

## EMN FOCUSSED STUDY 2012

### Misuse of the Right to Family Reunification: marriages of convenience and false declarations of parenthood

#### National Contribution from SWEDEN

*Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.*

#### Section 1

#### Top-line 'Factsheet' (National Contribution) / Executive Summary (Synthesis Report)

##### National Contribution (one page only)

*Overview of the National Contribution – drawing out key facts and figures from across all sections of the Study, with a particular emphasis on elements that will be of interest to policymakers.*

##### *Marriages of Convenience:*

The Swedish legal practise concerning family reunification includes civil partnership, same-sex marriages and cohabitation abroad.

The rules regarding family reunification (although regulated in different ways) is the same for everyone residing in or with a residence permit to the country. If the spouse has a residence permit or is residing in the country then the partner as the main rule is entitled to a residence permit. Since the rules for residence permit due to family reunification in Sweden are the same regardless of the nationality of the reference person no distinction can be made between family reunification regarding EU and non-EU nationals.

According to the Directive on family reunification which has been implemented by Sweden it is an **obligation** to grant a residence permit to a spouse as well as unmarried, underage children to the reference person or to the spouse. In Sweden a registered partner or a cohabiting partner (when the couple has lived together abroad) is to be treated in the same way as a married couple.

The possibility to attain a residence permit is available regardless of whether it is a case of family reunification or a newly established relationship. The only difference is that applicants who intend to get married or to cohabit are not covered by the directive on the right to family reunification and therefore do not have the same strongly established **right** to get a residence permit but instead **can** be granted a residence permit. In these cases of new relationships an examination is regularly carried out to see if the relationship is serious.

There are no statistics available on marriages of convenience.

##### *False Declarations of Parenthood:*

The Swedish legislation is the same for everyone residing in or with a residence permit for the country. A child has an unconditional right to come to Sweden to reunite with a parent resident in Sweden if the child is less than 18 years of age and unmarried. But the same right is not in place for a parent abroad to reunite with a child in Sweden since here the reunification, if possible, should

take place in the country of origin. If family reunification is not possible in the country of origin, then a residence permit for Sweden should be granted to the parents and the rest of the immediate family

According to the Aliens Act a residence permit shall be granted to a child who is an alien, is unmarried and a) has a parent who is resident in or has been granted a residence permit to settle in Sweden or b) has a parent who is married to or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden.

There are no statistics available on false declarations of parenthood.

*Synthesis Report (up to 3 pages)*

*Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.*

## Section 2

### National legislative framework and definitions

*National Contribution (1 - 2 pages)*

*2.1 How are concepts of 'marriage' and the 'family' defined and understood in your Member States in the laws and regulations relating to family reunification?? E.g. do concepts of marriage cover civil partnerships, same-sex marriage, cohabitation, etc.) – please refer to any specific pieces of legislation and relevant Articles.*

*Marriages of Convenience:*

Legally marriages are regulated in the Marriage Code.<sup>1</sup> In Sweden, marriage of convenience is defined as a marriage contracted for the sole purpose of enabling the person concerned to enter or reside in the country. In other words, the same definition used is the same as in the EU context.

The Swedish legislative system concerning family reunification includes same-sex marriages and cohabitation abroad. To be able to benefit from family reunification due to cohabitation the couple must have lived together abroad. Sweden makes no difference as to whether the relation is formalised through marriage or whether it is between different or the same sex – “an alien who is a spouse or cohabiting partner of someone”.<sup>2</sup> In Sweden, cohabitation is defined as two persons permanently living together in a relationship and sharing the same household.<sup>3</sup>

*False Declarations of Parenthood:*

In the Swedish legislation there is no definition of family.<sup>4</sup> If a mother is married, the husband is assumed to be the father of the child (in other words the motherhood is taken for granted). If the fatherhood cannot be assumed or if the mother is unmarried the fatherhood is to be investigated by the local social authorities.

<sup>1</sup> Marriage Code (1987:230)

<sup>2</sup> Aliens Act 2005:716, Chapter 5 section 3.

<sup>3</sup> Cohabitee Act (2003:376) § 1.

