

Practical responses to irregular migration into Sweden

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Summary

The Swedish Government's objective is to secure long-term, sustainable migration policies that maintain the right of asylum and that, within the framework of regulated migration, facilitate mobility across borders. An efficient regime aimed at combatting illegal migration is a precondition for the achievement of this objective. One basic element of policies in this respect is to ensure a well-developed, efficient and reliable system of checks on persons. The objective of this process is to prevent foreign nationals travelling into or staying in Sweden in contravention of the relevant regulations and to prevent and combat crimes against immigration law. Checks on persons are carried out both at the EU external borders and in the form of checks of aliens throughout Swedish territory.

The majority of irregular migrants entering Sweden apply for asylum after arrival. Some of the most common countries of origin of asylum-seekers in Sweden over the last few years have been Iraq, Afghanistan and Somalia. As it is improbable that these individuals have been able to travel to Sweden legally, it may be assumed that they have received help with transport. Human smugglers are continuously adopting new methods and utilizing loopholes in the law to circumvent regulations with the aim of allowing third country citizens to enter and settle in the EU/Schengen area. Various forms of marriages or adoptions of convenience and bought or forged passport documents have been identified as modes of gaining a residence permit in Sweden. For example individuals register residency in Sweden using a forged passport from another EU member state. Temporary study visas for guest students are also used. The reform of Sweden's regulations for labour migration from countries outside the EU that entered into force in December 2008 has brought an easing of constraints on obtaining a residence permit due to employment. The opportunity to stay legally in Sweden through the acquisition of a work permit has become a new *modus operandi*: for example irregularities have been discovered in some companies which, according to applications for work permits, provide employment for third country nationals.

Sweden's geographical position means that, in comparison to a number of other EU member states, the country carries out quite limited border controls. In practice there are no external borders, and Sweden maintains a relatively low profile as concerns checking entry with the aim of limiting the number of irregular migrants. Most irregular migrants who arrive in Sweden have travelled via one or several other member states. The majority of asylum applications in Sweden occur inside the country and not at the border. The controls that are carried out occur at internal borders, for example at the Öresund Bridge between Sweden and Denmark, and are primarily carried out by Customs. Checks are also carried out of passengers arriving by air from third countries and these reveal individuals who have been registered in the Schengen Information System (SIS) by another member state. No checks are carried out when leaving Sweden for another Schengen country; however they are carried out for travellers to third

countries. In contrast to most EU countries, Sweden does not issue re-entry bans to individuals who have been granted a visa to Sweden, or to another Schengen country, and then stayed when the visa expired (overstayers).

As concerns the various practical measures aimed at reducing irregular migration, as well as inputs aimed at counteracting the use of the different modus operandi, these are carried out jointly at different levels between the 21 police authorities, the National Police Board Central Unit for Border Control Issues (CGE), Swedish Customs, the Swedish Coast Guard, the Swedish Migration Board and the Prison and Probation Transport Service (TPT). Sweden is also involved in cooperation at Nordic level. The Nordic countries supply joint Police and Customs Liaison Officers (PTN). Within the EU, cooperation takes place in various forms such as CGE projects with Frontex. In addition CGE is part of Baltic Sea Region Border Control Cooperation.

Training activities have been undertaken in both Sweden and third countries for consular personnel, migration officials and sometimes also airport staff. The Police assist with advisory services and information concerning false documents, new modus operandi and risk analyses aimed at preventing irregular travel and irregular migration. The Police also cooperate with the Swedish Tax Agency as concerns both identity issues and population registration with the aim of discovering irregularities.

Various development projects have been undertaken in order to develop competence, technology and forms of cooperation. For example the eBorder Project has developed biometrics for fingerprints in Swedish travel documents. The Operation Triangle Project has developed methods for combatting cross-border crime.

As concerns paths out of an irregular situation, the Government of Sweden specially prioritises the process of return. Foreign citizens who have been issued with return decisions that have entered into force are obliged to leave the country. Common forms of travel out of Sweden include individual travel, unescorted removals, escorted removals and planes chartered for returnees by the TPT and the Police. Chartered planes may either be organised nationally or under the auspices of Frontex (Joint Return Operations). In principle, Sweden currently organises charter flights to Iraq only.

In 2009, a cooperation project was initiated between the Swedish Migration Board, the National Police Board and the Prison and Probation Transport Service (TPT) aimed at the streamlining of returnee activities in order to increase the number returns of individuals who have been issued a return decision that has entered into force. The project is entitled REVA (Legally secure, efficient enforcement activities). Cooperation with other countries with the aim of implementing returns is also carried out within the European Return Platform for Unaccompanied Minors (ERPUM). ERPUM is a project cooperation between Sweden, the United Kingdom and the Netherlands with the aim of creating a platform for cooperation concerning unaccompanied minors, primarily from Afghanistan and Iraq.

On 1 August 2007, in order to facilitate voluntary return to countries with limited opportunities for re-establishment, financial re-establishment support was introduced.

