Swedish Migration Agency in December 2022.²¹¹ 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

²⁰⁶ Swedish Government Official Report, SOU 2016:19 Barnkonventionen blir svensk lag. Available in Swedish [here](#); Swedish Government Official Report, SOU 2020:63, Barnkonventionen och svensk rätt. Available in Swedish [here](#).

²⁰⁷ Lag (2018:1197) om Förenta nationernas konvention om barnets rättigheter, available [here](#).

²⁰⁸ Government Bill, prop. 2017/18:186 *Inkopporering av FN:s konvention om barnets bästa*, 20 March 2018, available in Swedish [here](#) 95f.

²⁰⁹ Migration Agency, Rättsligt ställningstagande, *Prövning av barns bästa*, 009/2020, 24 June 2020, available in Swedish [here](#).

²¹⁰ Migration Agency; Rättsligt ställningstagande, *Att höra barn*, 010/2020, 24 June 2020, available in Swedish [here](#).

²¹¹ Migration Agency, *Tematisk kvalitetsuppföljning avseende asylsökande barn i familj*, dnr: 1.3.4-2022-26331, 19 December 2022, available in Swedish [here](#).

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 Center, 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 Center 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 Center 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.²¹²

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.²¹³ 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 Swedish 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 measures had been introduced, it should be decided whether a new quality follow-up is needed. Training initiatives will be introduced in 2025.²¹⁴

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. 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.²¹⁵

The Swedish Migration Agency has since the review in 2022 carried out a follow-up of 160 asylum cases involving female genital mutilation. In the cases that led to granting of international protection, the legal quality was assessed to be consistently high, while in the rejection decisions, in a significant part and especially for children, shortcomings of such a nature were noted that the follow-up group could not assess with certainty whether the outcome was correct. However, according to the Swedish Migration Agency, the deficiencies occurred in a lower proportion of the cases and were of a less pervasive nature than in previous quality follow-up in 2022.

Within the framework of a previous government assignment to combat and prevent genital mutilation, the

²¹² Swedish Refugee Law Center, Migrationsverkets rapport visar stora brister i prövningen av asylärenden som rör barn i familj, 4 May 2023, available in Swedish [here](#).

²¹³ 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 [here](#).

²¹⁴ Information provided by the Swedish Migration Agency in an email in February 2025.

²¹⁵ The Swedish Migration Agency, Annual Report 2022, Dnr: 1.3.2-2023-2262.

Swedish Migration Agency has taken action. Some examples are processing support for case officers, routines concerning reporting to the police and training initiatives.²¹⁶

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.²¹⁷

In 2021, UNICEF published a review of court cases from 2020 pertaining to the Convention on the Rights of the Child.²¹⁸ 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,²¹⁹ and regarding a three-year-old boy with a serious health condition.²²⁰ 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.²²¹

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 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.²²²

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.²²³

²¹⁶ The Swedish Migration Agency, Annual Report 2024, Dnr: 1.3.2-2025-1844, p.116

²¹⁷ The Swedish Migration Agency, *Rättslig kommentar, Tolkning av EU-domstolens dom C-441/19, RK/002/2022*, available in Swedish [here](#).

²¹⁸ UNICEF, *Barnkonventionen som lag i praktiken - En granskning av domar från 2020, 2021*, available in Swedish [here](#).

²¹⁹ Migration Court of Appeal, Decision MIG 2020:24, 22 December 2020, available [here](#).

²²⁰ Migration Court of Appeal, Decision MIG 2021:18, 17 December 2021, available [here](#).

²²¹ Migration Court of Appeal, Decision UM 3741-22, 17 February 2023

²²² Migration Court of Appeal, Decision UM 6238-23, October 2023

²²³ *Hör barnens röst*, Appendix 1: Report from Civil Society Organisations working with Child Rights, 2022, available in English at: <https://asylrattscentrum.se/wp-content/uploads/2025/02/Report-from-Civil-Society-Organisations-working-with-Child-Rights-2022.pdf>.

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.²²⁴ The Ombudsman for Children also submitted a report to the Committee.²²⁵

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 2023.²²⁶ 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 also 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 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.

²²⁴ Recommendations, "Report from Civil Society Organisations working with Child Rights", August 2022, available in English [here](#).

²²⁵ Barnombudsmannen, FN:s konvention om barnets rättigheter, Tillägsrapport Sverige, 15 augusti 2022. LOIPR220927, available [here](#).

²²⁶ Concluding observations on the combined 6th and 7th periodic reports of Sweden, 7 March 2023, available in English [here](#).

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 emphasise the principle of the best interests of the child.²²⁷ The legislative change has been criticised 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.²²⁸

Such concerns were also, *inter alia*, raised in a report concerning Sweden's compliance with the UN Convention on the Elimination of Discrimination Against Women (CEDAW) prepared by the Swedish CEDAW network, a report that was submitted to the UN Committee on the Elimination of Discrimination Against Women.²²⁹ See [AIDA report 2023](#).

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").²³⁰ 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. 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. See [AIDA report 2023](#).

²²⁷ Government Bill 2013/14:216, pages 18–19.

²²⁸ Emma Asplund and Sophie Sjöqvist (2019). *Manligt nätverk*, available in Swedish [here](#).

²²⁹ 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 [here](#).

²³⁰ Swedish Refugee Law Center, 'Kvinnor i asylprocess - vikten av ett genusperspektiv', 8 March 2023, available in Swedish [here](#).

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 Afghanistan²³¹ 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.

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 the case shall be re-examined since it can be assumed that the Taliban regime's approach to women and girls and the generally worsening situation constitute permanent obstacles to enforcement. For national legislation concerning impediments to enforced return, see [Subsequent applications](#).

As mentioned in previous AIDA reports, in 2019, the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) published its report on Sweden's implementation of the Istanbul Convention.²³² 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.²³³

As reported in the previous AIDA report, restrictions were introduced in 2023 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.

Questions of concern that were, *inter alia*, further highlighted by CEDAW in its observations in November 2021 concerned the availability of specialised, 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 Swedish Migration Agency can offer an asylum seeker who has been subjected to or threatened with violence accommodation in another location, and mark the address as confidential. However, the

²³¹ 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 [here](#).

²³² For further information see AIDA, Country Report Sweden, 2021 Update, May 2022, available in English [here](#).

²³³ GREVIO, Baseline Evaluation Report: Sweden, 21 January 2019, available in English [here](#); 59-61.

Migration Agency cannot offer sheltered housing. This must according to the Migration Agency be offered under municipal auspices.²³⁴ (see also [Reception of women](#)).

In 2024, a policy was adopted regarding the area of gender-based violence, in which managers at all levels within the Swedish Migration Agency are responsible for employees' knowledge of the legislation and policy on gender-based violence. Once a year, the measures taken in accordance with the policy must be reported. No follow-up has yet been carried out.²³⁵

In 2024, a total of 3,800 women (including girls) applied for asylum for the first time and the recognition rate was 42% (compared to 4,590 women (including girls) and 40 % recognition rate in 2023 and 6,071 women and 44 % recognition rate in 2022.²³⁶

A total of 2,674 women applied for impediment to enforced return in 2024 and the approval rate was 16%, in comparison to 3,027 women in 2023 with an approval rate of 21%, 3,789 women in 2022 with an approval rate of 16 % and 4,782 women in 2021 with an approval rate of 8%.²³⁷

Vulnerability questions pertaining to LGBTQI+ asylum seekers

In November 2020, RFSL published a report²³⁸ 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 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.

In 2023, RFSL published a follow-up report to the 2020 report.²³⁹ A further 1,360 asylum decisions and judgements were examined during the period 2020-2023. Although some positive changes were noted, for instance a few positive rulings, the things that were criticised in the report from 2020 were reiterated. It was however 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. ,

In September 2024, a version in English was published by RFSL.²⁴⁰

²³⁴ 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.

²³⁵ The Swedish Migration Agency, 'Annual Report 2024', Dnr: 1.3.2-2025-1844, 21 February 2024, available in Swedish [here](#); p.120.

²³⁶ Migration Agency, *Annual Report 2024*, Dnr: 1.3.2-2025-1844, available [here](#).

²³⁷ *Ibid.*

²³⁸ RFSL, *Avslagsmotiveringar i HBTQI-asylärenden*, available in Swedish, with a summary in English, [here](#).

²³⁹ RFSL, *Avslagsmotiveringar i hbtqi-asylärenden – en uppföljning av rättsutredningen, 2023*, available in Swedish [here](#).

²⁴⁰ RFSL; *Rejection motivations in SOGIESC asylum cases in Sweden: A Case Law Analysis of the Migration Agency's, the Migration Courts' and the Migration Court of Appeal's Assessments of Sexual Orientation, Gender Identity and Gender Expression Asylum Claims*, September 2024, available [here](#).

The Swedish Agency for Public Management (*Statskontoret*) has, on behalf of the government, reviewed the asylum process to strengthen quality, consistency, and legal certainty in the field. The assignment included assessing the extent to which consistency and legal certainty are maintained in the assessment of asylum cases at the Swedish Migration Agency and whether the agency has the governance and working methods required to achieve this. In October 2024, *Statskontoret* published its review of the asylum process.²⁴¹

In the analyses of governance, support, and internal follow-up, as well as in interviews and surveys, *Statskontoret* has specifically focused on LGBTQI and convert cases.

Statskontoret's overall analysis shows that the Swedish Migration Agency is having difficulty maintaining uniformity and legal certainty in the asylum process. The proportion of approval and rejection decisions differs between the Migration Agency's regions in a way that cannot be reasonably explained. The Swedish Migration Agency's internal governance, control and follow-up are assessed to be weak, and the agency does not follow up the legal quality of asylum processing in a systematic manner.

With regard to LGBTQI and convert cases, both external organisations and the Swedish Migration Agency's own reports show that there are shortcomings in the legal quality of the Swedish Migration Agency's assessments. *Statskontoret's* analysis also supports the view that LGBTQI and convert cases are difficult to examine in a uniform and legally certain manner. In the analysis of governance for LGBTQI and convert cases, it was assessed that formulations in the legal positions published by the Swedish Migration Agency make the positions difficult to interpret and use, and that the discretionary margin partly counteracts the purpose of the positions to provide support in the assessment.

It is also noted that governance may have difficulty having an impact. Additionally, previously there were specialists involved in several case types, for example as quality assurance in LGBTQI cases. However, this function was removed during the reorganization in 2021. Nowadays, all case officers are expected to be able to process all types of asylum cases and asylum grounds. It is further noted that when case volumes vary greatly over time it is difficult to retain accumulated expertise.

Statskontoret concluded that the Swedish Migration Agency has working methods, but not guidance and follow-up, to maintain uniformity and legal certainty in the asylum process, and left suggestions for improvements.

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 Swedish Migration Agency, Swedish Red Cross and UNHCR, saw a need to do so.²⁴²

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.

²⁴¹ Statskontoret, *Många öar små – Migrationsverkets styrning och uppföljning av den rättsliga kvaliteten i asylprocessen*, 2024.14, Oktober 2024, available: [Många öar små – Migrationsverkets styrning och uppföljning av den rättsliga kvaliteten i asylprocessen](#).

²⁴² *Genomförande av det omarbetade asylprocedurdirektivet* (Travaux préparatoires to the transposition of the recast Asylum Procedures Directive), 2016/17:17, available in Swedish [here](#).

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 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.²⁴³ 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*.²⁴⁴

In September 2022, the Migration Court of Appeal referred a case back to the Migration Court.²⁴⁵ The applicant had requested a medical examination as he claimed he had been the victim of torture. Both the Swedish 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 Swedish 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 treatment shall, subject to certain exceptions, be further examined at the state's cost.²⁴⁶ 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 ill-treatment on the basis of which international protection can be granted is considered to no longer exist.

The Swedish Migration Agency has a standard form for medical reports,²⁴⁷ 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.

²⁴³ ECtHR, *R.C. v. Sweden*, Application No 41827/07, 9 June 2010, available [here](#).

²⁴⁴ Migration Court of Appeal, MIG 2014:21, UM3739-14, 23 September 2014, available in Swedish [here](#), Migration Court of Appeal, MIG 2012:2, 20 January 2012, available in Swedish [here](#).

²⁴⁵ Migration Court of Appeal, decision UM 2621-22, 20 september 2022.

²⁴⁶ Migration Agency, *Rättsligt ställningstagande, Medicinska utredningar av åberopade skador* – RS/022/2021, available in Swedish [here](#).

²⁴⁷ Migration Agency, *Utlåtande från läkare vid prövning av hälsotillstånd i ärenden om uppehållstillstånd eller verkställighetshinder*, available in Swedish [here](#).

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 Swedish 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 Swedish 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 Swedish Migration Agency's legal position.²⁴⁸ This can be done through specialist institutions and through the Swedish Red Cross Treatment Centre for persons affected by war and torture. The Swedish Red Cross runs five such treatment centers.²⁴⁹ In addition to trauma treatment, they document torture injuries according to the Istanbul Protocol at the request of the Swedish Migration Agency as part of the asylum process. In September 2021, the Swedish Red Cross published their alternative report to the United Nations Committee Against Torture,²⁵⁰ reiterating their concerns from 2014.²⁵¹

During 2021, the Swedish Red Cross initiated work to support the Swedish Migration Agency with training on the effects of torture and trauma. Collaboration between the Swedish Red Cross and the Swedish Migration Agency to develop guidance on medico-legal documentation is formalised through a comprehensive Memorandum of Understanding (MoU). This means that the Swedish Red Cross assists the Swedish Migration Agency in various ways, including the development of guidelines for case workers on requesting medico-legal documentation. The Swedish Red Cross produces information sheets to ensure that this documentation complies with the Istanbul Protocol, as well as conducting specific training sessions.

A report regarding practices and challenges in identifying victims of torture in the context of international protection was published by the European Migration Network (EMN) in September 2024, developed following consultation between EMN, the Swedish Red Cross and the Red Cross EU Office.²⁵² As challenges for applicants for international protection, the following was reported by the Swedish Red Cross: in Sweden, a 'medical certificate' has become a *de facto* pre-requisite for the Swedish Migration Agency to refer the claimant for a medico-legal assessment, posing a difficulty for many applicants for international protection. Obtaining a medical certificate comes with its own challenges, including limited guidance from case workers on the process, a lack of familiarity among medical professionals with the issuance of such certificates, and prolonged waiting times for doctor's appointments. Regarding constraints hindering sharing accounts of torture and ill-treatment, victims of torture and/or ill-treatment interviewed by the Swedish Red Cross reported that the asylum interview setting, questions asked, and limited time allocated posed a challenge for them to share their stories. This is compounded by the fact that the Swedish Red Cross found situations where important details were overlooked or omitted during asylum proceedings. This indicates a potential general lack of awareness of the Istanbul Protocol, an issue compounded by staff turnover.²⁵³

²⁴⁸ Migration Agency, *Rättsligt ställningstagande, Medicinska utredningar av åberopade skador* – RS/022/2021, available in Swedish [here](#).

