

The challenges and opportunities of the asylum system in Sweden



CEA(R)

Comisión Española
de Ayuda al Refugiado

This report was written by the Advocacy Unit at the Spanish Commission for Refugees (Spanish acronym CEAR) within the framework of the ‘*Observatory on the right to asylum, forced migration and borders*’ project financed by the Extremadura Agency for International Cooperation and Development (Spanish acronym AEXCID).

During the research, and with the aim of diagnosing current operation of the international protection system in Sweden, the team from CEAR held meetings and interviews with UNHCR; *Asylgruppeni Malmö*; *Cáritas*; the Red Cross in Sweden; the Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (Swedish acronym RFSL); Doctors of the World - Sweden; the Integration Department at the Ministry of Employment and the Ministry of Justice; the Municipality of Lund (‘Children in Start’ project); the National Network of Refugee Support Groups (Swedish acronym FARR); the Swedish Association of Local Authorities and Regions (Swedish acronym SALAR); *Sociala Missionen*; Terrafem; Save the Children; and the Swedish Refugee Advice Centre.

Front cover picture: CEAR (Stockholm Bromma Airport, 2018)

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The Spanish Commission for Refugees (CEAR) is a non-profit voluntary, humanitarian, independent and plural organisation founded in 1979. Our aim is to work alongside citizens in defence of the right to asylum. Our mission: to defend and promote human rights and all-encompassing development of asylum seekers, refugees, stateless people and migrants who are in a vulnerable situation and/or at risk of social exclusion. Our approach is all-encompassing and includes temporary reception; legal support; psychological and social support; training and employment; and social impact and participation.

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List of acronyms

CEAR: Spanish Commission for Refugees

EU: European Union

IRC: Immigration Removal Centre

LMA: Law on Reception of Asylum Seekers and Others

NGO: Non-governmental organisation

UNHCR: United Nations High Commissioner for Refugees

1. Introduction

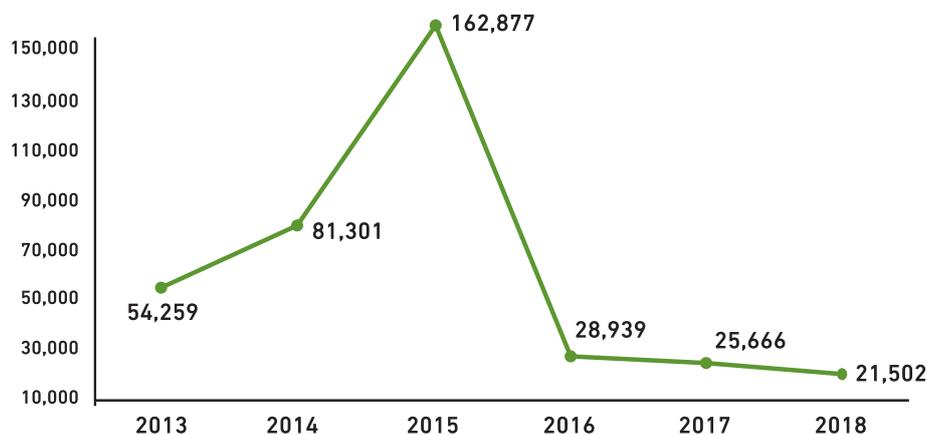
Further to the sizeable increase in the number of migrants and refugees arriving in the country in 2015, Sweden, like other European Union countries, has taken measures to reinforce border control and has made changes to its regulations on aliens. The impact of these measures on the Swedish international protection system, particularly with reference to matters of the inclusion process, poses significant challenges that are of particular interest to the ‘Observatory for the right to asylum, forced displacement and borders’.

It was in this context that, in October 2018, within the framework of its objectives to defend human rights and the right to asylum, the Spanish Commission for Refugees (CEAR) completed a research mission aimed at analysing the current situation for people seeking asylum and for refugees in Sweden, highlighting matters related to accessing the asylum procedure, reception and inclusion. The work entailed performing direct observation in the field and holding interviews with several key players in matters of asylum in Sweden.

2. Context

In 2015, almost 163,000 people sought asylum in Sweden. This was a figure without precedents in the country, resulting in an increase of over 100% in the number of applications made compared with the number recorded the year before. In subsequent years, the measures that have been launched in Sweden alongside changes in the wider context of the EU have given rise to a sharp decline in the number of applicants. In 2018, 21,502 applications were made:

Graph 1. Evolution in the number of applications for international protection in Sweden between 2013 and 2018



Source: Swedish Migration Agency (2019): “Statistics – Asylum”.

Out of the total number of applications for asylum that were filed in 2018, 8,573 were made by women (2,811 of whom were under 18 years of age). That is, almost 40% of all applications (in 2017, women represented 39%)².

In 2015, the year with the highest recorded number of asylum seekers in the country, the seekers’ three main countries of origin were Syria, Afghanistan and Iraq. These applicants represented approximately 70% of all the people seeking asylum in the Sweden³. Three years later, in 2018, Syrians and Iraqis, along with Iranians, continued to be the two main asylum seeker nationalities. Afghan seekers decreased to sixth position (see table

¹ Swedish Migration Agency (2019): “Statistics – Asylum”: <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>.

² Idem.

³ Idem.

1). The decrease in the number of people from Afghanistan applying for asylum is closely linked to the perception of increased safety in some areas of the country amongst the authorities in charge of examining and taking decisions regarding applications, as well as an increase in refoulement to the country⁴. This pattern matches the one observed in other EU countries such as Germany⁵.

Table 1. Top ten countries of origin of asylum seekers in Sweden in 2018

Asylum seeker's country of origin	Total number of applications for asylum (no.)	Difference compared with the previous year (%)
Syria	2,709	-42.5 %
Iraq	1,369	-27.4 %
Iran	1,257	+15.3 %
Georgia	1,156	+4.6 %
Eritrea	873	-48.3 %
Afghanistan	805	-52 %
Stateless people	765	-36 %
Uzbekistan	740	+103.3 %
Somalia	735	-5.7 %
Albania	616	-18.9 %

Source: Swedish Migration Agency (2019): "Statistics – Asylum".

The average protection rate has also decreased to almost half over the last few years, going from 60% in 2016 and 41% in 2017 (most of the international protection applications made in 2015 were resolved in those two years) to 32% in 2018⁶. Last year, 35,512 applications for asylum were resolved. That is, 46.4% less than in 2017. Out of these, 11,217 protection statuses were granted (compared with 27,205 in 2017): 5,993 refugee statuses (13,337 in 2017) and 3,984 subsidiary protection statuses (12,272 in 2017). The procedure took an average of 207 days (16.9 months) in the first instance⁷. That is, 11 days longer than in 2017⁸. It is worth highlighting that people from Afghanistan whose applications were resolved in 2018 waited an average of 636 days (21.2 months) to be given an initial decision on protection⁹.

The highest protection rates, divided by nationality, correspond to Syria (84%) and Eritrea (75%)¹⁰. Other nationalities with high protection rates include Yemenis (86%) and Beninese (80%)¹¹. On the other hand, the low protection rates for people from Iraq (23%), Iran (35%) and Afghanistan (32%) are remarkable¹².

With reference to resettlement of refugees, the increase in Sweden's commitment over the last two years should be highlighted. In 2017, the government extended its national resettlement programme from the 1,900 places available in 2016 to 3,400 places. They were increased to 5,000 in 2018¹³. The majority of the people who are resettled in the country are from Syria, the Democratic Republic of the Cong, Eritrea, Afghanistan and Somalia¹⁴.

The decrease in the number of asylum applications over the last few years is greatly due to the implementation in

⁴ There is a bilateral agreement between Sweden and Afghanistan that was signed in 2016: <http://cort.as/-FF8n>.

⁵ Refer to the report issued by CEAR in 2019 within the framework of the Observatory: *Current challenges of the German asylum system*: <http://entierradenadie.org/informes/>.

⁶ Swedish Migration Agency (2019): "Statistics – Asylum": <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>.

⁷ Examination of applications and decisions (excluding the appeal phase, where applicable).

⁸ Swedish Migration Agency (2019): "Statistics – Asylum": <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>.

⁹ Idem.

¹⁰ Idem; ECRE (Ed.) (2018): "Country report: Sweden", Asylum Information Database, page 50: <https://www.asylumineurope.org/reports/country/sweden>.

¹¹ Swedish Migration Agency (2019): "Statistics – Asylum": <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>.

¹² Idem.

¹³ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 44: <http://cort.as/-Er9f>.

¹⁴ Idem.

November 2015 of controls on all Swedish borders¹⁵ (particularly along the border with Denmark) for a period of two years that was later extended until May 2018¹⁶. Likewise, in January 2016, identity controls were implemented for people travelling from Denmark to Sweden in public transport (buses, trains and boats) although this measure ceased to be operative in May 2017. In addition to this, in June 2016, the Parliament passed a temporary law known as the ‘restrictions law’¹⁷ (presented by the Government in November 2015)¹⁸, which introduced changes to the Aliens Act, and an amendment to the law on asylum seeker reception¹⁹. This double legislative reform restricts certain guarantees and rights of reception for asylum seekers and people with protection rights. For example, discontinuance of material reception conditions following protection denial (this was previously maintained until the voluntary repatriation deadline or until repatriation was enforced), whilst at the same time limiting residence permits given to people who have been granted international protection (previously permanent) and bringing an end to the right to family reunification for people with subsidiary protection who filed their application after 24th November 2015²⁰. The reform was implemented on 20th July 2016 for a period of three years. However, there is uncertainty amongst civil society organisations about what will happen from July 2019.

Meanwhile, anti-immigration parties have gained an increased political presence thanks to the support of increasingly wider sectors of the population²¹ and far-right groups have attacked reception centres and have spread fear amongst the population²². The challenge that asylum seeker and refugee integration poses has also been a matter for debate amongst political parties, the media and the general population. As such, in the country’s last general elections held in September 2018, this matter was at the centre of political debates²³. The elections ended with an increase in the number of votes for the far-right political party, Sweden Democrats, which had been a minority party up until then. It became the third biggest party in Parliament with 17.6% of the votes²⁴.

3. International protection and asylum procedures

In Sweden, the Ministry of Justice is responsible for migratory policy. Matters of integration policy are a shared responsibility with the Ministry of Employment. Within the Ministry of Justice, the General Directorate for Migration in Sweden (henceforth the Migration Agency) is the administrative organism that is responsible for matters of migration and asylum, asylum seeker reception and repatriation (both voluntary and enforced)²⁵. It is also the competent authority for launching the asylum procedure and resolving applications. The main law regulating the asylum system is the Aliens Act (Utlänningslag in Swedish)²⁶ to which we can add the temporary ‘restrictions law’ which was passed in 2016.

¹⁵ At Öresund bridge which connects Sweden and Denmark, and at the ports of Trelleborg and Helsingborg in the south, and in the port of Gothenburg in the west.

¹⁶ ECRE (Ed.) (2018): “Country report: Sweden”, *Asylum Information Database*, page 18: <https://www.asylumineurope.org/reports/country/sweden>.

¹⁷ Law on time limitations for the option of obtaining a residence permit in Sweden (2016): http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2016752-om-tillfalliga-begransningar-av_sfs-2016-752.

¹⁸ In its presentation, the Government openly admitted that it was a measure aimed at dissuading people from travelling to Sweden to seek asylum (Government Offices of Sweden (2015)): ‘Government proposes measures to create respite for Swedish refugee reception’: <http://cort.as/-F86->.

¹⁹ Law on Reception of Asylum Seekers and Others (1994): http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1994137-om-mottagande-av-asylsokande-mfl_sfs-1994-137

²⁰ That said, family reunification residence permits granted by Sweden in 2017 and 2018 were the highest out of all the different types of residence permits (Swedish Migration Agency (2019)): ‘Statistics – Granted permits overview’: <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Granted-permits-overviews.html>.

²¹ A survey performed in April 2018 indicated that 60% of voters wanted fewer refugees to be accepted into the country (The Local (2018): ‘Six out of ten voters in Sweden want fewer refugees: poll’, *The Local*, 21st April 2018: <https://www.thelocal.se/20180421/six-out-of-ten-voters-in-sweden-want-fewer-refugees-poll>).

²² HINDE, D. (2017): “Refugees in Sweden adjust to anti-migrant sentiment and tougher asylum laws”, PRI, 20th June 2017: <https://www.pri.org/stories/2017-06-20/refugees-sweden-adjust-anti-migrant-sentiment-and-tougher-asylum-laws>; True Publica (2017): “Europe’s Refugee Crisis is Now Destroying Sweden”, *Global Research*, 3rd July 2017: <https://www.globalresearch.ca/europes-refugee-crisis-is-now-destroying-sweden/5597450>.

²³ RODEN, L. (2017): “How is Sweden tackling its integration challenge?”, *The Local*, 2nd May 2017: <https://www.thelocal.se/20170502/how-is-sweden-tackling-its-integration-challenge>.

²⁴ SCALLY, D. (2018): “Sweden faces hung parliament as far-right makes big gains”, *Irish Times*, 10th September 2018: <https://www.irishtimes.com/news/world/europe/sweden-faces-hung-parliament-as-far-right-makes-big-gains-1.3623956>.