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1 Introduction

1.1 Aims, objectives and delimitations

This study is part of the work programme established by the European Migration Network (EMN) for 2011. The overall objective of the study is to provide a general picture of existing methods and approaches, mechanisms and measures applied by member states for the management of irregular migration within the EU. National reports from member states are then compiled into a Synthesis Report.

The specific objectives of the study are to:

- Examine overall historical and political approaches towards irregular migration in the member states;
- Outline EU and national policy and legal frameworks with regard to preventing, detecting, addressing and reducing irregular migration, and its driving forces;
- Provide a comprehensive overview of practical approaches, mechanisms and measures developed by the member states to reduce the number of irregular migrants in the EU;
- Review transnational cooperation (both within the EU and with third countries) in the area of irregular migration;
- Explore the availability of data and the methods of data collection used by member states to estimate the irregular migrant population and the costs of implementing practical measures to tackle irregular migration;
- Explore the effects of EU policy and legislation on national policy, procedures and practices;
- Draw conclusions about the effectiveness of these practical responses to irregular migration across member states, including proportionality considerations and the highlighting of best practices.

In particular, the study will identify effective practical measures undertaken to:

- Address irregular migration before the migrant arrives in the host (member) state – i.e. at pre-entry level;
- Detect the entry of irregular migrants into member state territory;
- Monitor and ensure migrant compliance with the conditions of their visa and/or other permission to stay in a member state in order to avoid overstaying;
- Address the (legal) situation of irregular migrants by providing pathways out of irregularity.

The study will focus on third-country nationals found to be illegally present according to the following criteria:

- People who have entered the member state territory illegally (i.e. via smuggling across a border with false documents, or fraudulently stating the purpose of their stay).
- Individuals who have overstayed their visa (or their maximum visa waiver period).
- People who have violated the conditions of their visa, work permit or residence permit (i.e. the conditions for granting the visa / permit are no longer satisfied).
- Individuals who have not left the Member State territory upon a final negative decision concerning their application for international protection (asylum).
- People who absconded during the application process for international protection (asylum) and did not leave the member state or the EU.

The study does not address victims of trafficking. Also, in order to maintain a narrow focus, the study will not address member states' practical measures mobilised to fight against trafficking or illegal networks engaged in trafficking. Finally, the study will not address prevention and detection measures which are an integral part of the visa issue process, as these are addressed in the EMN study on "Visa Policy as Migration Channel".

The study will contextualise national policies and practices within the overall EU policy framework, and explore the effects of EU policy and legislation on national policy-making and practice.

The outcome of this study is primarily intended for:

- Policy-makers, including relevant ministers and policy officers (at EU and national level) concerned with developing and implementing policy relating to irregular migration;
- National experts, e.g. in universities, research institutions and think-tanks, who could potentially make use of the study;
- Other stakeholders and practitioners, for example, non-governmental organisations (NGOs) and NGO networks.

1.2 Definitions

For the purposes of the Study 'irregular' should always be used when referring to a person, as specified in Resolution 1509 (2006) of the Council of Europe Parliamentary Assembly. As stated in this Resolution, 'illegal' may be used when referring to a status; however, for the purpose of this

Study, EMN NCPs should make efforts to use only the terms ‘irregular migrant / irregular migration.’¹

Further information concerning the concept and the term irregular migration can be found in the EMN Glossary.²

1.3 Methodology

This study has been written using common specifications established by the EMN.³ This procedure has been followed in order to enable comparisons between EU member states. These specifications state the questions to be answered by the study as well as the overall layout and organisation of the report, relevant definitions and delimitations. Attention has been paid to a number of previous studies which are listed in Annex 1 of the Study Specifications.

The Swedish part of the study has been written by experts from the Swedish Migration Board and the Police in cooperation with the national EMN Contact Point. Consultations have also been held with experts within the Ministry of Justice and the Police.

Information has been gathered in the form of material in the public domain such as legislation, government bills and government reports and enquiries. In addition, other background material such as reports, in-house studies and working papers from other organisations have also been used. One important source has been interviews with key individuals in the Police.

Statistics have been compiled primarily via extracts from Eurostat and the case management system of the Swedish Migration Board. The introduction of new reference points and processing procedure for migration issues, NIPU 2006, meant that certain statistics for 2005-2006 could not be obtained.

¹ Resolution 1509 (2006) of the Council of Europe Parliamentary Assembly.

² Available from www.emn.europa.eu.

³ Specifications for EMN study, “Practical Measures for Reducing Irregular Migration”, FINAL Version: 31st May 2011, MIGRAPOL European Migration Network Doc. 231.

2 Policy and legal framework in relation to irregular migration in Sweden

2.1 National policy and legislation

2.1.1 Overall objective

The objective of the Swedish Government is to secure long-term, sustainable migration policies that maintain the right of asylum and that, within the framework of regulated migration, facilitate mobility across borders. An efficient regime aimed at combatting illegal migration is a precondition for the achievement of this objective.

