



Sweden's Asylum Procedures

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Cover Design: Bertelsmann Stiftung

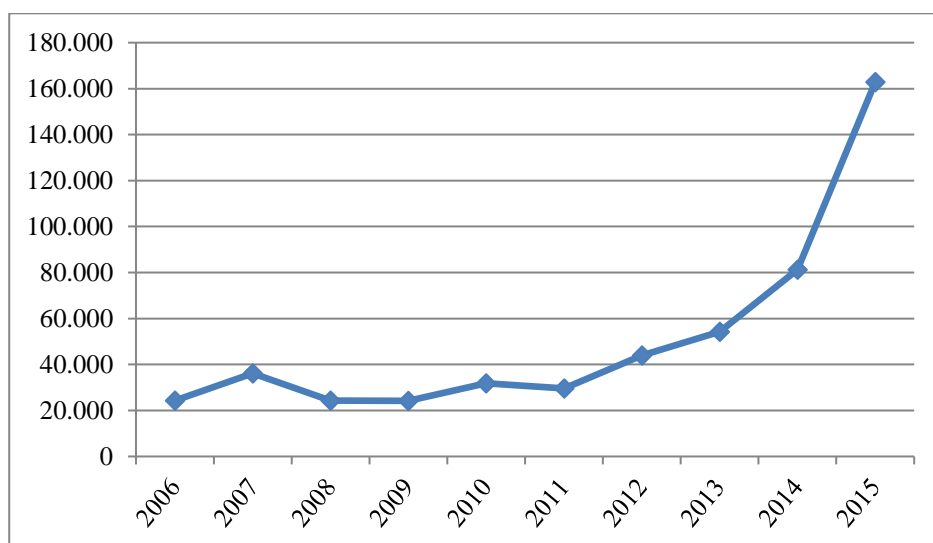
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Introduction: Sweden as a country of refuge

In 2015, more than 1.2 million people fleeing the war in Syria, an advancing Islamic State, escalating violence in Afghanistan and other conflicts submitted asylum applications in 28 EU member states. Measured on a per capita basis, Sweden admitted more asylum seekers than any other EU state. With a population of 9.8 million, Sweden is classified as a small-to-medium-sized EU state that registered nearly 163,000 asylum applications in 2015 (Fig.1 and Table 1).¹ More than 12% of all applications registered in the EU were submitted in the Scandinavian country. Only Hungary registered a higher per capita number of applications. In 2014, some 81,000 people seeking asylum arrived in Sweden.

Figure 1: Asylum seekers in Sweden, 2006–2015



Source: Swedish Migration Agency (*Migrationsverket*)

Table 1: Asylum seekers in Sweden, 2011–2015

	2011	2012	2013	2014	2015
Total	29,648	43,887	54,259	81,301	162,877
Women	10,708	16,142	19,496	26,484	48,149
Men	18,940	27,745	34,763	54,817	114,728
Children	9,699	14,151	16,452	23,110	70,384
<i>of which unaccompanied minors</i>	2,657	3,578	3,852	7,049	35,369

Source: Swedish Migration Agency (*Migrationsverket*)

For many years, Sweden has been a key destination country for migrants around the world. In addition to those seeking refuge and family members seeking reunification with those already in Sweden, many migrants arrive within the framework of Sweden's liberal labor migration policy² as international students, Au pairs or entrepreneurs (Table 2). In 2014, more than 103,000 people from non-EU states received a first-time residency permit in Sweden; in 2015, the number increased to a record

¹ cf. Eurostat 2016.

² For a more detailed description of this system, see, for example: OECD; Parusel, Bernd (2015c: 145–152).

high of more than 106,000.³ Currently, 16.5% of the population in Sweden are foreign-born. Fifteen years ago, this figure was 11%.⁴

Table 2: In-migration to Sweden, based on number of first residence permits issued, 2010–2015*

	2010	2011	2012	2013	2014	2015
Family-related reasons	30,287	32,469	41,156	40,026	42,435	43,414
Refugee/in need of protection	11,821	12,334	16,943	28,438	35,020	36,462
Employment	16,373	17,877	19,936	19,292	15,872	16,975
Education reasons	14,188	6,836	7,092	7,559	9,267	9,410
Other reasons	309	392	462	560	622	935
Total	72,978	69,908	85,589	95,875	103,216	106,444

Source: Swedish Migration Agency (*Migrationsverket*).

* excluding Swedish citizens, EU citizens and their family members.

In international comparison, Swedish migration and integration policies are often viewed by international experts as progressive and ambitious.⁵ And although there are challenges such as insufficient affordable housing rentals and the sluggish labor-market integration of incoming refugees, the government expresses a positive attitude toward migration. Underscoring the benefits of migration, the government states in its 2014 migration policy factsheet, “The Government’s guiding principle is that immigration helps to revitalize the Swedish society, the labor market and the economy as immigrants bring new knowledge and experience from their countries of origin.”⁶

On its website, the Swedish government defines the objective of migration policy is to “ensure a long-term sustainable migration policy” that “safeguards the right of asylum and, within the framework of managed immigration, facilitates mobility across borders, promotes needs-based labor migration, harnesses and takes into account the effects of migration on development, and deepens European and international cooperation.”⁷

Nonetheless, Sweden made drastic changes to its asylum policy in the fall of 2015. In the face of massive processing bottlenecks with regard to registering, housing and providing material support for a growing number of asylum-seekers in what became known as the “refugee crisis,” the government announced in two steps in October and November of 2015 a catalogue of measures intended to drastically reduce the number of incoming asylum-seekers. This involves granting protection-eligible persons fixed-term rather than open-ended residence permits and includes plans to grant recognized refugees three-year permits and those eligible for subsidiary protection, such as people fleeing war, 13-month permits. The catalogue also includes measures intended to make family reunification more difficult and, in the case of persons eligible for subsidiary protection, legally prohi-

³ These figures do not include asylum seekers; they include only those persons whose application for asylum has been approved, that is, who have received protection status. In 2014, approximately 127,000 persons (including EU citizens) migrated to Sweden.

⁴ Statistics Sweden (Statistiska Centralbyrån).

⁵ In the 2015 edition of the Migrant Integration Policy Index (MIPEX), which assesses migration and integration policies in 38 countries, Sweden was ranked highest among all surveyed countries.

⁶ Government Offices of Sweden 2014.

⁷ Government Offices of Sweden, 27 Nov. 2014, updated 12 Feb. 2015. www.government.se/government-policy/migration/migration-policy-objectives/.

bited. Finally, the measures also aim to render ineffective national humanitarian protection regimes not mandated by international or EU law.

The corresponding changes to Sweden's Aliens Act (*Utlänningslag*) went into effect in the summer of 2016 and apply retroactively to all asylum seekers that have arrived in the country since the measures were announced in the fall of 2015.⁸ The tightened restrictions to Sweden's refugee policy are scheduled to apply for three years, after which point the government intends to return to its more liberal, generous policies. Other kinds of migrants, such students or skilled workers, are not affected by these interim restrictions. To date, Sweden has adhered to the current rules and regulations.

The government introduced already in January 2016 further measures designed to monitor and limit the influx of refugees by prohibiting ferry, bus and rail companies from transporting into Sweden passengers from Germany or Denmark without identity papers. In addition, customs and police border controls have been resumed and repeatedly extended.⁹

Since these measures have been announced, and in particular since transport companies have begun checking identity papers outside Swedish territory, the number of asylum seekers in Sweden has fallen substantially. In March 2016, only 2,251 asylum applications were registered – a mere 5.7% of the total registered in October 2015 when 39,196 asylum-seekers arrived in Sweden. In addition, a growing number of asylum applicants have withdrawn their applications and left Sweden. In January 2016, some 34% of all in-process asylum applications at the Swedish Migration Agency (*Migrationsverket*) were formally completed because many applicants were no longer present.

There is no systematic documentation of asylum-seeker motivations for officially withdrawing an application or simply “disappearing.” However, the Swedish Migration Agency suspects that many asylum seekers, in particular those with unrealistic expectations, changed their minds when confronted with long waiting periods and overfilled intake centers, while others were simply overwhelmed by a deep longing for their families and loved ones left behind.¹⁰ The destinations of those having since left Sweden, however, is not known.