²⁴⁹ Swedish Red Cross, *Behandlingscenter för krigsskadade och torterade*, available in several languages [here](#).

²⁵⁰ 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 [here](#).

²⁵¹ 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 [here](#).

²⁵² European Migration Network, Inform September 2024, *Practices and challenges in identifying victims of torture and ill-treatment in the context of international and temporary protection*, available at: [here](#).

²⁵³ Ibid, page 12.

The Swedish Red Cross has also in late 2022 initiated a research project concerning children as survivors of torture. The aim of the project is to gather international knowledge about screening, documentation and treatment of torture injuries in children and, based on this, further develop age-appropriate methods and routines. An ambition is to also contribute to the dissemination of knowledge outside the treatment centres operations so that children who have been subjected to torture can be more easily identified in, for example, health and medical care, social services, the Migration Agency and the Student Health Service.²⁵⁴

In December 2021, guidance for healthcare professionals meeting patients with torture experiences was published by regional health care training centres.²⁵⁵

Medical reports in the context of expulsion

As a consequence of the ECtHR ruling in *Paposhvili v Belgium*,²⁵⁶ the Swedish 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 Swedish Migration 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.

- ❖ 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.²⁵⁷

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.²⁵⁸ The CRPD considered that the Swedish authorities should have assessed whether the woman would have been 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 CRPD published a decision in another case litigated by the Swedish Refugee Law Center.²⁵⁹ 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

²⁵⁴ The Swedish Red Cross, [Forskningsprojekt om barn som överlever tortyr](#), at [Forskningsprojekt om barn som överlever tortyr](#).

²⁵⁵ 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 [here](#).

²⁵⁶ ECtHR, *Paposhvili v. Belgium*, Application No 41738/10, Judgment of 13 December 2016, EDAL, available [here](#).

²⁵⁷ Migration Agency, *Rättsligt ställningstagande angående tillämpning av artikel 3 i Europakonventionen då sjukdom åberopas - RS/008/2020*, 17 June 2020, available in Swedish [here](#).

²⁵⁸ UN Committee on the Rights of Persons with Disabilities, *Decision on Communication no. 60/2019*, September 2020, available [here](#), 24.

²⁵⁹ UN Committee on the Rights of Persons with Disabilities, *Decision on Communication no. 58/2019*, September 2021, available [here](#).

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.

On 19 March 2025, the CRPD published a decision in a case concerning a Lebanese man with severe psychosocial disabilities.²⁶⁰ This case was also litigated by the Swedish Refugee Law Center. The case involved criticism of Sweden's assessment of mental illness and access to care in Lebanon. The CRPD found that Sweden had failed to adequately assess the real and imminent risk to the man's life and health if returned to Lebanon, including the actual availability of mental health care. The Committee concluded that Sweden had violated its obligations under Articles 10 and 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.

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 but was still in the appeal procedure, should still have the right to a guardian during that period as the decision on his age had not gained legal force.²⁶¹

Guardians need to be persons of high moral character and may come from different social backgrounds. 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.²⁶²

According to law, a guardian must be appointed as soon as possible. However, there is no time limit for the appointment of a guardian.²⁶³ Guardians are reimbursed for their costs and receive a nominal fee from municipalities. No requirements about formal education or specialist knowledge in the field of asylum are imposed prior to being 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 Swedish Migration Agency offer courses for guardians.

²⁶⁰ UN Committee on the Rights of Persons with Disabilities, *Decision on Communication no. 64/2019*, March 2025, available [here](#).

²⁶¹ Administrative Court of Gothenburg, Decision 4737-15, 28 June 2016.

²⁶² Lag (2005:429) om god man för ensamkommande barn, available in Swedish [here](#).

²⁶³ Paragraph 3 § lagen om god man för ensamkommande barn.

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.²⁶⁴

The law also requires that legal counsel be appointed promptly for unaccompanied children. In two legal positions, the Swedish Migration Agency specifies the requirements to be appointed as a public counsel when the case involves children. The person must have knowledge of children in the migration process and should have experience representing children in migration cases.²⁶⁵ 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.²⁶⁶

276 unaccompanied children sought asylum in Sweden in 2024.

Country of origin	Number of unaccompanied child applicants
Syria	75
Afghanistan	27
Somalia	24
Morocco	27
Eritrea	19
Other	104
Total	276

Source: Swedish Migration Agency, *Inkomna ansökningar om asyl*, 2024, available in Swedish: [here](#).

E. Subsequent applications

Indicators: Subsequent Applications

- Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
- 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
- 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

²⁶⁴ Rädda Barnen; Lyssna på mig - barns och ungas röster om asylprocessen, 2017, available in Swedish [here](#), Swedish Government Official Report SOU 2023:40, Förbättrade möjligheter för barn att utkräva sina rättigheter enligt barnkonventionen, 23 August 2023, available in Swedish [here](#).

²⁶⁵ Migration Agency, *Legal position Who can be appointed as a public counsel*, RS 003/2020, 18 May 2020, available [here](#).

²⁶⁶ Migration Agency, *Rättsligt ställningstagande, Kvalitetskrav på offentliga biträden*, RS/021/2020, 10 February 2023, available [here](#).

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 permit²⁶⁷ 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 for international protection.²⁶⁸

Under Chapter 12 Section 18 of the Aliens Act, the Swedish 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];²⁶⁹
- (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 Swedish 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.²⁷⁰ Decisions made pursuant to this provision cannot be appealed before the Migration Court and are final.

The Swedish 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 Swedish 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 Swedish 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.²⁷¹ 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.

The standard of proof for granting a residence permit pursuant to Chapter 12, Section 18 of the Aliens Act is high. To apply, there should be no need for investigative measures or that there could be circumstances that indicate that a residence permit should not be granted.

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];²⁷² and
- (2) these circumstances could not previously have been invoked by the foreigner or the foreigner shows a valid excuse for not previously having invoked these circumstances”.

This requirement of providing a valid excuse or 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

²⁶⁷ Chapter 12, Section 18 Aliens Act.

²⁶⁸ Chapter 12, Section 19 Aliens Act.

²⁶⁹ Chapter 12, Sections 1-2 Aliens Act.

²⁷⁰ Chapter 12, Section 18 - 18a Aliens Act.

²⁷¹ Ch, 12, Section 17 Aliens Act.

²⁷² Chapter 12, Sections 1-2 Aliens Act.

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 excuse was handed down by the Migration Court of Appeal on 10 April 2019.²⁷³ 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 excuse 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 Swedish 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. A fee is also not imposed when lodging subsequent applications. However, the Swedish Migration Agency has no discretion to re-examine the application where these conditions are not met.²⁷⁴ Section 19 therefore concerns new grounds for international protection and not humanitarian grounds or practical problems in enforcing expulsion.

According to Chapter 12 Section 19(a) of the Aliens Act, the refusal of entry or expulsion order may not be enforced before the Swedish 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 (at the request of the applicant or *ex officio*). 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. As mentioned above suspensive effect is granted to appeals against decisions to reject a subsequent application on the merits, i.e. where a re-examination has been granted.

There is no free legal aid to submit a subsequent application, nor when the subsequent application is not admitted or rejected on the merits. However, if the application is admitted for re-examination by the Swedish Migration Agency – or through a stay in the expulsion order at court level if the Swedish 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, 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.²⁷⁵

In 2024, a total of 6,830 subsequent applications were submitted and the Swedish Migration Agency decided on 7,279 subsequent applications. Out of them, 1,019 subsequent applications resulted in a

²⁷³ Migration Court of Appeal, UM 12194-18, MIG 2019:5, 10 April 2019, available in Swedish [here](#).

²⁷⁴ Chapter 12, Section 19 Aliens Act.

²⁷⁵ For more information, see [here](#).

residence permit being granted, and 299 subsequent applications were admitted for re-examination.²⁷⁶ The main countries of origin of applicants lodging a subsequent application were Iraq (729); Iran (492); Afghanistan (485); Syria (337) and stateless applicants (271).²⁷⁷

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 Asylum Procedures Directive’s provision regarding safe countries of origin in its national legislation.²⁷⁸ The legislation process was initiated after the CJEU judgement in *A v Migrationsverket*,²⁷⁹ where the court stated that the Migration Agency cannot reject an application as manifestly unfounded with reference to country of origin information that evidences that the asylum seeker is able to seek state protection there, if the Member State in question has not adopted rules regarding the implementation of the concept of safe country 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 13 January 2025, the Swedish Migration Agency published a provision (“föreskrift”) designating the following countries as safe countries of origin (the list is the same as previously, with the deletion of Georgia):²⁸⁰

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

On 25 May 2021, the Swedish Migration Agency published new guidelines regarding immediately enforceable returns, including the concept of safe countries of origin.²⁸¹ 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.²⁸² A description of the human rights situation and the ability to enjoy state protection in each

²⁷⁶ The Swedish Migration Agency, ‘Annual Report 2024’, Dnr: 1.3.2-2025-1844, 21 February 2024, available in Swedish [here](#), and information provided by the Migration Agency’s statistics unit.

²⁷⁷ Information provided by the Migration Agency’s statistics unit.

²⁷⁸ For further information see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available [here](#), 64.

²⁷⁹ CJEU, judgment in case C-404/17 *A v. Migrationsverket*, of 25 July 2018, available [here](#).

²⁸⁰ Swedish Migration Agency, *Migrationsverkets föreskrifter om förteckning över säkra ursprungsländer*, MIGRFS 2025:1, available in Swedish [here](#).

²⁸¹ Swedish Migration Agency. *Rättsligt ställningstagande RS/071/2021. Avvisning med omedelbar verkställighet till hemlandet inklusive säkra ursprungsländer*, available in Swedish [here](#).

²⁸² Swedish Migration Agency, Lifos, available in Swedish [here](#).

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 Swedish Government 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.²⁸³

In June 2024 the Government asked the Swedish Migration Agency to strengthen its work with the concept of safe countries of origin, with the goal to add more countries to the list of safe countries of origin. The Government required regular updates of the Swedish Migration Agency’s work in this regard. The Swedish Migration Agency reported to the Government in September 2024, explaining how it developed its work with the concept of safe countries of origin, and also suggesting additional countries that, after thorough analysis, could be added to the list.²⁸⁴ The Agency however holds the view that, under current legislation, it is not possible to consider a part of a country as safe, or a country safe except for certain parts of the population. It evaluates potential gains with an increased number of safe countries of origin, even when few applicants originate from the country in question, and costs for maintaining a list including more countries. The Agency concludes that it will continue develop its strategies for working with safe countries of origin and also order a number of countries of origin reports, which could, depending on the outcome, lead to further countries being considered safe.

Application of the concept of safe country of origin

Through the adoption of the concept of safe countries of origin in 2021, the Swedish Migration Agency was given 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, otherwise the application is not seen as manifestly unfounded. If grounds are presented that prevent the case from being regarded as manifestly unfounded, these will automatically be considered in the assessment. According to Swedish case law, the assessment must be clear and made without more detailed consideration.²⁸⁵

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 Swedish Migration Agency to include a specific country on the list of safe countries cannot, however, be appealed.

²⁸³ Swedish Refugee Law Center. *Asylrättscentrums analys av Tidöavtalet*, available in Swedish [here](#).

²⁸⁴ Swedish Migration Agency, Redovisning av uppdrag 5 i regleringsbrevet för 2024 – Förstärka arbetet med säkra ursprungsländer, 1.1.1.1-2024-11660. Not available online.

²⁸⁵ See for example Migration Court Of Appeal, Decision MIG 2006:7, 30 October 2006, available in Swedish [here](#), MIG 2010:22, 22 December 2010, available in Swedish [here](#), MIG 2014:22, available in Swedish [here](#).

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.²⁸⁶ Asylum seekers from safe countries of origin do not usually have the right to work in Sweden while their asylum applications are being processed.

According to a study carried out by the Swedish Refugee Law Center with support from UNHCR,²⁸⁷ 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 standardised 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.²⁸⁸

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 Swedish 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.²⁸⁹

²⁸⁶ Swedish Migration Agency. *Rättsligt ställningstagande RS/071/2021. Avvisning med omedelbar verkställighet till hemlandet inklusive säkra ursprungsländer*, available in Swedish [here](#): 12-13.

²⁸⁷ Swedish Refugee Law Center. *Rättsäkerheten och säkra ursprungsländer*, available in Swedish with an English summary [here](#).

²⁸⁸ Swedish Migration Agency, Statistics, 18 January 2023, available [here](#) Swedish Refugee Law Center, *Rättsäkerheten och säkra ursprungsländer*, available in Swedish with an English summary [here](#).

²⁸⁹ 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 [here](#), 10.

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:²⁹⁰

- ❖ 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](#)).²⁹¹ 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 must be 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.²⁹²

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 who 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.²⁹³ 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.²⁹⁴ There is also information in around

²⁹⁰ Chapter 5, Section 1b(3) Aliens Act. See also Migration Court of Appeal, UM 3266-14, MIG 2015:12, 20 August 2015, available [here](#).

²⁹¹ Chapter 5, Section 1b(2) Aliens Act.

²⁹² 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 [here](#), 8ff.

²⁹³ Regleringsbrev 2021 Migrationsverket.

²⁹⁴ Ordinance on the reception of asylum seekers, Section 2a

25 languages available through the Migration Agency on various aspects of the asylum procedure. This information is available on the website,²⁹⁵ 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 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.²⁹⁶ 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 6 languages and are accessible from the Swedish Migration Agency's website.²⁹⁷ 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).²⁹⁸

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,²⁹⁹ as well as on Dublin procedures followed after a country other than Sweden has been deemed responsible.³⁰⁰ There is also a specific leaflet for unaccompanied minors regarding the Dublin Regulation, as per Article 4(3) of the Dublin III Regulation.³⁰¹

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.³⁰² 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

²⁹⁵ Migration Agency, *Protection and Asylum in Sweden*, available [here](#).

²⁹⁶ Migration Agency, *For Children*, available [here](#).