One basic element of policies in this respect is to ensure a well-developed, efficient and reliable system of checks on persons. The objective of this process is to prevent foreign nationals travelling into or staying in Sweden in contravention of the relevant regulations and to prevent and combat crimes against immigration law. Checks on persons are carried out both at the EU external borders and in the form of checks of aliens throughout Swedish territory.

Within the framework of the operations of Swedish government agencies responsible for processing visa and residence permit applications, measures are taken to counteract abuse of the systems and to avoid foreign citizens being granted permits on improper grounds.

Foreign citizens who have been issued with deportation or expulsion orders that have entered into force are obliged to leave the country. Consequently well-functioning return activities are also an important factor aimed at counteracting illegal migration and contributing to the overall objective of the Government's migration policies.

2.1.2 National legislation

The Swedish Aliens Act (2005:716) provides the legal basis for action against illegal immigration. The Act regulates opportunities to enter into and stay in the territory. Supplementary regulations, such as the Swedish Aliens ordinance,⁴ are published by the Government and more detailed practices are published by the competent authorities. These national laws and regulations also include rules concerning the duties and competences of agencies dealing with immigration control and the surveillance of the external borders, agencies such as the Police and the Swedish Coast Guard.

A Coast Guard officer has the authority of a Police officer/Customs officer to carry out duties. At the request of the Police, Customs and the Swedish

⁴ <http://www.sweden.gov.se/content/1/c6/07/56/18/7cbd265a.pdf>;
<http://www.notisum.se/rnp/sls/lag/20060097.htm>

Migration Board can take part in control and surveillance of external borders. Hence Customs and the Migration Board can be assigned to support the Police with regard to border control tasks.

2.1.3 Sentences and sanctions in national legislation

Swedish legislation provides for a complex system of sanctions and fines against people entering the country illegally as well as individual, companies or networks that help others to enter the country without permission or to stay in Sweden on an irregular basis. Several sections of the Aliens Act are of particular relevance in this context:

Aliens Act Chapter 20, section 1

A fine shall be imposed on an alien who is staying in Sweden intentionally or through negligence without having the prescribed permit and without the alien having applied for such a permit. In the case of minor offences, prosecution shall only be initiated if this is called for in the public interest.

Act Chapter 20, section 3

A fine shall be imposed on an alien who intentionally or through negligence is employed in a position or conducts an activity that requires a work permit without holding such a permit.

Act Chapter 20, section 4

An alien who intentionally passes an outer border under the Schengen Convention in an impermissible way shall be sentenced to a fine or imprisonment for at most one year.

Aliens Act Chapter 20, section 5

A person who intentionally or through negligence has an alien in his or her employment even though the alien does not have the prescribed work permit shall be sentenced to a fine or, in aggravating circumstances, to imprisonment for at most one year.

Aliens Act Chapter 20, section 6

A fine or, in aggravating circumstances, a sentence of imprisonment for at most six months shall be imposed on

1. a person who intentionally or through negligence does not make a report prescribed in an ordinance issued pursuant to this Act,
2. a person who knowingly supplies incorrect information or knowingly fails to mention a circumstance of importance in a report or in a case concerning an application under this Act or an ordinance issued pursuant to this Act.

Aliens Act Chapter 20, section 7

Any person who intentionally assists an alien to remain unlawfully in Sweden, a Member State of the European Union, or Iceland, Norway or

Switzerland by hiding the alien or by some other such action shall, if the act has been committed for financial gain, be sentenced to prison for at most two years or, if there are mitigating circumstances, to a fine. An attempt to commit an offence under this Section shall be adjudged according to the provisions of Chapter 23 of the Penal Code.

Aliens Act Chapter 20, section 8

Any person who intentionally assists an alien to unlawfully enter or pass through Sweden, a Member State of the European Union or Iceland, Norway or Switzerland shall be sentenced for human smuggling to imprisonment for at most two years.

If the offence is to be regarded as gross, the sentence shall be imprisonment for gross human smuggling for at least six months and at most six years. In judging whether the offence is gross, special attention shall be paid to whether the act

1. was carried out in return for compensation,
2. was carried out as part of an activity that involved a large number of persons or
3. was carried out in forms that entail mortal danger for the alien or was otherwise carried out in ruthless forms.

If the offence is regarded as minor the sentence shall be a fine or imprisonment for at most six months.

An attempt or preparation to commit an offence under this Section shall be adjudged according to the provisions of Chapter 23 of the Penal Code.

Aliens Act Chapter 20, section 9

Any person who, for financial gain, plans or organises activities designed to enable aliens to travel to Sweden without passports or the permits required for entry into Sweden shall be sentenced for organisation of human smuggling to imprisonment for at most two years.

If the offence is gross the sentence shall be imprisonment for gross organisation of human smuggling for at least six months and at most six years. In judging whether the offence is gross, special attention shall be paid to whether the act involves the systematic exploitation of the vulnerable situation of aliens or involves mortal danger or other ruthlessness in relation to the aliens.

If the offence is regarded as minor the sentence shall be a fine or imprisonment for at most six months.

Any person assisting an alien to travel to Sweden without a passport or the permits required for entry into Sweden shall be sentenced for complicity under paragraphs one to three. This provision is applicable if the accomplice realised or had fair reason to assume that the journey was organised for financial gain through a said activity.