<sup>4</sup> **Familjen - finns den?, Fahlbeck, Reinhold**, Juridisk Tidskrift 2005-06 NR 1

*Please refer to Section II (General Context) above*

2.2 *What national legislation regulates family reunification between:*

- (i) a third-country national residing lawfully in the EU / Norway reunifying with a third-country national applying to enter / reside there in order to preserve the family unit.*
- (ii) A mobile EU national reunifying with a third-country national*
- (iii) A non-mobile EU citizen reunifying with a third-country national on the basis of jurisprudence (and reference to the EU Treaty)*
- (iv) A non-mobile EU citizen reunifying with a third-country national.*

*Please provide the name of the legislation and the conditions under which family reunification can take place.*

*Please note that family reunification between two third-country nationals in the EU is regulated under Directive 2003/86/EC, however this Directive leaves room for national discretion in certain areas; therefore a detailed description of national legislation in this area is necessary.*

*Note also that separate or the same legislation may regulate reunification between two spouses as between a parent and child. Please clarify which is the case in your country below.*

*For family reunification between two spouses please also distinguish, where relevant, between marriage, civil partnerships, same-sex marriage, cohabitation, etc.*

*Marriages of Convenience:*

The rules regarding family reunification (although regulated in different ways) is the same for everyone residing in or with a residence permit to the country. If the spouse has a residence permit or is residing in the country then the partner as the main rule is entitled to a residence permit.

The partner's application for a residence permit must be handed in at a Swedish foreign mission or (since December 2011) electronically through the webpage of the Swedish Migration Board. In most cases an application will not be approved if it is submitted during a visit to Sweden. The permit must be granted before the applicant travels to Sweden.

Since Sweden in 2006 adopted the directive on the right to family reunification<sup>5</sup> the national legislation and the EU-directives are complementing each other. Some clarifications were introduced in the Swedish legislation but in all the Swedish legal practice within this area is more inclusive than the directive.

In the Directive on family reunification it is an **obligation** to grant a residence permit to a spouse and any unmarried, underage children of the reference person or to the spouse. In Sweden a registered partner or a cohabiting partner (where the couple has lived together abroad) is to be treated in the same way as a married couple.

The possibility to attain a residence permit is available regardless of whether it is a case of family reunification or a newly established relationship. The only difference is that applicants who intend to get married or to cohabit are not covered by the directive on the right to family reunification and therefore do not have the same strongly established **right** to get a residence permit but instead **can** be granted a residence permit. In these cases of new relationships an examination is regularly carried out to check whether the relationship is serious.

There is no time requirement for the duration of the marriage before application. The only requirement is that a document proving the marriage is provided and if that is the case the

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<sup>5</sup> Dir. 2003/86/EG

application can only be denied if any of the grounds for refusal are fulfilled and in those cases the burden of proof is with the Migration Board (see 3.5).

If it is a newly established relationship an investigation can be made to prove that the relationship appears to be serious.<sup>6</sup> In the framework of this investigation, the authorities check:

- whether the relationship has lasted for a time – the exact time span is not defined.
- whether the partners have met,
- whether they have a good knowledge about each other
- whether they have a joint language

If the couple has lived together abroad for more than two years the spouse will normally be granted a permanent residence permit. If it is a newly established relationship the residence permit shall be for a limited time on the occasion of the first decision (deferral of immigrant status).<sup>7</sup> Normally, such a temporary residence permit is valid for two years, after which a permanent residence permit will be granted if the relationship continues. The continuance of the relationship should be checked upon before the permanent residence permit is granted.<sup>8</sup>

The Aliens Act further states that an application for a residence permit can be refused if:

- “incorrect information has knowingly been supplied or circumstances have knowingly been suppressed that are of importance for obtaining the residence permit,
- an alien has been adopted or a marriage entered into or a cohabitee relationship begun exclusively in order to give the alien a right to a residence permit or
- if the alien constitutes a threat to public order and security.”<sup>9</sup>

A residence permit may also be refused if

- the spouses or cohabiting partners do not live together or do not intend to live together,
- the person to whom ties are cited or the alien who has applied for a residence permit is married to or cohabiting with someone else or
- either of the spouses or cohabiting partners is under 18 years of age.<sup>10</sup>

In April 2010 a maintenance requirement was put into force. This means that the person living in Sweden must be able to support him/herself and have a home of sufficient size and standard for him/herself and the relative(s) to live in together.

**There are a lot of exemptions from the maintenance requirement.** Due to the many exemptions from the maintenance requirement less than 200 applications for family reunification were denied for this reason.