²⁵ It should be pointed out that, in light of the extraordinary increase in asylum applications in 2015, the Migration Agency increased its staff two-fold from 3,500 employees to 8,000 employees (Council of Europe (2018): *Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe following his visit to Sweden from 2 to 6 October 2017*, page 6: <https://rm.coe.int/commh-2018-4-report-on-the-visit-to-sweden-from-2-to-6-october-2017-b/16807893f8>).

²⁶ Aliens Act (2005): <http://cort.as/-F0Ge>.

It should be pointed out that, in May 2015, in response to a government request to decrease the duration of the asylum procedure, the Migration Agency set up a new application registration system consisting of tracks for processing cases and this was rolled out in 2016²⁷. The system has made completion of the first phase of the procedure (application registration) more precise (particularly the first interview) so that applications can be classified as early on in the procedure as possible and to make subsequent examination easier. Implementation of the system also entailed specialisation amongst Migration Agency personnel with the aim of guaranteeing more personalised and efficient examinations and a reduction in processing times²⁸. However, the average duration of a normal procedure, for which there is no maximum time by law, went from 328 days (10.5 months) at the end of 2016 to 496 days (16.5 months) at the end of 2017²⁹. A new system for digitalising cases was introduced in 2017 with the aim of making new improvements³⁰. Despite this, in 2018 the duration of the procedure increased once again, taking an average of 502 days (16.7 months)³¹.

Appeals against Migration Agency decisions to grant or deny protection can be lodged at two levels in administrative courts: the Migration Court³² for the initial appeal; and the Migration Court of Appeal³³ which can accept appeals made against Migration Court judgements. Migration Court of Appeal judgements are definitive and appeals cannot be lodged against them.

The elevated number of asylum applications that were filed in 2015 also affected the appeals procedures since the number of decisions with appeals lodged against them increased sharply. In order to improve the courts' capacity to process cases, legislative amendments to the Administrative Court Procedure Act³⁴ were introduced on 1st January 2017 in order to enable Migration Courts to refer open cases to administrative courts³⁵.

3.1. Types of protection

People who apply for international protection in Sweden and whose cases are resolved favourably can benefit from refugee status or subsidiary protection if they do not meet the requirements in order to be recognised as a refugee in accordance with the 1951 Geneva Convention³⁶. In accordance with the Swedish Aliens Act, a person has the right to subsidiary protection when there is fair reason to assume that:

1. (...) 1. upon return to the country of origin, the alien would run a risk of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment, or as a civilian would run a serious and personal risk of being harmed by reason of indiscriminate violence resulting from an external or internal armed conflict, and
2. (...) the alien is unable or, because of his/her fears, unwilling to avail himself or herself of the protection of the country of origin.³⁷

²⁷ This was an internal operations protocol reform and not a law.

²⁸ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 33: <http://cort.as/-Er9f>.

²⁹ In the case of unaccompanied children, the average duration of the procedure increased to 19.3 months (578 days) in late 2017 (ECRE (Ed.) (2018): 'Country report: Sweden', *Asylum Information Database*, page 19: <https://www.asylumineurope.org/reports/country/sweden>).

³⁰ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 33: <http://cort.as/-Er9f>.

³¹ Swedish Migration Agency (2019): "Statistics – Asylum": <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>.

³² There are four divisions within the administrative courts in the country: in Stockholm, Gothenburg, Luleå and Malmö.

³³ It is a section of the Administrative Court of Appeal in Stockholm.

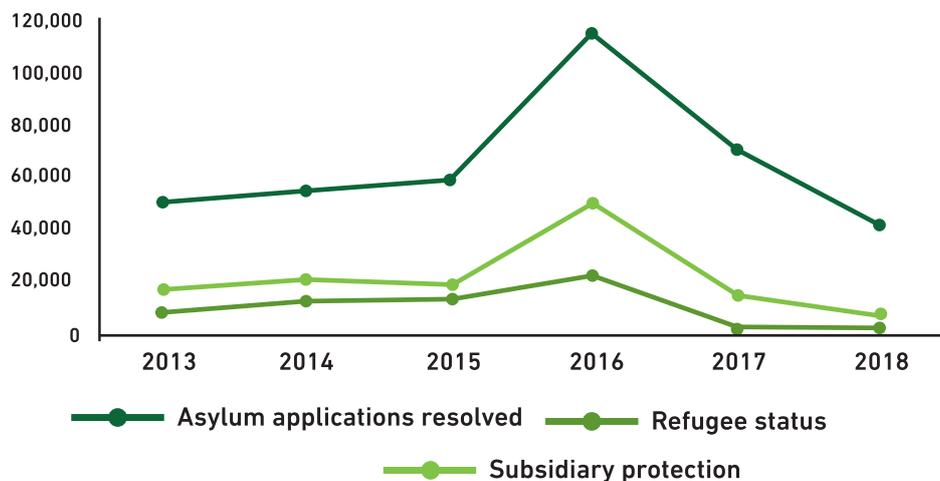
³⁴ Law regulating appeal procedures: <https://www.government.se/government-policy/judicial-system/the-administrative-court-procedure-act/>.

³⁵ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, pages 33-34: <http://cort.as/-Er9f>.

³⁶ Ratified by Sweden on 24th October 1954 (UNHCR (2015)): States parties to the 1951 Convention relating to the Status of Refugee and the 1967 Protocol: <http://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>.

³⁷ Aliens Act (2005): Chapter 4, section 2: <http://cort.as/-F0Ge> (translation by the Swedish Network of Refugee Support Groups, FARR (Ed.) (2018): *Good Advice*, page 15: <https://www.farr.se/sv/in-english/good-advice>).

Graph 2. Asylum application decisions and types of protection granted in Sweden between 2013 and 2018



Source: Swedish Migration Agency (2019): "Statistics – Asylum".

People benefiting from any of these types of international protection before the 'restrictions law' was passed were granted permanent residence in Sweden. That is, residence of unlimited duration. Currently, or at least until July 2019, people with refugee status are given a three-year (renewable) residence permit. Meanwhile, people who are given subsidiary protection are given a 13-month residence permit (that may be renewed for 2 years). Once the residence permit has expired, a temporary extension can be granted or it can be replaced with permanent residence if the person has sufficient resources in order to be able to financially support himself/herself in the country.

Occasionally, the Migration Agency can grant temporary residence permits to some people applying for international protection in Sweden and who meet the necessary conditions for protection of this kind (residence permits for people who need protection for other reasons)³⁸ if it believes that the person has other protection needs: 'persons who have a well-founded fear of being subjected to serious abuses because of an armed conflict or other severe conflicts in the home country or who are unable to return to the country of origin because of an environmental disaster'³⁹. However, it is not possible to access residence permits of this kind whilst the 'restrictions law' is in force⁴⁰.

3.2. Access to the procedure and types of procedure

International protection applications in Sweden can only be made at assigned Migration Agency offices. People who indicate their intention to request international protection on arrival at the airport or a sea port are directed to these offices by border police officers. There are currently only three registration offices in the country for adults seeking asylum. They are located in Stockholm, Malmö and Gothenburg⁴¹ (between 2016 and 2017, more Migration Agency offices for registration were opened). Unaccompanied children can file their request in seven places (as well in the aforementioned places, in Boden Nörrkopig, Sundsvall, Umeå and Örebro)⁴². The law does not indicate a defined time for making an application for asylum.

When the application is filed and formalised, the Migration Agency carries out a brief interview in order to take down the person's main data, the route taken to reach the country, the reasons for the protection application and

³⁸ Aliens Act (2005): Chapter 4, section 1(2a): <http://cort.as/-F0Ge>.

³⁹ FARR (Ed.) (2018): *Good Advice*, page 16: <https://www.farr.se/sv/in-english/good-advice>.

⁴⁰ Idem.

⁴¹ Swedish Migration Agency (2018): "How to apply for asylum": <http://cort.as/-F0LY>.

⁴² Swedish Migration Agency (2019): "Where to find us": <https://www.migrationsverket.se/English/Contact-us/Visit-us.html>.

any special needs that he/she may have. These are taken into account when reception places are assigned. The assessment of the person's vulnerability is added to a common database that is monitored by the Quality Control Unit at the Migration Agency⁴³. The option of having a health examination (not mandatory) is also given. Apart from gathering this information, the person is photographed and his/her fingerprints are recorded on Eurodac⁴⁴ so that the State responsible for examining the application can be identified. There is no public legal counsel available to applicants in this initial phase (they can bring their own solicitor should they have one). A duty solicitor is assigned during this phase at not cost to the applicant and he or she accompanies the applicant throughout the remainder of the procedure. Once the application has been filed, the Migration Agency hands the person an asylum seeker card that authorises his/her stay in the country and gives him/her access to material reception conditions if he/she does not have his/her own resources⁴⁵.

The new way of channelling asylum applications through different tracks has an impact on if they are subsequently processed through a normal asylum procedure or a fast-track procedure⁴⁶ depending on in which track the application has been filed (see table 2).

Table 2. Migration Agency track system for filing and processing asylum applications in Sweden

Tracks	Requirements and characteristics of applications channelled through each of the tracks
1	<ul style="list-style-type: none"> - There is a presumption that the claim will be successful. - There is no need to appoint public counsel. - The identity of the applicant has been ascertained based on the documents submitted. - No additional steps other than an oral interview are required.
2	<ul style="list-style-type: none"> - There is a presumption that the claim will be successful, but the applicant has not submitted any identity documents. - The applicant has established his/her identity but there is no presumption of a successful claim and public counsel needs to be appointed.
3	<p>Cases in which the need for comprehensive investigation measures is identified. There is no presumption of a successful claim and public counsel needs to be appointed.</p> <ul style="list-style-type: none"> - Cases where exclusion grounds are raised. - Cases of potential public safety security risks. - Cases where there is a suspicion of false identity. - Cases where the need for language analysis exists. - Unaccompanied minors where the issue of orderly reception requires extensive investigation measures. - Unaccompanied minors where medical age assessment is needed. - Cases where there are indications of human trafficking. - Cases where there are indications of honour-based violence and oppression. - Cases involving the revoking of a residence permit or status declaration.
4A	Cases where an application for asylum is potentially manifestly unfounded. These cases are referred to the home country return process. It also includes unaccompanied minors with potentially manifestly unfounded cases, where the question of adequate reception in the home country is not problematic.
4B	Cases involving asylum seekers from countries with generally high rejection rates (under 20%).
5	Cases to be dealt with under the Dublin Regulation
6	Cases where an extension of a temporary residence permit is requested (introduced with the 'restrictions law' in 2016).
7	Relocation to or from Sweden.

Source: ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, pages. 15-16.

⁴³ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 35: <https://www.asylumineurope.org/reports/country/sweden>.

⁴⁴ A European fingerprint database set up in 2003 in order to identify asylum seekers or immigrants in irregular situations within the European Union, Norway, Iceland and Switzerland.

⁴⁵ Refer to section 4 of this report: *The reception system*.

⁴⁶ To these we might add the 'Dublin cases' that follow their own protocol.

⁴⁷ Refer to section 3.3 of this report: *Asylum seeker cases to be dealt with under the Dublin Regulation*.

Manifestly unfounded claims (track 4A), cases of applicants from countries with generally high rejection rates (track 4B) and Dublin cases (track 5) are sent directly to units that can resolve them rapidly through a fast-track procedure⁴⁸. The Migration Agency internally commits to resolving applications made through this procedure within a maximum deadline of three months. If they exceed that period, the application is then channelled through the normal procedure⁴⁹.

All other cases are forwarded to a distribution centre and the various units of the Migration Agency select them and examine them under the normal procedure. Out of these, applications in track 1 and in track 7 are given priority⁵⁰. In fact, in 2017 the average time taken to process applications in track 7 (claims by people relocated to Sweden) was 15 days⁵¹. However, there is no deadline provision in the law for Migration Agency decisions on cases processed through the normal procedure. All asylum applicants whose applications are processed through this procedure are assigned a duty solicitor, except applicants whose applications have been channelled through track 1 (although they also have the right to one) because the Migration Agency believes that it is not necessary⁵². Likewise, legal counsel is guaranteed for unaccompanied children to whom the Dublin Regulation is applied (not for adults). All other applicants (whose applications are processed through the tracks that lead to an examination through the fast-track procedure) only have the right to free public legal counsel when there is a case of vulnerability or in very special circumstances⁵³. These people can request free public legal counsel during the appeal stage although it is not automatically granted. This depends on the courts' assessment of the potential that the appeal has of being successful⁵⁴. During the procedure (before reaching the appeal stage), they can turn to NGOs that offer free legal advice⁵⁵ or they can pay for their own solicitor.

It should be highlighted that a person can choose his or her own duty solicitor (if he or she knows one in the country). This decision has to be respected even if the chosen solicitor is located far from where the request is filed or if the solicitor is not available when the Migration Agency wishes to hold the interview⁵⁶. They may also choose the solicitor's gender. This is also the case for interpreters (a free, public interpretation service is available throughout all the phases of the procedure). The Migration Agency has a list of registered duty solicitors who can provide immigration and asylum legal guidance. If the applicant has not indicated a preference, they are assigned based on availability. It should be highlighted that no specific knowledge of asylum or foreign policy is needed in order to be included on the list and, as such, the level of preparation and competence of these people (solicitors and legal advisors) in the subject area is not always appropriate⁵⁷. Furthermore, the Administration covers fees for 8 to 10 hours of work meaning that their dedication varies depending on the solicitor's commitment to the cause. The asylum seeker can request a different solicitor but this request is rarely granted⁵⁸.