²⁹⁷ Migration Agency, *Att söka asyl i Sverige och om livet här – filmer för yngre barn*, available [here](#).

²⁹⁸ Migration Agency, *Other languages*, available [here](#).

²⁹⁹ Migration Agency, *"I have asked for asylum in the EU – which country will handle my claim?"*, available [here](#).

³⁰⁰ Migration Agency, *"I am in the Dublin procedure – what does this mean?"*, available [here](#).

³⁰¹ 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*. accessible upon request to the Swedish Migration Agency. See also information on the Dublin procedure on the website of the Swedish Refugee Law Centre for adults [here](#). Both websites are available in many languages.

³⁰² FARR, *Good Advice for Asylum Seekers in Sweden*, May 2022, available [here](#).

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.

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 (+46200-88 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.³⁰³

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 of their operation 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,³⁰⁴ see more information in "Track 1".
2. Are applications from specific nationalities considered manifestly unfounded?³⁰⁵ ☒ Yes ☐ No
❖ If yes, specify which: Albania, Bosnia and Herzegovina, Chile, Georgia, Kosovo, Mongolia, North Macedonia, Serbia

³⁰³ Ensamkommandes Förbund webpage, available [here](#).

³⁰⁴ Information provided in email from the SMA's Digitalisation and Development unit in March 2023.

³⁰⁵ Whether under the "safe country of origin" concept or otherwise.

In 2024 the number of first-time applications was 9,634, a decrease from 12,491 applications in 2023. In 2024, out of the total number of applicants, 976 came from Syria, 839 came from Afghanistan, 576 from Iraq, and 540 from Iran.³⁰⁶

At first instance, the recognition rate in cases decided on the merits was 40% in 2024, compared to 34% in 2023. The recognition rates for major countries of origin were as follows: 84% for Syrians, the same as in 2023; 64% for Afghans, up from 63% in 2023; 23% for Iraqis, down from 25 % in 2023; and 28% for Iranians, up from 25 % in 2023.³⁰⁷

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 person coming from several provinces in Syria was in need of international protection, in accordance with Article 15(c) of the Qualification 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 could be considered as significant and non-temporary in nature in the context of determining the need for cessation.³⁰⁸ 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*. In this sense, refugee status in general was granted to those who would be enrolled in military service.³⁰⁹ The Swedish Migration Agency maintained this position in 2024.

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.³¹⁰ 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.³¹¹ Asylum claims from men and 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.³¹²

The Swedish Migration Agency have repealed their legal position to halt all deportations to Gaza, but no deportations were reported during 2024.

³⁰⁶ SMA Monthly report December 2024

³⁰⁷ SMA Monthly report December 2024.

³⁰⁸ Migration Agency, *Rättsligt ställningstagande – Prövningen av skyddsbehov för personer från Syrien*, RS/022/2020, November 2022, available in Swedish [here](#).

³⁰⁹ Migration Agency, *Rättsligt ställningstagande. Prövningen av skyddsbehov för personer från Syrien*, RS/022/2020 (version 3.0), available in Swedish [here](#).

³¹⁰ Migration Agency, 'Information regarding the situation in Afghanistan', no longer available at the Swedish Migration Agency's website.

³¹¹ SMA, Legal position RS/089/2021, *Prövning av skyddsbehov m.m. för medborgare från Afghanistan* (version 5.0) available in Swedish [here](#).

³¹² Case MIG 2023:12 available online at: [Mål: UM 1579-23 - Migrationsöverdomstolen vid Kammarrätten i Stockholm](#)

On 22 December 2023, the Swedish Migration Agency published a legal position to re-start decision-making in ordinary asylum cases relating to Ukraine.³¹³ The Swedish Migration Agency 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 on 24 February 2022. On 10 December 2024, the Parliamentary Ombudsman (JO) criticized the Swedish Migration Agency for their legal position to halt decisions in regular asylum and protection status cases. The critique was that the legal position lacked a time limitation and for the legal basis not being sufficiently clearly formulated. The Swedish Migration Agency was also criticized for failing to comply with a court order to resolve a specific asylum case as soon as possible.³¹⁴

After the fall of the Syrian regime in early December 2024, the Swedish Migration Agency decided to halt all deportations and decisions on asylum applications for Syrian nationals. This decision expires on 10 March 2025.³¹⁵

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, , Bolivia, Bosnia and Herzegovina, Brazil, Chile, Cuba, Georgia, India, Israel, Kosovo, North Macedonia, Mexico, Moldova, Mongolia, Peru, Serbia, South Africa, Thailand, USA, and Vietnam³¹⁶ (see section on [Accelerated Procedure - Interview](#)).

³¹³ Rättsligt ställningstagande. Prövning av skyddsbehov för medborgare från Ukraina - RS/009/2023 at Dokument - Lifos extern, available [here](#).

³¹⁴ The the Parliamentary Ombudsman. Kritik mot Migrationsverket för utformningen av ett beslutsstopp för asylansökningar rörande medborgare i Ukraina och för att inte ha följt ett föreläggande från domstol om att snarast avgöra ett ärende, 2024-12-10, available in Swedish [here](#).

³¹⁵ Migrationsverket, Rättsligt ställningstagande. Prövning av skyddsbehov och verkställigheter för personer hemmahörande i Syrien - RS/007/2024, 2025-03-10, available [here](#).

³¹⁶ The Swedish Migration Agency, VÄGLEDNING Lista över länder och lägsta idkategorisering för sortering i spår 4B Dnr: 1.2.2.2-2024-6176, 7 May 2021, revised 22 April 2024.

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 Swedish Migration Agency will cover the costs of accommodation if the applicant does not have enough resources.

Until 1 March 2025, applicants have in most cases been free to choose and arrange their own accommodation if they do not wish to stay with the Swedish Migration Agency, but from that date onwards staying at a designated reception centre became a condition for obtaining the daily allowance. This is a first step in realizing an aim that parties in Government and the Sweden Democrats expressed in the Tidö Agreement on 14 October 2022, which is to end asylum seekers' rights to arrange their own accommodation. The intention is forming a system where asylum seekers must stay in accommodation centres run by the Swedish Migration Agency. There is, therefore, an ongoing process to shift from offering housing in shared flats to rooms in accommodation centres. This change in policy, and the planned steps to realize it, is further described below.

Unaccompanied minors are being channelled to a local municipality which is then responsible for the reception of the minor. No changes are announced in that regard.

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 if the asylum seeker leaves the country, when the deadline for voluntarily departure has expired or, if no deadline is granted, once the deportation order has become final. 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 provided by the Swedish Migration Agency 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 Swedish Migration Agency 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 Swedish Migration Agency 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.³¹⁷

The Swedish Migration Agency reception centres are mostly shared flats. Families are always given a room of their own. Single people must share a room with others of their same sex. For applicants with special needs, the Swedish Migration Agency will try to arrange an adapted living situation. People are entitled to accommodation adapted to their needs, but how this is applied may vary depending on their specific needs and the type of accommodation available. Examples of persons who may be entitled to adapted accommodation include individuals with disabilities, those suffering from physical or mental

³¹⁷ The Swedish Migration Agency, 'Bosättning i en kommun', available in Swedish [here](#).

illnesses, and persons who are LGBTQI, pregnant, or elderly.³¹⁸ As described above, the policy will change in this regard, making rooms in reception centres the main alternative for private housing.

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. Even if the financial allowance is restricted, a person will still have a right to accommodation.

Upon the lodging of the asylum application, the Swedish Migration Agency reception officer enquires about the applicant's financial situation.³¹⁹ An asylum seeker who wants to receive a daily allowance must apply for it in writing. The application must contain an explanation that the information provided in the application is correct.³²⁰ Anyone who has been granted a daily allowance is obliged to report changed income and other conditions that may affect the right to or the amount of the aid.

A 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 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 considered. Such an individual needs test is a prerequisite for the application of the provisions on reduction of the daily allowance.³²¹ The Supreme Administrative Court has ruled that the Swedish Migration Agency may revoke a decision to grant a daily allowance or reduce the allowance if it is later proven that the applicant has personal financial resources.³²²

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

³¹⁸ The Swedish Migration Agency, 'Accommodation – asylum, available at <https://www.migrationsverket.se/en/you-are-waiting-for-a-decision/asylum/you-have-applied-for-asylum/accommodation.html>.

³¹⁹ Section 17, Law on Reception of Asylum Seekers and Others, 1994:137.

³²⁰ Section 8 förordningen (1994:361) om mottagande av asylsökande m.fl.

³²¹ Section 15, Law on Reception of Asylum Seekers and Others, 1994:137.

³²² The Supreme Administrative Court of Sweden [Högsta förvaltningsdomstolen] Case no HFD 2023 ref 3. English summary of the case available [here](#).

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 Swedish 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 health care in relation to contraception).³²³ If they refuse to leave their accommodation at that point, they may be forcibly removed and be subjected to criminal sanctions.³²⁴

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.³²⁵ A public inquiry looking into the reception of asylum seekers evaluated the mentioned changes from 2016 and found that it didn't meet the set goals. The inquiry concluded that the amendment did not serve as an incentive for return but rather had the opposite effect to what was intended. The statistical estimates presented by the inquiry indicated that the incentives for asylum seekers who had received a return decision to leave the country voluntarily had, in fact, decreased following the legislative amendment, compared to the likelihood prior to the amendment.³²⁶ The changes from 2016 are therefore suggested to be reversed from August 2026, making adult applicants without children eligible for a daily allowance even if, for example, they have overstayed the period for voluntary departure.³²⁷

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.³²⁸

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.³²⁹

Families who have left Sweden for another EU country and are returned according to the Dublin Regulation have no right to re-access accommodation or other forms of reception conditions from the Swedish Migration Agency.

The restricted access to reception conditions apply until a person is again considered to fall within the scope of the 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 the LMA and will hence have access to reception conditions without restrictions.

³²³ 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) .

³²⁴ Sections 11-12a, Law on Reception of Asylum Seekers and Others, 1994:137.

³²⁵ 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 [here](#); VSIU, *Report about Legal Uncertainties in the Asylum Process For Unaccompanied Minors in Sweden*, 26 February 2018, available [here](#); *Rapport om rättsosäkerhet i asylprocessen för ensamkommande barn och unga*, September 2017, available in Swedish [here](#).

³²⁶ Mottagandelagen. En ny lag för ordnat asylmottagande och effektivt återvändande (SOU 2024:68) chapter 6, available in Swedish [here](#).

³²⁷ Mottagandelagen. En ny lag för ordnat asylmottagande och effektivt återvändande (SOU 2024:68) chapter 6, available in Swedish [here](#).

³²⁸ Sections 11, Law on Reception of Asylum Seekers and Others, 1994:137.

³²⁹ The Reception Act (1994:137) Section 10.

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.³³⁰

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.³³¹ 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”.³³² The legislation covers 32 municipalities.³³³

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”.³³⁴ In 2024, 4,367 asylum seekers settled in such areas.³³⁵ In 2023, 1,556 asylum seekers were denied daily allowance based on them living in a “socio-economically challenged area”.³³⁶ In 2024 the number fell to 1,051.³³⁷

In November 2024, the Government asked the Parliament to vote on a bill which constitutes the first step towards a system where asylum seekers will be obliged to live in centres run by the Swedish Migration Agency. According to the proposal, asylum seekers will only get their daily allowance if they live in the centre to which they were assigned, and their asylum application can be seen as withdrawn if they don't register their address and remain in contact with the Swedish Migration Agency.³³⁸ Through the proposal the Swedish Migration Agency gets increased possibilities to control whether an asylum seeker is actually living in the designated centre or not and is therefore eligible for a daily allowance. Asylum seekers are also obliged to participate in classes regarding Swedish society. The changes entered into force 1 March 2025.

In October 2024, a report from an inquiry was circulated for comments. The inquiry had, among other issues, investigated measures to ensure that asylum seekers will live, in practice, only in centres run by the Swedish Migration Agency.³³⁹ The report proposes a new law on the reception of asylum seekers, incorporating part of the new recast Reception Conditions Directive (2024/1346).³⁴⁰ The main changes are restrictions of the right to movement of asylum seekers and person with deportation orders. They will be obliged to stay in the centre in which they're assigned a place to get daily allowance. Asylum seekers will also need to attend controls that will ensure their presence at the centre and to stay in the area where the centre is located, with some exceptions. The daily allowance will be slightly increased as the report finds an increase necessary to align Swedish law with the EU *acquis*. The legislation is suggested to enter into force in October 2026.

³³⁰ HFD 2022 ref. 40, 13 October 2022, available in Swedish [here](#).

³³¹ Section 10a, Law on Reception of Asylum Seekers and Others, 1994:137.

³³² See section 10 a, Law on Reception of Asylum Seekers and Others, 1994:137.

³³³ 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 [here](#). To check whether an area is considered “socio-economically challenged” it is possible to use this site, [here](#).

³³⁴ SVT, *Migrationsverket ser ingen tydlig effekt av nya ebo-lagen*, available in Swedish [here](#).

³³⁵ Information received on 11 of January 2023 from the Statistics Unit at the Swedish Migration Agency via e-mail.

³³⁶ Information received on 5 February 2024 from the Statistics Unit at the Swedish Migration Agency via e-mail.

³³⁷ Information received on 24 February 2025 from the Statistics Unit at the Swedish Migration Agency via e-mail.

³³⁸ Government, proposition 2024/25:49 En ny ordning för asylsökandes boende, 7 november 2024, available in Swedish [here](#).

³³⁹ Mottagandelagen. En ny lag för ordnat asylmottagande och effektivt återvändande (SOU 2024:68), available in Swedish [here](#).

³⁴⁰ Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection.

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 2024 (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 have not been raised since 1994 and are as follows:³⁴¹

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: Swedish Migration Agency.

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.³⁴² However, in the report of a public inquiry published in October 2024, it was suggested that the daily allowance should be raised on a yearly basis.³⁴³ The changes are proposed to enter into force in August 2026.

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.³⁴⁴ 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.

³⁴¹ Migration Agency, 'Financial aid for asylum seekers', available in English [here](#).

³⁴² 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 [here](#) and 'rapport med nyanlända ensamstående mammors röster', available in Swedish [here](#). See also Swedish Red Cross, 'Ge asylsökande en ersättning som går att leva på', 13 July 2022, available in Swedish [here](#).

³⁴³ Mottagandelagen. En ny lag för ordnat asylmottagande och effektivt återvändande (SOU 2024:68), available in Swedish [here](#).

