

Report from EMN Sweden 2012:2

# Intra-EU Mobility of Third-Country Nationals: The Case of Sweden

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### Top-line 'Factsheet' (Summary)

The main purpose of this EMN focused study is to identify the mobility rights of third-country nationals (TCN) within the EU, that is under what terms and conditions nationals of non-EU countries can move within the EU, and to compare these mobility rights to the conditions that apply to mobile EU citizens and to TCN who move to an EU Member State from a third-country. Another purpose is to allow the reader to gain some insight into the scale and scope of the phenomenon of intra-EU mobility of TCN.

From a Swedish perspective, a main result of this study is that there are generally no differences, or only marginal ones, between TCN who move to Sweden from another EU Member State and those TCN who move here from a third country. All TCN need a Swedish residence permit if they wish to stay in Sweden for periods longer than three months. As such, and as far as longer-term stays are concerned, it does not make a difference whether the applicant has been resident in a third country or in another EU Member State before coming to Sweden. The only relevant exception from this general rule concerns TCN who have the status of "long-term residents" in another EU Member State in accordance with Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. To persons that fall under this Directive, some special rules apply, making it easier for them to move to Sweden as compared to other third-country nationals. Similarly favourable conditions may in the future be created for TCN who are in possession of an "EU Blue Card" for highly qualified workers issued by other Member States. At the time of writing of this report, however, the EU Blue Card Directive (2009/50/EC) had not yet been implemented in Swedish law.<sup>1</sup>

If one compares the intra-EU mobility rights of TCN to mobility rights applying to EU citizens (and citizens of the European Economic Area), the fundamental difference consists in the fact that third-country nationals need a passport and a residence permit in order to reside in Sweden whereas EU citizens and their family members can move to Sweden without having to undergo any such application procedure. EU citizens are only required to register their stay in Sweden at the Swedish Migration Board. The registration process, however, does not affect the right of an EU citizen to stay in Sweden, which arises from the free movement principle irrespective of the EU national registers or not.

As far as the scale and scope of intra-EU mobility of TCN is concerned, only limited data is available. As in many other countries, Sweden does not have administrative statistics on short-term mobility patterns of TCN. This is due to the fact that there are no border controls between Sweden and neighbouring countries. Data from the Swedish Migration Board on the granting of residence permits to TCN do not reveal whether the persons in question have previously had their longer-term residence in another EU country or in a third country. To

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<sup>1</sup> This can be expected in the course of the year 2013.

collect such data has not been considered relevant due to the fact that there are no major legal differences between TCN who move to Sweden from another EU Member State or from a third-country.

The only useful set of data that is available in Sweden for the purposes of this study is statistics that are collected by Statistics Sweden on the basis of the national population register. As all persons who stay, or can be expected to stay, in Sweden for one year or longer need to register their residence at a local tax office. In doing so, they need to state, among other information, their citizenship and their previous country of residence. On this basis, Statistics Sweden can provide data on TCN who have taken residence in Sweden and who have previously resided in another EU Member State. For the purpose of this focused study, some basic statistical data have been provided by Statistics Sweden. The data shows that the number of TCN who have moved to Sweden from another EU Member State (or Norway, Iceland, Liechtenstein or Switzerland) has increased slightly between the years 2007 and 2011. In 2007, some 1 656 TCN have moved to Sweden from one of these countries. In 2011, this number was 2 156. The most important group among the TCN who took residence in Sweden and who had their previous residence in an EU or EEA State were nationals of China.

However, the data also reveals that the scale of the phenomenon of intra-EU migration of TCN is comparatively small: In 2011, the share of TCN who had their previous residence in another EU- or EEA-state among all immigrating third-country nationals was only 4.5 per cent.

## Section 1

### The National Legislative Framework: Visas and Residence Permits

#### **Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:**

##### **1.1. Long-term residents in another Member State**

- 1) What national rules and procedures apply to third-country nationals who are long-term residents in another Member State in respect of their access to a visa and/or residence permit in your country?

Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents has been implemented in Swedish law by Government Bill 2005/06:77. The changes that the Directive implied are for the most part laid down in Chapter 5 (a) of the Swedish Aliens Act and Chapter 4 of the Aliens Ordinance. They entered into force on 30 April 2006.

In order for the status of third-country nationals (TCN) who are long-term residents to as much as possible match the status of EU-citizens, the Directive demands that long-term residents have, under specific circumstances, the right to move to, and settle in, another Member State. This right to mobility within the EU is comparable to, but not exactly the same as the free movement rights of EU citizens. For example, a long-term resident from another Member State can apply

for a residence permit for Sweden from within Sweden, or at a Swedish mission abroad. He or she must have a valid passport and a residence permit for long-term residents issued by the State which has granted this status.

Any third-country national who has been awarded the status of long-term resident in another EU Member State may enter Sweden and work here for up to three months without any Swedish residence or work permit. For longer stays, a residence permit is needed, but the third-country national does not need a work permit. He or she has the same access to the Swedish labour market as Swedish or EU citizens. The same applies to the long-term resident's wife/husband, registered partner and child under the age of 21 irrespective of these persons' nationalities. In order to be granted a residence permit in Sweden, the third-country national who is a long-term resident in another Member States has to belong to one of the following categories:

- workers,
- self-employed persons,
- providers and recipients of services,
- students,
- persons who are not economically active but who have sufficient means for their own maintenance.

Apart from these groups, dependents also have a right to a residence permit.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

The main difference between third-country nationals who are long-term residents in another Member State and EU citizens is that EU citizens and their family members do not need a work or residence permit in Sweden for a stay longer than three months if they have a right of residence.<sup>2</sup>

### **1.2. EU Blue Card holders**

- 1) What national rules and procedures apply to third-country nationals who are EU Blue Card holders in another Member State in respect of their access to a visa and/or residence permit in your country?

At the time of writing this report, Sweden had not yet fully implemented the EU Blue Card Directive. According to a Government Report<sup>3</sup> the Directive will be implemented by adding a new chapter to the Swedish Aliens Act.