The migrant and refugee debate in Sweden grew palpably more coarse during the refugee crisis of 2015-2016. Whereas the public and most of the media demonstrated for the most part empathy and a readiness to take in refugees until fall 2015, since then, there have been growing fears of Sweden being overwhelmed by a flood of incoming refugees. In fact, it became increasingly difficult and eventually impossible for the Swedish Migration Agency to maintain procedural oversight for all new arrivals. Communities began to complain that their social-assistance services could no longer keep up with the sheer number of cases involving the care and support of unaccompanied minors, refugees with psychological issues (i.e., trauma) and those with other special needs. Some municipalities and regional authorities even reported themselves to the government as they found themselves unable to comply with social-assistance regulations. As a result, the government felt compelled to respond with drastic measures.

Given the fact that Sweden – despite its recent u-turn in asylum policy – continues to play a key role as a destination country for those seeking refuge, this policy brief is intended to provide an overview

⁸ Government Offices of Sweden, 8 April 2016.

⁹ See Parusel 2015a.

¹⁰ “Asylsökande ger upp,” *Dagens Industri*, 22 March 2016.

of the country's asylum and refugee policy. Questions regarding the asylum procedure, the granting of protection, housing and material support are addressed in the following, as are questions regarding integration offerings for refugees and others eligible for protection with residency permit rights. It should be noted that asylum policy in Sweden and many other EU member states – as well as the EU itself – is currently in flux. For instance, the red-green minority government in Stockholm adopted several legislative changes that went into effect in the summer of 2016. This policy brief explores these policies, their objectives and their implementation – insofar as the direction they are taking can thus far be identified.

1 Sweden in the Common European Asylum System (CEAS)

The directives and regulations that together comprise the EU's CEAS apply in Sweden as an EU member state that has no negotiated opt-out.¹¹ As an advocate of the CEAS, Sweden has long campaigned for a harmonization of national systems and a more fair allocation of asylum seekers across the member states. The Swedish government has also insisted that a greater number of member states take on more refugees through resettlement programs in order to ease pressures on countries of transit. For decades, Sweden has instituted resettlement programs that have, in recent years, taken in approximately 1,900 people annually from various conflict-ridden regions (see "resettlement").

As migration flows peaked sharply in 2015, the Swedish government called for an allocation mechanism and supported the development of so-called processing hotspots in Greece and Italy where asylum seekers can be registered and then sent to a further location within the EU. The Swedish Migration Agency provided staff support to these processing centers to help with the on-site registration of incoming refugees. At the same time, Swedish government representatives, bemoaning the lack of solidarity among EU states in absorbing refugees, argued that since Sweden already had a high number of asylum-seekers, the country should not be obliged to take on further refugees subject to internal EU relocation measures. Instead, they argued, Sweden should be able to draw on such programs to send asylum-seekers to other EU member states. During the course of this year, Sweden has in fact admitted only 39 asylum seekers transferred through hotspots in Italy.¹²

As a result of EU asylum-policy directives and regulations, Sweden's asylum regulations are in many respects similar to those established in other EU member states. Regulations such as the Dublin Regulation¹³ are directly applicable and normally do not have to be adopted by national legislation. Directives, however, are usually implemented through changes made to national legislation. Many of the changes made to Sweden's Alien Act and regulations governing aliens (*Utlänningsförfordning*) derive from EU legislation.

Until recently, EU asylum policies have been restricted to setting minimum standards for asylum procedures, conditions of residence during the application process, and the recognition of third-state

¹¹ The European Commission's 2014 brochure provides an overview of the Common European Asylum System's individual instruments.

¹² Swedish Migration Agency 2016a: 90. Annual report of the Swedish Migration Agency.

¹³ Regulation (EU) Nr. 604/2013 of the European Parliament and the Council of 26.6.2013 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. Official Journal of the European Union L 180, 29.6.2013: 31–59.

nationals and stateless persons as refugees¹⁴ or person eligible for subsidiary protection.¹⁵ In many areas, Sweden has exceeded these standards and featured more generous asylum rights. As a result, the framework for housing and material support to those seeking asylum, in addition to certain procedural standards, are better in Sweden than those found in many other EU member states.

In addition to the principles anchored in international law (Geneva Convention) or those in EU legislation regulating asylum provisions for refugees or people fleeing armed conflict (i.e, subsidiary protection), Swedish law features humanitarian protections for people subject to “particularly distressing circumstances.”¹⁶ In the fall of 2015, however, the Swedish government announced plans to roll back national provisions for protection, which would mean that asylum be granted only where applicable in terms of international or EU law.

Sweden enforces the Dublin Regulation, although significantly more asylum seekers are sent from Sweden to other EU member states than Sweden is required to take in from other participating countries. Given its geographical location, Sweden is not the first country of entry for most asylum seekers, which results in a relatively high number of Dublin cases for the county. In 2015, Sweden submitted 14,000 asylum-seeking cases for transfer to another state deemed responsible by the Dublin Regulation. Approximately 8,000 requests for transferral were accepted, though only 5,800 transferrals actually took place. The number of requests for transfer to Sweden originating in other countries was only 3,300.¹⁷

2 Entry and asylum application

Since 2012, the number of asylum seekers in Sweden has increased each year, and in 2015, the number more than doubled in comparison with the previous year (2014) as Sweden recorded the highest number of asylum seekers ever in its history. Most applicants in 2015 came from Syria (51,338), Afghanistan (41,564) and Iraq (20,858). Eritrea, Somalia, Iran, Albania, Kosovo and Ethiopia numbered among the top ten origin countries or nationalities, in addition to stateless persons (primarily from Syria or Palestine). The Near and Middle East as well as the Horn of Africa are by far the most common regions of origin among asylum seekers in Sweden.

¹⁴ The recast of the so-called asylum qualification directive of the EU (Directive 2011/95/EU) defines as “refugee” a “third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it.”

¹⁵ The asylum qualification directive 2011/95/EU defines a “person eligible for subsidiary protection” to mean a “third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of habitual residence, would face a real risk of suffering serious harm (...) and (...) is unable, or owing to such risk, unwilling to avail himself or herself of the protection of that country.” The directive defines “serious harm” to include “(a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin, or (c) serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.”

¹⁶ These humanitarian grounds for asylum can be viewed as instruments for hardship cases that are assessed during the asylum procedure and not ex post, that is, after an application for asylum has been rejected.

¹⁷ Swedish Migration Agency (2016a: 22–23).

In Sweden, the West Balkan states are much less relevant as countries of origin among asylum seekers than is the case in Germany.¹⁸ In 2015, only 4% of all asylum seekers in Sweden came from Albania, Serbia, Kosovo, Montenegro, Macedonia and Bosnia-Herzegovina. In Germany, this share was at 30% for the same year. In April 2016, the percentage of applicants from the West Balkans in both countries were similar at 5.5% in Germany and 7.8% in Sweden.¹⁹

Table 3: Main countries of origin among asylum seekers in Sweden, 2011–2015*

	2011	2012	2013	2014	2015	2015 (%)
Syria	640	7,814	16,317	30,583	51,338	31.5%
Afghanistan	4,122	4,755	3,011	3,104	41,564	25.5%
Iraq	1,633	1,322	1,476	2,666	20,858	12.8%
Stateless	1,109	2,289	6,921	7,863	7,716	4.7%
Eritrea	1,647	2,356	4,844	11,499	7,233	4.4%
Somalia	3,981	5,644	3,901	4,831	5,465	3.3%
Iran	1,120	1,529	1,172	997	4,560	2.8%
Albania	263	1,490	1,156	1,699	2,615	1.6%
Kosovo	1,210	942	1,209	1,474	1,779	1.1%
Ethiopia	269	339	383	608	1,716	1.0%
Total	29.648	43.887	54.259	81.301	162.877	100%

* Listed by order of share in 2015.

Source: Swedish Migration Agency (*Migrationsverket*)

Given Sweden's geographical location within the EU, the extent of asylum-driven in-migration to the country is noteworthy. Sweden has no external land boundaries with countries that are not members of the Schengen area. It shares borders with Finland and Norway, and it has been connected with Denmark since 2000 by a rail and vehicle bridge. In addition, there are ferry routes to Germany, Poland and the Baltic states. All of these states participate in the Schengen agreement. Sweden's only direct external boundaries are at its international airports such as Stockholm-Arlanda and Göteborg-Landvetter.