Once the application has been filed, all applicants have the right and obligation to have a personal interview during the examination stage. Interviews are held both in person and using video conference facilities when the applicant lives far from the office that has been assigned the task of the interview, and under the same protocol, irrespective of the procedure. Any notes and a transcription of the interview are shared with the asylum seeker through his/her

⁴⁸ This is an internal Migration Agency procedure and is not referred to as such in the law. However, the law does provide for processing manifestly unfounded asylum applications through a fast-track system (Aliens Act: Chapter 8, section 6 and Chapter 12, section 7: <http://cort.as/-/F0Ge>).

⁴⁹ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 33: <https://www.asylumineurope.org/reports/country/sweden>.

⁵⁰ *Ibidem*, pages 14-15.

⁵¹ *Ibidem*, page 21.

⁵² This has led to many people of Syrian nationality being given subsidiary protection instead of refugee status because the application was not sufficiently argued and, as a result of existing legislation, they do not have the right to family reunification (Interview with SocialaMissionen, Stockholm: 16th October 2018).

⁵³ If the person has been detained for over three months due to repatriation or transfer; or when reception conditions in the country to which he/she is going to be repatriated are deficient, in accordance with European Court of Human Rights case law.

⁵⁴ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 16: <https://www.asylumineurope.org/reports/country/sweden>.

⁵⁵ Whilst some NGOs have reduced their services, others such as the Swedish refugee Advice Service have increased theirs in cooperation with the Church of Sweden. The Red Cross in Sweden has also got a telephone line for legal support and a service by appointment. Its solicitors can act as legal advisors for asylum seekers.

⁵⁶ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, pages 16 y 25: <https://www.asylumineurope.org/reports/country/sweden>.

⁵⁷ *Ibidem*, page 26.

⁵⁸ *Idem*.

solicitor. Comments and/or information can be added to them so that the Migration Agency can take them into account before reaching a decision⁵⁹.

Once a decision on the application has been taken, if protection is denied, the Migration Agency is responsible for activating the returns process. The applicant must then voluntarily leave the country within four weeks (two weeks for people whose applications have been considered to be manifestly unfounded) or lodge an appeal at the Migration Court within three weeks⁶⁰. It should be pointed out that, when an appeal is lodged against a decision in first instance, the Migration Agency studies the case once again and has the discretion to change its decision⁶¹. If it upholds the decision, the appeal is sent along with comments to the Migrations Court within one week so that it can be examined.

Appeals always have an automatic suspensive effect on the expulsion order, except in the case of applicants whose applications have been declared manifestly unfounded in the track 4 accelerated procedure and cases that correspond to the Dublin Cases (track 5). In both cases, a suspensive effect must be requested⁶². However, if the Migration Court considers that the case is not manifestly unfounded, it may suspend the expulsion order, instruct that legal counsel be assigned and refer the case back to the Migration Agency if there is insufficient information to justify granting a residence permit⁶³.

The appeals process in the courts is a written procedure (an oral hearing is not mandatory). The asylum seeker can request an oral hearing but it is only accepted when the Court believes that it will help the decision-making process or bring it to a swifter conclusion⁶⁴. It should be highlighted that an appeal can be lodged in the asylum seeker's own language, with some indications in Swedish or English such as the reasons for the appeal, when he/she does not have a solicitor⁶⁵.

If they do not agree with the previous result, the applicant and the Migration Agency have three weeks to lodge a second appeal at the Migration Court of Appeal following delivery of the Migration Court's decision to the applicant. If this second appeal, which also has suspensive effect, is accepted⁶⁶, the procedure is the same as in the Migration Court and oral hearings are very infrequent⁶⁷. The Migration Court of Appeal decision is definitive and an appeal cannot be lodged against it. If the court upholds the negative decision on protection that was approved by the two previous instances, the person once again has a deadline of four weeks (two weeks if the application is manifestly unfounded) to leave the country. If the person does not voluntarily leave the country within that deadline, the police are responsible for executing the expulsion order⁶⁸.

Last of all, it is important to point out that, unlike other EU member states, Sweden does not apply the concepts of 'safe country of origin' and 'safe third country'. Therefore, it does not have lists of this kind. However, the Aliens Act provides for the possibility of rejecting an application for asylum when the applicant can return to a country through which he/she travelled and where he/she is not at risk of persecution; is not at risk of the death penalty, of physical punishment, torture or other inhuman or degrading treatment; has the option of seeking

⁵⁹ Ibidem, page 16.

⁶⁰ This deadline is the same for any appeal during any of the phases of the asylum procedure and irrespective of the type of procedure through which the application was channelled.

⁶¹ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 16: <https://www.asylumineurope.org/reports/country/sweden>.

⁶² This option was included in the January 2017 amendment further to the European Directive transposition on asylum procedures.

⁶³ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 34: <https://www.asylumineurope.org/reports/country/sweden>.

⁶⁴ Ibidem, page 17.

⁶⁵ Ibidem, page 23.

⁶⁶ Generally associated with exceptional and very important cases or cases in which the Migration Agency is understood to have made an error in the procedure or when applying the law.

⁶⁷ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 24: <https://www.asylumineurope.org/reports/country/sweden>.

⁶⁸ In cases where the asylum seeker is considered as a potential threat to national security, the deadline for voluntary return can be reduced. Furthermore, in cases linked to national security, the Government is responsible for the final decision (ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 25: <https://www.asylumineurope.org/reports/country/sweden>).

asylum; is protected against being returned to another country where no equivalent protection exists; and when he/she has some ties to that country⁶⁹. This provision could be understood as an implicit recognition of the concept of 'safe third country' applicable to the aforementioned cases.

3.3. Asylum seeker cases handled under the Dublin Regulation

The 2013 European regulation, commonly known as the Dublin Regulation, states that aliens who wish to be granted international protection in EU territory, Iceland, Norway, Switzerland or Liechtenstein must request it in the first country at which they arrive and that the country in question will be the State responsible for examining the request⁷⁰. In a European context, the so-called 'Dubliners' are people who try to seek asylum in a country that is different to the one at which they first arrived, the one where they were registered, the one where they have an ongoing asylum procedure or the one in which they have been granted or denied international protection of some kind. The Eurodac database makes it possible to identify the country in which these people have been registered and indicates the State that is responsible for the asylum application and to which the person in question must be transferred. However, the constant and increasing presence of people in this situation in all EU Member States and associated countries is an indication of the failure of these agreements and poses a significant challenge for appropriate management and processing of these people's international protection applications.

Sweden interprets the Dublin Regulation - to which it refers in its own Aliens Act - strictly. When the Migration Agency determines that the responsibility for examining an application corresponds to another State, it notifies this in writing and calls the applicant to a personal interview accompanied by an interpreter but with no public legal counsel⁷¹ (a private solicitor can be present if the applicant has one). The person can object to transfer during the interview. Once a formal decision has been taken, the applicant is informed about it in person by the Migration Agency. The applicant can lodge an appeal against the decision to transfer him/her at the Migration Court and he/she may be given legal counsel on this by NGOs.

If the asylum seeker is willing to cooperate, a date for transfer is fixed and he/she is housed in reception centres located close to the airport. If, however, the person refuses to accept the decision, the case is forwarded to the police and the latter is responsible for executing enforced transfer⁷². In these cases, the Migration Agency can decide to reduce the daily allowance given to the asylum seeker. It is also important to point out that 'Dubliners' do not have access to health care under the same conditions as asylum seekers and may only be given emergency health care and treatment at the discretion of health centre or hospital staff.

In 2018, the applications for asylum processed by the Migration Agency in accordance with the Dublin Regulation represented 6.8% of all the applications⁷³. In the previous year in which these applications represented 17%⁷⁴, the Migration Agency made 3,654 requests for transfer to other States (around 12,100 in 2016), most of them to Italy, Germany and France, although the number of executed transfers reached 4,201 due to cases pending from the previous year⁷⁵. The average time taken by the Migration Agency to reach a decision on applications processed

⁶⁹ Aliens Act (2005): Chapter 5, section 1b(3): <http://cort.as/-F0Ge>.

⁷⁰ European Union. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (revised text). Official Journal of the European Union L 180 29 June 2013: <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=OJ:L:2013:180:FULL&from=ES>.

⁷¹ Unless the applicant is an unaccompanied minor, in which case a duty solicitor is immediately assigned and will be present in the interview along with the minor's tutor.

⁷² ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 28: <https://www.asylumineurope.org/reports/country/sweden>.

⁷³ Swedish Migration Agency (2019): "Statistics - Asylum": <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>.

⁷⁴ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 - Sweden*, page 39: <http://cort.as/-Er9f>.

⁷⁵ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 29: <https://www.asylumineurope.org/reports/country/sweden>.

within the framework of the Dublin Regulation was 75 days (compared with 143 in 2016)⁷⁶. It should be pointed out that Sweden hardly makes any transfers to Hungary⁷⁷ and Bulgaria and transfers to Greece have been suspended in all cases in which the applicant has not been granted protection status in the country⁷⁸.

In the other direction, Sweden received approximately 7,600 requests in 2017, mainly from Germany, France and Denmark⁷⁹. It is understood that the increase in the number of 'Dublin requests' received (greater than the number of transfers to other States), is linked to the restrictions introduced into the reception system (2016 amendment)⁸⁰ which has removed the right to material reception conditions from many of the people who are denied protection. People who have previously been denied protection in Sweden and who are transferred once again to this country under the Dublin Regulation, can be placed under police custody on arrival in order to make expulsion easier. If the person's asylum case is still pending in Sweden, then he/she is placed in reception accommodation near to an exit from the country and his/her application is processed as a subsequent application⁸¹.

3.3.1. People relocated in Sweden

In July and September 2015, the European Council took two decisions in response to the increased number of arrivals in Greece and Italy of people in need of protection⁸². The two binding decisions aimed to establish a shared reception commitment between the Member States by relocating people for two years. Sweden agreed to relocate over 2,880 people⁸³. However, on 9th June 2016, given the extraordinary internal situation the country was facing following the influx of arrivals in 2015⁸⁴, the Council suspended its obligations within the framework of the relocations commitment until 16th June 2017⁸⁵. As such, relocations to Sweden did not start up again until June 2017.

A little over a year later, in late October 2018, the number of people relocated in the country exceeded the number of commitments undertaken, reaching a total of 1,392 relocations from Italy and 1,656 from Greece⁸⁶. The majority of the people relocated from Greece were adult males and families from Syria whilst the majority of the people relocated from Italy originated from Eritrea⁸⁷. They were all prioritised in the asylum procedure (track 7) and were given an initial decision on their application within 15 days following arrival in Sweden, unless there were factors that complicated this decision-making process⁸⁸. Again, once international protection status of some kind had been obtained, they were given priority in terms of their distribution across the different municipalities in the country so that they could settle.

⁷⁶ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 39: <http://cort.as/-Er9f>.

⁷⁷ However, in 2017 there were ten enforced returns to this country

⁷⁸ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 31: <https://www.asylumineurope.org/reports/country/sweden>.

⁷⁹ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 39: <http://cort.as/-Er9f>.

⁸⁰ Law on Reception of Asylum Seekers and Others (1994): http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1994137-om-mottagande-av-asylsokande-mfl_sfs-1994-137.

⁸¹ Refer to section 3.4 of this report: *Subsequent asylum applications*.

⁸² Council of the European Union (2015): 'Relocation of 40,000 refugees from Greece and Italy agreed by Council': <http://www.consilium.europa.eu/es/press/press-releases/2015/09/14/jha-relocation-refugees/>.

⁸³ Council document 11130/15 'Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20,000 persons in clear need of international protection', 22nd July 2015: <http://data.consilium.europa.eu/doc/document/ST-11130-2015-INIT/en/pdf>; European Union. Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, Official Journal of the European Union L 240, 24 September 2015: <https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:32015D1601&from=ES>.

⁸⁴ European Union. Council Decision (EU) 2016/946 of 9 June 2016 establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Decision (EU) 2016/1523 and Article 9 of Decision (EU) 2015/1601 establishing provisional measures in the area of international protection in the benefit of Italy and Greece. Official Journal of the European Union L 157 17 June 2016, page 24: <https://boe.es/doue/2016/157/L00023-00025.pdf>.

⁸⁵ Suspension requested by Sweden in December 2015.

⁸⁶ European Commission (2018): "Member States' Support to Emergency Relocation Mechanism": https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf.

⁸⁷ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 46: <https://www.asylumineurope.org/reports/country/sweden>.

⁸⁸ Ibidem, page 47.