#### *False Declarations of Parenthood:*

<sup>6</sup> Aliens Act 2005:716, Chapter 5 section 3a.

<sup>7</sup> Aliens Act 2005:716, Chapter 5 section 8, 16.

<sup>8</sup> Aliens Act 2005:716, Chapter 5 section 16.

<sup>9</sup> Aliens Act 2005:716, Chapter 5 section 17a.

<sup>10</sup> Aliens Act 2005:716, Chapter 5 section 17a.

The Swedish legislation is the same for everyone residing in or with a residence permit for the country. A child has an unconditional right to come to Sweden to reunite with a parent resident in Sweden if the child is under 18 years of age and unmarried. But the same right is not in place for a parent to reunite with a child in Sweden since here the reunification, if possible, should take place in the country of origin.<sup>11</sup> If family reunification is not possible in the country of origin, then a residence permit in Sweden should be granted to the parents and the rest of the immediate family (after a regular consideration of the application)<sup>12</sup>. If the child is granted a residence permit as a refugee or in need of protection the parent has a right to family reunification.<sup>13</sup>

The application for a residence permit must be handed in at a Swedish foreign mission or (since December 2011) electronically through the webpage of the Swedish Migration Board. In most cases an application will not be approved if submitted during a visit to Sweden. The permit must be granted before the applicant travels to Sweden and the granted permit must be issued at a Swedish Foreign Mission. This is not applicable for citizens of an EES-country.<sup>14</sup>

According to the Aliens Act a residence permit shall be given to a child who is an alien, is unmarried and a) has a parent who is resident in or has been granted a residence permit to settle in Sweden or b) has a parent who is married to or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden.<sup>15</sup>

A residence permit may be refused in such cases as are referred to in Section 3, if:

- incorrect information has knowingly been supplied or circumstances have knowingly been suppressed that are of importance for obtaining the residence permit,
- an alien has been adopted or a marriage entered into or a cohabitee relationship begun exclusively in order to give the alien a right to a residence permit.<sup>16</sup>

If both parents are guardians of the child the other parent must give his/her approval in order for the child to be able to reunite with a parent living in Sweden.<sup>17</sup>

It is also possible for one parent to get a residence permit to Sweden in order to exercise access rights that are not of limited scope to a child that is resident in Sweden.<sup>18</sup>

*2.3 Is the prevention of misuse of residents' permits for family reunification as defined in the context of this study specifically covered in national legislation? If so, what are the provisions? Please explain what changes in legislation and/or practice are being considered in your Member State to fight against such misuses. Please refer to the specific piece of legislation and relevant Articles.*

#### *Marriages of Convenience:*

In the Aliens Act it is stated that the residence permit should be denied if “an alien has been adopted or a marriage entered into or a cohabitee relationship begun exclusively in order to give the alien a right to a residence permit”<sup>19</sup> Marriages of Convenience are legally valid marriages, but they have

<sup>11</sup> Aliens Act 2005:716, Chapter 5 section 3

<sup>12</sup> Aliens Act 2005:716, Chapter 5 section 17-17b

<sup>13</sup> Aliens Act 2005:716, Chapter 5 section 3:4

<sup>14</sup> Aliens Ordinance 2006:97, Chapter 4, section 17

<sup>15</sup> Aliens Act 2005:716, Chapter 5 section 3

<sup>16</sup> Aliens Act 2005:716, Chapter 5 section 17a

<sup>17</sup> Aliens Act 2005:716, Chapter 5 section 17:2

<sup>18</sup> Aliens Act 2005:716, Chapter 5 section 3a.

<sup>19</sup> Aliens Act 2005:716, Chapter 5 section 17a.

been engaged into for other purposes than for the partners to live as a married couple.<sup>20</sup> To get a residence permit can be one reason behind this kind of marriage.

*False Declarations of Parenthood:*

In order to be entitled to a residence permit the family ties must be clarified. Since this can be difficult from certain countries due to lacking registries and identity cards the possibility of DNA analysis has been introduced in order to prove the family ties.

*2.4 Where relevant and where information is available, give a brief description of the impacts (if any) of European Court of Justice case law which has focused on family reunification (e.g. Zambrano, McCarthy, Dereci) in your Member State?*

*Marriages of Convenience:*

The case law has not caused any changes in the legislation.