³⁴⁴ Migration Agency, Financial aid for asylum seekers, available [here](#).

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 5,180 / € 450.96
2 adults	SEK 3,660 / € 319.56	SEK 8,320 / € 724.32
1 adult 1 child (aged 2)	SEK 3,240 / € 282.89	SEK 8,340 / € 726.06
1 adult 2 children (aged 2-5)	SEK 4,530 / € 395.52	SEK 11,740 / € 1022.05
2 adults 2 children (aged 5-12)	SEK 6,160 / € 537.85	SEK 16,440 / € 1,431.22
2 adults 3 children (aged 2-5-12)	SEK 7,020 / € 612.93	SEK 19,770 / € 1,721.12
2 adults 4 children (aged 12-14-15-17)	SEK 8,160 / € 712.47	SEK 28,210 / € 2,455.89

Sources: National Social Welfare Board, 1 January 2025; Swedish Migration Agency.

3. Reduction and withdrawal of material reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions?
☒ Yes ☐ No

Under the 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 later proven that the applicant has personal financial resources.³⁴⁵ If an asylum seeker's financial situation changes, for example if they get a job, they must tell the Swedish Migration Agency.³⁴⁶ Asylum seekers who have an income or who have other economic assets and who live in an accommodation provided by the Swedish Migration Agency must pay a compensation to it. It is considered a crime not to inform the Swedish Migration Agency that one has started earning money while still receiving the daily allowance.³⁴⁷

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.³⁴⁸ 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 Swedish 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

³⁴⁵ The Supreme Administrative Court of Sweden [Högsta förvaltningsdomstolen] Case no HFD 2023 ref 3. English summary of the case available [here](#).

³⁴⁶ Section 8 a, Ordinance on the Act on Reception of Asylum Seekers, 1994:361.

³⁴⁷ Chapter 20, Section 6, Aliens Act.

³⁴⁸ Section 10, Law on Reception of Asylum Seekers and Others, 1994:137.

expired.³⁴⁹ In 2024, there were 14,287 persons with legally enforceable removal orders registered with the Migration Agency.³⁵⁰ 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 Swedish Migration Agency or a court having decided on inhibition or having granted a new trial in accordance with Chapter 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 Swedish Migration Agency to reduce or cease aid may be appealed to the Administrative Court.³⁵¹ 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.³⁵²

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 Services Act.³⁵³

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 (e.g., for example obtaining a certificate from the Kuwaiti authorities stating he would not be admitted to Kuwait). His appeal concerning the right to a daily allowance and housing was therefore denied.³⁵⁴ The judgment clarifies the principle that individuals who are subject to deportation orders must actively cooperate with return efforts in order to retain access to certain benefits.

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.³⁵⁵

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.³⁵⁶

³⁴⁹ Section 11, Law on Reception of Asylum Seekers and Others, 1994:137.

³⁵⁰ Migration Agency, *Monthly statistical report for December 2024*, Dnr: 1.1.1.2-2024-1660.

³⁵¹ Section 22, Law on Reception of Asylum Seekers and Others, 1994:137.

³⁵² Supreme Administrative Court, Decision 1527–1529-16, 5 June 2017, available in Swedish [here](#).

³⁵³ Supreme Administrative Court, Decision 4464-17 and 6418-17, 11 June 2018, available in Swedish [here](#).

³⁵⁴ Administrative Court of Appeal of Stockholm, UM 4419-19.

³⁵⁵ Supreme Administrative Court, HFD 2021:4, Mål: 4234-20 - Högsta förvaltningsdomstolen, available [here](#).

³⁵⁶ See Chapter 5 Section 4 the Aliens Ordinance Act (2006:97).

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 Swedish Migration Agency, asylum seekers are not free to choose their place of residence.³⁵⁷ 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.³⁵⁸ 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.³⁵⁹

On 14 October 2022 the newly elected Swedish Government announced that it intended to introduce transit centres where asylum seekers would spend the entire asylum process. In October 2024 the conclusions of a public inquiry were published, and it was suggested that the freedom of movement of asylum seekers should be restricted. In particular, it proposed that all asylum seekers would need to regularly report to the Swedish Migration Agency to prove that they were living in the accommodation centre where they were assigned a place.³⁶⁰ They would also need to stay in the area where the centre is located. Exceptions could be made, making it possible not to register one's presence at the centre and to leave the designated area without risk for sanctions (e.g., the cut of daily allowance). The mentioned restrictions are based on article 7 and 8 of the new Reception Conditions Directive (2024/1346). When there's a risk for absconding or due to considerations of public order, further restrictions could be made, based on article 9 of the Directive. The changes are proposed to enter into force in October 2026. The proposed restrictions of the freedom of movement of asylum seekers have meet severe criticism from civil society organisation that find them unproportionate.

In 2023, the Migration Agency introduced a new kind of departure centres (återvändandecenter). The centres now have about 1,400 places in total, and are situated in Burlöv, Mårsta, Malmö, Mölndal and Stockholm.³⁶¹ Only persons that are still in the reception system can stay 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 for longer periods. Others lose their right to stay in such facilities as their deportation order becomes final or, if a period for voluntary departure is granted, this expires. 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 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.³⁶²

³⁵⁷ The Swedish Migration Agency, 'Accommodation with the Migration Agency', available [here](#).

³⁵⁸ The Swedish Migration Agency, 'Accommodation with the Migration Agency', available [here](#).

³⁵⁹ The Swedish Migration Agency, 'Accommodation with the Migration Agency', available [here](#).

³⁶⁰ Mottagandelagen. En ny lag för ordnat asylmottagande och effektivt återvändande (SOU 2024:68), available in Swedish [here](#).

³⁶¹ The Swedish Migration Agency, Annual Report 2024, Dnr: 1.3.2-2025-1844, available in Swedish [here](#).

³⁶² The Swedish Migration Agency, Information about departure centres, available in Swedish [here](#).

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation³⁶³

- | | |
|--|---------------|
| 1. Number of municipalities with reception centres: ³⁶⁴ | Not available |
| 2. Total number of places in reception centres: | 13,797 |
| 3. Total number of persons in reception centres: | 3,835 |
| 4. Total number of persons in private accommodation ³⁶⁵ : | 8,408 |
| 5. Total number of persons in other forms of accommodation: ³⁶⁶ | 2,225 |
| 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 ³⁶⁷ | |

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.³⁶⁸ 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 a potential removal from Sweden.

If asylum seekers have financial means, 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](#)).³⁶⁹

The total number of asylum seekers and Temporary Protection beneficiaries registered in the reception system at the end of 2024 was 45,661 (down from 57,499 in 2023), of which 3,835 were living in Swedish

³⁶³ Average numbers for 2024: The Swedish Migration Agency, *Annual Report 2024*, available in Swedish [here](#).

³⁶⁴ Both permanent and for first arrivals. This refers to the number of municipalities where the Migration Agency rents flats or other accommodation.

³⁶⁵ Not including temporary protection beneficiaries.

³⁶⁶ This includes privately placed unaccompanied minors, youth in care arrangements, persons in criminal detention and others.

³⁶⁷ The Swedish Migration Agency, *Annual Report 2024*, Dnr: 1.3.2-2025-1844, available in Swedish at https://www.migrationsverket.se/download/18.2cd2e409193b84c506a346f2/1744638139545/Migrationsverket_arsredovisning_2024.pdf.

³⁶⁸ The Swedish Migration Agency, 'Accommodation for asylum-seekers', available in Swedish [here](#).

³⁶⁹ Section 10a, Law on Reception of Asylum Seekers and Others, 1994:137.

Migration Agency accommodation, 31,445 in private accommodation and 14,356 in other forms of accommodation.³⁷⁰ 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 14,784 in 2023 to 13,979 in 2024.³⁷¹

The Swedish Migration Agency also operates “departure centres” for persons who have agreed to voluntary depart to their country of origin or for Dublin cases. In 2023, the Migration Agency started a new kind of departure centre (återvändandecenter). Persons with a deportation order that has become final are offered places at a departure centre. Upon refusal to move to a departure centre one needs to arrange private accommodation.³⁷² At the end of 2024, the centres had about 1,400 places in total and are situated in Burlöv, Märsta, Malmö, Mölndal and Stockholm. The Migration Agency aim to increase the number of places with additional 400 places. It is only persons that are still in the reception system that are entitled to a place in a departure centre, in practice meaning that it is mainly families with minor children that are entitled to a place in a departure centre.³⁷³ Only few places in the departure centres are used, but the numbers are predicted to rise when the option to arrange private accommodation, due to announced changes (see [Housing](#)), is no longer available.³⁷⁴

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? 733 days³⁷⁵
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. Apartments are often located in a big apartment building and are considered as reception centres in the Swedish system.

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

³⁷⁰ The Swedish Migration Agency, Annual Report 2024, Dnr: 1.3.2-2025-1844, available in Swedish at https://www.migrationsverket.se/download/18.2cd2e409193b84c506a346f2/1744638139545/Migrationsverket_arsredovisning_2024.pdf.

³⁷¹ The Swedish Migration Agency, Annual Report 2024, Dnr: 1.3.2-2025-1844, available in Swedish [here](#).

³⁷² The Swedish Migration Agency, 'Your application has been rejected - asylum', available in Swedish [here](#).

³⁷³ Migration Agency, "Your application has been rejected – asylum, available in Swedish [here](#).

³⁷⁴ Migration Agency, Annual Report 2024, Dnr: 1.3.2-2025-1844, available in Swedish [here](#).

³⁷⁵ Migration Agency, *Monthly statistical report for December 2024*, including year-end numbers, page 29. Available upon request by the Swedish Migration Agency.

and hygiene areas. When placing asylum seekers in temporary housing, the Swedish Migration Agency also makes 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.³⁷⁶

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 assaults 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 jeopardise their asylum process.³⁷⁷ In a public inquiry the mentioned problems in reception centres were identified as one of the reasons behind asylum seekers preferring not to live in reception centres and several proposals to address the problems were made, among others, that allowance can be cut if an asylum seeker is acting contrary to the rules of the centre and/or Swedish law.³⁷⁸

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.³⁷⁹

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.

³⁷⁶ Information provided for by the Swedish Migration Agency.

³⁷⁷ BRÅ, *Brott och brottsutsatthet på kollektiva asylboenden under 2018*, available [here](#).

³⁷⁸ Government, proposition 2024/25:49 En ny ordning för asylsökandes boende, 7 november 2024, available in Swedish [here](#).

³⁷⁹ Migration Agency, 'activities while you are waiting for a decision', available in Swedish [here](#).

The average duration of stay in reception system depends on the situation of the asylum seekers concerned:

Average duration of stay in reception system: 2024	
Category of applicant	Average stay (days)
Persons returning voluntarily	452
Persons forcibly removed	1,341
Persons absconding	913
Persons granted permits referred to municipalities	785
Persons granted permits arranging other accommodation	614
Average	724

Source: Migration Agency, *Monthly Statistical Report*, December 2024, 30.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

- 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 Swedish Migration Agency decides that the asylum seeker is exempted from having a work permit, they are allowed to work.
- Does the law allow access to employment only following a labour market test? ☐ Yes ☒ No
- Does the law only allow asylum seekers to work in specific sectors? ☒ Yes ☐ No
 ❖ If yes, specify which sectors: Unskilled sector
- Does the law limit asylum seekers' employment to a maximum working time? ☐ Yes ☒ No
 ❖ If yes, specify the number of days per year
- 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, establish that Sweden is responsible for their asylum application, and establish 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.³⁸⁰

In 2022, 7,499 asylum-seekers were granted the right to work. The number decreased to 5,389 in 2023.³⁸¹ In 2024, numbers fell to 3,383.³⁸²

³⁸⁰ Migration Agency, *Handbok i Migrationsrätt*, section AT-UND, 5.

³⁸¹ Information provided by the Swedish Migration Agency.

³⁸² Information provided by the Swedish Migration Agency.

A few municipalities have offered to pay the work insurance that the Swedish 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, in practice making their choice limited 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 7.7% in 2023. In 2024 the general unemployment rate increased to 8,4%.³⁸³

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 and when they have to move to a place where the Swedish 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. It is a monthly allowance that is provided for as long as the asylum seeker remains employed.³⁸⁴

Those who get a job in Sweden while having their asylum claims tried by the Swedish Migration Agency 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.³⁸⁵

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 2023, 495 asylum seekers were granted work permits after having received a legally binding deportation order.³⁸⁶ In 2024 this number decreased to 309.³⁸⁷

The Tidö-agreement suggests that the possibility for asylum seekers to get work permits upon rejection should end. A public inquiry initiated by the Government proposed the mentioned change.³⁸⁸ The Government is aiming for the changes to enter into force in April 2025.³⁸⁹

³⁸³ The Government Statistics Sweden, ‘Unemployment in Sweden’, available in Swedish [here](#).

³⁸⁴ The Migration Agency, ‘Financial support for asylum seekers’, available in English [here](#).

³⁸⁵ Chapter 5 Section 15 a Aliens Act, Chapter 4 Section 4 a Aliens Ordinance.

³⁸⁶ Information provided by the Migration Agency by email in March 2024.

³⁸⁷ Information provided by the Migration Agency by email in January 2025.

³⁸⁸ SOU 2024:10, Preskription av avlägsnandebeslut och vissa frågor om återreseförbud, 2 February 2024, available in Swedish [here](#).

³⁸⁹ Government, Proposal, Preskription av avlägsnandebeslut och vissa frågor om återreseförbud, 23 January 2025, available in Swedish [here](#).

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Asylum-seeking children have full access to the Swedish preschool and school system, and they are largely integrated in regular schools. The municipality where the asylum seeker live is responsible for ensuring that asylum seeking children and young people get access to preschool and school under the same conditions as other children living in the municipality. Small children who have turned one year old can 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 fees.³⁹⁰ 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.³⁹¹

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, in theory, they are not prohibited 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 studies. However, persons who are over 18 upon arrival in Sweden have no right to access upper secondary education. This being said, there is nothing that officially restricts or stops municipalities from offering upper secondary education if they have the possibility to enrol more students.³⁹²

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.³⁹³

Following several legislative changes,³⁹⁴ it was at some point possible to get a residence permit allowing applicants to continue their studies in upper secondary school.³⁹⁵ This option ended in 20 December 2023, together with the end of the chance to obtain a permit for continued studies at an introductory programme. It is therefore no longer possible to be granted a residence permit for studies at upper secondary level. The possibility for holders of permits for studies in upper secondary school to obtain permanent residence permits ended on 20 January 2025.³⁹⁶

³⁹⁰ Migration Agency, Education – School for asylum seeking children, available in Swedish [here](#).