3.4. Subsequent asylum applications

When a person's application has been rejected and no more appeals can be lodged, the possibility for newly arising circumstances that make return impossible or difficult exists. Examination of these new circumstances by the Migration Agency can lead to the person being granted a residence permit since he/she is a person in need of protection for other reasons⁸⁹ or because of practical obstacles to return⁹⁰. If it is not possible to grant permits of this kind and, as long as the new circumstances are a long-term impediment for return, if the person justifies why these circumstances could not be stated previously, the Migration Agency can re-examine the case in a subsequent asylum application⁹¹. There is no limit to the number of subsequent asylum applications that a person can file, as long as there are new circumstances for protection⁹². However, in these cases, the person does not have the right to free, public legal counsel (he/she may turn to NGOs that give legal support) nor to a free interpreter. However, an appeal can be lodged against subsequent application refusals in the Migration Court under the same circumstances as all other applicants.

It should be noted that, since 2016, subsequent asylum applicants do not have the right to subsidised health care⁹³ and their daily allowance is reduced. In the case of families, under-age children retain the full daily allowance and the entire family retains the right to accommodation provided by the reception system⁹⁴. In 2017, almost 10,277 people sought subsequent asylum in Sweden⁹⁵.

4. The reception system

Reception of asylum seekers and others with international protection granted in Sweden is regulated by the Law on Reception of Asylum Seekers and Others (Swedish acronym LMA) of 1994, amended in 2016⁹⁶. The law indicates that all asylum seekers in the country have the right to material reception conditions (accommodation and allowance) from the moment the application is filed and until he/she is granted a residence permit and has set himself/herself up in a municipality, after concession of protection of some kind, or until he/she leaves the country if protection has not been granted and as long as he/she does not have any financial resources. The Migration Agency is responsible for reception.

However, the amendment that was introduced into the LMA in 2016 has excluded the right to reception for people who have been denied protection and have exceeded the deadline for voluntary return indicated in the expulsion order (this is not applicable to families nor adults with dependent children). If these people do not leave their accommodation immediately, the police can evict them⁹⁷ and charge them with a criminal offence⁹⁸. A study carried out by the Red Cross in Sweden⁹⁹ in late 2016 highlighted the humanitarian consequences of this amendment and pointed out that, since its entry into force in June of that year, the number of people turning to the Red Cross and other NGOs in search of help for accommodation, food and health care had increased significantly¹⁰⁰. The physical

⁸⁹ Refer to section 3.1 of this report: *Types of protection*. Permission of this kind has been suspended for the duration of the 'restrictions law'.

⁹⁰ Aliens Act: Chapter 12, section 18: <http://cort.as/-F0Ge>.

⁹¹ Ibidem, Chapter 12, section 19.

⁹² ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 43: <https://www.asylumineurope.org/reports/country/sweden>.

⁹³ Refer to section 5.1 of this report: *Health care*.

⁹⁴ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 51: <https://www.asylumineurope.org/reports/country/sweden>.

⁹⁵ Ibidem, page 43

⁹⁶ Law on Reception of Asylum Seekers and Others (1994): http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1994137-om-mottagande-av-asylsokande-mfl_sfs-1994-137.

⁹⁷ In late 2016, evictions by the police were carried out within around eight weeks (Swedish Red Cross (2016)): *Status Report: consequences of the amendment to Sweden's Reception of Asylum Seekers and Others Act (LMA)*, page 6: <https://www.redcross.se/globalassets/press-och-opinion/rapporter/swedish-rc-status-report-law-changes.pdf>.

⁹⁸ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 51: <https://www.asylumineurope.org/reports/country/sweden>.

⁹⁹ Svenska Röda Korset: <https://www.redcross.se/>.

¹⁰⁰ Swedish Red Cross (2016): *Status Report: consequences of the amendment to Sweden's Reception of Asylum Seekers and Others Act (LMA)*: <https://www.redcross.se/globalassets/press-och-opinion/rapporter/swedish-rc-status-report-law-changes.pdf>.

and mental health of the people affected by this also declined and, over half of the interviewees stated that they had not received a written notification of the end of the allowance nor any information on the option of lodging an appeal against the decision¹⁰¹.

4.1. Accommodation and allowances

The Swedish reception system for asylum seekers consists of different types of reception centres that are managed centrally by the Migration Agency, as well as allowances or ‘pocket money’ and subsidised access to the health care system¹⁰².

There are two types of accommodation in the Swedish reception system: individual accommodation (apartments in normal residential areas) and collective accommodation (reception centres that are usually located far from residential areas). The individual types of accommodation have been the most common in the country for some decades now although, in recent years, the tendency to assign places in collective reception centres has increased¹⁰³. The sharp decline in arrivals to Sweden in 2016 in comparison with the previous year’s figures, led to closure of 183 collective reception facilities (around 30,000 places) between late 2016 and 2017¹⁰⁴. As well as the collective reception centres, there is another type of centre known as transit centres (open centres). They are designed for people who are preparing for voluntary return with the help of the Migration Agency and, in particular, for people who are cooperating with the Agency with reference to transfer within the framework of the Dublin Regulation. There are four centres of this kind in the country located in Åby, Malmö, Gothenburg and Kvinsta.

It should be highlighted that the staff working in the reception system centres are civil servants and not specialised staff. Some social issues such as social and psychological support are dealt with by the NGOs that have permission to work with them.

Asylum seekers, however, may also choose to stay in private accommodation with relatives or friends. In this case, they are eligible for the same financial support as applicants in Migration Agency accommodation and, should they be unable to continue in that accommodation for whatever reason, they can ask the Migration Agency to allocate them a place in the reception system. Likewise, applicants who have to leave a centre and search for alternative accommodation for employment purposes can move to another reception unit if that option is available or they can be granted a compensatory accommodation allowance¹⁰⁵.

It should be pointed out that, in late 2018, the Government launched an enquiry amongst the Migration Agency and civil society organisations on the proposed reform of the country’s reception system aimed at accelerating the inclusion process when protection is granted, or return when protection is denied¹⁰⁶. The reform includes setting up ‘arrival centres’ (*Ankomstcenter*) based on the German model¹⁰⁷, and in which asylum seekers can stay for up to 30 days. During this time they are registered, provided with information and given a medical examination. Likewise, the option of independent accommodation, as chosen by some asylum seekers, would be subject to prior approval by the Migration Agency when such accommodation is located in socially-

¹⁰¹ Ibidem, page 8.

¹⁰² Refer to point 5.1 of this report: *Health care*

¹⁰³ There are currently three collective reception centres in the country, with an average of 700 places in each.

¹⁰⁴ ECRE (Ed.) (2018): “Country report: Sweden”, *Asylum Information Database*, page 55: <https://www.asylumineurope.org/reports/country/sweden>.

¹⁰⁵ Swedish Migration Agency (2018): “Financial support for asylum seekers”: <http://cort.as/wD3u>.

¹⁰⁶ ECRE (2018): “Sweden: Inquiry on Reception System Reform Tests “Arrival Centres” and “Departure Centres””: <https://www.ecre.org/sweden-inquiry-on-reception-system-reform-tests-arrival-centres-and-departure-centres/>.

¹⁰⁷ Refer to the report issued by CEAR in 2019 within the framework of the Observatory: *Current challenges of the German asylum system*: <http://enterradenadie.org/informes/>.

disadvantaged municipalities¹⁰⁸ (in order to avoid segregation). Failure of the Migration Agency to grant asylum would imply removal of the right to all the other material reception conditions. Furthermore, the government's proposal includes setting up 'departure centres' (*Avresecenter*) for people denied protection and who fall under the Dublin Regulation¹⁰⁹. The Migration Agency and NGOs have given the Government their opinion on the viability of the proposal and have pointed out the risks that it has in terms of protection (such as neglecting the special needs of people in vulnerable situations or the challenges it poses for integration into society).

Once some form of protection has been granted, people in Migration Agency accommodation are handed over to municipalities¹¹⁰. Assigning places is mandatory and it is performed taking into account the labour market in each municipality; the size of its population and the number of migrants who recently arrived there; and unaccompanied children and asylum seekers housed in the municipality¹¹¹. Once the person has moved to the assigned municipality, the local authorities have two months to provide him/her with accommodation. The Migration Agency is responsible for costs during this time. At the end of this period, the responsibility for accommodation and social support is handed over to the municipality for the following two years, during which time it implements a personalised inclusion programme¹¹². Municipalities are given government funds to cover reception in accordance with the number of people being hosted. People who opt for independent accommodation can remain in the same place they are living in at the time.

In terms of financial support, it should be pointed out that monthly allowances match the amounts established in 1994 when the LMA was approved. They vary depending on the type of reception centre in which the person is housed (whether or not food is provided) and on the family unit. The monthly allowance for an adult person ranges between €70 in a collective reception centre and €210 in an apartment¹¹³. Additionally, an extra allowance can be requested in order to cover necessary costs such as warm clothing in Winter, spectacles or equipment for people with functional diversity and for children¹¹⁴, although the allowances granted are only enough for the purchase of second hand items¹¹⁵. Numerous NGOs have lobbied in favour of increasing the amounts to match current living costs but no changes have been implemented so far¹¹⁶. The amount assigned to each applicant is deposited into a bank card from which they can withdraw the money¹¹⁷.

The support role played by churches in receiving asylum seekers should also be highlighted: between 2015 and 2016, 8 out of every 10 churches in Sweden dedicated a large part of their activities to supporting asylum seekers¹¹⁸. They currently hold numerous activities such as language classes, handing out clothing and meetings with applicants to give them guidance about contact with state agencies¹¹⁹. They also perform an important lobbying role.

¹⁰⁸ ECRE (2018): "Sweden: Inquiry on Reception System Reform Tests "Arrival Centres" and "Departure Centres"*: <https://www.ecre.org/sweden-inquiry-on-reception-system-reform-tests-arrival-centres-and-departure-centres/>.

¹⁰⁹ Idem.

¹¹⁰ The task of appointing, which was previously a Public Employment Service responsibility, was handed over to the Migration Agency on 1st January 2017. The Migration Agency refers the people to the County Administrative Boards in the different regions (21) in the country and they distribute them across the municipalities in its jurisdiction.

¹¹¹ Reception and inclusion of people granted international protection by municipalities was previously optional but this generated an unequal distribution situation across the country. The mandatory reception introduced in 2016 has, however, been a challenge for many municipalities that are not accustomed to it, particularly in areas where housing is scarce.

¹¹² Refer to section 5 of this report: *Inclusion*.

¹¹³ Amounts well below those received by Swedish nationals granted social benefits. The different daily allowances in the different individual circumstances can be consulted in: ECRE (Ed.) (2018): 'Country report: Sweden', *Asylum Information Database*, page 55: <https://www.asylumineurope.org/reports/country/sweden>.

¹¹⁴ Idem.

¹¹⁵ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 53: <https://www.asylumineurope.org/reports/country/sweden>.

¹¹⁶ Ibidem, page 52

¹¹⁷ Swedish Migration Agency (2018): 'Bank card for asylum seekers': <http://cort.as/-F8eE>.

¹¹⁸ Radio Sweden (2017): "Report: Eight out of ten Swedish churches helped refugees", *Radio Sweden*, 16th March 2017: <https://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6653254>.

¹¹⁹ Idem.

4.2. Vulnerable groups

Adapted reception of asylum seekers in particularly vulnerable situations is regulated by the Law on Reception of Asylum Seekers and Others (LMA). It does not, however, define vulnerable groups although the Migration Agency has elaborated specific reception standards for minors, women, people with functional diversity, the aged, people with illnesses or psychological disorders and victims of abuse or exploitation due to their sexual orientation or gender identity¹²⁰. A work group of instructors with specialised training has also been set up to take responsibility for cases involving asylum seekers in a vulnerable situation. However, it should be highlighted that, on occasions, the measure that the Migration Agency takes in these cases is to intentionally extend the procedure so that there is more time to provide information and perform the appropriate investigation¹²¹.

In late 2017, Sweden had almost 24,200 places in special units such as reception centres for migrant minors who cannot be accommodated with their families for social or health reasons, and 'safe houses' for threatened women¹²². There were also three special reception centres in the country's three main cities - Stockholm, Gothenburg and Malmö for asylum seekers in particularly vulnerable situations but that only has a capacity of 45. The aim of these centres is to accommodate people whose special accommodation needs cannot be covered in standard reception centres, including people from ethnic minorities, torture victims and LGBTI¹²³ individuals with greater personal needs¹²⁴.

Since late 2017, there has also been an operations coordinator responsible for coordinating the work of LGBTI-specialists and supporting examination of these cases¹²⁵ (generally channelled through track 3). Training sessions with interpreters have also been held in order to standardise use of appropriate terminology when dealing with these groups of people¹²⁶.

4.2.1. Unaccompanied children

The trend for the number of unaccompanied children arriving in the country over the last few years has matched the trend for adults. It peaked in 2015 with 35,369 cases (22% of the total number of asylum seekers in the country)¹²⁷. In 2018, the number of registered unaccompanied minors decreased to 944 (4.4% of the total number of asylum seekers), the lowest number for the last decade¹²⁸. Out of these, the main countries of origin were Syria, Morocco, Somalia, Eritrea and Afghanistan and the percentage of girls was 26.4%¹²⁹. Over half of all the minors were between 16 and 17 years old on arrival in the country.

The moment a person who is in Sweden and has declared him/herself a minor gets in touch with, or is identified by, the authorities, the Social Services Commission in the municipality where he/she is located and the Migration Agency¹³⁰ are informed. They file a request at the Social Affairs Commission in the municipality for a custodian to be assigned

¹²⁰ ECRE (Ed.) (2018): 'Country report: Sweden', *Asylum Information Database*, page 34: <https://www.asylumineurope.org/reports/country/sweden>.