A holder of an EU Blue Card may apply for a residence and work permit in Sweden in accordance with existing legislation on labour migration while residing in another Member State. When the new legislation enters into force (foreseen in July 2013) a holder of an EU Blue Card may, after eighteen months of legal residence in another Member State, move to Sweden and apply for a EU

<sup>2</sup> Chapter 2, paragraph 8 of the [Swedish Aliens Act](#).

<sup>3</sup> Cf. Regeringskansliet (2012): Genomförande av blåkortsdirektivet, [DS 2012: 28](#), Stockholm.

Blue Card here if the application is presented no later than one month after entering our territory.

Since Sweden has reformed its national rules regarding labour immigration in 2008, many requirements concerning intra-EU mobility of third-country national workers that arise from the Blue Card Directive are already in place. It has to be kept in mind, however, that the current Swedish system for labour immigration does not foresee any specific conditions for highly qualified workers. As a matter of fact, the Swedish system is open to labour immigrants of all qualification levels.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

EU citizens do not have to apply for residence permit for a stay longer than three months in Sweden. As long as they have a right of residence, they are allowed to stay in the country and should just register.

### **1.3. Researchers**

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake work as a Researcher in your Member State?

As far as the Swedish rules are concerned, there are no differences between researchers who are third-country nationals and who move to Sweden from another EU Member State and TCN researchers who move to Sweden from a third country. All TCN researchers must apply for a residence permit from abroad at a Swedish Foreign Mission or via the internet, through the webpage of the Swedish Migration Board. A residence permit for a visiting researcher, exempts the TCN from the requirement to obtain a work permit.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

As indicated above for other categories of migrants, the main difference is that EU citizens do not need to apply for residence permit for a stay longer than three months in Sweden. As long as they have a right of residence, they are allowed to stay in the country and should just register.

### **1.4. Students<sup>4</sup>**

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who wish to undertake studies in your Member State?

Even for persons who move or migrate for study reasons, there are no differences between third-country nationals moving to Sweden within the EU or from a third country. All TCN must apply for a residence permit from abroad at

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<sup>4</sup> The statistics already compiled for the study Immigration of International Students to the EU may be used here, cf. Migrationsverket (2012): Immigration of International Students to Sweden, [Report from EMN Sweden 2012:1](#), Norrköping.

Swedish Foreign Mission or at the webpage of the Swedish Migration Board. Third-country national students who come to Sweden as so-called “free movers” must pay a tuition fee to the respective university in Sweden.<sup>5</sup>

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

EU citizens can study in Sweden on the same terms and conditions as national students. They do not need to pay tuition fee. If they are studying for more than three months they should register their stay but do not need to apply for residence permit.

### **1.5. Posted workers**

- 1) What national rules and procedures apply to third-country nationals who are resident in another EU Member State who are posted by a service provider for the purposes of cross-border provision of services in your Member State?

While there are generally no differences between the rules that apply to third-country national workers who move within the EU or into the EU respectively, some particular rules apply to posted workers due to the principle of free movement of services within the EU. In Sweden, a foreigner who is resident in an EU-/EEA state does not need a work permit even if he or she is a third-country national when he or she is entitled to work and stay in that country and is an employee of a company in that country and is going to work on behalf of the company on a temporary basis in Sweden in connection with a contract or a similar arrangement.<sup>6</sup> Thus, third-country national posted workers who are resident in an EU-/EEA state have easier access to Sweden than third-country nationals who intend to come to Sweden from a third-country. Whereas the former only need to have a residence permit when they intend to stay in Sweden for more than three months, the latter usually need to have a residence permit and work permit from the beginning of their stay.

There are, however, also some special exemptions from the need to have a work permit for specific categories of posted workers irrespective of whether they move within the EU or from outside the EU: A posted worker who is a specialist in an international company and works temporarily in Sweden for less than a year only needs a residence permit; a work permit is not required. The same is true for employees of an international company who wish to come to Sweden to improve their skills for less than three months within a twelve month period.

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<sup>5</sup> “Free movers” are international students who come to Sweden independent of any exchange projects between universities or any other international study schemes. For more information on the rules and conditions that apply to international students, please see the Swedish contribution to the EMN study on International Students: Migrationsverket (2012): Immigration of International Students to Sweden, [Report from EMN Sweden 2012:1](#), Norrköping.

<sup>6</sup> Cf. Chapter 5, paragraph 2, number 4 of the Swedish Aliens Ordinance (Utlänningsförordningen); see also Arbetsmiljöverket (2010): [Utstationering – regler för utlandsanställda som arbetar i Sverige en begränsad tid](#), Stockholm.



These exceptions shall facilitate the mobility of such posted workers.

- 2) Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens.

EU citizens, irrespective of whether they are posted workers or not, do not have to apply for a residence permit or work permit in order to be able to reside or work in Sweden. The principle of free movement applies if he or she

- is a worker or a self-employed person in Sweden,
- has come to Sweden to seek work and has a real possibility of obtaining employment,
- is enrolled as a student at a recognised educational institution in Sweden and, according to an affirmation to this effect, has adequate assets to support himself or herself and family members and has comprehensive health insurance for himself or herself and family members that is valid in Sweden or
- has adequate assets to support himself or herself and family members and has comprehensive health insurance for himself or herself and family members that is valid in Sweden.

**Groups of third-country nationals who are not provided for by the EU acquis:**

#### **1.6. Cross-border workers**

- 1) Do specific national rules and procedures governing access to a visa and/or a residence permit apply to third-country nationals who are resident in another Member State but are employed as cross-border workers in your Member State?<sup>7</sup>

As a general rule, third-country nationals who wish to work in Sweden as employee need a work permit. There is no difference between third-country nationals who immigrate to Sweden in order to work and TCN who have their main residence in a neighbouring country and work in Sweden (cross-border workers). Some groups of third-country nationals are exempted from the requirement to hold a work permit, as for example TCN who are long-term residents in another EU Member State, third-country national students, visiting researchers or, under specific circumstances, posted workers.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.6 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

If an EU citizen works in Sweden but lives in another EU Member State to which he or she returns at least once a week, this person does not need to register their right of residence in Sweden. An EU citizen who lives in Sweden and works in

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<sup>7</sup> This question only applies to those Member States that require cross-border workers to apply for a visa and/or residence permit in order to work in their Member State (even if their usual place of residence is in another Member State).

another country is considered as a person with sufficient means and needs to register his or her right of residence in Sweden.