*False Declarations of Parenthood:*

The case law has not caused any changes in the legislation.

*Synthesis Report (up to 5 pages)*

*2.1 - Summary of definitions and table mapping these across Member States*

*2.2 - Summary of definitions and table mapping these across Member States*

*2.3 - Outline of EU provisions in this area. In relation to National provisions, possibly either to include in table (if appropriate) – otherwise a synthesis of the information highlighting those countries which do have legislative provisions*

*2.4 – Summary of any information provided*

### Section 3

#### The situation in Sweden

*National Contribution: (3-5 pages in total)*

**Scope of the issue**

*3.1 Are a) marriage of convenience and b) false declaration of parenthood recognised as examples of misuse of residents' permits for family reunification in your (Member) State?*

*Please give an overview of the problem, (to the extent that it is recognised as a problem in your (Member) State) and the context (e.g. please refer here to any policy documents, media coverage, NGO campaigns, case law examples, etc. that demonstrate the ongoing problems)*

*Marriages of Convenience:*

In Sweden very little attention has been directed towards marriages of convenience and this has not been an issue in the media or of public or political discussion. This impression is confirmed by a Norwegian comparative study.<sup>21</sup>

<sup>20</sup> Aliens Act 2005:716, Chapter 5 section 17a 2

<sup>21</sup> Pöyry, p.2, 49.

The impression is that the phenomenon does not constitute an important problem.

*False Declarations of Parenthood:* In Sweden very little attention has been directed towards false declaration of parenthood and this has not been an issue in the media or of public or political discussion.

3.2 *Optionally, please describe any other forms of misuses detected in your (Member) State (e.g. adoptions of convenience)*

*Marriages of Convenience:*

No information available.

*False Declarations of Parenthood:*

No information available.

**National means of preventing misuse**

3.3 *How are misuses of residence permits by a) marriages of convenience and b) false declarations of parenthood prevented?*

*As well as the legislative framework identified above, please describe national policy and practice in this area, highlighting any good practice measures.*

*Marriages of Convenience:*

In accordance with the legislation the authorities can conduct an investigation if there is an explicit indication of marriage of convenience.<sup>22</sup>

*False Declarations of Parenthood:*

In accordance with the legislation the authorities can conduct an investigation if there is an explicit indication of false declaration of parenthood. In these cases DNA-analysis can be offered in order to prove the family ties.<sup>23</sup>

**National means of detecting misuse**

*Please describe both strategic and practical approaches that are applied, and information sources. Please include the extent to which detection results from those involved admitting the misuse (for example, women wishing to exit a marriage of convenience). Is a special status or amnesty granted in such cases?)*

3.4 *What factors trigger an investigation of individual cases? How are a) marriages of convenience and b) false declarations of parenthood detected and investigated? Are there any factors that have prevented investigations into suspected misuses from progressing?*

*Marriages of Convenience:*

When it comes to a married couple or a couple that has lived together abroad there must be a well-

<sup>22</sup> EGT 97/C382/01

<sup>23</sup> Aliens Act 2005:716, Chapter 13 section 15

founded suspicion of a marriage of convenience in order to investigate the seriousness of the relationship (see 3.5). Such a suspicion can come from different sources that indicate if there is something suspicious in the case file or if the person has applied before for various different reasons or on family ties to different persons.

In cases of newly established relationships where the couple is not married, an investigation of the seriousness of the relationship is always conducted. The partners are separately asked questions about the relationship and the partner. Such investigations are normally carried out as interviews, but in recent years more and more of such procedures are carried out through written questionnaires. If it is a couple that is newly married the investigation is normally conducted by using written questionnaires.

*False Declarations of Parenthood:*

An investigation is conducted using interviews or questionnaires, depending on the individual case. If both parents are guardians of the child the other guardian must give his/her consent.

*3.5 What evidence is needed to prove that the marriage/declaration is false (e.g. DNA-testing, etc.)? Who has the 'burden of proof' (the third-country national concerned to prove that the relationship is real or the authorities to prove that it is false)?*

*Marriages of Convenience:*

It is for the applicant to prove that there is a valid marriage. But if a marriage of convenience is suspected it is the authority which must prove this. It must be proven that the exclusive objective of the marriage was to obtain a right to a residence permit.