¹²¹ Ibidem, pages 39

¹²² Ibidem, pages 54.

¹²³ Lesbians, gays, bisexuals, transgender, intersexual and other forms of sexual and emotional diversity.

¹²⁴ ECRE (Ed.) (2018): 'Country report: Sweden', *Asylum Information Database*, page 60: <https://www.asylumineurope.org/reports/country/sweden>.

¹²⁵ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 - Sweden*, page 36: <http://cort.as/-Er9f>.

¹²⁶ ECRE (Ed.) (2018): 'Country report: Sweden', *Asylum Information Database*, page 21: <https://www.asylumineurope.org/reports/country/sweden>.

¹²⁷ Swedish Migration Agency (2019): "Statistics - Asylum": <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>.

¹²⁸ Idem.

¹²⁹ Idem.

¹³⁰ It is important to point out that, unlike in other countries where minors are given protection by social services simply because they are minors, unaccompanied children who arrive in Sweden must seek asylum in order to form part of the reception network. If they do not seek asylum, they are left out of the institutional protection system and they do not generally have any other option than to remain homeless and exposed to delinquency and human trafficking and abuse networks. This is the case of many children and adolescents from Morocco (not included in the statistics) (Interview with Save the Children, Stockholm: 19th October 2018). It is worth pointing out that, since 2015, the number of minors who have disappeared following arrival in Sweden has increased (Council of Europe (2018): *Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe following his visit to Sweden from 2 to 6 October 2017*, page 11: <https://rm.coe.int/commhdh-2018-4-report-on-the-visit-to-sweden-from-2-to-6-october-2017-b/16807893f8>)

(person in charge of the child until it can be confirmed that he/she is a minor and a guardian can be appointed¹³¹. It is worth pointing out that, on 1st February 2017, the amendment to the Aliens Act came into force, requiring the Migration Agency to assess the person's age immediately although though the decision can be corrected at a later date¹³². The method that is used to determine age when it cannot be accredited using ID or travel documents is a magnetic camera survey of the knee and teeth, a test that has been highly criticised by the medical community in the country¹³³. The test, which is applied systematically and is often accompanied by a psychosocial assessment by means of an interview, is performed by the National Board of Forensic Medicine in cooperation with the Migration Agency and always with the minor's consent. If, based on the bone test, the Migration Agency determines that the young person is not a minor, then he/she may lodge an appeal at the Migration Court.

It should be highlighted that there have been cases of minors who claimed to be 15 years old but who were then considered to be adults and were assigned to reception units for adults, having to leave the municipality where they had lived for over a year (waiting for the asylum procedure to conclude and for a decision regarding his/her age), in spite of reports issued by teachers, social workers and psychologists citing that these young people were minors¹³⁴. This is a clear violation of the presumption that the person is a minor when there are still doubts about his/her exact age and of protection of the minor's greater interests. Circumstances of this kind have led to suicide attempts by unaccompanied minors in this situation¹³⁵.

Once it has been determined that the person is a minor, he/she must necessarily be received by the municipality where he/she is located (unless the Migration Agency assigns an alternative one). The municipality is given government funding for receiving unaccompanied children and adolescents. Following this, and once the application for asylum has been filed, the Social Services Commission in the municipality where the minor is living, or the Migration Agency, ask for a guardian to be assigned to replace the custodian and accompany the child until he/she is an adult, particularly during the asylum procedure¹³⁶. As is the case with all other applicants, the minor is assigned legal counsel to help him/her to prepare for the asylum procedure. He/she, the child's guardian and an interpreter are present during the asylum interview. The average rate of protection of unaccompanied children in Sweden in 2018 was 53% (65% if the Dublin cases and other exceptions are not taken into account)¹³⁷. It is important to point out that, whilst the asylum application examination is ongoing, an attempt is made to try and locate the minor's father, mother or guardian with the aim of reuniting him/her with his/her family in the country of origin¹³⁸. If security conditions are deficient, the child has the right to family reunification in Sweden if he/she is granted refugee status¹³⁹.

When a residence permit linked to the protection that has been granted expires, the young person can request a permit extension (for two years) and this is granted depending on whether or not the need for protection persists. If the young person is between 17 and 24 years of age and is studying at upper secondary school level, he/she can request a temporary residence permit so that he/she can finish his/her studies.

¹³¹ FARR (Ed.) (2018): *Good Advice*, page 129: <https://www.farr.se/sv/in-english/good-advice>.

¹³² Before this, the Migration Agency took a decision on the person's age at the same time that it took a decision on the asylum application. When the amendment came into force, the Migration Agency had to take a decision on the person's age as soon as possible so that, if the minor was unhappy with the decision, he/she could lodge an appeal at the Migration Court. Reception conditions must be adapted to the person's assigned age in whichever phase of the asylum procedure they are in, meaning that this can alter if the decision about his/her age changes.

¹³³ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 38: <https://www.asylumineurope.org/reports/country/sweden>.

¹³⁴ *Ibidem*, page 37.

¹³⁵ *Idem*.

¹³⁶ The tasks assigned to the guardian also include contact with the solicitor assigned during the asylum procedure; accompanying the minor to meetings with the Migration Agency and other authorities; taking responsibility for his/her finances (applying for subsidies and/or benefits, where necessary, if the child is under 16 years of age); monitoring his/her progress at school; requesting appointments with the doctor, dentist or psychologist; and providing support during contact with parents or other relatives (Swedish Migration Agency (2017): *How to apply for asylum for children who are applying for asylum without a parent or other guardian*, page 8: http://cort.as/-EyV_).

¹³⁷ Swedish Migration Agency (2019): "Statistics – Asylum": <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html>.

¹³⁸ If the minor's family members are in a safe country, efforts in favour of family reunification in that country are made.

¹³⁹ Swedish Migration Agency (2018): "Children in the asylum process": <http://cort.as/-EyBY>.

With reference to guardians, it is important to point out that, in a report published in 2018, the European Council Commissioner for Human Rights highlighted that they did not always have appropriate training and that they are not supervised in their role. There are also delays in assigning guardians (sometimes for months due to a lack of available guardians) and this has implications for minors¹⁴⁰. As a result, many of them turn to their legal representative in the asylum procedure, social workers and/or other volunteers in search of the support that they should be getting from their guardian¹⁴¹.

With regards to reception conditions, the type of accommodation that is assigned to unaccompanied minors is collective housing for young people although the option of reception in Swedish families or residents in the country also exists. If the minor has relatives in the country, the Social Services can permit him/her to live with them. Additionally, if the child does not have access to money, he/she has the right to request an allowance from the Migration Agency, just like adult asylum seekers. Unlike the latter, the minors have access to the public health care system under the same conditions as all other Swedish children and residents in Sweden¹⁴². They also have the right (but not the obligation) to be schooled in preschool, primary, secondary and upper secondary school education¹⁴³. They also have the right to study all subjects and to be taught in their mother tongue. They can also have access to mental health resources including psychologists, specialist centres and organisations that give guidance and support¹⁴⁴.

The specific circumstances for Afghan minors should also be pointed out. Over the entire period from 2015 to 2017, almost two thirds (62.6%) of the minors who arrived in Sweden were from Afghanistan even though many of them had lived and grown up in Iran. The number of enforced returns to this country of unaccompanied minors has been high, despite protests by numerous groups and NGOs such as Amnesty International¹⁴⁵. Like adult migrants, minors from Afghanistan have observed how the asylum procedure has become increasingly longer (sometimes lasting over two years) and many of them have become adults during this time (the average age when applying for asylum was between 16 and 17) and their protection has been rejected because of just a few months' difference¹⁴⁶. These cases have been of particular concern to Swedish citizens and numerous human rights defence groups have urged the Government to do something about it¹⁴⁷. In response to this, legislative proposals were undertaken so that some unaccompanied minors and young people aged between 17 and 24 could stay in Sweden until they had completed their secondary and upper secondary school education¹⁴⁸. Likewise, in June 2017, the Government decided to distribute extra funds amongst the municipalities in order to allow unaccompanied young people who reach 18 years of age during the asylum procedure to avoid having to be transferred to another municipality as required by the national reception scheme¹⁴⁹. As a result, some young people have been able to continue to live and study in the same place.

¹⁴⁰ Council of Europe (2018): *Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe following his visit to Sweden from 2 to 6 October 2017*, page 11: <https://rm.coe.int/commdh-2018-4-report-on-the-visit-to-sweden-from-2-to-6-october-2017-b/16807893f8>.

¹⁴¹ Idem.

¹⁴² Swedish Migration Agency (2017): *How to apply for asylum for children who are applying for asylum without a parent or other guardian*, page 12: http://cort.as/-EyV_.

¹⁴³ In order to opt for upper secondary school education, equivalent to the baccalaureate, young people must have passed a number of subjects in earlier, mandatory education (in Sweden, until 16 years of age).

¹⁴⁴ Swedish Migration Agency (2017): *How to apply for asylum for children who are applying for asylum without a parent or other guardian*, page 13: http://cort.as/-EyV_.

¹⁴⁵ The Local (2017): 'Swedish government announces decision on refugee minors', *The Local*, 27th November 2017: <https://www.thelocal.se/20171127/swedish-government-to-announce-decision-on-refugee-minors>.

¹⁴⁶ Since the Swedish Aliens Act does not permit return of unaccompanied minors if there are no family members or institutions to receive them appropriately in their country of origin, the asylum procedure can lead to a temporary residence permit whilst the young person is under 18 years of age. This facilitates schooling for that young person.

¹⁴⁷ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 19: <http://cort.as/-Er9f>.

¹⁴⁸ Refer to section 5.2 of this report: Access to education and employment.

¹⁴⁹ Consultar el apartado 5.2. de este informe: *Acceso a la educación y al empleo*.

4.2.2. Human trafficking victims and female victims of violence

Human trafficking in Sweden has become a growing phenomenon over the last few years although some reports suggest that the increase in the number of identified cases may be linked to greater awareness of these issues, particularly amongst the authorities¹⁵⁰. The Migration Agency identified 384 potential victims in 2018 (compared with 195 in 2015). Around half of them (196) were women¹⁵¹. The main nationalities include Nigerian, Afghan, Vietnamese, Cuban and Iraqi people. It should be pointed out that, in approximately half the cases, the trafficking took place before arrival in Sweden or in the country of origin¹⁵².

On 1st January 2018, the Swedish Gender Equality Agency was set up and it took over responsibility for policies and programmes related to human trafficking¹⁵³. One month later, the Government adopted a National Action Plan to combat prostitution and human trafficking for sexual exploitation purposes that had been drawn up the year before. Amongst other things, the Plan focuses on prevention, improving coordination between institutions and increased protection and support¹⁵⁴.

On the other hand, it should be noted that the Aliens Act recognises gender, as well as gender identity and sexual orientation, as building blocks for social groups that can substantiate fear of persecution¹⁵⁵. NGOs such as the Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights¹⁵⁶, or the Red Cross in Sweden provide free psychosocial and legal support for people seeking asylum due to gender and sexual orientation-related persecution, or cases of torture (the Red Cross in Sweden also has a Treatment Centre for traumatised people and torture victims)¹⁵⁷. Asylum seekers who are torture victims and other traumatised people have access to specific reception resources and can be given treatment by psychiatrists, physiotherapists and social therapists¹⁵⁸. Likewise, the Migration Agency has drawn up special reception standards for women and has specific reception places for women at risk (women who are exposed to abuse or violence).

5. Inclusión

The County Administrative Boards in the 21 regions in Sweden are responsible for organising and coordinating activities for asylum seekers¹⁵⁹. However, in practice, actual integration activities for these people during the procedure are few and far between. In order to be able to access a personalised inclusion programme, the person in question needs to have obtained international protection of some kind. Given that asylum procedures in the country are lengthy, there have been numerous complaints about the lack of both social and cultural organised activities during the procedures phase. Only in some centres and in some cities, some NGOs and groups of volunteers provide informal activities and Swedish classes for asylum seekers and these are not always free¹⁶⁰.

Once protection of some kind has been granted, people are distributed around the country's 290 municipalities. When the person settles in his/her place of residence, responsibility for the inclusion process for him/her and his/her family (if they are in the country) is handed over to the Public Employment Service and authorities in the

¹⁵⁰ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 49: <http://cort.as/-Er9f>.

¹⁵¹ Swedish Refugee Advice Center (1st March 2019).

¹⁵² Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 49: <http://cort.as/-Er9f>.

¹⁵³ Swedish Migration Agency (2015): "Asylum legislation": <http://cort.as/-EyKu>.

¹⁵⁴ Government Offices of Sweden (2018): "Fact sheet: Action plan to combat prostitution and trafficking in human beings": <http://cort.as/-EwhU>.

¹⁵⁵ Swedish Migration Agency (2015): "Asylum legislation": <http://cort.as/-EyKu>.

¹⁵⁶ RFSL: <https://www.rfsl.se/en/>.

¹⁵⁷ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 27: <https://www.asylumineurope.org/reports/country/sweden>.

¹⁵⁸ FARR (Ed.) (2018): *Good Advice*, page 124: <https://www.farr.se/sv/in-english/good-advice>.