Most asylum seekers do not, however, arrive by airplane through third-countries; most arrive by land routes, crossing the Öresund bridge in particular. Since November 2015, border controls have been re-established here in response to the refugee crisis. As asylum seekers have the opportunity to submit an asylum application at the border, these border controls do not signify a refusal to admit, but rather an attempt to monitor more effectively irregular migration and entry.

However, in addition to the re-instituted border controls, since January 2016, ferry, bus and rail companies are no longer permitted to transport people without identity papers. This measure, which

¹⁸ cf. European Stability Initiative 2015.

¹⁹ Eurostat database, Asylum and first-time asylum applicants by citizenship, age and sex. Annual aggregated data (rounded). Last update: 18.3.2016; and asylum and first-time asylum applicants by citizenship, age and sex. Monthly aggregated data (rounded). (migr_asyappctzm). Last update: 3 June 2016.

sparked heated debate in Sweden because of its negative impact on commutes between the Copenhagen metropolitan area and the southern Swedish region of Skåne, has meant refugees without identity papers can now reach the Swedish border only by traveling in privately owned vehicles or taxis over the Öresund bridge. There have been isolated cases of people crossing the bridge on foot, though this is prohibited. Refugees from Afghanistan and Iraq, but also other countries, often have no identity papers.

People can apply for asylum at the border or in Sweden at the Migration Agency. In the fall of 2015, the agency's registration unit in Malmö, which receives the largest number of applicants, remained open on a 24-hour basis. However, its opening hours have since been reduced. Those who submit applications at the border (for example at an airport border control, or with customs or police officers tasked since November 2015 with conducting random checks at the Öresund bridge and ferry terminals) are then sent to the nearest Migration Agency office. Unlike Germany, Sweden does not have a specific procedure for applications submitted at airports or in transit zones along land borders.

The Migration Agency is a centralized state authority with several branch offices spread across the country. Eight of these branches are currently accepting asylum applications. The rest, mostly small, offices are responsible for organizing housing and material support for asylum seekers. As a result of the *ius soli* principle applicable in asylum law, Swedish diplomatic missions abroad (i.e., embassies, consulates) cannot accept asylum applications. The Migration Agency is tasked with operating detention facilities and with managing voluntary repatriation. The police, however, carry out compulsory returns.

When applying for asylum, each applicant, including children, receives a case number. The Migration Agency follows UNHCR registration process stipulations. This includes registering available documents such as identity papers and documenting personal information such as education attainment, family status and the names and numbers of close family members (in particular children). Applicants are also entitled to request a specific gender for the case worker and/or interpreter involved in reviewing their application. Applicants are asked why they left their country of origin. The point here is not to screen applications, but rather to determine whether there are clear grounds for asylum. If there are no clear grounds for asylum, legal assistance will be required.

According to Swedish law, foreign nationals subject to removal or deportation are entitled to free legal assistance in order to ensure they receive advice and counseling during their stay or asylum application process and can, if necessary, file to appeal a deportation order. In practice, this means that among those seeking asylum, those persons who are most eligible for protection are generally not provided free legal counseling, whereas those whose applications are most likely to be rejected, receive such support. The Migration Agency appoints these individuals independent legal councilors, although asylum seekers can, if they prefer, request a specific person as councilor. These councilors are generally lawyers or legal experts who are paid by the Migration Agency, but are not employees of the agency. In 2015, the costs incurred by these services totaled SEK 254 million (€27 million).

Every asylum seeker above 14 years of age is photographed and must be fingerprinted. The latter is entered into the Eurodac database to determine if the applicant has already been registered elsewhere in the EU (or in Norway, Iceland, Switzerland and Liechtenstein).²⁰

²⁰ Eurodac is an abbreviation of "European Dactyloscopy" and is an EU regulation: Nr. 603/2013 of the European Parliament and of the Council from 26.6.2013 on the establishment of Eurodac for the

This allows those applicants without identity papers to submit an application for asylum. In contrast to legal immigration applicants such as students or migrant workers, asylum seekers cannot be expected to return to their country of origin to obtain identity documents while waiting for a residence permit. In such cases, establishing reasonable credibility with respect to a person's identity is sufficient. Subject to the "free assessment of evidence," this can also be determined verbally.²¹

Throughout the duration of their asylum application procedure, applicants without sufficient means to provide for themselves are entitled to social-assistance benefits as specified by the law on admitting asylum seekers (*Lagen om mottagande av asylsökande*, LMA). Those applying for asylum are therefore registered in Sweden's system for admitting asylum seekers as well. Social-assistance benefits include, among other things, daily allowances and housing (see "Housing and material support for asylum seekers").

3 Asylum procedure length

Due to the sharp rise in the number of asylum applications in recent years, the processing lengths have increased considerably. Whereas the average processing time for all applications for which first-instance decisions were issued in 2013 lasted 122 days, this average increased to 142 days in 2014 and to 229 days in 2015. By all accounts, it appears that this processing time will increase even further in 2016. The asylum cases for which decisions were issued in March of 2016 took an average 262 days. Clearly, for those who have taken to court the Migration Agency's decision to reject their application for asylum, processing times will take even longer. There are no national statistics for such cases, although the migration court in Göteborg has stated that on average, cases involving an appeal of an asylum rejection take anywhere from four to eight months as of June 2016.²²

However, processing times vary and depend on the specifics of each case and the country of origin. Average processing times should therefore be used with caution. In March 2016, decisions involving Syrian asylum seekers lasted an average 272 days. For Iraqis and Afghans, processing times were much shorter, lasting on average 161 or 190 days respectively, whereas for Eritreans, the process took an average 330 days.²³

There are also long processing periods associated with those cases in which an asylum applicant is to be transferred to another EU state as per the Dublin Regulation. In 2015, it took an average 175 days for an asylum seeker whose case was ascribed to the jurisdiction of another EU member state to actually be sent to that country.²⁴ This is a long period of time to wait before a procedure can even commence, especially given the Dublin Regulation's objective of providing asylum seekers quick access to an asylum procedure within the EU.²⁵

comparison of fingerprints for the effective application of Regulation (EU) Nr. 604/2013 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 (...), Office Journal of the European Union, L 180, 29.6.2013.

²¹ cf. "Identitet" chapter in: Migrationsverket Version 23 May 2012: 5–6.

²² Website of the Göteborg administrative court.

²³ The Swedish Migration Agency publishes this data on its website: www.migrationsverket.se.

²⁴ Swedish Migration Agency 2016a: 34.

²⁵ See Fratzke 2015.

Overall, the Migration Agency aims to process asylum applications as quickly as possible. Applications are not given priority according to the country of origin. However, a new internal system for sorting asylum cases to be implemented in 2016 could have an impact on procedure length. Asylum cases are to be sorted early on (when applications are submitted) according to the expected amount of work involved with reviewing and handling the case. Applicants are then assigned to the appropriate clerk within the agency. To date, there have been no cases in Sweden of decisions being made based on the status of a file or without a personal interview, as has been the case for some Syrians in Germany. In addition, asylum seekers from countries considered to be safe and whose applications are “clearly unfounded” are generally housed in areas near an airport, which makes it easier to carry out a return decision.

4 Housing and material support for asylum seekers

Sweden has an extensive system for receiving and accommodating incoming asylum seekers that is, however, subject to considerable pressure when the number of applications skyrocket as they have in recent years. The intake system is administered primarily by the Swedish Migration Agency. While an application for asylum is under review, the applicant is assigned to an intake unit that provides the asylum seeker housing and material support. In most cases, asylum seekers are placed either in an apartment rented by the agency in a normal residential area or they are placed in a reception center.

Asylum seekers not able to provide for their own needs receive state support in the form of money placed in a bank account from which one can draw on through the use of a chip card to purchase goods. There are no vouchers or in-kind benefits provided. Financial allowances are not based on those provided by Sweden's maintenance support (*försörjningsstöd*), but are instead determined by government regulation (see Table 4). In practice, these allowances are nearly one-fourth less than those provided by maintenance support.²⁶ Unlike maintenance support, which is calculated on a monthly basis, benefits for asylum seekers are calculated on a daily basis and are intended to cover costs for food, clothing, shoes, toiletries, leisure activities, medicine and other daily needs.