In order for the authorities to conduct an investigation into suspected marriages of convenience there must be a well-founded suspicion that this is the case and that the marriage has been entered into with the sole purpose that one of the partners will get a residence permit in Sweden. If this is suspected, an in depth investigation should be conducted. In these cases the burden of proof is with the authorities. In practice this means that the Swedish foreign mission at which the application for family reunification is handed in has the possibility to do an oral initial investigation regarding the marriage. If after this initial investigation there is a well-founded suspicion of marriage of convenience, an in depth investigation of the family reunification case should be conducted.

An interview with the partner living in Sweden can be necessary but should not be carried out on a regular basis since there is a right to family reunification for married or cohabitating couples. Instead, a form is sent to the reference person where he/she in writing has to ensure that they are married/living together and that the intention is to live together in Sweden.

In Sweden no form of house calls is conducted, and there are no domicile verifications, as it might be common practice in other countries.<sup>24</sup>

When it comes to couples that have lived together abroad the applicants must be able to prove that this really has been the case. This can be done by proving that the reference person has been registered at the same address as the applicant in the home country of the partner.

For newly established relationships, where the couple is not married, an investigation of the seriousness of the relationship is always conducted (see 3.4) and when the time limited residence permit is to expire the couple must prove that they are still in the relationship.

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<sup>24</sup> Pöyry, p. 1.



*False Declarations of Parenthood:*

In order to be entitled to a residence permit the family ties must be proved. Since this can be difficult from certain countries due to lacking registries and identity cards the possibility of DNA analysis has been introduced in order to prove the family ties.

“In cases concerning residence permits on grounds of family ties ... the Swedish Migration Board shall give the applicant and the person to whom ties are cited an opportunity to have a DNA analysis performed regarding the biological relationship cited in the application, if:

1 the investigation into the family relationship does not otherwise provide a sufficient basis for granting a residence permit and

2 it is not obvious that the alleged family relationship does not exist.

A DNA analysis may be performed only if the person to be examined has been informed of the purpose of the DNA analysis and has given his or her written consent. “The cost of taking, transporting and analysing specimens shall be paid by the government.”<sup>25</sup>

In other words DNA analysis should be used when there is no other available means to prove the parenthood. As a point of reference it can be interesting to know that the number of DNA analysis that was performed during 2011 in family reunification cases was about 150.

A ruling in January 2012 by the Migration Court of Appeal will result in more DNA analysis being used in cases of family reunification also when the identity is unclear.

*3.6 Who (e.g. which national authorities) are responsible for detecting such misuses? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan - governing the involvement of these authorities?*

*Marriages of Convenience:*

The Swedish Migration Board is responsible for the whole migration process and therefore also for detection of abuse. Since the application is handed in at a Swedish foreign mission and the interviews with the spouses are conducted there further investigation can also be conducted in the case of suspicion.

*False Declarations of Parenthood:*

The Swedish Migration Board is responsible for the whole migration process and therefore also for detection of abuse. Since the application is handed in at a Swedish foreign mission and the interviews with the spouses are conducted there further investigation can also be conducted in the case of suspicion.

**National action against those misusing**

*Please describe the likely penalties imposed, and any impacts on: EU citizens / Third-country nationals*

*3,7 Once detected, how does your Member State treat people found to be misusing family reunification through a) marriages of convenience and b) false declarations of parenthood)?*

*Marriages of Convenience:*

The application for residence permit is refused. Since the applicant as the main rule is abroad during the application process and handling, no further actions are needed. If the applicant is in Sweden an

<sup>25</sup> Aliens Act 2005:716, Chapter 13 section 15.

order to leave is issued.

If the applicant has been granted a permit based on false information the permit will be withdrawn and the person is ordered to leave the country. In severe cases the applicant can be sentenced to a fine or imprisonment. An alien who has a right of residence may be expelled from Sweden out of consideration for public order and security. If the alien has a right of permanent residence at the time of the expulsion order, however, he or she may only be expelled if there are exceptional grounds for this.<sup>26</sup>

*False Declarations of Parenthood:*

The application for residence permit is refused.

Since the applicant as the main rule is abroad during the application process and handling, no further actions are needed. If the applicant is in Sweden an order to leave might be issued.

If the applicant has been granted a permit based on false information the permit will be withdrawn and the person ordered to leave the country. In severe cases the applicant can be sentenced to a fine or imprisonment.