¹⁵⁹ Activities aimed at gaining an understanding of Swedish, Swedish society and the labour market, as well as health promotion (Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 41: <http://cort.as/-Er9f>).

¹⁶⁰ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 56: <https://www.asylumineurope.org/reports/country/sweden>.

municipality. The extraordinary situation in the country in 2015 has meant that since then there have been many issues adapting the services in municipalities (pre-school and primary education, social services, etc.) to the demands of all its residents. This has been a matter of debate and public concern¹⁶¹.

Until late 2017, when a person granted international protection settled once and for all in a municipality, he/she had the right to participate in an 24-month ‘introduction plan’ covering personal guidance on education and professional development (activities to prepare people for employment), Swedish classes and civil orientation classes¹⁶². Responsibility for this ‘introduction plan’, in which around 75,300 people participated in 2017, falls to the Ministry of Employment although it is coordinated by the Migration Agency¹⁶³. Municipalities are responsible for providing Swedish classes and civil orientation classes. From 1st January 2018, the right to participate in the ‘introduction plan’ was granted by the Public Employment Service although in actual fact it is granted to practically all asylum seekers. Only asylum seekers who do not need financial support for their upkeep can be excluded from the ‘introduction plan’¹⁶⁴.

Additionally, in July 2016, the Government presented a multi-year programme of measures that will be ongoing until 2025¹⁶⁵ in order to combat segregation caused by issues accessing housing¹⁶⁶, long-term unemployment¹⁶⁷, poor performance at school and delinquency. Even so, the main challenges for integration into the country are many: scarcity of housing in many regions and municipalities, particularly for large families; slow incorporation into the labour market; insufficient teachers in order to respond to the new demands of the education system; and growing racism and xenophobia in some parts of the country. As a result of this situation, in 2018 some politicians believed that the policies for integration of the large number of people that had been received in 2015 had been a failure. The Minister of Finance at the time made a public declaration stating that people in need of protection would have better opportunities if they moved to another country¹⁶⁸. In light of those declarations, the Minister for Education warned that if there were continued comments about migrants being better off elsewhere, “soon there will be nowhere for people who need to flee to go to”¹⁶⁹.

Last of all, it should be highlighted that, over the last few years, there have been cases of physical, mental and sexual abuse against minors by reception centre staff and/or guardians¹⁷⁰.

5.1. Health care

In Sweden there is a public health system under a co-payment model structure that is managed by the different regions in the country. Asylum seekers in Sweden have the right to emergency medical assistance, emergency dental care and health care ‘that cannot wait’. They also have free access to gynaecological and prenatal health care¹⁷¹ and treatment of infectious diseases¹⁷². They acquire this right the moment they file and formalise their

¹⁶¹ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 18: <http://cort.as/-Er9f>.

¹⁶² Participants receive payment. The allowance for Monday to Friday attendance is €30 a day and can vary depending on each person’s family circumstances.

¹⁶³ Interview with the Swedish Ministry of Employment (Stockholm: 16th October 2018).

¹⁶⁴ SALAR (1st March 2019).

¹⁶⁵ *Ibidem*, pages 43. In addition to this programme, a new authority known as *Delmos* (anti-segregation agency) was created on 1st January 2018 with the aim of analysing the deeper causes of segregation, establishing courses of action and helping to reduce and contain it, particularly in very poor social and economic areas.

¹⁶⁶ There are people who have been granted some form of protection and who are homeless because they cannot afford accommodation (Interview with the Red Cross in Sweden, Malmö: 18th October 2018).

¹⁶⁷ In mid 2018, the average unemployment rate in the country was 6.8%. However, it was much higher amongst foreign nationals (20.2%) than amongst Swedes (3.5%) (The local (2018): ‘Swedish unemployment drops again, but foreigners still have a tougher time’, *The Local*, 14th June 2018: <http://cort.as/-FF4R>).

¹⁶⁸ RT (2018): “Go to other countries”: Sweden finance minister says refugee integration capacity stretched’, *RT*, 24th February 2018: <https://www.rt.com/news/414123-sweden-minister-capacities-refugees/>.

¹⁶⁹ *Idem* (the author translation).

¹⁷⁰ Interview with Save the Children (Stockholm: 19th October 2018).

¹⁷¹ Gestation, childbirth, postpartum, abortion and family planning support.

¹⁷² Swedish Migration Agency (2019): “Health care for asylum seekers”: <http://cort.as/wFAC>.

application for asylum and are given an asylum seeker's card, and they retain this right until they are given a residence permit (if they are given protection of some kind) or until they person is issued an expulsion order or the voluntary return period ends (if protection has been denied). Children and young people under 18 years of age have the right to medical and dental care under the same conditions as Swedish children and young people and residents in the country.

Councils are responsible for health centres, hospitals and the public dental service. In order to be seen by public health services, asylum seekers must go to the health centre or hospital in the district where they live and take along their asylum seeker card. Health care professionals at the centre are in charge of assessing the urgency and needs of each case. That is, they decide what care should be given¹⁷³. It is important to point out that, arrangements for a free public interpreter to accompany the person during medical appointments can be made as long as it is requested in advance. This is provided by the health service¹⁷⁴. Applicants must pay €4.90 to have a doctor's appointment at a health centre in their district or in order to be given health care if they are referred to a specialist¹⁷⁵. This is also the maximum co-payment amount for prescribed medication in a single appointment¹⁷⁶. If frequent medication is necessary, an extraordinary subsidy can be requested. Once some form of international protection has been granted, the conditions for access to the public health system are the same as for Swedish nationals and permanent residents in the country.

With regards to mental health, it should be pointed out that asylum seekers can access mental health professionals within the public health service (although there is a shortage of available specialists). This is usually combined with the care given by NGOs such as the Red Cross in Sweden in the case of victims of human trafficking, abuse and trauma. It should also be pointed out that in 2017 the Government increased public funds for municipalities in order to improve work capacity in the health sector and to launch measures aimed specifically at preventing mental health issues in children and young people¹⁷⁷. In the 2018 budget, there was also an increase in resources for specialist health care for torture victims and traumatised people¹⁷⁸.

However, it should also be pointed out that adults who do not have children and who have been denied protection can end up without health care (and accommodation and allowances) if they refuse to leave the country once the expulsion order has come into force or if the voluntary return period has ended¹⁷⁹. Since 2017, these people have only had the right to health care and medicines in very urgent cases.

5.2. Access to education and employment

In Sweden, all asylum seekers who are minors (including children and their families who have been issued an expulsion order but who remain in the country) have the full right to access the education system under the same conditions as Swedish national minors and residents in the country. They may study at pre-school, primary, secondary and upper secondary education level¹⁸⁰. They also have the right to be taught in their mother tongue as long as there are over five students who also speak this language¹⁸¹. Before they begin attending classes, the education centre must perform an initial assessment so that they are assigned to the most appropriate school

¹⁷³ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 41: <http://cort.as/-Er9f>.

¹⁷⁴ Swedish Migration Agency (2019): "Health care for asylum seekers": <http://cort.as/wfAc>.

¹⁷⁵ Other specialists such as nurses or physiotherapists cost €2.45 per visit (ECRE (Ed.) (2018): 'Country report: Sweden', *Asylum Information Database*, page 59: <https://www.asylumineurope.org/reports/country/sweden>).

¹⁷⁶ *Idem*.

¹⁷⁷ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 42: <http://cort.as/-Er9f>.

¹⁷⁸ *Idem*.

¹⁷⁹ *Idem*.

¹⁸⁰ Education is mandatory in Sweden between the ages of 6 and 16. However, for children seeking asylum education is only a right and not an obligation.

¹⁸¹ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 58: <https://www.asylumineurope.org/reports/country/sweden>.

year¹⁸². The number of arrivals in 2015 posed a significant adaptation challenge for schools in the country who needed to hire temporary teachers who were native speakers of different languages. Some barriers in access to primary and secondary education that have been identified over the last few years of age include insufficient teachers in some subjects and adequately trained teaching staff for multicultural environments with a strategy for developing the language, as well as a lack of space in classrooms due to the large influx of new students since 2015¹⁸³.

In 2016, a legislative proposal aimed at regulating something that had been common practice for decades was adopted: giving 'introductory classes' that can last for a maximum of two school years before children are introduced into standard classrooms¹⁸⁴. Furthermore, young people between 16 and 19 years of age must attend a preparatory class that is adapted to individual needs in order to improve their grasp of Swedish and understanding of school subjects before they can take any vocational training classes. Once they have passed this course, they do not usually have issues accessing training of this kind¹⁸⁵.

Last of all, it is important to mention the legislative measure adopted by the Government in 2017 so that unaccompanied minors and young people aged between 17 and 24 who applied for asylum before 24th November 2015 and were granted a temporary residence permit based on a need for protection, could remain in Sweden until they completed their secondary and upper secondary school education after their residence permit had expired¹⁸⁶. This measure came into force in June 2017 but it has been severely criticised for its strict requirements relating to granting residence permits and the limited results it has achieved¹⁸⁷. A temporary amendment was added to this regulation by which, between 1st July and 30th September 2018, young people who had been denied asylum and had been issued an expulsion order following their asylum application¹⁸⁸, were offered the option of requesting a residence permit in order to continue with their studies¹⁸⁹. A total of 11,737 applications were received, of which 5,906 had been approved and 2,405 rejected in late December¹⁹⁰. All other applications are still being processed as this report is published.

With reference to employment, it should be pointed out that asylum seekers in Sweden can access the labour market from the moment they file their application and, since 2017, they do not need to obtain a work permit since they can benefit from a work permit exemption ('AT-UND' certificate), as long as they are over 16 years of age and have valid ID or collaborate in order to clarify their identity¹⁹¹. If the person meets the requirements, administrative authorisation to work is indicated on their asylum seeker's card. The person can take this to the Public Employment Service to sign up as an employment seeker. If the person finds a job, the allowance given by the Migration Agency is decreased in proportion with the salary received and can even be withdrawn altogether. Asylum seekers to which the Dublin Regulation applies and those whose application has been considered manifestly unfounded, however, do not have the right to work.

Within the labour market, the jobs done by asylum seekers who manage to get a job are poorly qualified jobs.

¹⁸² BUNAR, N. (2017): *Migration and Education in Sweden: Integration of Migrants in the Swedish School Education and Higher Education Systems*, page 12: <http://nesetweb.eu/wp-content/uploads/2016/02/Migration-and-Education-in-Sweden.pdf>.

¹⁸³ Ibidem, page 11.

¹⁸⁴ Ibidem, page 5.

¹⁸⁵ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 58: <https://www.asylumineurope.org/reports/country/sweden>.

¹⁸⁶ The validity of the permit obtained varies depending on the young person's circumstances: from 13 months to 4 years or the time remaining before he/she finishes his/her studies. A 5-month extension can later be requested in order to search for employment in Sweden (Swedish Migration Agency (2018): 'Residence permit for upper secondary school studies for those who have applied for asylum': <http://cort.as/-EyMD>;

¹⁸⁷ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 58: <https://www.asylumineurope.org/reports/country/sweden>.

¹⁸⁸ If the request for asylum was filed before 24th November 2015 or later, if the minor reached the country and indicated his/her desire to seek protection there.

¹⁸⁹ Swedish Migration Agency (2018): "Residence permit for upper secondary school studies for those who have applied for asylum": <http://cort.as/-EyMD>; Swedish Migration Agency (2018): "More youths will be covered by the new law on upper secondary education": <http://cort.as/-Eyba>.

¹⁹⁰ Swedish Migration Agency (2018): 'New law on upper secondary education': <http://cort.as/-EyP5>.

¹⁹¹ KONLE-SEIDL, R. (2018): *Integration of Refugees in Austria, Germany and Sweden: Comparative Analysis*, Policy Department A: Economic and Scientific Policy (European Parliament), page 32: [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/614200/IPOL_STU\(2018\)614200_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/614200/IPOL_STU(2018)614200_EN.pdf).

They do not generally have access to employment sectors, such as the health sector, that require high standards of training. As such, their main niches of opportunity are in casual and poorly paid employment¹⁹². Furthermore, the language requirement tends to be a significant barrier when seeking employment. As a result, the Government has introduced a mandatory training measure for poorly qualified job seekers (asylum seekers or people granted international protection)¹⁹³. It has also taken measures to attempt to reduce gender inequality in terms of access to and participation in the labour market, which is particularly acute amongst the migrant population¹⁹⁴. CWith this in mind, it has launched the ‘Swedish from day 1’ initiative through which different associations provide accompaniment services for female asylum seekers in order to give them access to the labour market, as well as activities related to preparation for employment¹⁹⁵. This initiative also includes accompaniment and financial support for entrepreneurial projects run by female foreign nationals.

It should also be pointed out that the labour system in Sweden for migrants has been criticised over the last few years because of its limitations in preventing employee exploitation. In light of this, the Government passed a measure in 2017 that allows foreign nationals to retain their residence permit when, in a work inspection, employer irregularities in the contract are detected, as long as the employer fixes them as soon as possible. This measure has meant that many foreign nationals, including asylum seekers, do not lose their residence permit immediately when their employers do not abide by the law¹⁹⁶.