### **1.7. Seasonal workers**

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who exercise an economic activity as seasonal workers in your Member State in respect of their access to a visa and/or residence permit?

In principle, the same rules and conditions apply to obtain a work permit for seasonal work as for other kinds of work. This means that a first-time permit must be applied for from abroad (not from within Sweden), and that the residence permit (or, for stays of up to three months, the visa) and the work permit has to be issued before the TCN arrives in Sweden. There is also the requirement that employees must have been offered terms of employment that are in accordance with Swedish collective agreements or that can be considered as customary for a specific occupation. The employment must enable the employee to support himself or herself. In practice the employee must have a monthly pre-tax salary of at least SEK 13 000. The labour union relevant for the respective occupational category must have had the opportunity to state an opinion about the terms of employment before the work permit is issued. A company who wants to employ seasonal workers for berry picking in Sweden must comply with specific requirements, for instance provide proof that the company in fact paid the salaries to the berry pickers if they have previously employed or engaged berry pickers.

There is no difference regarding whether the third-country national is coming to Sweden from his/her home country or from another EU Member State.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.7 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

EU citizens do not have to apply for a residence permit or work permit in order to be able to take up residence in Sweden. This is also true for seasonal workers.

### **1.8. Workers in regulated professions**

- 1) Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who apply to work in a regulated profession in your Member State in respect of their access to a visa and/or residence permit?

Concerning persons who have obtained professional qualifications in another EU Member State and who wish to work in a regulated profession in Sweden (e.g. medical doctor, lawyer etc.), Sweden applies Directive 2005/36/EC of 7

September 2005 on the recognition of professional qualifications. There are different competent authorities depending on the profession in question.<sup>8</sup> The Directive applies both to EU citizens and to TCN who have obtained professional qualifications in the EU.

The question whether a specific foreign qualification is recognised in Sweden or not is not relevant for the process of applying for a residence permit or visa. The granting of a residence permit or visa and the application for recognition or validation of qualifications or exams obtained abroad are two completely separate procedures.

- 2) If specific national rules and procedures apply to the third-country nationals described in 1.8 (1) above, how do these differ from the national rules and procedures that apply to EU citizens?

There are no specific national rules and procedures that would apply to third-country nationals who have obtained a professional qualification in another EU Member State.

### **1.9. Any other category of migrant worker not mentioned above**

- 1) Are there any specific national rules and procedures that apply to any group of third-country nationals who are resident in another Member State that has not been mentioned above?

In general, as mentioned above, there are no differences. With the exception of TCN who are long-term residents in another EU Member State, it does not matter whether a TCN moves to Sweden from a third country or from a Member State or the EU or EEA. It should be mentioned, however, that third-country nationals who have been granted a residence permit or visa by another Member State may stay in Sweden for a period of up to three months without having to apply for a Swedish visa or residence permit. Citizens from the Nordic countries, Denmark, Finland, Norway and Iceland can reside and work in Sweden without any requirements for residence permit or work permit. The requirement for a work permit is also dependent upon whether the TCN is a posted worker in Sweden from an EU Member State or from a third country (see section 1.5 above).

- 2) If yes, please describe how these rules differ from the national rules and procedures that apply to EU citizens.

Not applicable.

### **1.10. Common rules and procedures for all mobile third-country nationals**

- 1) Does the national legislative framework in your Member State contain rules and procedures that are relevant to all mobile third-country nationals (rather than rules that differentiate between different groups) in respect of their access to a visa and residence permit?

In general, as mentioned above, there are no differences. With the exception of TCN who are long-term residents in another EU Member State, it does not matter

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<sup>8</sup> For information on regulated professions and competent bodies see the full list on <http://www.hsv.se/qualificationsrecognition/regulatedprofessions.4.28afa2dc11bdcdc557480002186.html>

whether a TCN moves to Sweden from a third country or from a Member State or the EU or EEA. All TCN must apply for a residence permit from abroad at a Swedish Foreign Mission or via the internet, through the webpage of the Swedish Migration Board. It should be mentioned, however, that third-country nationals who have been granted a residence permit or visa by another Member State may stay in Sweden for a period of up to three months without having to apply for a Swedish visa or residence permit.

- 2) If yes, please describe the rules and procedures and explain how they differ from the national rules and procedures that apply to EU citizens.

Whereas third-country nationals, irrespective of whether they move to Sweden from a third country or from another EU Member State, need a residence permit in order to stay in Sweden for any period longer than three months, there is no such requirement for EU citizens. EU citizens should only register their stay.

## Section 2

### Scale and scope of the phenomenon

#### **2.1. Are statistics on overall intra-EU (work-related) mobility of third-country nationals available in your (Member) State?**

Statistics Sweden (*Statistiska centralbyrån*) collects data on immigration to and from Sweden on the basis of the population register. The register is kept by the Swedish Tax Agency (*Skatteverket*). As a general rule, any person who moves to Sweden and intends, or can be expected to, stay in the country for one year or longer, is required to register. The information that may be entered into the population register includes the following:

- name, address in Sweden, personal identity number and co-ordination number;
- place of birth, in Sweden or abroad;
- citizenship;
- civil status;
- spouse, children, parents, guardian(s) and adoption;
- property, parish and municipality in which you are registered;
- immigration to and emigration from Sweden;
- address abroad (previous and next country of residence respectively);
- death and place of burial.

The dates of any entry into, or change to, the register, such as date of a marriage, are also registered.

On the basis of the register, Statistics Sweden can provide data on personas who are nationals of third countries and who have moved to Sweden from a Member State of the EU/EEA. Cross-classifications are possible. Information on skills profiles is available in accordance with ISCO (International Standard

Classification of Occupations). Occupational profiles, however, are not available, and it is also important to note that persons staying for shorter periods of time than one year, as for example for short-term work or temporary studies, are not registered.