*3.8 Do persons accused of abusing/misusing family reunification have a right to appeal?*

*Marriages of Convenience:*

If an application for residence permit is refused this can be appealed to the Migration Court or the Migration Court of Appeal (after pre-examination).

*False Declarations of Parenthood:*

If an application for residence permit is refused this can be appealed to the Migration Court or the Migration Court of Appeal (after pre-examination).

*3.9 Are there any examples of trans-national cooperation (e.g. between Member States or between Member States and third countries in combating misuse of family reunification?)*

*Marriages of Convenience:*

No information available.

*False Declarations of Parenthood:*

No information available.

**Reasons and motivations**

*3.10 Where possible (i.e. based on previous research undertaken, media interviews, etc.) describe the motivations for the sponsor engaging in a marriage of convenience / false declaration of parenthood. These may be economic, humanitarian or emotional considerations.*

*Where possible describe the motivations for the third-country national engaging in a marriage of convenience / false declaration of parenthood rather than (other) legal routes into the Member State.*

*Marriages of Convenience:*

This can in a longer perspective be influenced by the Swedish law regarding labour migration that

<sup>26</sup> Aliens Act 2005:716, Chapter 8 section 7a

was adopted in 2008, which involves that if a person has a job in Sweden he/she will as the main rule get a temporary residence and work permit, this also includes the labour migrants' immediate family. With this new way of legal migration there is a possibility that the number of marriages of convenience will be influenced.

*False Declarations of Parenthood:*

See the answer above – no additional information available.

Synthesis Report (up to 10 pages)

*Overall synthesis, drawing out key points to be highlighted at national level with the possibility of presenting information on national means of detecting misuse and reasons and motivations (i.e. drivers) of the misuse in a table.*

## Section 4

### Available statistics, data sources and trends<sup>27</sup>

National Contribution (1-3 pages)

***To the extent possible, statistics provided should be disaggregated according to the four scenarios outlined in Section III of this Common Template.***

**Statistics: General Context**

*4.1 Please provide the main / (readily) available national statistics (and the data sources with their status, i.e. published / not published) related to and in order to give a general context for the Study. What are the gaps? What are the available years?*

*Data might include for example: statistics on residence permits / visas granted for the purpose of family reunification, plus other reasons of entry; general characteristics of those entering for family reunification purposes, etc.*

*Note that Eurostat has statistics available on first permissions granted for the purpose of family reunification in accordance with Article 6 of Regulation 862/2007/EC ('Statistics on residence permits and residence of third-country nationals'), available for 2009-2010. The Eurostat statistics are disaggregated by length of validity of permit (i.e. 3-6 months, 6-12 months, and 12 months and more) and by category of family member (e.g. child, spouse, etc.). Moreover, statistics are disaggregated by the type of reunification (TCN joining TCN and TCN joining EU-citizen).*

*Marriages of Convenience:*

To put the problem of marriages of convenience in a context we would like to present the number of applications, decisions and granted permits for family reunification in Sweden.

<b>First application</b>	2009	2010	2011
Applications for family reunification	44377	44934	42133

<sup>27</sup> Please note that, as this is a Focussed Study, only data that is readily and easily available should be provided.

**EMN Focussed Study: Misuse of the Right to Family Reunification  
Sweden contribution**

Decisions on family reunification	46806	43904	41073
Total residence permits granted	33391	23968	23012
Granted applications for newly established relationships	22534	18379	17527
Granted applications for established relationships	6322	2263	2468

As you can see our statistics are differentiated according to the length of the relationship, not according to marital status or nationality of the reference person.

In addition to this migration for family reunification, migrant workers in Sweden are entitled to bring their families (as mentioned in section 3.10). The number of family members to workers in Sweden that are granted a residence permit was approximately 14 000 in the year 2011, a number that has steadily increased since the new laws on labour migration came into force in December 2008.

No statistics are available regarding marriages of convenience since Sweden does not register the reason for a time limited permit or for the refusal of an application for family reunification. If looking at the problem in relation to the total number of permits granted it must be assumed that the number of suspected marriages of convenience is relatively low. Time limited residence permits can be granted if, among other grounds, the seriousness of the marriage is questioned.