Last of all, we should highlight the option of going from being an asylum seeker in Sweden to a migrant worker if a person has worked for four months before being issued a final and negative decision about protection¹⁹⁷. This track can give many people who have been denied protection the option of remaining in the country legally although only highly qualified people or people with a demonstrated elevated work capacity and a command of the language in actual fact generally have access to it.

5.3. Family reunification

In 2010, the Aliens Act introduced a financial support requirement as a condition for family reunification. It states that people granted international protection in Sweden must have sufficient financial resources and appropriate accommodation for their family¹⁹⁸. The ‘restrictions law’ that was adopted in 2016 extends the necessary financial resources such that the person granted refugee status must be able to take financial care of his/her family. However, this does not apply if the family members (husband, wife, partner and/or children who are minors) apply for family reunification within the first three months after having been granted a residence permit linked to refugee status. However, the law also decreases access to this right by stating that it only applies to refugees who have a good chance of being granted a permanent residence permit in the future¹⁹⁹. Likewise, the right to family reunification has been suspended for the duration of this law for people who are granted subsidiary protection further to an application for asylum made after 24th November 2015. Three years later, in November 2018, the Migration Court of Appeal in Sweden ruled that applying this measure is not proportional and is a violation of the country’s obligations in terms of protecting human rights, including the right to live as a family and protection of minors’ greater interests when a child is affected by this restriction²⁰⁰.

¹⁹² ECRE (Ed.) (2018): “Country report: Sweden”, *Asylum Information Database*, page 57: <https://www.asylumineurope.org/reports/country/sweden>.

¹⁹³ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 41: <http://cort.as/-Er9f>.

¹⁹⁴ It should be pointed out, however, that after a decade in the country, female refugees in Sweden have higher employment rates than in any other EU country.

¹⁹⁵ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 42: <http://cort.as/-Er9f>.

¹⁹⁶ *Ibidem*, page 24.

¹⁹⁷ Aliens Act (2005): Chapter 5, section 15a: <http://cort.as/-F0Ge>.

¹⁹⁸ This does not apply to unaccompanied minors.

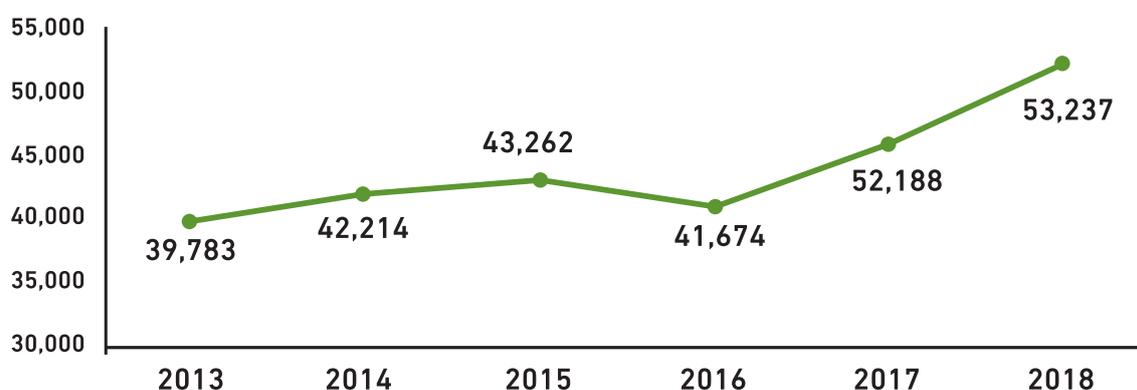
¹⁹⁹ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 28: <http://cort.as/-Er9f>.

²⁰⁰ ECRE (2018): ‘Sweden: Suspension of Family Reunification Breaches Family Unity and Best Interests of the Child*’: <https://www.ecre.org/sweden-suspension-of-family-reunification-breaches-family-unity-and-best-interests-of-the-child/>. The sentence can be consulted at (available in Swedish): <http://cort.as/-F9uV>.

To this context we can add other barriers to effective access to family reunification such as issues accrediting identity in certain countries such as Somalia and Eritrea²⁰¹, and the duration of the process. In 2017, the average time between the application for reunification and the decision on reunification was 364 days²⁰². This is due, in part, to the long time families have to wait in order to be interviewed by Swedish embassies and consulates in some countries, as well as the difficulty and danger involved in getting to some of them. For people from Syria, Sweden has named the embassy in Jartum as the application point but the waiting time for an appointment there is around one year²⁰³.

Despite this, the number of residence permits granted by the Migration Agency to relatives of people with international protection in Sweden for family reunification reasons has increased over the last few years (see graph 3). In 2017 and 2018 in particular, the percentage of residence permits of this kind have been the highest out of all the different types. This is due to the large number of asylum seekers who arrived in the country in 2015 and who were later granted protection of some kind.

Graph 3. Trend in the number of residence permits for family reunification granted by Sweden between 2013 and 2018



Source: Swedish Migration Agency (2019): "Statistics – Family Reunification".

People who travel to Sweden with a residence permit for family reunification have the right to have Swedish classes and social orientation classes provided by municipalities. The main countries of origin of the people who arrived in Sweden in 2018 for family reunification are Syria, Eritrea, India and Iraq²⁰⁴.

6. Detention and repatriation

Detention of asylum seekers (adults and minors) during the asylum procedure is not common practice in Sweden although it is permitted by law²⁰⁵. It only occurs when a person has an expulsion order after having been denied asylum; if there is a risk of the person going into hiding; or when a transfer process is ongoing within the framework of the Dublin Regulation if the person does not wish to collaborate. It should be pointed out that the decision to detain (with deprivation of liberty) can be taken by the Migration Agency and, subsequently, by the Migration Courts, as well as by the police, when the person has an ongoing procedure at the organism²⁰⁶.

²⁰¹ It should be pointed out that, in March 2018, the Migration Court of Appeal declared that the demands placed on relatives of refugees from Eritrea should be reduced when proving identity since it is unrealistic to expect the authorities in the country to issue them a passport (<http://cort.as/-F89q>). This sentence could be considered a precedent for future cases.

²⁰² ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 79: <https://www.asylumineurope.org/reports/country/sweden>.

²⁰³ *Idem*.

²⁰⁴ Swedish Migration Agency (2019): 'Statistics – Family reunification': <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Family-reunification.html>.

²⁰⁵ Aliens Act (2005): Chapter 10, sections 1 and 2: <http://cort.as/-F0Ge>.

²⁰⁶ *Ibidem*, Chapter 10, section 14.

On the whole, when international protection is denied it is accompanied by an expulsion order with a four-week deadline for voluntary return²⁰⁷. During that period and insofar as it is possible, the Migration Agency is responsible for guiding and supporting return of that person. In order to do so, it offers financial support when the person must return to a country that has limited reintegration opportunities²⁰⁸. Between late 2016 and early 2017, the Migration Agency also had three return liaison officers deployed in Amman (responsible for Jordan, Lebanon, the State of Palestine, Israel and Iraq), Tbilisi (responsible for Georgia, Azerbaijan, Armenia and Ukraine) and Nairobi (responsible for Somalia and Eritrea)²⁰⁹. The purpose of these officers was to improve the procedure for obtaining documents and monitoring execution of the return process. In 2018, around 8,630 people voluntarily returned to other countries with the support of the Migration Agency (compared with over 9,000 in 2017). Most returned to Iraq, Afghanistan and Albania²¹⁰.

If the voluntary return period has concluded and the person has not left the country, the order may be enforced by the police. However, further to the amendment to the LMA in 2016, unless the person in question is responsible for minors or is in a particularly vulnerable situation, the right to reception ceases after the denial has been notified. This means that the person has to vacate the Migration Agency accommodation, resulting in a loss of control of his/her whereabouts and, if the period for voluntary return comes to an end, this makes the police task of locating him/her in order to execute the expulsion order complicated and, on occasions, practically impossible²¹¹. As such, the Swedish repatriation system was harshly criticised in 2017 and 2019 because of the long delay between issuing the expulsion order (in many cases, after having been in the asylum procedure for months and even years) and actual execution by the police. During this time, the people in question have established links in Sweden. Furthermore, many of the affected people are of Afghan nationality, a country to which few people return voluntarily²¹² and about which there is huge debate regarding its safety as a return country. All together, in 2018 the police executed around 2,060 enforced returns (compared with 2,772 in 2017), mainly to Albania, Georgia and Ukraine²¹³. On 1st January 2018, the Migration Agency was declared responsible for a system to monitor enforced returns²¹⁴.

When public authorities believe that there is a risk that a person will go into hiding, they can order their detention with the expulsion order in an Immigration Removal Centre (IRC). There are five IRCs (closed facilities)²¹⁵ in the country managed by the Migration Agency. According to some sources, in 2017 their capacity was insufficient (357 places in total)²¹⁶. As such, between 2018 and 2020, a new centre is expected to create an increase in IRC places²¹⁷. The maximum permitted stay in these centres is 48 hours or 2 months that can be extended up to a maximum of 12 months²¹⁸. Likewise, as a step prior to removal to an IRC, the person (if he/she is not a minor) can be detained in a correctional facility, in preventive imprisonment or under police custody for a maximum of three days. This measure has been criticised by NGOs and by the European Committee for the Prevention of Torture²¹⁹. These periods are not applicable, however, during the asylum procedure during which applicants cannot, in theory, be detained for more than two weeks²²⁰.

²⁰⁷ In 2017, over 20,500 expulsion orders were issued in the country (European Migration Network (2018): *Country Factsheet Sweden 2017*, page 8: <http://cort.as/-FA0I>).

²⁰⁸ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 52: <http://cort.as/-Er9f>.

²⁰⁹ *Idem*.

²¹⁰ *Ibidem*, page 53; Migrationsverket (2019): *Årsredovisning 2018*, page 89: <http://cort.as/-FHhr>.

²¹¹ In the first trimester of 2018, the police only managed to execute a third of the expulsion orders that had led to enforced returns, mainly because they did not know the whereabouts of the person. Even so, the number of repatriations during that period was 4% higher than the same period the year before (REPITSCH, M. (2018): "Tusentalsavvikerfrånutvisningar", *Sverige Radio*, 2nd May 2018: <https://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6944493>).

²¹² Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 51: <http://cort.as/-Er9f>.

²¹³ *Ibidem*, pages 53; Migrationsverket (2019): *Årsredovisning 2018*, page 89: <http://cort.as/-FHhr>.

²¹⁴ European Migration Network (2018): *Country Factsheet Sweden 2017*, pages 3-4: <http://cort.as/-FA0I>.

²¹⁵ In Gävle, Märsta, Flen, Källered and Åstorp.

²¹⁶ Swedish Migration Agency (2018): *EMN Annual Report on Migration and Asylum 2017 – Sweden*, page 57: <http://cort.as/-Er9f>.

²¹⁷ *Ibidem*, page 51.

²¹⁸ Aliens Act (2005): Chapter 10, section 4: <http://cort.as/-F0Ge>.

²¹⁹ ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, page 68: <https://www.asylumineurope.org/reports/country/sweden>.

²²⁰ Ley de Extranjería (2005): Chapter 10, section 4: <http://cort.as/-F0Ge>.

Whilst in a detention facility, detainees have the right to health care ‘that cannot wait’²²¹ and they can request a daily allowance or other benefits if they do not have their own resources²²². Detainees can also be given guidance from UNHCR and NGOs and have unlimited access to them. It should be pointed out that men, women and children²²³, are housed in the same facilities and spaces are not usually separated although there are some areas that the men are not permitted to access²²⁴. An appeal can be lodged against a detention at any time. Whilst a person is in an IRC, he/she can have access to free, public legal counsel. If a person applies for asylum whilst detained, the application is channelled through the normal procedure and it is examined as a matter of priority.

Within this context, supervision²²⁵, the only alternative measure provided for by the law, is increasingly more frequent and can last six months (renewable). It means that the alien is obliged to report regularly to the authority in charge of the decision and it can entail confiscating passports or other ID. Some civil society organisations, however, state that use of this means is deficient and it cannot be given real alternative status. An appeal can also be lodged against the decision to supervise although public legal counsel is not assigned for this. It is generally used for unaccompanied minors who are granted a negative decision on protection and/or who have been issued an expulsion order, conditional to reaching 18 years of age. During this time, they do not lose the right to health care and education, nor to the allowance. Once the alien has reached 18 years of age, if the young person refrains from meeting the supervision requirements, he/she can be detained in an IRC.

7. Conclusions

- Over the last few years, Sweden has been one of the main destination countries for people seeking international protection within the EU. However, numerous factors such as reinforced border control or temporary changes to legislation have had an impact on the country’s international protection system and how its citizens perceive migrants and refugees, leading to an increase in racism and xenophobia in the country.
- Approval of a temporary law (‘restrictions law’), in force since July 2016 until, in theory, July 2019, has introduced limitations such as a decrease in residence permits for people granted some form of international protection (3 years for refugees and 13 months for people with subsidiary protection) and that were previously permanent, as well as restrictions in terms of access to the right to family reunification (suspended for people granted subsidiary protection and linked to financial criteria and residence for people with refugee status).
- The public organism that is responsible for examinations and decisions on applications for asylum (the Migration Agency) is part of the Ministry of Justice. This organism is also responsible for managing the reception system and coordinating voluntary return programmes. In 2016, it launched a new means of filing applications for asylum based on tracks depending on the applicants’ characteristics, designed to make application examination swifter and better. However, the system has not led to a decrease in the average duration of the procedure (between 17 and 21 months).
- During the application registration phase, there is no free, public legal counsel for asylum seekers. However, during registration, everyone whose application is channelled through the normal procedure is assigned a duty solicitor for the remainder of the procedure (except when the Migration Agency does not have any doubts about granting protection) and unaccompanied minors and people in a particularly vulnerable situation, even though his/her

²²¹ Ibidem, Chapter 11, section 5.