³⁹¹ Swedish Parliament, *Betänkande 2012/13:UbU12 Utbildning för barn som vistas i landet utan tillstånd*, available in Swedish [here](#).

³⁹² Skolverket, *Nyanländas rätt till utbildning*, available in Swedish [here](#).

³⁹³ The 2011 School Regulation (Skolförordningen 2011:185), Chapter 5, Paragraph 7.

³⁹⁴ For an overview see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available [here](#), 101.

³⁹⁵ Migration Agency, 'Frågor och svar om uppehållstillstånd för gymnasiestudier', available in Swedish at <https://www.migrationsverket.se/du-vill-ansoka/studera/ovriga-studier-och-utbytesstudier-pa-gymnasium.html>.

³⁹⁶ Migration Agency, 'permanent residence permit for holders of permits for studies at upper secondary level', available in Swedish [here](#).

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).³⁹⁷

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.³⁹⁸

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. However, 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.³⁹⁹

Should there be a need for health care beyond the free medical examination, mentioned above, patient fees (co-pays) 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 healthcare 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-pays) for emergency care for children in some of the regions.⁴⁰⁰

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

³⁹⁷ 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)).

³⁹⁸ 1177 Vårdguiden, ‘Healthcare in Sweden for asylum-seekers, people with no papers and people in hiding’, available [here](#).

³⁹⁹ Västra Götalandsregionen, ‘Rättigheter i mötet med vården’, 21 August 2023, available in Swedish [here](#).

⁴⁰⁰ 1177 Vårdguiden, ‘Healthcare in Sweden for asylum-seekers, people with no papers and people in hiding’, available [here](#).

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.⁴⁰¹

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.⁴⁰² Transkulturellt Centrum (a part of the County Council of Stockholm, Region Stockholm) has expressed concern that persons seeking health care rarely get questions about torture and health care staff are seldomly educated in recognising, documenting and treating injuries of torture.⁴⁰³ 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 who come in contact with persons living in Sweden with an expulsion order should report these persons to the police or the Swedish 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 then be even sicker when getting the medical examination.⁴⁰⁴ The public inquiry that was analysing the question ended up suggesting that some government agencies should have to give information to the Police when having information about persons staying in Sweden without permit and not, as was foreseen, a general obligation to do so for all employees in public sector.⁴⁰⁵

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.⁴⁰⁶

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, people with disabilities, 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.⁴⁰⁷

⁴⁰¹ Migration Agency, ‘Fees for medical care’, available [here](#).

⁴⁰² Läkare Utan Gränser, ‘Ge asylsökande och papperslösa vård på lika villkor’, 28 January 2018, available in Swedish [here](#).

⁴⁰³ Transkulturellt Centrum, ‘Tortyrskadade patienter’, available in Swedish [here](#).

⁴⁰⁴ AftonBladet, ‘Vi kommer att vägra ange våra patienter’, 21 December 2022, available in Swedish [here](#).

⁴⁰⁵ SOU 2024:80, Vissa åtgärder för stärkt återvändandeverksamhet och utlänningskontroll, 26 November 2024, available in Swedish [here](#).

⁴⁰⁶ Migration Agency, *Redovisning av uppdrag att inrätta återvändandecenter (Ju2023/01593)*, 1 December 2023, is available in Swedish [here](#), and Migration Agency, *Rutin: Ta ställning till särskilda behov, initialt*, 23 January 2023, provided via email by the Swedish Migration Agency.

⁴⁰⁷ Migration Agency, *Rutin: Ta ställning till särskilda behov, initialt*, provided via email by the Migration Agency on 26 April 2024.

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. The identification is based on what applicants respond to question whether they have specific needs, and what the case officer can notice regarding specific needs, such as physical impairments.⁴⁰⁸ Examples of special accommodation include ground-level apartments without thresholds, accommodation in the proximity of necessary specialised care, treatments or services (e.g., sign language interpreters and special schools), or a separate room or apartment due to mental disorders.⁴⁰⁹ In the case of an asylum seeker who has been subjected to or is at risk of being subjected to violence, placement in secure housing should be considered (which is also observed in practice).⁴¹⁰

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 have 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 LGBTQI+ persons.⁴¹¹

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.

The reception system is currently under reform, and the most important change is the shift from private apartments to accommodation in reception/return centres. The Swedish Migration Agency is preparing for coming changes and has outlined its plan in a report published 31 January 2025.⁴¹² According to the plan, the centres will be divided into sections, a section may be reserved for certain groups of applicants such as single women, or be adjusted to children's need for places to play.

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 for investigating the child's needs and for taking a decision *inter alia* on placement in suitable

⁴⁰⁸ It is also possible to submit a medical certificate to demonstrate that a person has special needs. A medical examination is offered to all asylum seekers when they apply for asylum, during which a doctor can issue a medical certificate if necessary. It is also possible to submit additional medical certificates from examinations arranged independently.

⁴⁰⁹ Migration Agency, *Rutin: Insatser för asylsökande med särskilda behov*, provided via email by the Migration Agency on 11 April 2024.

⁴¹⁰ Migration Agency, *Rutin: Insatser för asylsökande med särskilda behov*, provided via email by the Migration Agency on 11 April 2024.

⁴¹¹ Information provided by the Swedish Migration Agency.

⁴¹² Swedish Migration Agency, [Redovisning av uppdraget att förbereda för ett reformerat mottagningssystem](#).

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. A high level of proof is needed to determine that the person is an adult. In its legal guidelines,⁴¹³ the Swedish Migration Agency gives as examples that a passport or information from the EU Visa Information System could make it obvious the person is an adult.

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).

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) 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.⁴¹⁴

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.⁴¹⁵

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

⁴¹³ Swedish Migration Agency, Legal Guidance. Age Assessment, [RS/040/2021](#).

⁴¹⁴ Information provided by the Swedish Migration Agency.

⁴¹⁵ Migration Agency, Annual Report 2021, available in Swedish [here](#), 106.

Agency with Västerviks folkhögskola, a Folk High School in **Leksand** to accommodate deaf asylum seekers.⁴¹⁶

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 the general legislation in this field.

5. Reception of women

In 2024, a total of 3,759 women applied for asylum, which is less than the 4,590 women who applied in 2023.⁴¹⁷ 5,535 women applied for protection under the Temporary Protection Directive in 2024. In comparison, 5,588 women applied in 2023.⁴¹⁸

Throughout the year, a total of 22,678 women were registered in the reception system. In comparison, a total of 29,445 women were registered in the system in 2023. ⁴¹⁹

Out of the women registered in the reception system:

- ❖ 8% are listed as housed under the Swedish migration Agency and are asylum seekers,
- ❖ 15% are in private housing and registered as seeking asylum,
- ❖ 43% are in private housing and have applied for protection under TPD,
- ❖ 33% are listed in housing under the municipalities and applied for protection under TPD,
- ❖ 2% in other housing.⁴²⁰

In 2019, GREVIO published its report on Sweden's implementation of the Istanbul Convention.⁴²¹ 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 2015.⁴²² 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. However, men and women can share bathroom facilities. They are generally well lit, but accommodations vary in standard.⁴²³

The Swedish Migration Agency is supposed to ensure a safe environment in all their accommodations but according to the reports received, this is not how all accommodations are perceived.⁴²⁴

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 away from cities which leave women in remote places and far from all services. Accommodations are usually well lit indoors. The guards that are employed by the security companies can be both female and male.

⁴¹⁶ Västerviks folkhögskola, *Mottagande av asylsökande*, available in Swedish [here](#).

⁴¹⁷ Swedish Migration Agency, information provided by e-mail in January 2025.

⁴¹⁸ Swedish Migration Agency, 'Asylum', available [here](#).

⁴¹⁹ Swedish Migration Agency, 'Annual Report 2024', , available in Swedish [here](#).

⁴²⁰ Swedish Migration Agency, 'Annual Report 2024', available in Swedish [here](#).

⁴²¹ GREVIO, *Baseline Evaluation Report: Sweden*, 21 January 2019, available [here](#).

⁴²² The GREVIO report published on 28 November 2024, First thematic evaluation report, does not include information on the situation for women in the reception system.

⁴²³ Information provided by the Swedish Migration Agency in March 2023.

⁴²⁴ Information provided by the Swedish Refugee Law Center.

A Government inquiry from 2017 highlighted that there are ambiguities regarding which governmental agency is responsible for ensuring that asylum seekers have access to sheltered housing, the Migration Agency or the Social services. 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. On 1 April 2024, a new amendment of the Social Service Act (2001:453) came into force, establishing sheltered housing as a specific support measure that the Social Services can decide to grant. The Social Services must also make a separate assessment for a child who accompanies a parent/legal guardian to a sheltered house. However, this new legal provision does not clarify which governmental agency is responsible for providing sheltered housing to asylum seekers.⁴²⁵

The Swedish 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.⁴²⁶ 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 are provided with an arrival folder at the initial interview at the Swedish Migration Agency when they lodge their asylum application. This folder contains essential information about Sweden's asylum reception system, including details about their rights and responsibilities regarding work, education, housing, healthcare, and financial assistance. The information is regularly updated, and the latest version can be accessed on the Migration Agency's website.⁴²⁷

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

In 2024, the Swedish Government continued its process of phasing out individual housing for asylum seekers, with the goal of having all asylum seekers reside in reception centres throughout the asylum

⁴²⁵ Comment by Swedish Association of Local Authorities and Regions, [Skyddat boende | SKR](#).

⁴²⁶ Migration Agency, *Rutin: Skyddat boende/skyddad adress/sekretessmarkering för asylsökande utsatta för våld eller hot om våld*. Information provided upon request in January 2023.

⁴²⁷ Migration Agency, While you are waiting for a decision, information for asylum seekers in Sweden, available in English [here](#).

process. The reception centres are not locked facilities and organizations or individuals may visit them. Civil society currently organizes activities at the reception centres. Examples include physical activities, homework support, activities for children, and language cafés.⁴²⁸

The Swedish Migration Agency lists contact information for organizations that assist asylum seekers on its website.⁴²⁹

G. Differential treatment of specific nationalities in reception

There is 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](#)).

⁴²⁸ For information about current activities by Civil Society see the report Redovisning av uppdraget att förbereda för ett reformerat mottagningssystem (Ju2024/00608), Dnr: 1.1.2-2025-513, available in Swedish [here](#).

⁴²⁹ Migrationsverket, 'du väntar på beslut', 17 January 2025, available in Swedish [here](#).

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of third country nationals detained in 2024:	3,695
2. Number of third country nationals in detention at the end of 2024:	554
3. Number of detention centres:	6
4. Total capacity of detention centres:	573

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 has authority to decide on detention.⁴³⁰

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 third country nationals are present illegally in the country or have been expelled on grounds of criminality and served their sentence but are still in the country.⁴³¹ 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 it.

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.⁴³² 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.⁴³³

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 a third country national should be detained or not.⁴³⁴ The police is also allowed to place a third country national in detention, even if this is not their formal responsibility, when circumstances so require e.g. if there is a clear risk of a third country national disappearing once apprehended. Even the coastguards and customs officers can detain a third country national if there is a danger that they will go into hiding. However, the detention must be reported immediately to the police, who then takes over responsibility.⁴³⁵

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 a third country national to or from the detention centre or to enforce and expulsion order when a detainee refuses to comply.⁴³⁶

The number of detainees based on the Aliens Act increased slightly from 3,084 in 2023 to 3,695 in 2024. This includes 6 children and 3,689 adults, out of which 407 were women and 3,282 men (compared to 5 children and 3,173 adults - 406 women and 2,767 men – in 2023).⁴³⁷ The number of detainees remained

⁴³⁰ Chapter 10, Section 13(3) Aliens Act.

⁴³¹ Chapter 10, Sections 13 and 17 Aliens Act.

⁴³² Chapter 10, Section 14 Aliens Act.

⁴³³ Chapter 16, Section 11 Aliens Act.

⁴³⁴ Lag (1991:572) om särskild utlänningskontroll.

⁴³⁵ Chapter 10, Section 17 Aliens Act; Lag (1991:572) om särskild utlänningskontroll.

⁴³⁶ Chapter 12, Section 14 Aliens Act.

⁴³⁷ The Swedish Migration Agency, 'Annual Report 2024', Dnr: 1.3.2-2025-1844, 21 February 2024, available in Swedish [here](#).

approximately at the same level in 2021 as in 2020. During 2022 the numbers returned to the normal situation before COVID-19.⁴³⁸

Detention orders in Sweden: 2019-2024						
Year	2019	2020	2021	2022	2023	2024
Number	4,144	2,528	2,210	3,027	3,184	3,695

Source: Swedish Migration Agency.⁴³⁹

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.⁴⁴⁰

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 a third country national 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, a third country national, 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, a third country national may be detained:⁴⁴¹

- (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
- (3) For the purpose of preparing or carrying out deportation.

⁴³⁸ The Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish [here](#), page 78.

⁴³⁹ In the latest statistics from the Swedish Migration Agency, the figures for 2022 and 2023 have also been revised. Therefore, they are revised here as well, comparing to the previous AIDA reports.

⁴⁴⁰ Chapter 12, Section 14 Aliens Act.

⁴⁴¹ Chapter 10, Section 1(2) Aliens Act.

Detention under points (2) and (3) of para 2 can only be ordered if there are some reasons to presume that the third country national will abscond or will engage in criminal activities in Sweden or in any other way attempt to prevent deportation.⁴⁴²

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.⁴⁴³ 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.⁴⁴⁴

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.⁴⁴⁵

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.⁴⁴⁶ This was confirmed on 25 January 2021.⁴⁴⁷ 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.⁴⁴⁸

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.⁴⁴⁹

⁴⁴² Chapter 10, Section 1(3) Aliens Act.

⁴⁴³ Migration Court of Appeal, MIG 2015:5, 3 June 2015, available [here](#).

⁴⁴⁴ Migration Court of Appeal, MIG 2017:23, 5 December 2017, available [here](#). For the referring case to the CJEU see CJEU, Case C-60/16 *Khir Amayry*, 13 September 2017, available [here](#).

⁴⁴⁵ The Swedish Migration Agency, Legal Position, 'Förvar i ärenden där Dublinförordningen ska tillämpas', Lifos no 45250, available in Swedish [here](#).