When it comes to a refusal of applications for family reunification there are several different possible grounds, with marriage of convenience being only one of these. Sweden does not have statistics stating the grounds for refusal. During 2011 there were about 6250 rejected applications for family reunification and among them about 1500 applications were from citizens of Somalia that had other grounds for being refused (lacking identification). Among those refused, there were about 1000 cases concerning children under the age of 18. The total number of refused applications where marriage of convenience is one possibility was then 3900. But as stated before, many of these applications were refused due to insufficient or lacking information. Another reason was not having a valid or proper passport. This figure should be compared to the total number of decisions for family reunification which were 42 000 during 2011.

*False Declarations of Parenthood:*

Sweden has no statistics showing false declaration of parenthood.

**Statistics: Specific indicators of the intensity of the issue:**

*4.2.a What is the intensity of the issue in your (Member) State?*

*Data might include the number of marriages of convenience and false declarations of parenthood that have been detected in your (Member) State; applications rejected because of presumption of marriage of convenience or false declaration of parenthood; residence permits issued for the purpose of family reunification later revoked, due to suspicion / evidence of them representing a*

<p><i>marriage of convenience / false declaration of parenthood cases; case law.</i></p> <p><i>Please provide statistics where available.</i></p>
<p><i>Marriages of Convenience:</i></p> <p>Sweden does not have statistics stating the ground for refusal. Our conclusion is that marriage of convenience exists but there are very few cases discovered. A study by the Swedish government of 2005 came to the conclusion that very few rejections were issued despite very numerous investigations and that the effects were limited in relation to the resources used.<sup>28</sup></p>
<p><i>False Declarations of Parenthood:</i></p> <p>Sweden does not have statistics stating the ground for refusal.</p>
<p><b><u>Characteristics of those involved</u></b></p> <p><i>4.2.b For: a) Marriages of Convenience and b) False Declarations of Parenthood, please describe where possible, a) the EU status (e.g. EU citizen, legally resident third-country national), the nationality and sex of those involved.</i></p> <p><i>Please provide details of data sources.</i></p>
<p><i>Marriages of Convenience:</i></p> <p>In a comparative study it was found that no nationalities or other characteristics stood out as typical in marriages of convenience case-files in Sweden.<sup>29</sup></p>
<p><i>False Declarations of Parenthood:</i></p> <p>No information available.</p>
<p><i>4.2.c Please also provide information about the location of the misuse (i.e. whether the marriage took place in your (Member) State or on the territory of another (Member) State.</i></p>
<p><i>Marriages of Convenience:</i></p> <p>There are indications that foreign citizens have been using the possibility of getting married in Sweden in order to get family reunification in another Member State.<sup>30</sup></p>
<p><i>False Declarations of Parenthood:</i></p> <p>No information available.</p>
<p><b><u>Synthesis Report (up to 5 pages)</u></b></p> <p><i>Description of available statistics / data and identified gaps.</i></p> <p><i>Overall synthesis, drawing out key points to be highlighted at national / Member State level. This section could include graphics such as a map outlining the patterns of instances of misuse + synthesis of trends/data to show which Member States most commonly experience these phenomena.</i></p>

<sup>28</sup> SOU 2005:14 p. 47

<sup>29</sup> Pöyry, p. 48.

Section 5

Summary and conclusions

National Contribution (up to one page only)

*Key findings, main observations, concluding remarks, any identified actions and next steps.*

*Marriages of Convenience:*

In Sweden very little attention has been directed towards marriages of convenience and this has not been an issue in the media or of public or political discussion. The impression is that the phenomenon does not constitute an important problem.

The legislation is quite uniform and treats all nationalities and all types of relationships in the same way.

No statistics are available concerning marriages of convenience. Over the years the investigation regarding suspected marriages of convenience has been less intense, partly due to the adoption of the EU directive on family reunification. Where an investigation of the seriousness of the relationship is conducted (not for married couples but for persons who intend to cohabit in the country) the procedures now tend to be in writing, and personal interviews are used more seldom.

*False Declarations of Parenthood:*

In Sweden very little attention has been directed towards false declaration of parenthood and this has not been an issue in the media or up for public or political discussion. The impression is that the phenomenon does not constitute a widespread problem. .

No statistics are available. In cases where the parenthood is in doubt DNA-analysis can be used in cases of family reunification.

Synthesis Report (2-4 pages)

*Overall key findings, main observations, concluding remarks, any identified actions and next steps.*

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