Aliens Act Chapter 12, section 5

The regulation provides that an alien who has come to Sweden by ship or on an aircraft, and who is refused entry because he or she is not in possession of a passport or the permits required to enter the country or the funds for the return journey, may be taken back to the ship or aircraft or put on board another ship or aircraft with the same owner or operator (carrier). If it is necessary for security personnel to accompany the alien, these must also be given space on the ship or aircraft.

If the captain of the vessel or aircraft refuses to accept the alien or the security personnel, the police authority may impose a fine on the captain.

The above does not apply if the vessel or aircraft has arrived in Sweden directly from a Schengen country or will depart to a country to which the alien may not be sent.

In cases where the decision on refusal of entry is not taken directly upon arrival, other rules may become applicable. See below for an explanation.

Aliens Act Chapter 19, section 2

The provision provide that if an alien, who has come to Sweden by ship or on an aircraft directly from a country not covered by the Schengen Convention, is refused entry because the alien is not in the possession of a passport or the permits required to enter the country, or funds for the journey home, the carrier shall be obliged to reimburse the state for:

1. the cost of the alien's travel from Sweden,
2. the cost of travel from Sweden and back for the security personnel who need to accompany the alien, and
3. the cost for the alien's stay here until such time that the refusal of entry can be executed, if the delay to said execution is due to the carrier.

The carrier (ship or aircraft owner or operator) shall be completely or partially released from this obligation if

1. the carrier proves to have had reasonable grounds to believe that the alien was entitled to enter Sweden, or
2. with a view of the size of the cost or for other reasons, it is manifestly unfair to demand reimbursement of the cost.

2.1.4 Policy priorities

Over the course of the last few years the Government has made special efforts to streamline return operations, including strengthening the administration allocations of the Swedish Migration Board and the National Police Board. The Government has also tasked the relevant authorities – the Swedish Migration Board, the National Police Board and the Prison and Probation Transport Service – to collaborate and streamline return activities

with the aim of returning more people whose return decisions have entered into force. The government has also assigned the Swedish Migration Board the task of working to ensure an organised reception in the home country for unaccompanied minors who return as a result of a return decision entering into force.

On 1 August 2007, in order to facilitate voluntary returns to countries that offer limited preconditions for re-establishment, targeted support was introduced through the Ordinance on re-establishment support for certain foreign citizens (2007:640).⁵ This support grant which, upon application, is paid by the Swedish Migration Board, currently amounts to SEK 30 000 for individuals over the age of 18 and SEK 15 000 for children under 18. Each family may be granted a maximum of SEK 75 000. Initially this form of re-establishment support was only granted to people returning to Afghanistan, Iraq, Somalia or Gaza. After 1 November 2009, individuals from another 20 countries and regions have been granted re-establishment support.

Irregular entry into Sweden can be made through travel via another Schengen country or directly to Sweden from a third country. When inside the country, irregular migrants preliminarily legalise their stay by applying for asylum. In 95% of all asylum cases, applicants have no passport or ID documentation at the point in time of the asylum application. This makes investigation difficult. Around 30% of asylum applications in 2010 were granted. Thus, a large number of asylum seekers find themselves in an irregular situation when they have received a negative decision that has entered into force.

Consequently the Government has tasked the Swedish Migration Board to ensure that information on the identity of the applicant is available as early as possible in the asylum process. These activities are underway on several levels. For example interviews with asylum seekers whose identity is not established occur as early as possible in the processing of their asylum applications. An ID Development Group was created in 2010 to identify factors for success in ID determination. One development project entitled "Legally secure and efficient enforcement" (REVA) has been underway since 2010. This project is a joint effort by the Swedish Migration Board, the Police and the Prison and Probation Service and aims at identifying effective, efficient methods for enforcement activities.

A new method using fingerprints was introduced in 2010 which involves deep scanning. As a result, the quality of fingerprinting has increased considerably and the identification of several "Dublin cases", that is persons that have stayed in another member state before coming to Sweden, has been achieved. It is primarily the large number of asylum seekers without ID documents who enter Swedish territory that has fuelled these changes and developments. In 2010, 94% of asylum seekers lacked valid passport documentation when applying for asylum.

⁵ <http://www.lagboken.se/files/SFS/2007/071295.PDF>

According to the Swedish Migration Board's ID Unit, in 2010 around 40% of 1000 passport documents examined were false. The remaining documents have, to a large part, not been possible to assess due to poor reference material.

The Migration Court of Appeal has clarified the passport requirements relating to people who apply for a residence permit on grounds of close family ties with someone already residing in Sweden.⁶ A passport is generally required even in the case of people from countries where it is very difficult or impossible to obtain a passport that is valid in Sweden. In March 2010, this led to the Swedish Migration Board to issue a statement of legal position regarding the requirements vis-à-vis passports and proof of identity which are to apply in cases relating to residence permits issued for family reasons. This has, in turn, made it difficult for Somali citizens to obtain permission for family members to join them in Sweden, since Somali passports are not, as a rule, valid in Sweden. The proportion of permits for Somalis granted decreased from 52% in 2009 to 7% in 2010. In 2011 the Government appointed an enquiry with the aim of developing legislation that will enable families who have no passports or established IDs to be reunited in Sweden.

