



# The Organisation of Asylum and Migration Policies

## Factsheet: Sweden

### 1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in *Sweden*, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on information provided in the Sweden National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*<sup>1</sup>, as at **March 2009**. The Report was based on desk research: key sources were public documents such as laws, bills and Government Communications. Information was also derived from internal reports and evaluations produced by the Migration Board as well as publications on legal issues and websites of the Migration Board, the Riksdag and the Swedish Government.

### 2. Overview of organisation of political, legislative and institutional framework

#### 2.1 The political system and institutional context

Generally, tasks performed by ministries in other countries are in Sweden performed by civil service departments, which are organised under a ministry. The Migration Board reports to the Ministry of Justice and there is considerable cooperation at various levels between the two. However, the Migration Board is formally subordinate to the Government as a whole and not the Ministry of Justice. The Migration Board has coordination responsibility for the divisions for Asylum and Managed Migration and Citizenship.

Other agencies with mandates in this area are the Migration Courts, the Migration Court of Appeal, the Police, the Prison and Probation Service, Swedish missions abroad, and the County Administrative Boards. Municipalities and County Councils also participate in these activities.

#### 2.2 The legal framework

The migration system in Sweden is governed by the Aliens Act, which was enacted by the Riksdag (parliament), and emanating from that law, the Aliens' Ordinance, which is decided by the Government. When the Aliens Act was enacted, this was considered the most far-reaching reform in the migration area of modern times. The purpose was a more transparent asylum process with greater opportunities for oral hearings and transparency in the process, and the notion that appeals should take place in two-party proceedings in court.

The current Aliens Act took effect in March 2006. The Administrative Judicial Procedure Act also governs with regard to appeals. The Administrative Procedure Act also contains certain general statutes that govern all administrative agencies.

### 3. Development of migration and international protection systems

The introduction of the Aliens Act in 2006 entailed a number of changes, which can be summarized as greater transparency in the asylum process; possibility of oral hearings of appeals; two-party proceedings in appeals, meaning that the applicant and the Migration Board meet as opposing parties in a court hearing; speedy processing; and main focus of the asylum process in the original jurisdiction. The Integration Board was dissolved in 2007 and some of its tasks were returned to the Migration Board whereas other tasks were transferred to the County Administrative Boards. In late 2008, a comprehensive reform of the rules for labour immigration to Sweden entered into force.

<sup>1</sup> Available on the EMN website

## 4. Organisation of policy

### 4.1 Overview of migration and international protection policy

If a person seeks asylum at the border, the Police transfers the case to the Migration Board. Most, however, seek asylum after entering the country at a Migration Board office. Here, the investigation of the case begins with an interview of the applicant in order to investigate the applicant's identity and determine whether any other country is responsible for examining the application for asylum. If it proves that a complete asylum investigation must be performed, public counsel is arranged for the asylum seeker. As a main principle entry permits must be arranged before entry to Sweden. Once the mission abroad has performed the investigation, the case is transferred to the Migration Board for decision. Upon special authorisation, the missions abroad may take the decisions in certain cases, such as residence permits for certain students and employees.

The decision on a granting a residence permit in an asylum case must specify the reasons on which the decision was based. Thereafter, the applicant is informed of the decision at a Migration Board Reception Unit. People who have been granted residence permits on the grounds of family connections or comparable have the same right to introduction in their home municipality as those who have been granted legal residence for protective reasons, but on a different legal basis (the Education Act and Social Services Act, since they cover everyone staying in the municipality). Applications for citizenship are normally examined by the Migration Board. There is a division within the Migration Board that examines naturalisation cases and cases pertaining to retention of or release from Swedish citizenship. There are no prerequisites linked to integration, language skills, or similar to obtain Swedish citizenship.

Persons who wish to work in Sweden must have an offer of employment from an employer in Sweden. Other requirements include *inter alia* that terms of employment must be in parity with a Swedish collective agreement or customary terms in the occupation or sector, and that the job must have been advertised in Sweden and the EU. In general, a work permit is required for asylum seekers to work in Sweden. The work permit is normally valid until a residence permit has been granted or the asylum seeker leaves the country. Since 2008, asylum seekers whose applications have been rejected may also apply for a work permit.

In connection with return, the alien has four weeks to leave the country after the expulsion order has taken legal force. If an alien does not leave the country voluntarily after his or her application is rejected, the Migration Board transfers the case to a Police Authority for enforcement of the order. Enforcement may be performed by the police or in cooperation with the Prison and Probation Service (Transport Service).

### 4.2 Links with other policies

The Government emphasises that the migration policy has links to several other policy areas, especially integration, security, development and foreign policy. The Government also stresses that the migration policy is a key component of Sweden's Policy for Global Development.

## 5. Analysis of asylum and migration systems

Due to long and costly waiting times for asylum seekers, the Swedish government and the Migration Board have taken steps to improve the asylum process. The main elements of these improvements are: frontloading of resources in the process; re-structuring of interagency cooperation; improved follow-up on quality, quantity and time consumption. Efficiency in connection with examining applications has strong impact on the length of stays in the country and thus the costs for reception of asylum seekers. However, part of the problem with the asylum process is the asylum seekers' lack of identity documents which results in prolonged processing times.

Since the rules governing immigration on grounds of work were reformed in 2008, Sweden has had an open and almost entirely demand-driven legal framework for labour immigration. The agency-based labour market test was phased out. Provided that the working conditions are in line with Swedish collective agreements or practice the individual employer can now recruit anyone, regardless of nationality, country of origin or profession. Apart from economic migration and family reunification, the entry and stay of third country national students has been an important channel of legal migration to Sweden. In 2011, tuition fees were introduced for students who are not citizens of the EU, EEA or Switzerland. As a result, the immigration of international students to Sweden decreased significantly.

## ANNEX: Institutional Chart for Sweden

# Sweden

## Institutional Framework for Immigration and Asylum Policies\*