For the purposes of this study, some basic statistics revealing the scale of intra-EU mobility of TCN to Sweden, were requested from Statistics Sweden. The result is shown in Tables 1 and 2 below.

Table 1 shows that the number of TCN who have moved to Sweden from another EU Member State or Norway, Iceland, Liechtenstein or Switzerland has increased slightly over recent years. In 2007, a total of 1 656 TCN have moved to Sweden from one of these countries. In 2011, this number was 2 156. The most important group among the TCN who took residence in Sweden and who had their previous residence in an EU or EEA Member State were nationals of China. The second and third largest nationality groups were Afghan and Indian nationals respectively. These three nationality groups each accounted for more than 100 persons moving to Sweden from an EU-/EEA-country. Table 1 also shows, for comparison, the total number of TCN who moved to Sweden in the respective years, from all countries including non-EU countries. This number was 47 799 in 2011. The share of TCN who had their previous residence in another EU- or EEA-state among all immigrating TCN was only 4.5 per cent.

**Table 1: Third-country nationals moving to Sweden from other EU Member States or Norway, Iceland, Liechtenstein and Switzerland, Top-10 citizenships, 2007-2011\***

	2007	2008	2009	2010	2011
<b>China</b>	124	128	144	148	111
<b>Afghanistan</b>	23	29	18	31	107
<b>India</b>	77	88	74	99	101
<b>Iraq</b>	114	130	135	96	91
<b>Nigeria</b>	33	39	33	64	88
<b>USA</b>	74	68	87	92	87
<b>Russia</b>	57	60	81	60	85
<b>Pakistan</b>	39	35	49	63	81
<b>Turkey</b>	95	74	103	89	79
<b>Morocco</b>	27	40	42	57	76
<b>Other nationalities</b>	993	1 063	1 094	1 174	1 250
<b>Total</b>	<b>1 656</b>	<b>1 754</b>	<b>1 860</b>	<b>1 973</b>	<b>2 156</b>
<b>For comparison:</b>					
Third-country nationals moving to Sweden from all countries of previous residence (also non-EU)	49 264	50 048	54 143	52 030	47 799

\* Third-country nationals are here defined as persons not holding the citizenship of a Member State of the EU (EU-27) or of Norway, Iceland, Liechtenstein or Switzerland. The ranking of citizenships in the Table is based on the distribution of citizenships in 2011.

**Source:** Statistics Sweden

As Table 2 shows, most TCN who moved to Sweden from another EU-/EEA-Member State in 2011 had their previous residence in Italy (312). Spain and Denmark ranked two and three among the top-10 previous countries of residence within the EU/EEA. In earlier years, Germany (2008, 2008 and 2009) and Denmark (2010) were the most important previous countries of residence. The number of TCN who moved to Sweden from Italy, Spain and Greece has increased in the period 2007-2011. The increase was strongest in the case of Greece. While only 37 TCN moved to Sweden from this country in 2007, the number was 218 in 2011, almost six times as many as in 2007. By way of contrast, the number of TCN who moved to Sweden from Denmark and Germany has decreased. In the case of the United Kingdom, Norway, France, the Netherlands and Finland, numbers have remained more or less stable.

**Table 2: Third-country nationals moving to Sweden from other EU Member States or Norway, Iceland, Liechtenstein and Switzerland, Top-10 previous Member States, 2007-2011\***

	2007	2008	2009	2010	2011
<b>Italy</b>	105	146	136	231	312
<b>Spain</b>	120	118	176	200	246
<b>Denmark</b>	280	264	248	256	234
<b>Greece</b>	37	77	94	99	218
<b>United Kingdom</b>	208	200	189	201	185
<b>Germany</b>	322	266	258	222	171
<b>Norway</b>	69	83	90	101	96
<b>France</b>	96	74	81	78	82
<b>Netherlands</b>	70	61	55	85	66
<b>Finland</b>	65	95	86	69	62
<b>Other Member States</b>	284	370	447	431	484
<b>Total</b>	<b>1 656</b>	<b>1 754</b>	<b>1 860</b>	<b>1 973</b>	<b>2 156</b>

\* Third-country nationals are here defined as persons not holding the citizenship of a Member State of the EU (EU-27) or of Norway, Iceland, Liechtenstein or Switzerland. The ranking of citizenships in the Table is based on the distribution of citizenships in 2011.

**Source:** Statistics Sweden

It should be noted that, on the basis of the data provided in Tables 1 and 2, it is not possible to obtain information on why the persons mentioned have moved to Sweden, that is whether they have moved for work, study, family or any other reasons.

Data from the population register can also not be cross-classified with data on residence permits. (The latter, as sections 2.2 and 2.3 show, do contain information on the purpose of migration/mobility. With one exception they do not, however, allow for any differentiation as to whether a persons has moved to Sweden from an EU-/EEA country of from a third-country.)

**2.2. Are statistics based on administrative registrations available in your (Member) State on the following groups of mobile third-country nationals? If they are not available could they in principle be made available from existing registrations?**

***Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:***

- 1) Long-term residents coming from another Member States (information should be collected by national contact points established under Directive 2003/109/EC on third-country national long-term residents)

The data bases of the Swedish Migration Board include statistics on residence permits granted to TCN who are long-term residents in other Member States on the basis of Council Directive 2003/109/EC of 25 November 2003. The data can be disaggregated for nationalities and the following categories of TCN who are long-term-residents:

- workers,
- self-employed persons,
- providers or recipients of services,
- students,
- pensioners and persons with sufficient means,
- relatives to long-term-residents.

The data does not contain any information on the applicants' previous Member State(s), their duration of stay, their next destination, whether or not they are accompanied by family members, whether or not they are cross-border workers or hold an EU Blue Card or whether or not they are permitted to work under national legislation.