⁴⁴⁶ Migration Court of Appeal, MIG 2020:14, 30 June 2020.

⁴⁴⁷ Migration Court of Appeal, MIG 2021:3, 25 January 2021, available in Swedish [here](#).

⁴⁴⁸ Migration Court of Appeal, MIG 2022:5, 22 June 2022, available in Swedish [here](#).

⁴⁴⁹ Migration Court of Appeal, MIG 2023:6, 17 May 2023, available in Swedish [here](#).

Migration Court of Appeal, MIG 2023:9, 21 June 2023, available in Swedish [here](#).

Migration Court of Appeal, MIG 2023:11, 25 August 2023, available in Swedish [here](#).

Migration Court of Appeal, MIG 2023:13, 19 October 2023, available in Swedish [here](#); Migration Court of Appeal, MIG 2023:15, 15 November 2023, available in Swedish [here](#).

In 2024, the Migration Court of Appeal found that the appointment as a public counsel for a detained person not only includes the question of detention but also the action of appealing a decision regarding a body search.⁴⁵⁰

In January 2024, a Commission of Inquiry presented a report with proposals aimed at strengthening the safety and security in the detention facilities run by the Swedish Migration Agency. The report had proposals on, for example, the introduction of mandatory security screenings, room searches and supervising visits through introduction of glass partitions in the visiting rooms. The Commission of Inquiry proposed that legislative changes enter into force on 1 July 2025.⁴⁵¹

During 2025, the Commission will also present proposals on making it possible to detain foreign nationals in more situations than currently possible, and also for longer periods of time.⁴⁵²

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.⁴⁵³ 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.⁴⁵⁴ 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.⁴⁵⁵

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.⁴⁵⁶ 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 2024, a total of 217 supervision decisions were taken by the Migration Agency, an increase from 155 decisions in 2023.⁴⁵⁷

⁴⁵⁰ Migration Court of Appeal, MIG 2014:15, 17 December 2024, available in Swedish [here](#).

⁴⁵¹ The Swedish Government, 'Förbättrad ordning och säkerhet vid förvar', SOU 2024:5, 10 January 2024, available in Swedish [here](#).

⁴⁵² The Swedish Government, 'Moderna och ändamålsenliga regler för förvar', dir. 2023:119, available in Swedish [here](#).

⁴⁵³ Chapter 10, Section 6 Aliens Act.

⁴⁵⁴ Swedish Red Cross, 'Förvar under lupp', June 2019, available in Swedish [here](#). 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 [here](#).

⁴⁵⁵ 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.

⁴⁵⁶ Chapter 10, Section 8 Aliens Act.

⁴⁵⁷ Information provided by the Migration Agency's statistics unit in January 2025.

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.⁴⁵⁸

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:

- (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”,⁴⁵⁹ *or*
- (2) For the purpose of enforcing or preparing the enforcement of a refusal of entry or an expulsion order.⁴⁶⁰

In both cases, there is an express condition that alternatives to detention (“supervision”) are not deemed sufficient to meet the purpose pursued.⁴⁶¹ Children may not be detained for over 72 hours or, in exceptional circumstances, another 72 hours, hence in total maximum 6 days.⁴⁶² A child cannot be separated from their guardians through the detention of either the guardian or the child.⁴⁶³ Where the child has no guardian in Sweden, detention may only be applied in exceptional circumstances.⁴⁶⁴

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.”⁴⁶⁵

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. Figures by the Swedish Migration Agency for 2024 show that 6 children

⁴⁵⁸ Migration Court of Appeal, MIG 2020:2, 5 February 2020, available in Swedish [here](#).

⁴⁵⁹ Chapter 10, Section 2(1) Aliens Act.

⁴⁶⁰ Chapter 10, Section 2(2) Aliens Act.

⁴⁶¹ Chapter 10, Section 2(1)(3) and 2(2) Aliens Act.

⁴⁶² Chapter 10, Section 5 Aliens Act.

⁴⁶³ Chapter 10, Section 3 Aliens Act.

⁴⁶⁴ Chapter 10, Section 3 Aliens Act.

⁴⁶⁵ Swedish Red Cross, 'Barn i förvar', November 2018, available in Swedish [here](#).

were detained, 1 girl and 5 boys. The average time of stay for girls where 1 days and for boys 5 days.⁴⁶⁶ In 2023, 5 children were detained, 1 girl and 4 boys.⁴⁶⁷

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.⁴⁶⁸

In May 2020, RFSL Ungdom (RFSL Youth) published a report regarding young LGBTQI+ persons in detention.⁴⁶⁹ 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 establishment of safe sections where LGBTQI+ persons can be placed if they want or need.

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?	48 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.⁴⁷⁰ 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 ⁴⁷¹ 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 third country national 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 third country national 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.⁴⁷²

The average period of detention was 49 days in 2024, thus increasing from 46 days in 2023 and decreasing from 52 days in 2022. This refers to an average 50 days for men and 40 days for women in 2024 (compared to 47 and 40 days respectively in 2023).⁴⁷³

⁴⁶⁶ 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 where 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 where 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 by 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.

⁴⁶⁷ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish [here](#), page 78.

⁴⁶⁸ Migration Agency website, 'Uppsikt och förvar', available in Swedish [here](#).

⁴⁶⁹ RFSL Ungdom, 'Attention Detention – Situationen för HBTQ-ungdomar i Migrationsverkets förvar', 2020.

⁴⁷⁰ Chapter 10, Section 4(2) Aliens Act.

⁴⁷¹ Chapter 10, Section 4(2) Aliens Act.

⁴⁷² Chapter 10, Section 4(1) Aliens Act.

⁴⁷³ Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish [here](#), page 78.

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.⁴⁷⁴

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 Mölndal replaced the detention centre in Källered. During 2024, there were six detention centres (Gävle, Märsta, Flen, Mölndal, Ljungbyhed, Åstorp) with an overall capacity of 573.⁴⁷⁵

The detention centres have to take responsibility for all those third country nationals who have received an expulsion or deportation order. Thus, detention centres can also hold third country nationals who have never sought 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, may be detained and held either in a prison, remand prison or in police custody. Furthermore, detainees who pose a real threat to others, with or without previously seeking asylum, can also be transferred to a prison, a remand prison or police custody.⁴⁷⁶ However, a child under 18 may never be placed in a prison, prison or in police custody. 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, the JO and the Council of Europe Committee on the Prevention of Torture (CPT).⁴⁷⁷ The issue persisted, however, and in 2020 the 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.⁴⁷⁸

The CPT expressed continued concerns after their visit to Sweden in 2021 regarding lack of access to health care and to legal aid for people being detained, and that detainees were placed in prison facilities.⁴⁷⁹

⁴⁷⁴ CAT, 'Concluding observations on the 8th periodic report of Sweden', 2021, available [here](#).

⁴⁷⁵ The Swedish Migration Agency, 'Annual Report 2023', Dnr: 1.3.2-2024-2238, 22 February 2024, available in Swedish [here](#), page 78.

⁴⁷⁶ Chapter 10, Section 20 Aliens Act.

⁴⁷⁷ 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 människorättsklänik', 22 April 2020, Swedish Red Cross, 'Förvar under lupp (Detention centres under the magnifying glass)', May 2012, available [here](#). See also, CPT, 'Report sent to the Swedish Government on the visit to Sweden from 9 to 18 June 2009', 11 December 2009, available [here](#).
⁴⁷⁸ JO, 'Initiativärende om förhållandena för förvarstagna som säkerhetsplaceras inom kriminalvården', 12 november 2020, available in Swedish [here](#).

⁴⁷⁹ CPT, 'Report to the Swedish Government on the visit to Sweden carried out from 18 to 29 January 2021', 9 September 2021, available [here](#).

The CPT published the response of the Swedish authorities to the report on the 2021 visit, where the Swedish authorities expressed 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 explained that a special placement to a prison facility 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 pose a threat to themselves or others.⁴⁸⁰

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. Third country nationals who are held in detention must be treated humanely and their dignity should be respected.⁴⁸¹ 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.

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 covered by the daily allowance. A person who is being held in detention shall be given the opportunity for activities, recreation, physical training and time outdoors.⁴⁸²

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.⁴⁸³ There is no requirement that detention confined to a room at the centre must be tried in practice before transferring someone to police custody or to the prison services.

⁴⁸⁰ 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 [here](#).

⁴⁸¹ Chapter 11, Section 1 Aliens Act.

⁴⁸² Chapter 11, Section 3 Aliens Act

⁴⁸³ Chapter 11, Section 7 Aliens Act.

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.⁴⁸⁴ 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.⁴⁸⁵

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.⁴⁸⁶

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.⁴⁸⁷ 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.⁴⁸⁸ They can have access to these objects upon leaving the detention centre, as a list needs to be made of all stored objects.

All detainees have access to health care at the same level as other applicants, therefore, requiring, regular visits from nurses and doctors.⁴⁸⁹

Inspections are carried out in detention 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 JO.

During inspections in 2018 and 2022, in accordance with the Optional Protocol to the Convention against Torture at detention centres, the JO pointed out that the detention routines regarding the removal and placement of disruptive detainees in a police holding were lacking in consistency and poorly motivated. The JO also expressed concerns about detainees being secluded for longer periods of time, as long as a couple of weeks, and having camera surveillance all day long in the rooms where they were held. For more information, see previous AIDA reports.⁴⁹⁰

In a decision of May 2022, the Human Rights Council Working Group on Arbitrary Detention expressed concerns regarding the very serious allegations concerning the lack of appropriate treatment provided to

⁴⁸⁴ Chapter 11, Section 8 Aliens Act.

⁴⁸⁵ Chapter 11, Section 9 Aliens Act.

⁴⁸⁶ Chapter 11, Section 10 Aliens Act.

⁴⁸⁷ Migration Agency, 'Supervision and detention', available in Swedish [here](#).

⁴⁸⁸ Chapter 11, Sections 11-12 Aliens Act.

⁴⁸⁹ Chapter 11, Section 5 Aliens Act.

⁴⁹⁰ JO, 'Inspektion av Migrationsverket, förvarsenheten i Källered, Göteborg, den 13–14 mars 2018', available in Swedish [here](#). See also JO, 'Opacat-inspektion av Migrationsverket, förvaret i Märsta, den 9 och 10 mars 2022', 13 June 2022, available in Swedish [here](#).

a detainee in Sweden for his health condition, and recalled that all persons detained must be treated with humanity.⁴⁹¹

In January 2023, the 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 were 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 concerns about the lack of routines regarding access to health care for the detainees being separated from others in the detention centre.⁴⁹² During a follow-up inspection in February 2024, the JO noted that the Swedish Migration Agency has worked systematically and taken several measures to address the shortcomings, and that it appears that this has led to improvements in the situation at the detention center. However, the JO pointed out that the Swedish Migration Agency must continue the work that has been started and ensure that the actions taken and planned have the intended effect. Moreover, the JO noted that the number of places at the detention center should be increased, while it is already difficult to recruit and train staff. Therefore, the JO noted that the detention center is facing significant challenges.⁴⁹³

3. Access to detention facilities

Indicators: Access to Detention Facilities

Is access to detention centres allowed to:

❖ Lawyers:

☒ Yes

☐ Limited

☐ No

❖ NGOs:

☒ Yes

☐ Limited

☐ No

❖ UNHCR:

☒ Yes

☐ Limited

☐ No

❖ Family members:

☒ Yes

☐ Limited

☐ 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.⁴⁹⁴ 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.

491

Human Rights Council Working Group on Arbitrary Detention, ‘Opinion No. 26/2022 concerning Hassan Fazali (Sweden)’, 19 May 2022, available [here](#).

492

JO, ‘Opcat-inspektion av Migrationsverket, förvaret i Mölndal, den 17 och 18 januari 2023’, March 2023, available in Swedish [here](#).

493

JO, ‘Uppföljande Opcat-inspektion av Migrationsverket, förvaret i Mölndal, den 27 och 28 februari 2024’, May 2024, available in Swedish [here](#).

494

Chapter 11, Section 4 Aliens Act.

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? ☒ Yes ☐ 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 orders against persons issued with a removal decision are reviewed within 2 months.⁴⁹⁵ Review of alternatives to detention (“supervision”) is carried out within 6 months.⁴⁹⁶

Where time limits are not respected, a decision to detain or hold a person under supervision ceases to be legally binding.⁴⁹⁷

Each review of a detention order must be preceded by an oral hearing.⁴⁹⁸ 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.⁴⁹⁹ Depending on the authority responsible for the initial decision to detain, an appeal can be made either to the Swedish 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 Swedish 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 a third country national 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.⁵⁰⁰

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

⁴⁹⁵ Chapter 10, Section 9(1) Aliens Act.

⁴⁹⁶ Chapter 10, Section 9(2) Aliens Act.

⁴⁹⁷ Chapter 10, Section 10 Aliens Act.

⁴⁹⁸ Chapter 10, Section 11(1) Aliens Act.

⁴⁹⁹ Chapter 14, Section 9 Aliens Act

⁵⁰⁰ Migration Court of Appeal, MIG 2019:17, 22 October 2019, available in Swedish [here](#).

After 3 days in detention, an asylum seeker has access to free legal assistance on detention matters only,⁵⁰¹ 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.⁵⁰²

E. Differential treatment of specific nationalities in detention

There is no information on specific nationalities being more susceptible to detention or systematically detained.

⁵⁰¹ Chapter 18, Section 1(1)(4) Aliens Act.

⁵⁰² Chapter 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 2016⁵⁰³ initially with the adoption of a temporary law.⁵⁰⁴ The government expressed that the law was proposed in order to deter asylum seekers from coming to Sweden.⁵⁰⁵ 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, which 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 a 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.⁵⁰⁶ 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 inquiry 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 permits for certain migrants, as well as the possibility to withdraw permanent residence permits.⁵⁰⁷ On 22 November 2024, the Government added instructions and asked the inquiry to analyse if asylum applications can be dismissed in more situations than today and analyse possible adjustments to the new Pact on Migration and Asylum regarding legal aid and legal counselling. The report shall present its findings in March and October 2025.⁵⁰⁸

⁵⁰³ For further details see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available [here](#), 101.

⁵⁰⁴ Lag om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige, 2016:752, available [here](#).

⁵⁰⁵ Government of Sweden, Temporary restrictions regarding the possibility of being granted a residence permit in Sweden, 22 June 2016, available in Swedish [here](#).

⁵⁰⁶ SOU 2020:54, En långsiktigt hållbar migrationspolitik, available in Swedish [here](#), page 25-28.