Table 4: Daily financial allowances for asylum seekers in Sweden, 2016

For asylum seekers living in reception centers where free meals are provided	For asylum seekers living in facilities without free meals
Single adult: SEK 24 (€2.61)	Single adult: SEK 71 (€7.71)
Adult living in a shared household (e.g., spouse): SEK 19 (€2.06)	Adult living in a shared household (e.g., spouse): SEK 61 (€6.63)
Child up to 17 years of age: SEK 12 (€1.30)*	Child 0–3 years of age: SEK 37 (€4.02)* Child 4–10 years of age: SEK 43 (€4.67)* Child 11–17 years of age: SEK 50 (€5.43)*

Source: Sweden Migration Agency (*Migrationsverket*)

* For families with more than three children, daily allowances for each child are halved.

²⁶ The “Rijksnorm” basic material support in Sweden is SEK 2,950 per month for a single adult. If we take the daily sum provided an adult asylum seeker living in a housing facility without free meals, the total monthly amount provided for a month with 31 calendar days is SEK 2,201.

Emergency medical care is also provided. Families remain together and are generally not required to share an apartment with other asylum seeking families. Sweden's 290 municipalities decide for themselves whether and how many asylum seekers they wish to receive each year. They negotiate agreements with the Migration Agency in this regard, as there is no allocation mechanism for placing asylum seekers. If the number of units offered by the community are not sufficient, the Migration Agency can nonetheless rent housing or facilities from a private landlord – such as youth hostels, hotels, military barracks or other similar facilities across the country – without obtaining approval from the community. While the communities frequently rent community property apartments to the Migration Agency through, for example, a housing association company, there are a variety of stakeholders on the market involved with the provision of accommodation for asylum seekers. Private persons as well as companies, associations and the Swedish church can rent housing facilities to the Migration Agency and receive payment. Recently, since March 2016, a new allocation system has been introduced for the long-term settlement of people recognized as eligible for protection.

As an alternative to the housing assigned to them by the Migration Agency, asylum seekers can seek out their own housing as they are not subject to mandatory residence requirements. However, since most do not have the financial means to rent an apartment, many end up living with friends or family members. Those who live with friends or family members receive the same financial support provided those living in state-sponsored housing; no additional means of support are provided.²⁷

5 Asylum decisions

On international comparison, Sweden is notable for its relatively high recognition rate. According to a Dutch study, Sweden's recognition rate is on average higher than would be expected given the average decision-making practices across all EU member states.²⁸ Notably, those seeking refuge in Sweden come from countries in which violent conflict, civil war and/or political persecution are prevalent and where basic human rights are regularly violated such as Syria, Eritrea or Afghanistan. Seen within this context, Sweden's comparatively high recognition rate is not surprising.

In 2015, 90% of the asylum decisions involving Syrian nationals were positive. If we factor out those decisions made on the basis of other issues (e.g., cases in which the jurisdiction of another state applies as per the Dublin Regulation or in cases where applicants withdraw their application), the recognition rate was nearly 100%. This is true as well for Eritrean nationals.

Each application for asylum in Sweden is reviewed. The Swedish procedure involves interviews which, in the case of families applying for asylum, are conducted separately and regularly. The Migration Agency makes decisions independently and bases them on the relevant asylum laws; interference from the government or other ministries is not allowed. Sweden also has no legislation regarding "safe countries of origin" as is the case in Germany and other EU states. The agency does, however, adopt internal "legal positions" that provide a basis for assessing the situation in a specific country of origin and inform about the decision to be made regarding applications submitted by people with a specific profile.

²⁷ Swedish Migration Agency 2015: 32.

²⁸ cf. A. Leerkes 2015.

Protection can be provided for refugees (defined in terms of the Geneva Convention), persons eligible for subsidiary protection (e.g., war refugees who run the risk of serious harm in their country of origin) or persons “otherwise in need of protection” or subject to “particularly distressing circumstances.” Individuals for whom one can assume have committed crimes against humanity (i.e., war crimes) or other serious crimes can be excluded from protection.

Among the ten most frequent citizenship groups among asylum seekers in Sweden (see Table 5), there are several with a high recognition rate, but there are also a number of nationalities that are generally denied asylum including Albanians, Kosovars, Serbs and Ukrainians. Overall, however, the recognition rate among all asylum seekers was at 77% for 2015.

Table 5: Asylum decisions in first instance 2015*

Citizenship	Total number of decisions	Positive	Negative	Recognition rate
Syria	20,677	18,523	36	90 %
Eritrea	7,450	6,542	6	88 %
Stateless	3,954	3,142	167	79 %
Afghanistan	3,071	1,088	376	35 %
Somalia	2,907	958	385	33 %
Iraq	2,797	546	397	20 %
Albania	2,628	27	1,679	1 %
Kosovo	2,170	60	1,303	3 %
Serbia	1,451	13	807	1 %
Ukraine	897	29	459	3 %
Other	10,800	1,703	3,909	16 %
Total	58,802	32,631	9,524	77 %

Source: The Swedish Migration Agency (*Migrationsverket*)

* The sum of positive and negative decisions does not equal the total sum of all decisions because some cases are undecided. This is the case when, for example, Sweden does not have the authority (as per the Dublin Regulation) to review an asylum application or when an applicant withdraws his application, disappears or dies.

6 Appealing against negative decisions

Those who believe they have received an incorrect first-instance decision can contest the Migration Agency's decision in court. An appellant must register his or her case with the relevant migration court (*Migrationsdomstolen*) within three weeks of having received a negative first-instance decision. The migration courts are located at four of Sweden's administrative courts in Malmö, Göteborg, Stockholm and Luleå. Every asylum seeker who faces a potential rejection has the right to free legal assistance throughout the process which can be manifest in the presence of a counselor at interviews and meetings at the Migration Agency. The counselor can also help with filing appeals and formulating court complaints.

Before the migration court considers an appeal request, the Migration Agency reviews the decision. Should the agency find no compelling reason to change its decision, the case is forwarded to the court. The court can either change or confirm the agency's first-instance decision. In the former case, the appellant is issued a residence permit; in the latter, the appellant must leave Sweden. However, an appellant can in such cases appeal to the Migration Court of Appeal (*Migrationsöverdomstolen*) in Stockholm. As the highest court in such matters, the Migration Court of Appeal will consider such cases only if there are exceptional grounds for the appeal, such as serious procedural errors made by the Migration Agency. Decisions delivered by the Migration Court of Appeal set precedents that are followed by the Migration Agency when reviewing similar cases in the future.

In 2014, more than 11,600 appeals against Migration Agency asylum rejections were filed in migration court. In some 6% of these cases, the court granted appellants protection status. In 2015, there were 11,000 appeals, of which 4.6% received protection status. The total number of first-instance negative decisions (including Dublin cases) for 2015 was 16,800. The right to appeal was therefore exercised in a majority of these cases. Whereas the courts rarely considered appeals filed by applicants from the West Balkan states, Mongolia and Ukraine, 13% of all Afghan applicants and 11% all Iraqi applicants succeeded in having their decisions overturned by the court.

This suggests that the courts interpreted the claims to asylum registered by these two nationalities more generously than did the Migration Agency, and that rapidly deteriorating situations in Afghanistan and Iraq made it difficult to determine how safe each country is. The success rate of appeals against negative decisions in Germany is similar. In 2015, some 4% of these decisions were overturned.²⁹

If an applicant does not exercise his or her right to appeal or has received a final negative decision, he or she must leave Sweden within two to four weeks. However, in exceptionally difficult circumstances, one can request to have this period extended. Those who do not voluntarily depart within the established time period are subject to reduced support and deportation. There are no legal specifications for reduced support, but a person must be able to purchase food. Funds provided for clothing and other daily needs can be cut. A law that went into effect in June 2016 allows for all support to be denied persons whose asylum application has been rejected and who have not complied with their obligation to leave the country. In addition, these persons lose their right to housing provided by the Migration Agency, excepting families with children.

Legally binding asylum decisions are valid for four years. Applications for asylum renewal, like those often seen in Germany, are not possible until the end of the prescribed period. However, there are several ways in which expulsion can be hindered which include a changed political situation in the country of origin or distressing circumstances such as a severe illness. In such cases, the Migration Agency can issue a residence permit due to enforcement barriers. In effect, this is similar to the stay of deportation (*Duldung*) provided in Germany. This kind of temporary right to remain in the country can also be issued by the Migration Agency without a request on the part of the person affected (*ex officio*).

²⁹ The figures for Sweden are based on the Migration Agency's internal statistical findings. Source for percentages in Germany: Bundesamt für Migration und Flüchtlinge 2016: 45.