In 2011, a total of 445 TCN who were long-term-residents in other Member States, were granted a residence permit in Sweden. The most important nationality groups among these persons were Nigeria (88), Pakistan (48) and Morocco (37), see Table 3 for details. On the basis of these data, however, it is not possible to know from which EU Member State a TCN who is a long-term resident has moved to Sweden. Statistics from Eurostat show that the number of persons who have been granted this status varies greatly between the individual EU Member States. For example, Spain has reported a total of 2,246,841 TCN who were long-term residents, and Latvia 355,311. By way of contrast, Sweden had only 660 long-term residents in 2011.<sup>9</sup>

<sup>9</sup> Stock data. **Source:** Eurostat: Long-term residents by citizenship on 31 December of each year - annual data [migr\_reslong], last update 11 September 2012, data base extraction of 27 September 2012.

**Table 3: Residence permits granted to third-country nationals who are long-term residents in other EU Member States, 2009-2011**

<b>Citizenship</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Nigeria</b>	-	1	11	27	<b>88</b>
<b>Pakistan</b>	1	-	3	21	<b>48</b>
<b>Morocco</b>		1	5	19	<b>37</b>
<b>Ghana</b>	-	-	-	12	<b>34</b>
<b>Mongolia</b>	-	-	2	3	<b>21</b>
<b>unknown</b>	3	7	7	8	<b>18</b>
<b>Albania</b>	-	7	5	14	<b>18</b>
<b>India</b>	-	3	2	3	<b>16</b>
<b>Turkey</b>	10	9	27	21	<b>14</b>
<b>Bangladesh</b>	1	-	1	7	<b>14</b>
<b>Other</b>	<b>151</b>	<b>59</b>	<b>70</b>	<b>81</b>	<b>137</b>
<b>Total</b>	<b>166</b>	<b>87</b>	<b>133</b>	<b>216</b>	<b>445</b>

**Source:** Swedish Migration Board

- 2) EU Blue Card holders (information should be collected by national contact points established under Directive 2009/50/EC on EU Blue Card holders)

As Sweden does not yet apply Directive 2009/50/EC, statistics on EU Blue Card holders are not available.

- 3) Researchers

The existing rules in Sweden concerning the admission of TCN for the purposes of scientific research are founded on Council Directive 2005/71/EC. They were implemented in Chapter 4, Sections 7 (a) and (b) as well as Chapter 5, Section 2, Paragraph 1, Clause 11 of the Aliens Ordinance. These provisions entered into force on 1 July 2008.

Table 4 below displays the number of TCN who were granted a first-time residence permit for scientific research in Sweden during the years 2008-2011. Since the relevant provisions took effect in July 2008, complete annual data are only available from the year 2009 onwards. It has to be underlined that on the basis of these statistics, which are collected by the Swedish Migration Board, it is not possible to differentiate between TCN researchers who have moved to Sweden from a third-country or from another EU Member State respectively. Statistics are collected on the basis of the applicant's nationality only, not on the basis of their previous country of residence.



**Table 4: First-time residence permits granted to third-country national researchers, 2007-2011**

<b>Citizenship</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>China</b>	217	198	<b>201</b>
<b>India</b>	115	115	<b>123</b>
<b>USA</b>	101	98	<b>88</b>
<b>Iran</b>	49	54	<b>57</b>
<b>Japan</b>	69	59	<b>57</b>
<b>Russia</b>	52	47	<b>47</b>
<b>Australia</b>	17	25	<b>29</b>
<b>Canada</b>	23	29	<b>25</b>
<b>South Korea</b>	22	19	<b>24</b>
<b>Brazil</b>	17	12	<b>21</b>
<b>Other</b>	<b>251</b>	<b>227</b>	<b>198</b>
<b>Total</b>	<b>933</b>	<b>883</b>	<b>870</b>

**Source:** Swedish Migration Board

#### 4) Students

The Council Directive for conditions of arrival and residency of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (2004/114/EC) was introduced into Swedish legislation through Government Bill 2005/06:129. Changes to the relevant Swedish acts and ordinances were introduced on 1 February 2007. The Aliens Act states in Chapter 5, Section 10 that a temporary residence permit may be granted to an Alien who wishes to stay in Sweden for work, studies, a visit or to conduct business activities.

Table 5 shows the number of first-time residence permits issued to TCN for study purposes. It should be noted that the data not only includes TCN who intended to study at Swedish higher education institutions but also permits granted for other studies (e.g. high school education) and family members of international students.

The available statistics do not allow for any differentiation between TCN students who have moved to Sweden from a third-country or from another EU Member State respectively. Statistics are collected on the basis of the applicant's nationality only, not on the basis of their previous country of residence.

**Table 5: First-time residence permits granted for study purposes, 2007-2011**

Citizenship	2007	2008	2009	2010	2011
China	1 824	2 174	2 556	2 602	1 481
Turkey	340	523	701	682	515
Iran	595	941	1 164	1 446	361
India	508	462	1 300	1 220	348
Canada	349	358	388	436	346
USA	181	356	332	375	302
Australia	276	288	292	330	292
Singapore	135	183	209	244	291
South Korea	158	207	232	259	270
Russia	195	255	297	398	223
Other	4 359	5 439	6 016	6 196	2 407
<b>Total</b>	<b>8 920</b>	<b>11 186</b>	<b>13 487</b>	<b>14 188</b>	<b>6 836</b>

Source: Swedish Migration Board

#### 5) Posted workers

There are no statistics on posted workers in Sweden as this category of workers is included in the overall legal framework for labour immigration.

***Groups of third-country nationals who are not provided for by the EU acquis:***

#### 6) Cross-border workers

There are no statistics on cross-border workers in Sweden as this category of workers is included in the overall legal framework for labour immigration.

#### 7) Seasonal workers

Table 6 shows the number of work permits granted to seasonal workers from third countries in the years 2007-2011. Again, it should be noted that the data shown cannot be differentiated for TCN workers who have moved to Sweden from a third-country or from another EU Member State. Statistics are collected on the basis of the applicant's nationality only, not on the basis of their previous country of residence. The Table shows that most seasonal workers from third countries were citizens of Thailand in the period 2007-2011. The second largest group was Ukrainian workers. In 2010 and 2011, seasonal workers from Bangladesh appeared as a new nationality group.