2.1.5 The effects of other regulations

Health care

According to the Swedish Health and Medical Services Act (HSL),⁷ each county council in Sweden must offer good health and medical care to people residing in their counties. If anyone is staying in a county council area without residing there and needs immediate health or medical care or dental care, the relevant county council is, according to Section 4 HSL, duty-bound to supply such care. This county council duty also encompasses foreign citizens on temporary visits. The county council's duty to offer immediate care also applies to people who are avoiding the enforcement of an expulsion or deportation order and individuals who are in Sweden without having applied for the proper permits. The regulations in Section 4, first paragraph concern only the county council's duty to, in addition to the care provided, pay for premises, staff and equipment, not to provide this care free of charge or at an especially low price. However, no one may be denied immediate health or medical care due to lack of ability to pay.

The issue of health and medical care for irregular migrants has also been the object of a government enquiry (SOU 2011:48). Minors (including children of asylum seekers) are entitled to medical care and dental care on the same conditions as children resident in Sweden.⁸

⁶ MiG 2007:30; MiG 2007:54; MiG 2009:1; UM 1014-09; UM 8325-10; MiG 2007:56. Swedish Migration Board RCI 16/2011.

⁷ Act 1982:763 at <http://www.notisum.se/rnp/sls/lag/19820763.htm>.

⁸ <http://www.regeringen.se/content/1/c6/16/98/15/1ce2f996.pdf>

Work

A foreign citizen who is to work in Sweden due to employment here or abroad is, according to the Aliens Act, generally obliged to possess a work permit. On 15 December 2008, new regulations for labour migration were introduced in Sweden. These changes meant that the previous labour market testing ceased and the employer now determines when it is necessary to employ new staff and who is to be employed, irrespective of nationality. A certain amount of formalia must be carried out such as statements from unions, advertisement of position etc. (See additional info in Section 3.1).

Education

Children are entitled to education within the public school system, preschool system and school-age childcare. Asylum seekers' children and young people are not, however, compelled to attend school.

Children who have been issued with a return decision that has entered into force or foreign national children whose presence has never been revealed to Swedish authorities currently do not have the same right to education on the same conditions as asylum-seeking children have.

The issue of whether the right to education is to be properly regulated also for children who are to be expelled or removed has been the subject of the two studies "Schooling for children who are to be expelled or removed"⁹ and "Schooling for all children".¹⁰ The latter report proposes that all children in the country will be entitled to schooling, pre-school and school childcare (pre-school operations are now encompassed by the Education Act and are considered as "education"). The study considers, however, that it is justified to make exceptions to this rule for children and young people whose stay in the country (with or without permits) may be expected to be temporary. The report has been circulated for comments and preparation work is underway at the Government Offices to introduce legislation based on it.

2.2 Institutional framework

The Riksdag (Parliament) and the Government establish the Swedish migration policies. These policies are based on a holistic perspective that encompasses refugee, migration and integration policies, as well as return and re-establishment support. Activities are also undertaken within the frameworks of foreign, security, trade and development cooperation policies in order to, in a longer perspective, remove the causes for people to feel compelled to leave their home countries and to facilitate returns.¹¹ The

⁹ [SOU 2007:34](#).

¹⁰ [SOU 2010:5](#).

¹¹ Written communication from Government, Migration and Asylum Policy, [Skr 2006/07:58](#), p. 7. 7.

Government also initiates and takes decisions on policy measures in order to combat irregular migration.

The migration system in Sweden is governed by the Aliens Act, passed by the Riksdag, and the Aliens Ordinance which is based on the Aliens Act and determined by Government. The current Aliens Act entered into force on 31 March 2006.¹² As concerns appeals, the Administrative Court Procedure Act applies.¹³ In addition there are certain general provisions that control all administrative government agencies in accordance with the Administrative Procedure Act.¹⁴ Since 5 April 2011, Sweden applies the EU Visa Code (EC Regulation 810/2009), which brings the opportunity to appeal visa decisions in the Administrative Court. Sweden also applies the Schengen Border Code (EC Regulation 562/2006) on the movement of third country citizens across borders.

The primary responsibility for migration issues, including irregular migration, lies with the Ministry of Justice, with the Swedish Migration Board and the Police as subsidiary authorities. Other ministries involved with relevant government agencies are: the Ministry of Defence and the Swedish Coastguard, the Ministry of Finance and Customs, the Ministry of Enterprise, Energy and Communications and the Swedish Transport Agency and the Ministry for Foreign Affairs with its embassies.

2.2.1 Swedish Police

The Swedish Police consists of the National Police Board (NPB), which is the central administrative authority of the police service, the National Laboratory of Forensic Science and 21 regional police authorities. There are 28 800 employees in total. The National Police Commissioner is the head of the NPB. A County Chief Police Commissioner heads each police authority.