The police, who are authorized to carry out a return decision, may also realize that a person cannot be expelled. In contrast to the German stay of deportation, temporary residence permits due to enforcement barriers are valid much longer in Sweden. In cases of temporary barriers, temporary residence permits are issued; the duration of validity is based on the estimated duration of the hindrance. To date, however, open-ended residence permits have been issued in most cases.³⁰ As a result, the Swedish system does not face the problems associated with repeated renewals of a stay of deportation as is the case in Germany (Kettenduldungen).

A further unique option in Sweden is the ability to switch tracks. Asylum seekers who have been employed for at least four months when receiving a final negative decision can apply for an employment-based residence permit. This permit is issued if the employer guarantees continued employment, working conditions comply with collective bargaining agreements and the employee's gross monthly earnings meet a minimum of SEK 13,000 (approx. €1,400). This option for securing residency was introduced in 2008 and the regulations governing it eased in 2014.³¹ In 2015, a total of 237 asylum seekers whose applications were refused were able to legalize their residency in Sweden through this option.

7 Return policy

In Sweden, voluntary return is the preferred method over forced removal or deportation. Asylum seekers who have received a final negative decision are invited to the Migration Agency for a "return briefing." At this meeting, individuals are provided information regarding various return options. Should a rejected asylum seeker choose to comply with the return order, a plan of action is established that lists what the person must do to prepare for his return and identifies how the Migration Agency can help. This can involve, for example, acquiring travel documents from the relevant embassy and purchasing airline tickets.

In principle, asylum seekers whose applications have been refused must finance their return themselves. However, should one not have the means to do so, the Migration Agency will pay for tickets. In specific cases, re-integration assistance (*Återetableringsstöd*) can be provided. This support is intended to help returnees re-integrate into society in their country of origin and provide an incentive for voluntary repatriation. This assistance can be provided only if the person voluntarily returns and if a repatriation in their country of origin is guaranteed.

In addition, extenuating circumstances in the country of origin must be such that returnees will face particular difficulty in re-integrating. This is usually the case in countries with unstable security conditions such as Iraq, Afghanistan, Somalia or Sudan. The assistance consists of a one-time payment of SEK 30,000 (approx. €3,240) per adult and SEK 15,000 (approx. €1,600) per child. The maximum total assistance provided to a family is SEK 75,000 (€8,100).³²

³⁰ In 2015, nearly 700 people received open-ended residence permits because their removal could not be enforced.

³¹ Prior to 2014, rejected asylum seekers had to demonstrate employment by the same employer for more than six months in order to receive a residence permit for work purposes. For more on the track changes model, see also Parusel 2015b: 6; Parusel 2014: 115–122.

³² See the Migration Agency website: www.migrationsverket.se.

Rejected asylum seekers who do not cooperate with a return order are reported to the police, who are responsible for carrying out deportations. Persons who are presumably evading expulsion can be held in detention. A more humane option is to issue those obliged to leave the country a reporting order, which means they can remain legally in the housing provided to them but must report regularly to the police or the Migration Agency.

Sweden has five detention facilities – Åstorp (southern Sweden), Källered (near Göteborg), Märsta (near Stockholm) and Flen and Gävle (in the middle of the country) – each of which are operated by the Migration Agency. A total of 255 people can be held in each of these facilities at any given point in time. Because the number of places available at each is relatively small, the authorities aim to keep the length of stay in detention as short as possible. In 2015, approximately 4,000 people total were held in detention with the average length of stay totaling 21 days. The number of those held in detention has increased somewhat in the last three years, whereas the average length of stay has remained more or less constant.³³

In 2014, a total 6,630 persons without residency rights left Sweden. Among them, 4,685 left voluntarily and 1,945 forcibly. Considerably more left Sweden in 2015. Of these 9,830 returnees, 7,285 returned voluntarily and 2,545 under force.³⁴ In many cases, however, rejected asylum seekers refuse voluntary return, and compulsory returns often either fail or cannot be carried out. By the end of December 2015, more than 11,000 people registered in the asylum intake system had received final negative decisions. More than half of these persons had already been slated for deportation and their cases forwarded to the police, in some cases several years ago. In the course of 2015, the Migration Agency forwarded approximately 3,300 cases to the police, who carried out approximately 2,600 deportations.

8 Unaccompanied minors

Among refugee children traveling alone, Sweden is a particularly popular destination.³⁵ No other EU member state recorded in 2015 anywhere near the number of unaccompanied minors (UM) that came to Sweden.³⁶ In 2015, more than 35,000 unaccompanied minors came to Sweden, more than 23 times as many as in 2008 (Figure 2). Germany registered the second highest number of unaccompanied minors in 2015 at 14,400. Across the EU, a total of 88,265 unaccompanied minors were recorded, and nearly 40% of them ended up in Sweden.³⁷ By far the largest number of them came from Afghanistan (23,480), though many came as well from Syria (3,777), Somalia (2,058) and Eritrea (1,939).³⁸

³³ Swedish Migration Agency 2016a: 62–63.

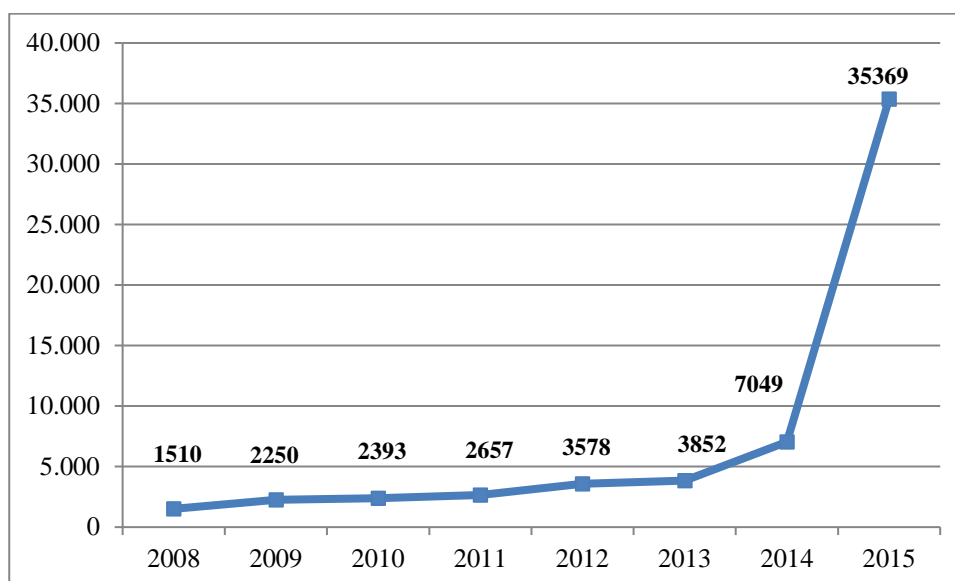
³⁴ Eurostat Database, Third-country nationals who have left the territory by type of return and citizenship (migr_eirt_vol), Data from: 19 April 2016.

³⁵ cf. Celikaksoy und Wadensjö 2015.

³⁶ cf. European Commission and European Migration Network 2015a: 9–10.

³⁷ Eurostat Database. Asylum applicants considered to be unaccompanied minors by citizenship, age and sex. Annual data (rounded) (migr_asyunaa). Data from: 29 April 2016.

³⁸ Migrationsverket, internal database.

Figure 2: Unaccompanied minors applying for asylum, 2008–2015

Source: Swedish Migration Agency (*Migrationsverket*)

Sweden's popularity among this group of asylum seekers is not easily explained. The country's high recognition rate is certainly one factor in the equation, as 88% of all asylum decisions among unaccompanied minors were positive in 2015.³⁹ The accommodations and assistance provided unaccompanied minors in Sweden are also relatively good. They are placed not with adult refugees but in special youth support facilities or with foster families. In addition, the procedures used to determine the age of unaccompanied minors traveling without identity papers are relatively generous.

The Migration Agency normally assumes that the age given by an applicant is correct – a person is deemed an adult only when the given age is obviously not correct. In such cases, the applicant can request to have a medical examination in order to determine his or her age and prove his or her status as a minor. In the fall of 2015, the Swedish government announced plans to tighten procedures and conduct medical estimates of age on a regular basis. However, medical estimates of age are controversial among paediatricians in particular.