**Table 6: Work permits granted to seasonal workers, 2007-2011**

<b>Citizenship</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Thailand</b>	2270	3633	5949	3188	2497
<b>Ukraine</b>	16	34	857	246	85
<b>China</b>	-	8	181	414	32
<b>Vietnam</b>	-	-	166	359	-
<b>Bangladesh</b>	-	-	-	281	192
<b>Belarus</b>	75	65	-	-	2
<b>Serbia</b>	44	27	31	-	3
<b>Russia</b>	1	3	-	4	4
<b>Philippines</b>	-	-	5	-	4
<b>Bosnia and Herzegovina</b>	-	4	5	-	-
<b>Other</b>	14	5	6	16	2
<b>Total</b>	<b>2 420</b>	<b>3 779</b>	<b>7 200</b>	<b>4 508</b>	<b>2 821</b>

Source: Swedish Migration Board

#### 8) Workers in regulated professions

There are no statistics on workers in regulated professions in Sweden as this category of workers is included in the overall legal framework for labour immigration.

#### 9) Any other category of migrant not mentioned above

Table 7 displays statistics on residence permits granted for other categories of migrants, such as TCN moving to Sweden for family reasons, residence permits granted for humanitarian reasons (refugee protection, subsidiary and humanitarian protection, etc.) and permits granted for work reasons. As these groups are not central to the topic of this study, only an overview is presented here. It should be noted, again, that it is not possible to differentiate between TCN who have moved to Sweden from a third-country or from another EU Member State respectively. The Swedish Migration Board does not collect statistics based on applicants' previous country of residence.

**Table 7: Residence permits granted to other categories of migrants from third-countries, 2007-2011**

	2007	2008	2009	2010	2011
<b>Humanitarian reasons</b>	18 141	11 237	11 265	12 130	12 726
<b>Family reasons</b>	28 975	33 184	37 710	29 837	32 114
<b>Work reasons*</b>	9 859	14 513	17 954	16 373	17 877
<b>Other (e.g. education, adoptions, free movement within EU)</b>	29 120	31 087	31 715	33 118	30 417
<b>Total</b>	<b>86 095</b>	<b>90 021</b>	<b>98 644</b>	<b>91 458</b>	<b>93 134</b>

\* The category "work reasons" includes researchers as shown above in section 2.2.3.

Source: Swedish Migration Board

### **2.3. Are there any other/proxy sources of statistics that could provide indications of patterns and trends?**

- (i) Number of applications for the recognition of diplomas/certificates acquired in another Member State.

In Sweden, the Swedish Council for Higher Education (*Universitets- och högskolerådet*) which has taken over responsibilities from the earlier National Agency for Higher Education (*Högskoleverket*) is responsible for the recognition of foreign academic degrees. Recognition is done with the objective to make it easier for immigrants to enter the Swedish labour market. The Council examines all higher education degrees with a duration of two years or more, which do not give access to regulated professions such as doctors (physicians) or teachers. The recognition of degrees concerning regulated professions lies within the responsibility of other, specialised agencies such as the National Board for Health and Welfare in case of doctors and other health care professionals.

The Council for Higher Education collects and regularly publishes statistics on the recognition of foreign degrees. The available data, however, are not collected on the basis of the nationality (citizenship) of the persons applying for recognition. Instead, the statistics of the Council for Higher Education only include information of the countries in which the respective foreign qualifications have been acquired.

The data of the Council for Higher Education shows that the number of persons applying for the recognition of their foreign degree has increased over recent years. In 2006, a total of 3 330 applications were received. In 2011, this number was 5 043. Table 8 below shows the number of incoming applications for recognition in 2011, disaggregated by the 10 most important countries in which foreign educations were acquired. That year, Iraq was the most prominent country in which applicants had acquired foreign qualifications, followed by Iran and Russia. After these three third-countries, Poland, Romania and the United Kingdom are also prominently placed as relevant countries where degrees were obtained.

**Table 8: Applications for recognitions of foreign academic degrees, 2011**

Country of education	2011
Iraq	642
Iran	327
Russia	259
Polen	234
Romania	194
United Kingdom	180
USA	180
Germany	134
Thailand	133
Ukraine	124
Other	2 636
<b>Total</b>	<b>5 043</b>

**Source:** Högskoleverket (2012): Bedömning av utländsk utbildning – gör den nytta? [Högskoleverkets rapportserie 2012:20 R](#), Stockholm.

(ii) Number of visa applications by third-country nationals who are resident in another EU Member State.

There are no statistics available on the number of visa applications by TCN who are resident in another EU Member State. The visa statistics kept by the Swedish Migration Board include information on where a visa application was handed in, at a Swedish mission abroad in an EU Member State or in a third country. The fact that a visa application is handed in at a Swedish mission in an EU Member State, however, does not necessarily mean that the applicant is resident there.

(iii) Number of social security registrations<sup>10</sup> by third-country nationals who were resident in another Member State before arrival?

In Sweden, all persons who take residence in Sweden for one year or longer are registered in the population register. Data from the population register has been presented in Section 2.1 above. From a Swedish perspective, social security registrations are not meaningful as a data source for the purposes of this study as they do not include cross-classified information on a person's previous country of residence and citizenship.

(iv) Information about previous country of residence contained in the latest population census.

There are no meaningful census data for Sweden that could be relevant for the

<sup>10</sup> A social security registration is normally required on arrival in a Member State before access to employment can be granted.

purposes of this study. Instead, statistics from the population register, as presented in Section 2.1 above, are considered to be relevant.

(v) Any information that might be collected about the motivations of third-country nationals who apply for citizenship in (your) Member State (e.g. as a proxy source of information on the number of third-country nationals wishing to travel within the EU).

The number of TCN who have applied for Swedish citizenship is not considered to be a relevant proxy source for intra-EU mobility of third-country nationals. Even if one reason to apply for Swedish citizenship can be a wish to become an EU citizen and then be able to travel freely within the EU, there are many other motivations to apply for Swedish citizenship, some of which might be more relevant.

(vi) Any other proxy sources of statistics.