²²² Swedish Migration Agency (2018): ‘Detention and supervision’: <https://www.migrationsverket.se/English/Private-individuals/Detention-and-supervision.html>.

²²³ A minor can be detained for up to 72 hours maximum and this can be extended for an additional 72 hours but can never exceed six days (Aliens Act (2005)): Chapter 10, section 5: <http://cort.as/-F0Ge>. However, in practice, minors are rarely detained.

²²⁴ Swedish Migration Agency (2018): ‘Detention and supervision’: <https://www.migrationsverket.se/English/Private-individuals/Detention-and-supervision.html>.

²²⁵ Aliens Act (2005): Chapter 10, sections 6 and 7: <http://cort.as/-F0Ge>.

application has been channelled through the fast-track procedure. There is no special procedure applicable at the border. Neither is there a list of 'safe countries'.

- Appeals can be lodged against Migration Agency decisions at the Migration Court within three weeks. Appeals against decisions issued by the Migration Court can also be lodged with the Migration Court of Appeal within three weeks. Appeals lodged against negative decisions have an automatic suspensive effect on expulsion orders (except when the case has been considered manifestly unfounded and in Dublin cases, in which case a suspensive effect can be requested).
- All asylum seekers in the country, as long as they do not have resources, have the right to material reception conditions (accommodation and allowances) from the moment they file an application until they are ultimately housed after protection of some kind has been granted. It is important to point out that the amendment to the reception law introduced in 2016 immediately suspends the right to reception conditions for people who have been denied protection (they previously had this right until the voluntary return period had ended or until the police executed an expulsion order). The most common type of accommodation in the reception system are individual houses (apartments for families or shared flats for people who are alone). However, the Government has raised the idea of reforming the system by building 'arrival centres' (registration and initial reception) that are similar to existing models in other European countries. The amount of financial support that is given continues to remain the same as in 1994 when the reception law was passed. It is insufficient to cover current living costs and is well below the social benefits given to Swedish nationals and residents in the country who have limited income.
- With regards to people in vulnerable situations, there is a vulnerability identification protocol when applications are filed that was launched by the Migration Agency in order to be able to provide accommodation that meets the particular needs of each person and assign protection officers with specialist training to examine these cases. However, despite the fact that specific reception resources for people in vulnerable situations do exist (particularly victims of torture and traumatised people), the number of places is limited and there is not always staff available (social workers and psychologists). Furthermore, access to the health care system for asylum seekers in the country is limited to emergency health care and health care 'that cannot wait', except in the case of unaccompanied children who are able to access the health care system under the same conditions as Swedish nationals and permanent residents in the country. In terms of mental health, it is possible to access specialists in the public health system but services of this kind are often provided by NGOs because there are insufficient public resources.
- It should be highlighted that the role of civil society in the reception system is very limited (it is practically entirely managed publicly, and even the staff in reception centres are civil servants). The work carried out by NGOs is additional and for support purposes. However, NGOs are consulted and they can make comments during legislative processes to write new laws.
- With reference to unaccompanied children in the country, there is a reception and tutoring protocol run from the municipalities but the process for assigning a guardian tends to take time. The most commonly used test for deciding a person's age when that person does not have any documentation is a magnetic camera survey of knees and teeth, often backed up with a psychological and social interview. The asylum procedure has also become much longer for unaccompanied minors, particularly for applicants from Afghanistan whose applications have been rejected after reaching 18 years of age during the procedure. Returns of minors and adults to this country are numerous despite public debate on safety in the country and criticisms by civil society organisations.
- Responsibilities for matters of inclusion fall mainly at regional and local level. There are scarcely any inclusion activities for asylum seekers during the procedure. Once protection of some kind has been granted, they must participate in a paid inclusion programme aimed at learning the language and preparation for the labour market (by means of personalised guidance and vocational training). The limited qualifications that many asylum seekers

and people granted protection have is seen by authorities as an issue for integration and this generates delays in accessing the labour market and accessing it under unfavourable conditions. However, the most significant barrier to inclusion is segregation in the country, particularly with reference to housing (it is scarce and it is difficult to access because of its elevated cost). This not only favours increased racism and xenophobia but also has an impact on social and educational opportunities, particularly in the case of children.

SWOT analysis of the asylum system in Sweden

<p>STRENGTHS</p> <ul style="list-style-type: none"> • Two-fold increase in human resources at the Migration Agency in 2015. • Absence of a list of ‘safe countries of origin’ and ‘safe third countries’. • Recognition in the Aliens Act of gender within a social group as a reason for persecution. • Existence of an identification protocol and reception resources for people in a vulnerable situation (minors; women; people with functional diversity; the aged; people with illnesses or psychological disorders; and victims of abuse and exploitation). • The same deadline in all cases for lodging an appeal, the option of doing so in the person’s own language when he/she does not have a solicitor and the automatic suspensive effect they have (except when cases are manifestly unfounded and Dublin cases in which case it can be requested). • Personalised guidance for access to employment and the option of working from the moment when applications are filed (except Dublin cases and people who make manifestly unfounded applications). • In accordance with the Aliens Act, the option for asylum seekers who have been denied protection of being granted a residence permit if they have been working for at least 4 months. 	<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> • Municipalities and civil society organisations that commit to supporting people who lose the right to material reception conditions after being denied protection, by offering them accommodation and food. • Government measures so that some young people who have had protection and others who have reached the age of 18 during the procedure and have then been denied protection, have the option of remaining in Sweden using a temporary permit so that they can complete their studies. • Voluntary repatriation programmes with the option of financial support. • Possibility of extending health care cover to beyond emergency care.
<p>WEAKNESSES</p> <ul style="list-style-type: none"> • All phases of the procedure centralised in a single and not independent organism: the Migration Agency (except in the appeal phase during which action can also be included). • Absence of free public counsel guidance during the application registration phase. • A duty solicitor for the examination phase only for applications channelled through the tracks that lead to an examination under normal procedure and minor applicants in a vulnerable situation channelled through other tracks. • No legal limit on the duration of the asylum procedure and extensive duration in actual practice (between 17 and 21 months). • Reduction in the average protection rate from 60% in 2016 to 32% in 2018. • Limited presence of specialist staff (usually from NGOs) in reception centre management. • Very low allowances in comparison with the cost of living (the allowances defined in 1994 remain). • Health care limited to emergency and necessity cases and subject to co-payment. • Personalised inclusion programmes only available once protection of some kind has been granted. • No training and experience requirements for solicitors and legal advisors contracted by the Migration Agency. 	<p>THREATS</p> <ul style="list-style-type: none"> • Surge in far-right political and social stances, as well as their presence in the political circuit and an increase in racist or xenophobic comments about asylum seekers and refugees. • Attacks made on reception centres, particularly from 2015. • Criminalisation of refugees in the media. • Political commitment to increasing the places in IRCs and detentions with privation of liberty. • Increased repatriation to Afghanistan. • Lack of sufficient professionals in numerous sectors: interpreters, social workers, doctors and teachers.

Source: the author.

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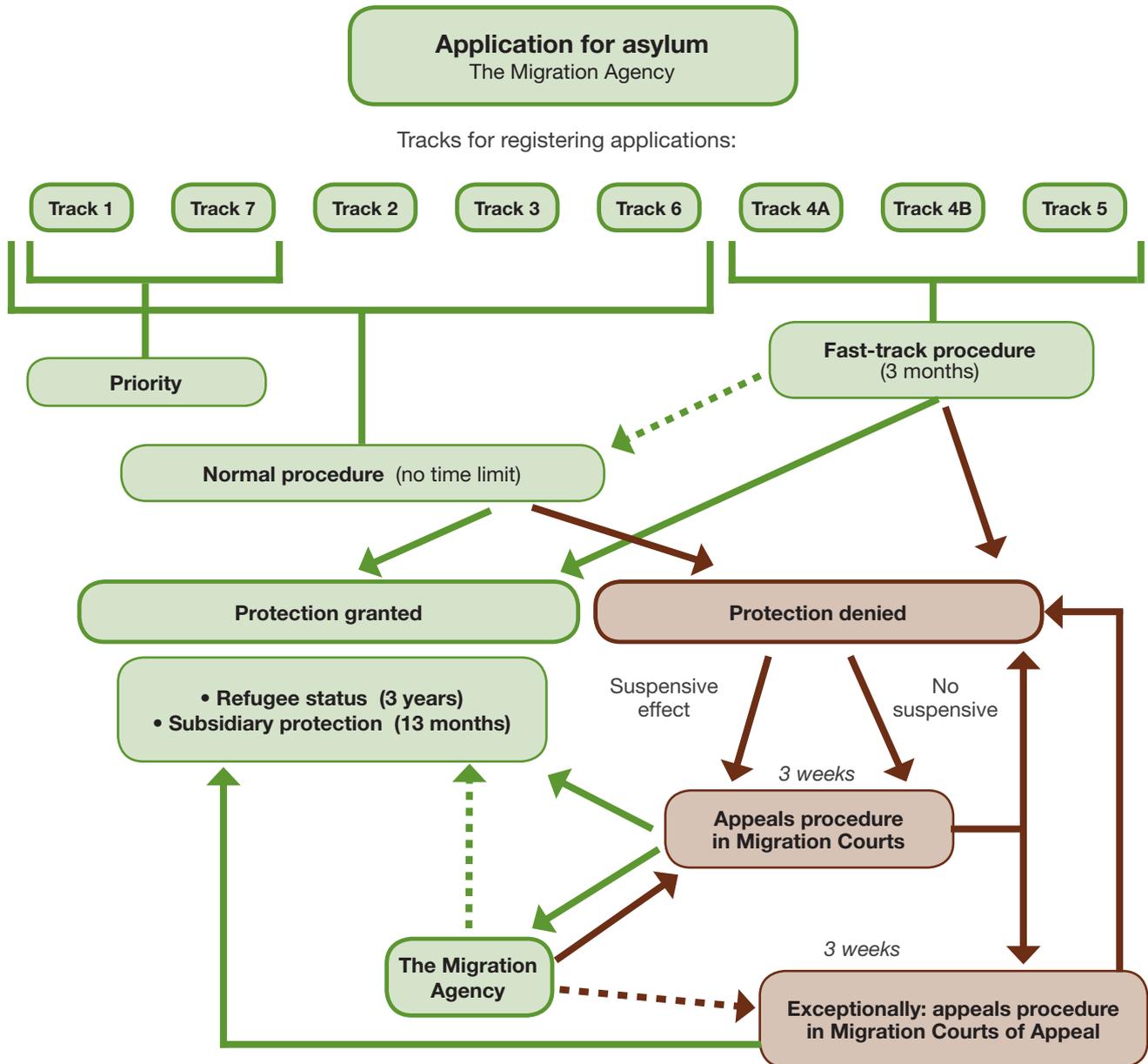
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Appendix I: The international protection procedure in Sweden



Source: the author.

Appendix II: The content of international protection in Sweden

	Refugee status	Subsidiary protection
Residence permit	Valid for 3 years.	Valid for 13 months, renewable for 2 years.
Family reunification	<p>As soon as they receive the residence permit that matches the status, the following can apply:</p> <ul style="list-style-type: none"> - Husband, wife, civil partner, as long as they are over 21 years of age. - Children who are minors when the decision is taken. - A child who is a minor with a disability of some kind. - Father or mother if the refugee is an unaccompanied minor when the decision is taken. <p>In order for the concession not to be subject to matters of income and housing for the person with refugee status in Sweden, it must be requested within three months from when the residence permit was granted (it is usually granted over one year after protection is granted). This does not apply to unaccompanied minors.</p>	This right has been suspended between July 2016 and July 2019.
Travel documents	Document with a 5-year validity.	This document does not give the holder the right to travel to the country which is the source of his/her fears. A failure to comply with this geographical limitation implies removal of the protection.
Accommodation	Once protection has been granted, people can stay in Migration Agency accommodation for up to two months. They are later transferred to municipalities where they can enjoy the benefits of accommodation that is subsidised by the local authorities for a period of 2 years.	They can find independent accommodation and receive local social allowances, if they are needed.
Social security	Access to social rights under the same conditions as Swedish nationals, including public health care, family and accommodation allowances and unemployment benefit. They can also receive a special allowance, known as an 'introductory allowance', the first two years after the residence permit is granted.	
Education	Mandatory between the ages of 6 and 16. They have the right to attend any education centre that is part of the national education system under the same conditions as Swedish nationals.	
Employment	Access to employment under the same conditions as Swedish nationals.	

Source: ECRE (Ed.) (2018): "Country report: Sweden", *Asylum Information Database*, pages 74-83.