Even before the refugee crisis surged in 2015 and 2016, the Migration Agency increasingly had difficulty finding enough foster homes for or places to accommodate unaccompanied minors. Until the start of 2014, newly arrived unaccompanied minors were distributed to Swedish communities on the basis of voluntary commitments to take them on. No community was obliged to take on an unaccompanied minor unless a close relative of a child traveling alone was already in the community.

As the numbers of incoming unaccompanied minors grew, the authorities found it increasingly more difficult to find appropriate accommodations for the minors as communities' volunteer offerings were insufficient. Since 2014, the Migration Agency can assign unaccompanied minors to a community, if necessary, against the community's will.⁴⁰ Although this measure initially relieved the system of some pressure, the massive influx of incoming asylum seekers in 2015 ushered in new problems.

³⁹ "Dublin-Cases", that is, asylum cases for which Sweden was not responsible according to the Dublin Regulation as well as applications that were withdrawn or for which no decision was delivered were not included when calculating the 88% recognition rate. Including these cases in the calculation results in a recognition rate of 66% (Migrationsverket, internal database).

⁴⁰ cf. European Commission and European Migration Network 2015b: 28.

Many communities could not expand their social services in such a short period of time and ensure that the unaccompanied minors were properly housed and taken care of. Some communities even reported themselves to the state for being in violation of their obligation to provide services and care.

The introduction in 2015 of identity paper checks conducted in cross-border transit to Sweden (see above “Entry and asylum application”) may have played a key role in the drastic reduction in the number of incoming unaccompanied minors since the beginning of 2016. Minors are more likely than adults to travel without identity papers. In the first four months of 2016, a total 1,092 unaccompanied minors applied for asylum in Sweden. For the same period in 2015, the total was 1,895; in the four months from September to December 2015, this number exploded to 26,000.

9 Resettlement

In addition to the recent flow of asylum seekers arriving on their own in Sweden, since the 1950s, Sweden has received refugees within the framework of a state-organized resettlement program. In Sweden, these refugees are referred to as “quota refugees” (*kvotflyktingar*). The government determines this quota each year, and together with the UN Refugee Agency (UNHCR), the Migration Agency selects displaced persons or refugees in origin or transit countries to be transferred to Sweden, where they receive protection and are granted open-ended right of residence.⁴¹

In recent years, some 1,900 people have been taken in annually. In 2015, the majority of these refugees were Syrians (685), Somalians (325), Afghans (220), Congolese from the Democratic Republic of Congo (195) or stateless (125).⁴²

Prior to being transferred to Sweden, quota refugees participate in a Swedish cultural orientation course provided as part of the resettlement program during and the community to which they will be transferred is determined. The Migration Agency organizes the cultural orientation courses together with the communities to which refugees have been allocated. Determining which communities are to receive quota refugees is established through a voluntary agreement between the Migration Agency and communities. However, new legislation introduced in March 2016 specifying absorption rates, now means that no community can categorically refuse to take on any refugees at all. Thus far, remote regions in the north and northwest that struggle with depopulation have typically been active in providing accommodation facilities for resettled refugees.

When announcing in the fall of 2015 its plans to tighten Swedish asylum policy, the government also promised, as a positive countermeasure, to increase the Swedish resettlement quota incrementally by 5,000 people each year until 2018. For 2016, however, the quota has remained unchanged at 1,900.⁴³ Within the EU, the Swedish government is pushing for other member states to either expand their resettlement programs or introduce such programs.⁴⁴

⁴¹ For more information regarding Sweden's resettlement program, see www.resettlement.eu/country/sweden.

⁴² Eurostat Database. Resettled persons by age, sex and citizenship. Annual data (rounded) (migr_asyresa). Data from: 20.4.2016.

⁴³ Swedish Migration Agency 2016b.

⁴⁴ Government Offices of Sweden 2015b.

10 Societal integration

In terms of integrating newly arrived persons seeking asylum in Sweden, we should distinguish between those individuals still waiting on a decision and those that have been recognized as a refugee or otherwise eligible for protection. As soon as the need for asylum has been established and an applicant has received a residence permit with a duration of at least 12 months, he or she is recorded in the population registry and enjoys the same social rights as any other resident. This applies to the right of access to essential living needs, job placement services, labor integration and the health care system. Recognized refugees also have the right to be joined by their spouse and dependent children and have them emigrate to Sweden.

Since 2010, the “establishment” law designed to ensure the integration of new arrivals to Sweden applies to all recognized refugees of working age (20 to 64).⁴⁵ The key feature of this legislation involves creating an “integration plan” or agreement for each new resident. After receiving a residence permit, recognized refugees are given an appointment at the nearest local employment agency office (*Arbetsförmedlingen*) for a meeting to discuss their integration.

At this meeting, the new resident works together with the employment-agency case manager to create an integration plan that is based on the newcomer's stated skills and goals. The plan generally envisions activities that are the equivalent to a 40-hour work week (full time) for a two-year period. Key activities include participating in a “Swedish for immigrants” (SFI) language course, a civic orientation course, labor-market entry courses and other activities such as internships and trial employment or subsidized labor market integration programs. The employment agency can also offer advice and support with obtaining verification or recognition of foreign certificates/qualifications or references and, depending on the newcomer's profession, forward the new arrival to the appropriate department.⁴⁶

Individual communities are responsible for offering SFI courses. These courses are to provide participants the opportunity to acquire basic language skills needed for everyday life in Sweden and to facilitate their active participation in society and the labor market. Participants who successfully complete the course are provided a certificate. Courses are designed to accommodate flexibility so that participants can work part-time in parallel or participate in other courses. Courses are provided both during the day and in the evening.⁴⁷ Daytime courses generally include 15 to 20 teaching hours a week, and evening courses a total of six hours a week.

In addition to generalized language courses, some communities offer courses tailored to specific target groups, such as SFI for university-educated newcomers or SFI combined with practical work

⁴⁵ cf. Law Nr. 2010:197 (*Lag om etableringsinsatser för vissa nyanlända invandrare*). The legislation includes all unaccompanied young adults without parents who are 18 or 19 years of age and are eligible for protection. It also includes family members that have applied to join an emigrant in Sweden within two years after their arrival. The Migration Agency is responsible for the settlement and integration of all persons eligible for protection who are not of working age. This includes people over 64, unaccompanied minor refugees, and persons eligible for protection who – due to a long-term illness or disability – are not able to participate in more than 25% of the integration plan offerings. Refugees taken in within the framework of the Swedish resettlement program are assigned upon arrival to a specific community and provided an apartment. The Migration Agency and the community finance this housing together.

⁴⁶ Responsibility for verification rests with individual offices. For example, the National Board of Health and Welfare (*Socialstyrelsen*) is responsible for verifying medical and long-term care certificates.

⁴⁷ Smaller communities often do not have the resources to offer a variety of courses at different times throughout the day.

experience. In the Stockholm region, for example, there are professionally oriented SFI courses for medical professionals, educators, bus drivers, truck drivers, craftsmen, IT specialists, economists, lawyers and social scientists as well as entrepreneurs. Language acquisition is combined with information about how a specific sector or profession functions in Sweden and the potential for employment in the sector.

More academically inclined SFI courses are designed to prepare participants for university studies at a later date. The other pillars of the integration plan, in particular the civic orientation course and measures intended to facilitate labor-market entry, are offered by providers secured through tenders authorized by the employment agency.

Throughout the duration of their full-time integration plan, participants are entitled to social-assistance support of approximately SEK 300 (€33) per day (Monday-Friday). Additional support for rent can be provided if an immigrant must pay unusually high rent. Families with children receive additional benefits. Integration payments cannot be combined with other social-assistance support such as sick pay or parental allowances. Should a new arrival participate in only some aspects of the integration plan, benefits are accordingly cut.

The integration allowance is attractive because it is higher than benefits received through social assistance. In this regard, the plan offers financial incentives for participation. There are no residential or financial consequences for not participating, other than not receiving funds for courses not taken. The assistance provided newcomers is presumed by some to represent preferential treatment to foreigners over “native” Swedes on material support and is therefore sometimes the subject of controversy. Even though integration assistance support is limited to a maximum two-year period, right-wing populists in particular instrumentalize the issue and complain of supposed preferential treatment for foreigners.