The authors of this study are not aware of any other reasonable proxy sources of statistics on intra-EU mobility of TCN.

#### **2.4. Please provide any statistics available on the flows of EU nationals within your (Member) State over the last 5 years in order to provide a comparison with the flows of third-country nationals**

In Sweden, the Swedish Migration Board is the responsible body for the registration of EU citizens' right of residence. EU citizens can move to Sweden without applying for any kind of permit. If they are planning to stay in the country for more than three months, however, they are required to register their right of residence.<sup>11</sup> All registrations of EU citizens are statistically captured by the Swedish Migration Board. The data can be disaggregated for different categories of mobile EU citizens, such as workers, self-employed persons, providers of services, among others.

Table 9 provides an overview on registrations of EU citizens' right of residence in Sweden for the period 2007 to 2011. The figures displayed in the Table show that the number of EU citizens who have registered in Sweden has increased from 19 387 in 2007 to 23 226 in 2012. Especially during the period between 2009 and 2011, a strong increase can be observed (from 17 606 registrations in 2009 to 23 226 in 2012). The largest categories among mobile EU citizens are workers (9 309 in 2012) and close family members (7 673).

It should be kept in mind, however, that the statistics from the Swedish Migration Board that are shown here cannot be compared to the population registry data on third-country nationals that were discussed in Section 2.1. It also needs to be said that the actual number of EU citizens that have come to Sweden in recent years can be greater than the numbers presented in the Table below. This is due to the fact that persons who only work in Sweden for a short time (three months or shorter) usually do not register their stay. There can also be other cases of EU citizens that, for different reasons, chose not to register

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<sup>11</sup> Citizens of the Nordic countries are exempted from this requirement; they do not need to register.

their stay. Whether an EU citizen registers or not does not affect his or her right to stay in Sweden.<sup>12</sup>

**Table 9: Registrations of EU citizens' right to stay in Sweden, 2007-2011**

	2007	2008	2009	2010	2011
<b>Workers</b>	8 189	7 881	5 857	6 984	9 309
<b>Self-employed persons</b>	441	419	418	522	617
<b>Providers or recipients of services</b>	254	69	-	-	-
<b>Students</b>	2 825	2 953	3 230	3 365	3 511
<b>Pensioners and persons with sufficient means</b>	1 006	1 025	1 146	1 127	1 343
<b>Relatives to long-term-residents</b>					
<b>Husbands, wives, registered partners and children of EU citizens</b>	6 321	6 724	6 536	6 016	7 673
<b>Other categories, including TCN who are long-term residents in other EU Member States</b>	351	327	419	466	773
<b>Total</b>	<b>19 387</b>	<b>19 398</b>	<b>17 606</b>	<b>18 480</b>	<b>23 226</b>

**Source:** Swedish Migration Board

According to Eurostat, 34 272 persons who were citizens of an EU Member State or Norway, Iceland, Switzerland or Liechtenstein immigrated to Sweden in 2007. In 2008, the corresponding figure was 33 270. In 2009, it was 29 620, and in 2010, it was 27 006.<sup>13</sup>

The Eurostat data are provided by Statistics Sweden, and in the same way as the statistics that were presented on the intra-EU mobility of TCN in Section 3.1, they are based on the population register. As mentioned above, data from the population register are not comparable to data from the Swedish Migration Board on registrations of EU citizens' right to stay. The data from the population register are higher than the Swedish Migration Board's data, which is due to the fact, among other reasons, that even citizens of the Nordic countries, who do not need to register their right of residence in Sweden, are registered in the population register. If one wishes to compare the figures given in Section 3.1 on the intra-EU mobility of TCN with corresponding data on mobility of EU citizens, the Eurostat data should be used instead of the statistics from the Swedish Migration Board.

<sup>12</sup> Cf. Regeringskansliet (2012): Uppföljning av rörlighetsdirektivets genomförande, [DS 2012:60](#), Stockholm: Justitiedepartementet, p. 60-63.

<sup>13</sup> Statistics for 2011 were not available yet when this report was drafted.

### Section 3

#### Identified restrictions to Intra EU mobility of third-country nationals

**3.1. Member States (and Norway) may examine the situation of the labour market and give preference to Union (or EEA/EFTA) citizens when considering applications for work from a third-country national in another Member State or EFTA country.**

The Swedish system for labour immigration is demand driven. This means that it is the Swedish employers who decide whether or not they have a need to recruit someone from outside Sweden or the EU/EES to fill a particular vacancy. The principle of preference to Union (or EEA) citizens on the labour market in Sweden is ensured by the fact that employers have to advertise any vacancy both within Sweden and in the EU (for instance through the portal EURES) for at least 10 days before they can start recruiting a third-country national who is not yet present in the country.

**3.2. Minimum wages are often specified in the national legislative framework that may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).**

In Sweden, there are no minimum wages stated in legislation. It is the social partners that have the responsibility for wage formation. However, in order to be granted a work permit, the employer must offer terms of employment that are at least on the same level as Swedish collective labour union agreements or that are customary for the occupation or industry sector in question. The employment must enable the employee to support himself or herself. The monthly pre-tax salary must thus be at least SEK 13 000. Employers must provide an offer of employment, and the trade union concerned must, as a rule, have been given the opportunity to state an opinion on the terms of employment before any work permit is granted to a TCN. These rules apply to all TCN and they shall ensure that the labour immigration system is not abused by employers for wage-dumping or dumping of labour standards.

**3.3. If the third-country national who moves from another Member State (or EFTA country) is in a self-employed capacity, Member States (and Norway) may require that they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity.**

If a TCN plans to work for a period longer than three months to start up or to run his or her own business or become the owner (or part owner) of a company, he or she must have a residence permit. As a self-employed person, the migrant is not allowed to accept employment with any employer. This general rule applies to all TCN irrespective of their previous country of residence. In order to be granted a residence permit for self-employment, the applicant must be able to conduct the business activities in question. This means, in practice, that the applicant must fulfil the following requirements:



- the migrant can prove that he/she owns at least fifty per cent of the company, that he/she runs the business and that he/she person have the ultimate responsibility for it;
- the company must be expected to achieve satisfactory profits and be able to support the applicant and his/her family (if applicable) during a two-year probationary period;
- the migrant is able to demonstrate that he/she has solid experience in the sector and should also have previous experience running his/her own business;
- the applicant can show that he/she has enough money to support himself and the family during the first two years of residence. The Swedish Migration Board estimates this to be SEK 200 000; for an accompanying spouse SEK 100 000; and SEK 50 000 for every accompanying child.
- The applicant must also have Swedish and/or English language skills.