The Police bear the primary responsibility for border control. In 2009 the Central Border Control Unit (CGE) was established at the Police with the task of developing more cohesive, efficient application of border controls and within other areas of immigration law. This Unit leads methodological and operational development within the Police in this field. The CGE also serves as the national contact point for Frontex and coordinates Swedish participation in border control operations and joint returnee operations within the framework of Frontex operations. The CGE also houses travel document experts and is responsible for the EU database FADO that contains information on real and false documents.

¹² Alien's Act (SFS 2005:716).

¹³ Administrative Court Procedure Act (SFS 1971:291).

¹⁴ Administrative Procedure Act (SFS 1986:223).

2.2.2 The Swedish Migration Board

The Swedish Migration Board is located in approximately 40 different municipalities, from the very south to the very north of Sweden. Its headquarters is in Norrköping. There are approximately 3 000 employees at the agency.

The Swedish Migration Board is the central administrative agency within the migration field. According to its directives, this agency bears process and coordination responsibility for the following operational areas; asylum, visas, residence and work permits and citizenship issues. This coordination responsibility includes working to ensure that the processing of cases in accordance with aliens and citizenship legislation is legally secure and efficient. The Swedish Migration Board also bears primary responsibility for foreign citizens without residence permits up to the point where the permit is granted and the individual becomes a resident of a municipality. The Swedish Migration Board also houses a Central ID Unit and a Voluntary Return Unit.

The Board is the national authority responsible for permits for people visiting and settling in Sweden; the asylum process, from application to residence permit (including reception and accommodation) or to voluntary return to home country; citizenship affairs; assisting with voluntary return migration; international activities in the EU, UNHCR and other collaborative bodies.

On the request of the Police, personnel from the Swedish Migration Board may assist with border control tasks.

2.2.3 The Swedish Coast Guard

The Swedish Coast Guard is a law enforcement, non-military authority with its headquarters in Karlskrona. There are 770 employees of which approximately 500 are law enforcement officers carrying out general coast guard duties including border control.

There are four Coast Guard Regions; North, East, South and West. Each region has a command and control center which is staffed around the clock. In addition there is one Flight Division. Regional headquarters are located in Härnösand (Region North), Stockholm (Region East) Karlskrona (Region South) and Gothenburg (Region West).

Basic duties include surveillance of open sea and coastal waters, including the following areas: border control, sea traffic control, customs control, fishing control, environmental surveillance, ship security control and coordination of maritime information for law enforcement surveillance.

According to Swedish legislation, a Coast Guard Officer has the authority of a Police Officer/Customs Officer to carry out duties.

2.2.4 *Customs*

Swedish Customs has its headquarters in Stockholm. There are 2 300 employees in total. Its primary duties are to protect society by enforcing import and export prohibitions and restrictions and to collect EU duties and levies.

On the request of the Police, Customs may take part in control and surveillance of external borders. Hence Customs may be assigned to support the Police with regard to border control tasks.

The Customs law enforcement process has 52 law enforcement groups all over Sweden. Each group consists of 10 officers and a narcotics search dog. These groups are mobile and deployed at the locations where the potential for smuggling is considered to be greatest. Consequently these groups work at all border areas where entry may occur.

2.2.5 *The Civil Aviation Department at the Swedish Transport Agency*

Its headquarters is located to Norrköping. There are 3 900 employees in total. Within the scope of its authority, its primary tasks are to formulate regulations, examine and grants permits and assess civil aviation with particular regard to safety and security. The authority also monitors developments in the aviation market. This ministry and agency has a more indirect connection to irregular migration.

2.2.6 *Swedish missions abroad*

The Swedish missions abroad supply government agencies with information which may be vital to the assessment of asylum cases. Information may be case-based at individual level or more generally country-specific. The Swedish Migration Board cooperates operationally with embassies on various issues concerning migration. The Swedish Migration Board is also responsible for a number of migration attachés posted to various missions abroad.

2.2.7 *Other actors*

Swedish unions are involved in issues concerning the position and status of undocumented immigrants. In 2008 the unions started up a centre for undocumented migrants which initially received many visitors but gradually decreased in importance and currently sees very few visitors. Issues concerning collective agreements and irregular immigrants are difficult to solve and this is one reason why the centre has become less interesting.

The Church of Sweden has been, and still remains, a prominent actor in support of the undocumented migrants. It has, among other activities, acted as a coordinator for a large group of Iraqi nationals who have been the object of order to leave. "Aktion 2010", a group consisting of several Christian churches and committed individuals with the support of the Christian Council of Sweden, put forward a demand in early 2010 that the Swedish Migration Board should alter its assessment of Iraqi minorities' need for protection. In early April, "Aktion 2010" submitted 2 600 applications for a suspension of the enforcement of deportation orders relating to Iraqi citizens, with just over half of these relating to members of the Iraqi Christian minority. In conjunction with this there were demonstrations outside the Swedish Migration Board detention centres.¹⁵

2.2.8 *Cooperation*

The Police bear the main responsibility for border control and for checking aliens within the territory. The Coast Guard has independent responsibility for border control at sea. The Customs is obliged to participate in border control only when requested to do so by the Police. At national operational level, regular meetings are held between Police, Coast Guard, Customs and Migration authorities. Measures are taken at national level to ensure that cooperation at regional/local level is maintained and that rules and instructions are implemented.