In addition to concluding and facilitating integration plans, the employment agency is tasked with assisting persons eligible for protection in securing an apartment. This involves settling the newcomer in a region where he or she is most likely to find work appropriate to his or her skill set. Every recognized refugee has the right to a concrete offer of settlement. Should this offer be rejected, the employment agency is relieved of its responsibility, and the newcomer must locate accommodations on his or her own.

An allocation mechanism for persons eligible for protection was introduced in March 2016. The mechanism is intended to prevent major discrepancies in the settlement of new immigrants. Since then, every community in Sweden is required to take on recognized refugees for settlement.

Those whose asylum application is still in process, are not eligible for these measures and support facilities because they – as long as their case remains undecided – are not officially members of the Swedish population. Nonetheless, some tracks are laid during the asylum-application process. For example, school age children are not required to attend school, but have the right to do so. Access to medical care is also available, though only in acute cases. However, all asylum seekers are provided a free initial health check upon arrival.

Overall, Sweden's asylum system is designed so as to allow those seeking asylum the opportunity to organize and create an as-normal-as-possible life in the country. The Migration Agency therefore

rents out normal apartments and asylum applicants receive cash or a bank card – instead of vouchers or in-kind benefits – allowing them to shop on their own and manage their household independently.

In addition, all asylum seekers whose application (according to the Dublin Regulation) is to be reviewed in Sweden, whose application is not clearly unfounded and whose identity can be verified (or who at least help verify their identity), have full access to the labor market. They are not prohibited from working in Sweden, and they are not subject to tests or wait periods. In practice, asylum seekers can work in Sweden from the first day of entry. And since Sweden does not have a residence requirement, they can work in areas beyond their location.

In early June 2016, some 4,000 registered asylum seekers began participating in an “organized employment” Migration Agency program that involves internships, in most cases. At the same time, there were more than 130,000 ongoing registered asylum cases, which suggest that only a rather small percentage of asylum seekers are profiting from this program. There are no exact figures on the number of asylum seekers who find work independent of government support. According to practitioners, such cases are an exception rather than the rule.

Due to the ever-growing wait periods in the asylum system, the Migration Agency has targeted since 2015 the expansion of organized employment. The goal here is to provide asylum seekers a variety of activities. In addition to internships, this could involve language course or more simple work such as building maintenance duties. Activities of this sort have been offered for a while already by some providers operating reception centers. Organizations such as the Red Cross or Swedish church organizations and local associations have also been offering language courses, and sport and social activities.

11 Assessment: Successes and failures of Swedish asylum policy and possible lessons for Germany

Polarization of the immigration and asylum debate

The dramatic increase in the number of asylum seekers in Sweden during the course of the 2015 – 2016 refugee crisis has more strongly polarized a public debate over immigration, asylum and integration that previously was rather technical and solution-oriented. Instead of positive developments, more and more problematic aspects have recently come to the fore. In the fall of 2015, as the Swedish Migration Agency found itself no longer able to offer newly arrived asylum seekers a roof over their heads on a daily basis, because all regular reception centers and emergency accommodations were occupied, and as more and more communities reported that they were no longer able to provide social care for persons with special needs, a sense of desperation arose that led to a policy change that was as drastic as it was sudden.

A country that had previously emphasized its openness, in which the public and media discourse had long been more broadly characterized by empathy toward refugees than by nationalistic tones, now set out to reduce the number of asylum seekers as drastically as possible, using mechanisms such as border controls, identity checks in public transportation, time-limited (instead of the previously open-ended) residence permits, and restricted family-reunification rights.

Dramatic change in policy 2015 – 2016

These measures, some of which were already in place by June 2016, but which in some cases were still being prepared, have presumably produced a sense of relief in the population and among state and local agencies, particularly as they contributed to a sharp reduction in the number of asylum seekers. On the other hand, Sweden must now also reconcile itself to no longer serving as an asylum-policy exemplar and model of moral behavior.

For example, few doubt that open-ended residence permits promote the integration of new immigrants better than do temporary visas. If persons eligible for protection are allowed to stay only temporarily, both they themselves and potential employers will be uncertain with regard to their long-term residency prospects. It is also clear that a protection-eligible person who must leave behind his closest family members in a war or crisis zone, and is not allowed to bring them to join him, may be less enthusiastic with regard to language acquisition and job searches than somebody who has his family with him.

This raises the question of political priorities: If the aim is to make Sweden less attractive as a destination country – and this goal was clearly in the foreground in the fall of 2015 – then temporary residence permits and limited family-reunification rights may indeed represent one right path.⁴⁸ However, if the aim is to promote integration while considering the needs of the refugees to the greatest degree possible, then such measures are counterproductive.

Shortcomings in the reception and accommodation system

One additional lesson from the developments in Sweden in the fall of 2015 is that the country had an asylum policy that was generous by cross-European standards, but that – although it enjoyed strong public support – had not created conditions enabling the country to cope with a sudden and dramatic increase in the number of refugees.

For example, Sweden has long had a pressing housing-market problem. While the lack of affordable rental housing in large cities has long been cause for concern, recent years have seen such shortages develop even in less dynamic communities in remote regions due to the increased levels of immigration.⁴⁹ This issue was long overlooked and has been additionally exacerbated by the fact that the Swedish Migration Agency normally rents ordinary apartments to serve as accommodations for asylum seekers.

Those to whom protection is granted are obliged to move out of the space provided to them by the agency; however, in practice they also need a similar type of accommodation after completing the asylum process. Asylum seekers, refugees and other groups of new immigrants thus compete within an increasingly limited segment of the housing market. Other population groups with limited financial resources – for example, pensioners, students and young people no longer living in their parents' households – are also looking within the same segment.

The organization of housing for asylum applications thus serves as a model to only a very limited degree. To be sure, the tender procedure provides a certain flexibility; for example, the Migration

⁴⁸ A study of Syrian refugees in Sweden published in 2015 found the prospect of receiving an open-ended residence permit to be a key motivation for selecting Sweden over other EU countries as a destination. See Lundgren Jörum 2015.

⁴⁹ cf. Boverket 2015: 10.

Agency can rent apartments and other forms of accommodation on the open market. On the other hand, this system drives prices higher, and intensifies competition between new immigrants and locals.

New immigrants' slow labor-market integration

It is also evident that the labor market has only limited absorptive capacities. Providing asylum seekers with free labor-market access from the beginning is pragmatic and promises swifter societal integration. However, this remains a point of only theoretical application if refugees are housed in locales where there are no jobs due to their geographical remoteness. Even the effect of state job-creation measures remains limited in such cases. However, in March 2016, an allocation mechanism for persons recognized as being eligible for protection came into force, requiring that the characteristics of local and regional labor-market conditions be taken into account in the residence-allocation process. This could ameliorate the problem, even if it only covers people who have already successfully undergone the asylum process.

High standards for reception conditions and asylum procedures

Despite the most recent tightening of the laws, which may reduce Sweden's attractiveness, the Swedish asylum system could retain a certain character as a role model in various respects. From the perspective of those involved, and in the sense of effecting the best degree of integration possible, it is for example certainly positive that housing conditions are so arranged as to enable asylum seekers to lead a life as normal as possible in comparison with the Swedish population. Children go to school, adults are allowed to work if they can find a position, and both individuals and families can take care of themselves rather than passively receiving packages of necessities such as food. The way that asylum seekers with uncertain prospects of having their refugee status recognized are provided with free legal aid may also be pathbreaking.

Flexibility of the migration and asylum administration

In comparison with the Federal Office for Migration and Refugees (BAMF) in Germany, it is also striking that the Swedish Migration Agency, thanks to swift increases in state resources, was able to react quickly as the number of asylum seekers rose increasingly above the number seen in previous years. In the course of the worsening refugee situation in 2015 and 2016, staffing at the Migration Agency was quickly and massively augmented, from around 5,600 employees in April 2015 to nearly 8,000 a year later.⁵⁰

Since not all new staff members work in the agency's asylum division, and new workers and decision makers must always be trained and integrated, a procedural backlog and long asylum-procedure waiting times emerged despite the new hires. Although the number of newly registered asylum seekers has fallen sharply since the start of 2016, a return to normal conditions is not expected for some time.

⁵⁰ As a key state authority, the Swedish Migration Agency is tasked with a much broader range of responsibilities than is Germany's Federal Office for Migration and Refugees (BAMF). In addition to asylum procedures, it is responsible for issuing residence permits as part of legal immigration (e.g., family reunification, labor migration, student migration). The agency also processes and issues decisions on naturalization applications and ensures that asylum seekers are provided housing and material maintenance allowances. It is also tasked with operating deportation facilities.