⁵⁰⁷ Government, 'Anpassning av det svenska regelverket för beviljande av asyl och asylförfarandet till miniminivån enligt EU-rätten', 5 October 2023, available in Swedish [here](#).

⁵⁰⁸ Government, Tilläggsdirektiv till Utredningen om anpassning av det svenska regelverket för beviljande av asyl och asylförfarandet till miniminivån enligt EU-rätten, available in Swedish [here](#): [Tilläggsdirektiv till Utredningen om anpassning av det svenska regelverket för beviljande av asyl och asylförfarandet till miniminivån enligt EU-rätten \(Ju 2023:18\) - Regeringen.se](#).

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 “vandal” / dishonourable conduct or other reasons. The inquiry presented its findings in 1 April 2025. The inquiry proposes, among other things, that a fundamental requirement of good conduct be reintroduced into the Aliens Act for the assessment of whether an individual should be permitted to enter or reside in Sweden. It also proposes that an individual’s conduct may constitute grounds for refusing or revoking a residence permit not based on EU law. Examples cited include unwillingness to pay debts, abuse of the welfare system, or other forms of non-compliance with regulations. It may also concern close associations with criminal networks or violent extremist organisations. The amendments are proposed to enter into force on 1 July 2026.⁵⁰⁹

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 exceptionally distressing.⁵¹⁰ 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.

571 first time applicants were granted permits for exceptionally distressing circumstances in 2024.⁵¹¹

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 2024 the Swedish Migration Agency granted residence permits in 3,459 first time asylum applications, in comparison to 4,197 in 2023 and o 3,742 in 2022⁵¹²

The vast majority of beneficiaries of international protection applying for a renewal of their temporary residence permits have had it granted. In 2024, the Swedish Migration Agency received 56,363 applications and took decisions in 66,431 cases. However, this statistic includes 35,011 decisions to renew temporary protection permits. The acceptance rates in cases examined on the merits was 99%. Besides Ukrainians, who were granted temporary protection, the majority of decisions concerned Syrians (10,602 decisions, of which 10,117 were granted, or 99% of those tried on the merits), Afghans (5,119 decisions, of which 4,498 were granted, or 91% of those tried on the merits), Eritreans (3,427 decisions,

⁵⁰⁹ Government, ‘Skärpta krav på hederligt levnadssätt och ökade möjligheter till återkallelse av uppehållstillstånd’, 1 April 2025, available in Swedish [here](#).

⁵¹⁰ Aliens Act Chapter 5, Section 6.

⁵¹¹ Swedish Migration Agency, Monthly statistical report December 2024.

⁵¹² Swedish Migration Agency Monthly statistical report, December 2024.

of which 3,271 were granted, or 99% of those tried on the merits), Iraqi (1,737 decisions, of which 1,617 were granted, or 97% of those tried on the merits). The average processing time for applications to extend residence permits based on protection status was 137 days in 2024.⁵¹³

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 at the Swedish Tax Agency, bringing documents such as passports and marriage certificates to a Swedish Tax Agency office.⁵¹⁴

When a child is born in Sweden, the maternity ward gathers information about the child and parents and sends a notification to the Swedish Tax Agency. If one of the parents is registered in the Registry, the Tax Agency will register the birth and give the child a unique personal identity number which gives access to the welfare system, among others.⁵¹⁵ If the parents are not registered, the Tax Agency will ask for additional information from the parents before registering the child. Thereafter, the Tax Agency will notify the Swedish Migration Agency, which will then inform the parents that they must apply for a residence permit for their child.⁵¹⁶

To register an existing marriage that took place outside Sweden, the Swedish Tax Agency has to be notified and evidence of the marriage submitted. If the Tax Agency 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 Tax Agency 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 Swedish Tax Agency 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.⁵¹⁷

Without civil registration, a person may 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.⁵¹⁸

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 new-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 Swedish Tax Agency. For example, asylum seekers who are working in Sweden will need a Coordination number.⁵¹⁹ 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 Agency, 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.

⁵¹³ SMA Monthly report 2023.

⁵¹⁴ Skatteverket, 'Moving to Sweden', available [here](#).

⁵¹⁵ Migration Agency, 'Children born in Sweden', available [here](#).

⁵¹⁶ Skatteverket, 'New parents', available [here](#).

⁵¹⁷ Swedish Tax Authority, 'Getting married in Sweden or abroad', available [here](#).

⁵¹⁸ Education Act (Skollag (2010:800) Chapter 22, Section 13 and Chapter 29, Section 2. See National Board of Trade, 'Without a personal identity number in Sweden', available [here](#).

⁵¹⁹ Skatteverket, 'Coordination numbers', available [here](#).

3. Long-term residence

Indicators: Long-Term Residence

- | | |
|--|-------|
| 1. Number of long-term residence permits issued to beneficiaries in 2024:
including all applicants, not only BIP. | 2,960 |
|--|-------|

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 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.⁵²⁰

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 2024: | 58,037 |
| 3. Number of citizenships through naturalisation in 2024: | 43,703 |

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.⁵²¹

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, if that application was 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

⁵²⁰ Aliens Act, Chapter 5, Section 2 b and Chapter 5 a Section 1 and 2.

⁵²¹ Act on Swedish Citizenship, Section 11.

stateless.⁵²² On 1 October 2024, new conditions were introduced for children over 15 years. Citizenship will not be provided to persons over 15 years of age if the person

- is suspected on reasonable grounds of a serious offence
- has been convicted of a serious offence or repeated offences
- is a threat to Swedish security or public safety; or
- has links to groups or organisations that commit abuses against other people.⁵²³

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.

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.⁵²⁴

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.⁵²⁵

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.⁵²⁶

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

⁵²² Act on Swedish Citizenship, Section 7.

⁵²³ Government proposal, here: [Förslag om ändringar i medborgarskapslagen har överlämnats till riksdagen - Regeringen.se](#)

⁵²⁴ Act on Citizenship (Medborgarskapslagen) Section 12, see also Migration Court of Appeal case MIG 2007:28

⁵²⁵ SMA, 'The Swedish Migration Agency's assessment of identity documents', available [here](#).

⁵²⁶ Migration Court of Appeal case MIG 2023:7, available in Swedish [here](#).

that committed systematic and grave forms of abuses such as torture, murder, and extrajudicial executions, the Court found that citizenship should not be granted until a substantial time has passed since the person was active in that organisation. In this case, the person had left the Syrian Army in 2013. According to precedent rulings, “a substantial time” implies that 25 years shall have passed.⁵²⁷

In September 2023 the Government instructed an official report of the Government to suggest new and more restrictive conditions for access to Swedish citizenship, including a longer habitual residency in Sweden and stricter demands for a good character.⁵²⁸ In June 2024 the Government decided to give additional instructions to this report: it shall also propose how the notification procedure could be abolished, propose further requirements for acquiring citizenship for adults born in Sweden and stateless since birth; and consider limiting the possibility to be granted an exemption from the naturalisation conditions due to special reasons.⁵²⁹ In January 2025 the report presented its findings,⁵³⁰ proposing that:

- The applicant must have had a habitual residency in Sweden during eight years. Children should have had residency for at least three years, two years for stateless children, five years for stateless adults and seven years habitual residency for refugees. If an applicant cannot prove their identity, a habitual residence of ten years for adults or seven years for children is required.
- The conditions regarding good conduct and lifestyle should be stricter applied. For example, it is clarified that having committed crimes outside of Sweden should be considered, that non-contact orders is a form of misconduct, and that the waiting time after committing an offence should be longer than it is today (currently it varies depending on the type of misconduct).
- The notification procedure for citizenship should be withdrawn for children and young adults aged 18 to 20. Children acquiring Swedish citizenship should be conditional on them having resided in Sweden for a certain period, holding a permanent residence permit and having proved their identity. The notification procedure would still apply to children and young adults aged 18 to 20 who have been stateless since birth and were born in Sweden.
- The applicant must fulfil an income requirement, with earnings from employment or self-employment. The income level is based on the standard minimum level of maintenance used by the Enforcement Agency. Exceptions can be made for applicants studying at Upper Secondary School (gymnasium) or receiving retirement pension. In addition, it should be required that applicants for Swedish citizenship have not received income support under the Social Services Act for a period totalling more than six months in the three years prior to application.
- A previous official report (SOU 2021:2) proposed that applicants must pass an exam in Swedish language and about Swedish society. The new proposal includes further details on the content of the exam on the subject of Swedish society and Swedish culture.
- The changes should enter into force on 1 June 2025.

In 2024, the Swedish Migration Agency registered 49,580 new applications for Swedish citizenship (naturalisation applications). A total of 58,037 first instance decisions were issued in 2024, out of which 77% granted citizenship. The majority of citizenship requests were granted to applicants from Syria (8,078), Afghanistan (6,386), Eritrea (5,494), India (2,761) and Poland (2,685).⁵³¹ The Swedish Migration Agency had 88,953 requests pending at the end of the year.⁵³²

The average number of days from application to decision at first instance was 425 in 2024, compared to 435 in 2023.⁵³³

⁵²⁷ Migration Court of Appeal case MIG 2023:8, available in Swedish [here](#).

⁵²⁸ Government, ‘Skärpta krav för att förvärva svenskt medborgarskap’, 8 September 2023, available in Swedish [here](#).

⁵²⁹ Government, *Åtgärder för att ytterligare skärpa kraven för svenskt medborgarskap* - [Regeringen.se](#).

⁵³⁰ Government, English summary available in SOU 2025:1 *Skärpta krav för svenskt medborgarskap* - [Regeringen.se](#).

⁵³¹ The Swedish Migration Agency, Statistics on Swedish citizenship, available in Swedish [here](#).

⁵³² The Swedish Migration Agency Monthly statistical report December 2024.

⁵³³ The Swedish Migration Agency Monthly statistical report December 2024.

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. 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.⁵³⁴ 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.⁵³⁵

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.⁵³⁶ 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 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.

⁵³⁴ Migration Agency, *Rättsligt ställningstagande. Föresättningsarna för att återkalla en skyddsstatusförklaring - RS/054/2021* (version 5.0), 8 December 2023, available in Swedish [here](#).

⁵³⁵ Migration Court of Appeal, MIG 2011:13, 13 June 2011, available [here](#).

⁵³⁶ Migration Court of Appeal, MG 2021:14, 8 July 2021, available in Swedish [here](#).

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.⁵³⁷

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. 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 19:⁵³⁸ 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.⁵³⁹

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

⁵³⁷ Swedish Refugee Law Center, *What happens when the need for protection ends?*, May 2021, available in Swedish [here](#).

⁵³⁸ Aliens Act Chapter 4, Section 5 b, for refugee status and Aliens Act Chapter 4, Section 5 c, for subsidiary protection status.

⁵³⁹ See case MIG 2020:16 the Migration Court of Appeal, available in Swedish [here](#).

as in a normal asylum case.⁵⁴⁰ 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 inquiry 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 March 2025.⁵⁴¹

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.⁵⁴² This proposal was approved by the Parliament and came into force on 1 March 2024.

In 2024, 593 cases regarding residence permits and 1,051 cases concerning citizenship were reported to the Swedish Security Service. In 2023, 424 cases regarding residence permits and 687 cases concerning citizenship were reported to the Swedish Security Service.⁵⁴³

In 2024, the Swedish Migration Agency withdrew international protection status for 1,003 individuals (712 refugee status, 291 subsidiary protection). A notable difference from 2023. The most common nationalities regarding refugee status were Syria (101), Afghanistan (73), Iraq (66), regarding subsidiary protection status the most common nationalities were Syria (114), Afghanistan (107), and Iraq (15).⁵⁴⁴

In 2023, the Swedish Migration Agency withdrew international protection to 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).⁵⁴⁵

⁵⁴⁰ Migration Agency, Rättsligt ställningstagande. Förutsättningarna för att återkalla en skyddsstatusförklaring - RS/054/2021 (version 5.0), 8 December 2023, available in Swedish [here](#).

⁵⁴¹ Swedish government, 'Skärpta krav på hederligt levnadssätt och ökade möjligheter till återkallelse av uppehållstillstånd', Dir. 2023:158, 21 November 2023, available in Swedish [here](#). The time for concluding the report was in November 2024 extended until March 2025 here: [Tilläggsdirektiv till Utredningen om skärpta krav på hederligt levnadssätt och ökade möjligheter till återkallelse av uppehållstillstånd - Regeringen.se](#)

⁵⁴² Swedish Government, 'Vissa ändringar i regelverket om säkerhetsärenden enligt utlänningslagen', Prop. 2023/24:36, 7 November 2023, available in Swedish.

⁵⁴³ Migration Agency, *Annual Report 2022*, Dnr: 1.3.2-2023-2262, available in Swedish [here](#), 121.

⁵⁴⁴ Information provided by the Migration Agency's statistical unit in April 2025. It is worth noting that 146 refugee statuses were revoked for individuals who had, by that time, already become Swedish citizens.

⁵⁴⁵ 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 the section related to the [Residence permit](#), the 2016 temporary law and then 2021 amendments to the Aliens Act affected peoples' ability to get a residence permit, the length of the residence permit as well as the ability to reunite with family members.⁵⁴⁶

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 8.⁵⁴⁷ 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).⁵⁴⁸

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.⁵⁴⁹ With the exception of certain cases, e.g. in the case of cessation or withdrawal procedures, the Swedish Migration Agency

⁵⁴⁶ For further details see AIDA, *Country Report Sweden, 2021 Update*, May 2022, available [here](#), 101.

⁵⁴⁷ ECtHR, *M.T. and Others v. Sweden*, Application No 22105/18, 20 October 2022, available [here](#).

⁵⁴⁸ Migration Court of Appeal, MIG 2018:20, 13 November 2018, available in Swedish [here](#).

⁵⁴⁹ Aliens Act, Chapter 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.

considers 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 Swedish Migration Agency Legal Guidance that the situation in the county of origin has changed so fundamentally that protection status shall be withdrawn.⁵⁵⁰

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,⁵⁵¹ 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-133/19.⁵⁵²

In addition to this precedent ruling, the Swedish Migration Agency 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:⁵⁵³

- ❖ 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

⁵⁵⁰ Swedish 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 [here](#).

⁵⁵¹ Migration Court of Appeal, Decision MIG 2022:11, 8 December 2022, available in Swedish [here](#).

⁵⁵² CJEU, Case C-133/19, *B.M.M., B.S., B.M., B.M.O. v. Belgium*, 16 July 2020, available [here](#).