Agreements regarding operational matters are made at regional/local level between the above-mentioned authorities. Based upon central agreements, regular coordination and planning meetings are held whose objectives are to:

- Synchronise and coordinate control and surveillance activities
- Settle out possible disagreements
- Capture feedback information from operations
- Standardise routines and instructions.

¹⁵ EMN Policy Report 2010.

3 Practical measures to reduce irregular migration¹⁶

3.1 Pre-entry

3.1.1 General description

The National Police Board Central Unit for Border Control Issues (CGE) cooperates with the local police authorities, Swedish Customs, the Swedish Coast Guard and the Swedish Migration Board and the Prison and Probation Transport Service (TPT). The CGE also cooperates with international actors such as Frontex and the Baltic Sea Region Border Control Cooperation (BSRBCC). In addition, the CGE collaborates with the criminal intelligence services (National Bureau of Investigation) in the fight against irregular migration, smuggling of humans and trafficking.

The aim of a central border control unit is to establish more cohesive, efficient border control and other immigration law activities. Consequently the CGE issues guidelines and information to the various police authorities in the form of circulars in accordance with National Police Board regulatory powers in order to promote compliance with immigration law.¹⁷ The CGE also carries out inspections at the different police authorities in Sweden. At these inspections, any ambiguities or queries concerning cases can be dealt with as the Unit's experts examine all the relevant cases at each police authority. These inspections contribute to the standardisation of the application of the law and consequently also counteract irregular migration.

As the contact point for Frontex, and by positioning staff in the Bureau's various operations, the CGE contributes in the longer perspective to combating irregular migration. For example Swedish police officers stationed on site in Slovenia can help to stop individuals intending to move further into Europe illegally. In that the CGE sends out Swedish officers, the Unit gains improved knowledge and competence when they return to their jobs in Sweden, which in turn assists the dissemination of such competence to the relevant police authorities and other stakeholders in Sweden.

Frontex has developed a training package aimed at providing a similar standard of input for all EU officials. However this course has not been fully implemented in Sweden as, among other aspects, it is considered to be too extensive.

The Swedish National Police Academy assists with competence in aspects such as interview techniques in training inputs under the auspices of Frontex. This occurs on a continuous basis as teaching inputs, participation in workshops arranged by Frontex and in the work of developing syllabuses etc. The Swedish National Police Academy has also organised a number of conferences on various themes within human trafficking.

¹⁶ The major part of the information in this section is based on interviews with officials from the Police; please see source list for more information.

¹⁷ Decision STA-120/08 from the National Police Board concerning the establishment of a central border control function, Reg.no. STA-121-6993/08.

Various modus operandi

Common methods of smuggling human beings have included hiding people in trucks or crossing borders on false passports. This still occurs, however the methods available for discovering people in trucks have become extremely well-developed, and modern passports have become increasingly sophisticated, making forgery much more difficult. As a result of well-developed control and enforcement techniques, new human smuggling methods have also been developed. For example the fact that visa-issuing routines vary in the different EU countries has been exploited. Third country citizens sometimes apply for visa or temporary residence permits at an embassy that is well known for issuing many visas – however the aim of the travel to the EU is not to stay in the country that issues the visa.

Smugglers also try to exploit loopholes in current legislation. For a considerable period of time, authorities have been aware that criminal organisations arrange marriages of convenience between Swedish citizens (or someone else who has a permanent residence permit in Sweden) and a third country citizen in order to circumvent the regulations applying to the entry and residence of third country nationals in the EU, all with the aim of legalising family reunification. To the same end, criminal organisations also arrange adoptions of convenience.¹⁸

On the provision of a Swedish marriage certificate it is possible to obtain a residence permit not only in Sweden but also in other EU member states. Consequently, it is possible to exploit the free movement of persons within the Union. In Sweden, marriage is a relatively easy; it is a quick procedure even for people that are not registered in the country. The enquiry into impediments to marriage can be carried out by any Swedish taxation office. If a couple is refused permission due to impediments, they can try again at another taxation office. Over the course of the last few years, weddings in Sweden between EU citizens who are not Swedish citizens and third country citizens have increased.¹⁹

Temporary residence permits must, according to the Aliens Act, be issued before entry into Sweden and do not require the submission of fingerprints. Such permits are issued in certain cases based on genuine documents such as marriage certificates that have been acquired in a third country. However, these documents can sometimes be acquired using, for example, bribes. One problem in Sweden is that, according to national legislation, documents issued by authorised officials in third countries, where the official may have exceeded his/her mandate and accepted bribes, cannot be equated with false documentation. This issue has contributed to an acquittal in a case

¹⁸ Memo entitled *Angående behovet av vissa lagändringar för att förbättra möjligheterna att bekämpa brottslighet som rör människosmuggling*, Director Therese Mattsson and Police Superintendent Maria Ellior, National Bureau of Investigation 2009-05-13, p. 1.