Pragmatism with regard to “changing tracks” and barriers to deportation

What can additionally be learned from Sweden is a certain pragmatism that often also proves to be humane. One example is the “track change” described above, which under certain conditions allows asylum seekers who are already working to stay in the country even if they are rejected. A further example is that in certain cases in which the departure of a rejected asylum seeker cannot be enforced, Sweden can issue residence permits – generally even of a permanent nature.

In similar cases, German immigration authorities grant a stay of deportation, which often must be renewed on a monthly or even weekly basis. To be sure, in Sweden, too, failed asylum seekers without a legal right of residence sometimes remain in the asylum-reception system because they cannot be deported, and due to the compulsory waiting period must wait four years before they are allowed to submit a new asylum application. However, the problem of repeatedly renewed stays of deportation does not exist in Sweden.⁵¹ The rather restrained Swedish practice with regard to pre-removal detention is also sign of a characteristic pragmatism, even if the Migration Agency has been instructed to increase the number of detention places in order to increase the return ratio.

Needs-based language courses following recognition

Sweden possibly plays a pioneering role with regard to language courses for those recognized as being eligible for protection. At least in the larger cities, there is a relatively wide range of different course types. Course providers try to be flexible both in terms of timing and target groups. Job-related language courses and evening classes are particularly useful measures. However, finding enough trained language teachers has been a problem.

12 Future prospects for Swedish asylum and integration policy

Effects of the refugee-policy course change

As preliminary statistics for 2016 show, the restrictive changes in asylum policy undertaken (or at least initiated) by the red-green government in Stockholm had the desired effect: Along with other factors, such as border closures further south in Europe, they have contributed to drastically reducing the influx of asylum seekers. Nevertheless, there is much to indicate that Sweden will continue to be an important destination country, in large part due to the fact that it has already taken in many refugees from countries such as Syria, Iraq, Somalia and Afghanistan. Many of those who continue to flee from these countries thus already have relatives or friends in Sweden, or have at least heard that their compatriots have been offered protection there.

The rise of the right-radical Sweden Democrats party in recent years meanwhile indicates that more people find immigration problematic than was the case a few years ago. There are fears that the now heavily deregulated Swedish welfare state is not in a position to accommodate a large number of persons seeking protection without Sweden's existing population having to make compromises regarding the quality of education, health care and social welfare.

The situation in the fiercely competitive housing market shows that such fears are not based solely in myth. A preventative policy should make sure that different population groups are not being placed in competition with each other – whether for jobs or affordable housing.

⁵¹ For more on the *Kettenduldung* problem, see: Schieber 2013: 191–202.

Challenges for the parties

The Swedish parties, especially the governing parties (Social Democrats and Greens), face high expectations and considerable pressure to act. While the right-wing Sweden Democrats and a broad portion of the conservative opposition have accused the minority governing coalition of hesitancy and passivity, calling in 2015 and early 2016 for still-harsher efforts to limit asylum-oriented immigration, the also-oppositional Left Party and parts of the co-governing Greens have denounced Sweden for having departed from a humane and human-rights-oriented refugee policy. Particularly among the Greens, this has led to strong disagreements between fairly pro-government and more idealistic wings.

However, despite a massive loss of popularity in the course of the 2015 refugee-admission crisis, the Social Democratic Party was able to make up ground in the first half of 2016, while defections to the right-wing Sweden Democrats came to a halt. Evidently a significant portion of the population acknowledges that the government was successful in significantly reducing the number of asylum seekers – in contrast to the fall of 2015, when the prevailing impression was one of a loss of control.

New initiatives for better integration

For the 2016 budgetary year, the Swedish government has provided for numerous initiatives aimed at improving labor-market integration. For example, immigrants' qualifications are in the future to be compiled earlier and more accurately; however, it remains unclear how this is to be accomplished. In addition, as a part of integration plans for those recognized as being eligible for protection, the employment agency will in the future offer shorter supplementary education and training courses that enable missing portions of a professional qualification to be filled in. Colleges and universities too are to contribute to improving measures for the recognition and completion of qualifications.

"Fast tracks" for occupations with labor shortages

For people with skills currently in short supply in Sweden, as is the case for cooks, doctors, nurses and long-term-care providers, as well as in the hospitality and gastronomical professions, the construction sector, and agricultural and forestry occupations, a labor-market "fast track" will be created, for example through internships, faster recognition of foreign degrees, and the opportunity to complete incomplete qualifications. Colleges and universities will also contribute in this area.

In September 2015, the government launched its "100 Club" initiative. Under this measure, large companies that agree to hire at least 100 new immigrants will be able to make use of targeted employment-agency placement services. The agency identifies appropriate new immigrants based on the needs of these companies, provides job-related training, helps with the validation of qualifications, and pays up to 80 percent of the immigrants' salaries for up to a year.⁵² These measures are expected to improve refugees' heretofore slow labor-market integration.

More money for practical integration work at the local level

An additional perspective is that those seeking protection will in the future be able to use the time while waiting for asylum-application decisions, now typically longer due to the high levels of congestion, in a more useful way. Civil-society organizations are receiving more state money than in the past to enable them to organize early language courses, free-time activities, and meetings between

⁵² Government Offices of Sweden 2015a.

asylum seekers and local residents. Swedish municipalities too, which must integrate newcomers at the local level, are to receive a larger lump-sum amount from the state per newcomer.

In addition, various local-level efforts and initiatives are underway. In some places, for example, local libraries – which particularly in Sweden's smaller communities play an important role as social meeting places and training institutions – are getting involved. Under the slogan "Rent a Swede," they facilitate encounters between newcomers and locals who are curious and want to help refugees with daily affairs, the job hunt, and the process of orienting themselves in their new society. In addition, the libraries are also important because they acquire dictionaries, newspapers and books in the most common languages spoken by immigrants, and offer access to computers and free internet services.⁵³

Challenges remain

Although there is certainly no lack of ideas and initiatives, it is evident that Sweden's society – and particularly authorities such as the Migration Agency, the Public Employment Service, the police and local communities – show signs of significant overload and fatigue due to the recent sharp increases in asylum-based immigration. As the duration of the asylum procedures increases, it becomes increasingly difficult for the employment agency to secure long-term apartments for persons recognized as being eligible for protection in a timely manner. In addition, there is a lack of time and staff resources for individualized integration and job counseling.

At the same time, the police afterward have difficulty in swiftly enforcing return decisions for those who are rejected. Local authorities complain about a lack of school teachers, kindergarten teachers and social workers.

With the harder-line refugee policy initiated in the fall of 2015, the government is now trying to create a bit of breathing space for itself and the actors identified above. At the time of this analysis, however, it is not clear what the reversal in integration policy means. Municipalities may see their burdens lightened in the medium term, even if integrating the recent years' newcomers will give them enough to do for the time being.

The workload of the Migration Agency will presumably not decline, as the time-limited nature of the residence permits granted to persons deemed eligible for protection will ultimately lead to numerous requests for extension.⁵⁴ It also remains unclear how authorities will handle people who in the future receive only a 13-month visa instead of a long-term residence permit, while the integration courses and accompanying labor-market integration measures are two years long.

A return to the previous generosity?

Many observers doubt that Sweden will return to a more open and generous refugee policy after three years. The government has promised this; however, it is questionable whether it will be possible to eliminate serious problems such as the housing shortage and achieve measurable integration-policy successes in so short a time.

⁵³ cf. Parusel 2015b: 8.

⁵⁴ In a position statement addressing the announced restrictions to be placed on the right of asylum, the Migration Agency warned of growing burdens resulting from an expected increase in applications to extend residence permits. See Swedish Migration Agency 2016c.

The future of European asylum and refugee policy more generally represents an additional factor of uncertainty. In the absence of a better-functioning division of responsibilities among EU states with regard to receiving refugees, Sweden is unlikely to risk a unilateral policy of openness with difficult-to-foresee consequences – especially since 2018, when the return to open-ended residence grants and looser family-reunification rules is scheduled, is an election year.

The public debate over asylum policy and integration issues is thus more likely to intensify than to recede, and further course changes could lie in Sweden's future that at this time, in June 2016, cannot yet be foreseen.

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