⁵⁵³ 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 [here](#).

if the application for family reunification was lodged within three months from the date the child was granted residence permit.

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.⁵⁵⁴ In such cases a DNA test would be taken as a first instance measure as a means of proving identity. The Swedish 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 Swedish 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 Swedish Migration Agency continued to apply this position in 2024.⁵⁵⁵

DNA testing is offered by the Swedish 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 Swedish 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.⁵⁵⁶

The Swedish 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 2024, the standard amount as from 1 January was:

- ❖ SEK 6,090 / 546 € for a single adult
- ❖ SEK 10,061 / 901 € for spouses or partners living together
- ❖ SEK 3,255 / 292 € for each additional child aged 6 years or younger
- ❖ SEK 3,906 / 350 € for each additional child aged 7 to 10 years

⁵⁵⁴ Migration Court of Appeal, MIG 2018:4, UM-2630-17, 5 March 2018, available [here](#).

⁵⁵⁵ Migration Agency, *Rättsligt ställningstagande. Afghanska medborgares möjligheter att skaffa pass - RS/087/2021*, 11 October 2021, available in Swedish [here](#).

⁵⁵⁶ Aliens Act Chapter 13 Section 15 and 16.

- ❖ SEK 4,558 / 408 € for each additional child aged 11 to 14 years
- ❖ SEK 5,208 / 467 € for each additional child aged 15 years or older ⁵⁵⁷

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.⁵⁵⁸

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.

In 2024, the ECtHR gave three judgments regarding the application of the maintenance requirement in Sweden.

In the ECtHR case *Dabo v. Sweden* (App. No. 12510/18), of 18 January 2024, the ECtHR found no violation of Article 8 concerning an application for family reunification submitted by an applicant from Syria with refugee status in Sweden. Family reunification with his wife and five children was rejected by the Swedish migration authorities because he did not fulfil the maintenance requirement. The applicant argued that in reality hardly anyone could meet the maintenance requirement as it was applied. The applicant estimated he would need a monthly salary of at least 45,000 SEK (approx. 3,900 EUR) before tax to meet the maintenance requirement — a sum few employees earn. The ECtHR found that the decision to deny the family residence permit did not violate the principle of the best interests of the child nor Article 8 of the ECHR. The Court observed that the best interests of a child, of whatever age, cannot constitute an unassailable consideration that requires the admission of all children who would be better off living in a Contracting State. The Court concluded that in the circumstances of the present case, the domestic authorities struck a fair balance between the interests of the applicant and those of the State in controlling immigration, and that they did not overstep the margin of appreciation afforded to them when refusing the request for family reunification.

In the ECtHR case, *Okubamichael Debru v Sweden* (App. No.49755/18), of 25 July 2024, the ECtHR found no violation of Article 8 concerning an application for family reunification submitted by an applicant from Ethiopia in Sweden. The Court noted that the refusal of family reunification was justified because the maintenance requirement was not fulfilled and the applicant applied outside the three months exemption period, thus the national authorities had duly assessed the circumstances of the case. The applicant invoked difficulties to fulfil the income requirement due to his health status and age. The Court found that there were no exceptional reasons to be exempted from the financial requirement. Thus, the Court found that national authorities struck a fair balance between the private interest of the applicant and the State's interest to control immigration and found no breach of Article 8 of the ECHR.⁵⁵⁹

In the ECtHR case *DH and Others v Sweden* (App. No. 34210/19), of 25 July 2024, the ECtHR found no violation of Article 8 concerning an application for family reunification submitted by an applicant with refugee status in Sweden, who was a woman with disabilities. The Court noted that the applicant's mobility was reduced to some extent, that she was unable to perform some kinds of work, including hard physical labour, and that she did not succeed in finding employment in the period from when she was granted a residence permit, until the decision to refuse family reunification became final. However, the Court found that the applicants had not submitted any substantiation of their claim that the applicant had disabilities to such an extent that she was unable to work, or that she had applied for work in vain. The Court found that the refusal of family reunification was justified because the maintenance requirement was not fulfilled.

⁵⁵⁷ Aliens Act Ordinance Chapter 4, Section 4d

⁵⁵⁸ Migration Agency Regulation 2022:8, available in Swedish [here](#).

⁵⁵⁹ ECtHR, First Section, *Okubamichael Debru v. Sweden* (App. No. [49755/18](#)), of 25 July 2024.

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.⁵⁶⁰

For applications made by family members other than the spouse, partner or child of a BIP, there is currently an application fee of SEK 2,000 / EUR 174,62 per adult and SEK 1,000 / EUR 87,31 per child.⁵⁶¹

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 2024, the average waiting time from applications to decisions was 409 days for first time applications, and 197 days for subsequent applications.⁵⁶²

In 2024, a total of 45,743 applications for residence permits based on family ties were lodged (of which 23,672 were first time applications). The Swedish Migration Agency issued a total of 50,075 decisions (of which 29,999 were first time applications). 56 % of the first-time applications and 93 % of subsequent applications were approved. By the end of the year 2024, a total of 36,888 family reunification applications were pending (of which 24,496 first time applications). Across all instances, 1,754 residence permits were granted in first time application cases of family reunification where the person in Sweden was a former asylum seeker.⁵⁶³

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.⁵⁶⁴ 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 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.

⁵⁶⁰ Migration Agency, 'Make an online application', available [here](#).

⁵⁶¹ Utlänningsförordningen/Aliens Ordinance Act Chapter 8 Section 5.

⁵⁶² Swedish Migration Agency Monthly statistical report December 2024.

⁵⁶³ The Swedish Migration Agency, 'Annual Report 2024', Dnr: 1.3.2-2025-1844, 21 February 2024, available in Swedish [here](#).

⁵⁶⁴ Aliens Act Chapter 14 section 3.

For family members of refugees, there is the possibility to obtain a subsidy to cover travel costs to Sweden.⁵⁶⁵ In 2024 the Swedish Migration Agency granted applications for subsidies for 33 individuals.⁵⁶⁶ For family members of persons with subsidiary protection, during 2024 the Swedish Red Cross was able to assist 9 families (representing a total of 45 individuals) to reunite in Sweden.⁵⁶⁷

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 22,656 travel documents were issued in 2024.⁵⁶⁸

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 2024, a total of 10,489 Aliens passports were issued.⁵⁶⁹

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.

Travel document applications are handled by the Swedish Migration Agency.

⁵⁶⁵ Förordning (1984:936) om bidrag till flyktingar för kostnader för anhörigas resor till Sverige.

⁵⁶⁶ Information provided by Migration Agency via e-mail in January 2025.

⁵⁶⁷ Information provided by the Swedish Red Cross via email in January 2025.

⁵⁶⁸ Information provided by Migration Agency via e-mail in January 2025.

⁵⁶⁹ Information provided by Migration Agency via e-mail in January 2025.

D. Housing

Indicators: Housing

- | | |
|---|-------------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | 2 months ⁵⁷⁰ |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2024: | 647 ⁵⁷¹ |

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.⁵⁷² 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.⁵⁷³ After that period the responsibility for providing support and housing falls on the municipality, including language courses, school, pre-school.⁵⁷⁴ 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 2024, a total of 32,693 persons were assigned to be received in municipalities throughout Sweden after receiving a residence permit, including 826 who were resettled, 14,345 who had been staying in reception centres, 15,719 who had been residing in accommodation that they had arranged themselves and 948 relatives and 855 “other”.⁵⁷⁵ The numbers include people from Ukraine being assigned to a municipality.

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.⁵⁷⁶ A total of 647 beneficiaries with residence permits were living in Migration Agency accommodation at the end of 2024, down from 1,006 in 2023.⁵⁷⁷

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.⁵⁷⁸

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

⁵⁷⁰ 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 [here](#).

⁵⁷¹ Migration Agency, *Monthly statistical report December 2024*, including year-end numbers, 29.

⁵⁷² Lag (2016:38) om mottagande av vissa nyanlända invandrare för bosättning, available [here](#).

⁵⁷³ Section 10, Förordning (2016:39) om mottagande av vissa nyanlända invandrare för bosättning, available in Swedish [here](#).

⁵⁷⁴ Migration Agency, ‘Bosättning i en kommun’, available in Swedish [here](#).

⁵⁷⁵ Migration Agency, *Monthly statistical report December 2023*, including year-end numbers, 31.

⁵⁷⁶ Migration Agency, *Monthly statistical report December 2023*, including year-end numbers, 33.

⁵⁷⁷ Migration Agency, *Monthly statistical report December 2024*, including year-end numbers, 29, and *Monthly statistical report December 2023*, 29.

⁵⁷⁸ Section 11 Lag (2016:38) om mottagande av vissa nyanlända invandrare för bosättning, available [here](#).

the law.⁵⁷⁹ 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 has a responsibility to arrange suitable activities for applicants during the examination of their asylum claim.⁵⁸⁰ What was previously stipulated in the Government's appropriation directions ("regleringsbrev") to the Swedish Migration Agency is now, as a result of legislative amendments, codified in law: the Agency is required to organise mandatory social orientation classes.⁵⁸¹ Starting from 1 March 2025, it is mandatory by law to participate in such classes. However, no sanctions are yet being imposed on those who don't.⁵⁸² 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 format 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.⁵⁸³

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.⁵⁸⁴ The Public Employment Service (*Arbetsförmedlingen*) has the responsibility for these persons between 20 and 64.⁵⁸⁵ 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.⁵⁸⁶ In December 2024, a total of 11,055 persons were attending the Public Employment Service (*Arbetsförmedlingen*) "etableringsprogram".⁵⁸⁷

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".⁵⁸⁸

In 2024, the general unemployment rate increased to 8.4%, compared to 7.7% in 2023.⁵⁸⁹ However, when it comes to individuals born abroad, it is higher. Among individuals born abroad, the unemployment rate increased by 1.1% to 16.2%.⁵⁹⁰ In May 2022, it was reported that slightly more than 50% of refugees aged

⁵⁷⁹ Sabo, 'Ny dom ger kommun rätt att säga upp nyanländas hyreskontrakt', 5 April 2018, available in Swedish [here](#).

⁵⁸⁰ Lagen (1994:137) om mottagande av asylsökande m.fl. section 4, available in Swedish [here](#).

⁵⁸¹ Government, proposition 2024/25:49 En ny ordning för asylsökandes boende, 7 november 2024, available in Swedish [here](#).

⁵⁸² Government, proposition 2024/25:49 En ny ordning för asylsökandes boende, 7 november 2024, available in Swedish [here](#).

⁵⁸³ EUAA, 'Asylum Report 2022: Annual Report on the Situation of Asylum in the European Union', June 2022, available [here](#), 171-172.

⁵⁸⁴ Migration Agency, 'Bosättning i en kommun', 20 January 2017, available in Swedish [here](#).

⁵⁸⁵ Lag (2017:584) om ansvar för etableringsinsatser för vissa nyanlända invandrare, available in Swedish [here](#).

⁵⁸⁶ Swedish Public Employment Service, 'Etableringsprogrammet', available [here](#).

⁵⁸⁷ Swedish Public Employment Service, 'Statistik om insatser och program', available [here](#).

⁵⁸⁸ Swedish Public Employment Service, 'När du deltar i ett program', available [here](#).

⁵⁸⁹ SCB, The Statistics Authority, , 'Befolkningens arbetsmarknadsstatus (BAS)', available in Swedish [here](#).

⁵⁹⁰ SCB, The Statistics Authority, 'Försämrad arbetsmarknad under 2024', April 2025, available in Swedish [here](#).

20 to 64 were gainfully employed ten years after having received a residence permit and reception in a local municipality.⁵⁹¹

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.⁵⁹²

The Swedish Council for Higher Education evaluates foreign secondary education, post-secondary vocational education and academic higher education certificates.⁵⁹³

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.⁵⁹⁴ The Swedish Public Employment Service also 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.⁵⁹⁵

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.⁵⁹⁶ 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.⁵⁹⁷ Some universities offer fast track courses for those already possessing higher education degrees.⁵⁹⁸

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”.⁵⁹⁹ The Swedish Public 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

⁵⁹¹ SVT, ‘Mer än var tionde utrikesfödd person är arbetslös – gapet mellan grupperna ökar’, 23 May 2022, available in Swedish [here](#).

⁵⁹² IFAU, ‘Utrikes föddas etablering på arbetsmarknaden’, updated 19 November 2022, available in Swedish [here](#).

⁵⁹³ Swedish Council for Higher Education, ‘Recognition of foreign qualifications’, available [here](#).

⁵⁹⁴ EUAA, Annual Asylum Report 2023, July 2023, page 268, available [here](#).

⁵⁹⁵ EUAA, Annual Asylum Report 2023, July 2023, page 273, available [here](#).

⁵⁹⁶ Centrala studiestödsnämnden, *Refugee – support from CSN*, available [here](#).

⁵⁹⁷ Swedish Council for Higher Education, available [here](#).

⁵⁹⁸ See e.g., Akademikerförbuden SSR, *Snabbspår*, available in Swedish [here](#).

⁵⁹⁹ Lag (2010:197) om etableringsinsatser för vissa nyanlända invandrare.

welfare on the same basis as nationals. Social welfare is administered by the Swedish National Insurance Board and the Municipal Welfare Board.⁶⁰⁰

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.⁶⁰¹ 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.⁶⁰²

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.⁶⁰³ 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.

Currently, a person has the right to a publicly financed interpreter when in contact with the health care.⁶⁰⁴ 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 risk leading to situations where the health staff cannot fulfil their obligations to give the right health care needed.⁶⁰⁵

⁶⁰⁰ Socialtjänstlag (2001:453) Svensk författningssamling. See also Socialstyrelsen, *Social assistance*, available [here](#).

⁶⁰¹ Socialtjänstlagen (2001:453) Chapter 2 a, Section 2-3.

⁶⁰² Socialstyrelsen, 'Ekonomiskt bistånd Handbok för socialtjänsten', 2021, available in Swedish [here](#).

⁶⁰³ Swedish Red Cross, 'Tillgång till vård för tortyröverlevare', available in Swedish [here](#).

⁶⁰⁴ Patientlagen (2014:821) Chapter 3 Section 6-7.

⁶⁰⁵ STRÖM M., 'Nya sjukvårdsministern: Att ta bort tolkstöd skulle strida mot flera lagar', 24 October 2022, available in Swedish [here](#).

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://svenskförfattningssamling.se/doc/2019487.html (SE)