**3.4. National rules or procedures governing the recognition of degrees and diplomas may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).**

The same assessment of foreign qualifications is done for all such qualifications, including degrees that have been obtained in EU Member States. The assessment is free of charge and done, after application, by the Swedish Council for Higher Education. For regulated professions, Sweden applies Directive 2005/36/EC. There are different competent bodies depending on the profession.<sup>14</sup>

**3.5. National rules or procedures governing access to social security and social services for third-country nationals and their families may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).**

Everyone living in Sweden for more than a year, with a right of residence (EU-/EEA-citizens) or a residence permit (third-country nationals), should register in the population register. Upon this registration, the person has the same right to social security and social service as anyone living in Sweden, including Swedish citizens. Examples of such social security services and welfare benefits that are available to everybody on the basis of residence in Sweden are basic parental and sickness benefits.

Apart from residence-based welfare and social security, there are also work-related benefits. They are not dependent on registration in the population registry but on gainful employment within Sweden. Those in gainful employment are, for instance, covered by certain sickness benefits, pregnancy benefits and

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<sup>14</sup> For regulated professions and competent bodies see the full list on <http://www.hsv.se/qualificationsrecognition/regulatedprofessions.4.28afa2dc11bdcdc557480002186.html>

income-based old age pensions.

The fact that both residence-based and work-based benefits are available to TCN in the same way as to Swedish or EU citizens once they are registered in the population register or engage in employment in Sweden can, in the context of this study, rather be seen as incentives for third-country nationals to move to Sweden than as restrictions to intra-EU mobility.

### **3.6. Any other restrictions**

The Swedish Migration Board is not aware of any restrictions to the intra-EU mobility of third-country nationals other than those mentioned above in Sections 3.1 to 3.5.

## Section 4

### Conclusions

***With regard to the aims of this Focused Study, what conclusions would you draw from your findings? What is the relevance of your findings to (national and/or EU level) policymakers?***

This study has primarily shown that there are generally no differences in rules and procedures, or only marginal ones, between those that apply to TCN who move to Sweden from another EU Member State and those that apply to TCN who move here from a third country, respectively. All TCN need a Swedish residence permit if they wish to stay in Sweden for periods longer than three months, irrespective of their previous country of residence. For third-country nationals who have the status of “long-term residents” in another EU Member State, however, some special rules apply, making it easier for them to move to Sweden as compared to other third-country nationals. Similarly favourable conditions may in the future be established for persons holding an EU-Blue Card for highly skilled workers. Furthermore, TCN who are posted workers from another EU Member State do not need a work permit in order to work in Sweden.

If one compares the intra-EU mobility rights of TCN to mobility rights applying to EU citizens (and EEA citizens), a fundamental difference consists in the fact that TCN need a passport and a residence permit in order to reside in Sweden whereas EU citizens can move to Sweden without having to undergo any such application procedure. EU citizens are only requested to register their stay in Sweden at the Swedish Migration Board. The registration, however, does not affect their right to stay in Sweden.

As far as the scale and scope of intra-EU mobility of TCN is concerned, the limited relevant data that is available shows that the phenomenon is comparatively small: In 2011, some 2 156 TCN have moved to Sweden from another EU Member State (or Norway, Iceland, Liechtenstein or Switzerland). In the same year, the overall number of TCN that had moved to Sweden, irrespective of whether they have previously resided in another EU Member State or elsewhere,

was 47 799. Thus, intra-EU mobility of TCN only stands for 4.5 per cent of all TCN that have moved to Sweden. On the other hand, it can be considered interesting that the phenomenon seems to have increased slightly over recent years, from 1 656 TCN in 2007 to 2 156 in 2011. This equals to an increase of 30.2 per cent.

The fact that the number of mobile TCN coming to Sweden from other EU or EEA countries is increasing, as well as the fact that some previous countries of residence of mobile TCN have decreased, whereas others have increased, can indicate that economic developments in EU Member States might have a certain impact of such mobility patterns. As this study has shown, the number of TCN who moved to Sweden from Italy, Spain and Greece has increased in the period from 2007 to 2011. The increase was strongest in the case of Greece. By way of contrast, the number of TCN who moved to Sweden from Denmark and Germany has decreased.

Apart from these statistics, which are based on the population register and thus only cover persons who stay, or can be expected to stay, in Sweden for one year or longer, irrespective of their status or their reasons for coming to Sweden, only very limited data is available. Data on residence permits and visas from the Swedish Migration Board, which are discussed in Section 2.2 of this study, does for most groups of TCN not include any information of these persons' previous countries of residence. It has also not been possible to identify any reasonable proxy sources of data on intra-EU mobility of TCN, census data or social security statistics.

Given these main findings from this study, it may be concluded that information on intra-EU mobility flows and migration patterns of third-country nationals is scarce and incomplete. If one looks at the overall inflow of TCN to Sweden, however, both in the framework of asylum and protection, labour immigration from third countries, persons migrating for family reasons, and even international students from third countries, the scale and scope of intra-EU migration of TCN seems to be rather small. Also when compared to the inflow of EU citizens to Sweden (27 006 in 2010 according to Eurostat), the intra-EU mobility of TCN appears to be rather marginal.

Last but not least, as far as social security rights and the availability of welfare benefits are concerned, no significant obstacles can be identified for TCN who wish to move to Sweden from another EU Member State. All persons that are registered in the Swedish population registry basically have the same rights, irrespective of their nationalities. Thus, with the exception of posted workers from within the EU, mobile TCN are not in any way treated in a more favourable, or more restrictive, way than EU citizens or Swedish nationals.

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