¹⁹ Report 2008:5 *Skenäktenskap i Sverige mellan tredjelandsmedborgare och EU-medborgare*, Intelligence Section, National Bureau of Investigation, June 2008, pp. 5, 9 and 13.

concerning attempted human smuggling and organising of human smuggling.²⁰

Another method is that certain nationals use passport documentation that they have been given, purchased or acquired in some irregular manner. Such passports are often genuine and the photo does not show the person using it but does exhibit sufficient likeness that it may be possible to pass through an external border control. Individuals on their way to Scandinavia with passports from a Scandinavian country crossing a border in southern Europe have a greater chance of making it through border control. The fact that the officer checking at the border speaks no Scandinavian language means that he/she is not able to ask any revealing questions. As soon as the individual is inside the Schengen area there are no major constraints on moving on towards, for example, Sweden. The development of biometric data in ID documentation can be expected to make this modus operandi more difficult in the longer term.

A further method of entering the Schengen area is to come to Sweden as a guest student. If the individual is properly qualified and the financial preconditions are fulfilled at the point of application then the person will be granted a residence permit. This permit often applies to the first academic year or, if the relevant course is shorter, to its length. The residence permit is issued before entry into Sweden. There is no check as to whether the individual concerned actually enters the country and studies. However, university fees have been introduced from the autumn term of 2011 which will mean that no residence permits will be issued until at least partial payment of university fees is made. The fees may thus contribute to making abuse of the student status less attractive.

Also visa operations at foreign missions and at the Swedish Migration Board Visa Unit help to deter and prevent irregular migration. In Sweden, visas are regarded as a permit for a visitor to enter Sweden with the intention of returning home after his/her stay. In order to prevent the improper use of visitor visas as a migration channel, the relevant foreign mission and the Swedish Migration Board assess whether the applicant intends to return after the visit. This must be completed before a visa is granted. Consequently a visa application may not be granted if information emerges that indicates that the aim of the trip is actually to set up residence in Sweden.²¹

²⁰ Verdict B2307-06, Halmstad District Court 26 June 2008, p.138. Please also refer to Memo entitled *Angående behovet av vissa lagändringar för att förbättra möjligheterna att bekämpa brottslighet som rör människosmuggling*, Director Therese Mattsson and Police Superintendent Maria Ellior, National Bureau of Investigation 2009-05-13, p.3.

²¹ The Swedish Migration Board/European Migration Network (2011): Visa policy as migration channel in Sweden, www.emnsweden.se.

3.1.2 Examples of practical measures

The CGE holds annual training inputs for consular personnel from Swedish missions abroad (approx. four times each year). The objective is to improve capacity in order to be able to detect false documentation during the visa and permit processes at the embassies. These courses also cover new trends etc. used by individuals attempting to obtain visas on false grounds and/or abusing the visa system. The courses have been given since the 1990s.

Embassy staff may also contact the CGE for advice on current cases and examples. The CGE also helps with register searches and is up-to-date on trends in this field via other experts from both within the organisation and through its meetings in Brussels. The CGE also studies relevant intelligence and sends out monthly reports from Arlanda Airport which include the latest issues on the migration front as concerns individuals who have arrived and lack the necessary permits or documents, as well as new modus operandi etc. The Arlanda Airport monthly report is disseminated to border control points in Sweden and to all Swedish embassies who then disseminate the reports within their respective Schengen cooperation. These reports describe in practical terms exactly what is happening in Sweden. These activities have been underway in a similar fashion during the period 2005-2010.

In individual cases, Swedish missions abroad around the world may contact the National Bureau of Investigation function for irregular migration in order to gain help with background information when taking a decision on visas or residence permits. This information may consist of data from individuals or organisations in Sweden that the applicant has given as a reference in Sweden. The Intelligence Section of the National Bureau of Investigation also receives information from certain missions abroad on, for example, Swedish citizens who have been arrested in other countries for crimes such as human smuggling etc. However, not all Swedish missions abroad are aware of the existence of an Intelligence Unit specialised in issues concerning irregular migration. Consequently there are foreign missions that neither request nor supply information in this regard.

As a result, the National Bureau of Investigation sends out information sheets in order to make stakeholders aware of new modus operandi and routes used for irregular migration. The National Bureau of Investigation also cooperates with Europol where a special group has been established to work with human smuggling.

In 2005-2006 the Police, with assistance from the CGE and the National Bureau of Investigation, implemented special training activities for migration officials, airline personnel and the integrated Schengen missions in Islamabad, Kuala Lumpur, Syria and Jordan. After these efforts, a clearly-observable reduction in individuals travelling on false documents or visas from these locations could be noted. At the request of the Swedish Embassy in Athens, experts from the Police travelled to both Athens and some of the Greek islands as preparation for the 2007 summer season. They met with airlines, migration officials and Swedish Embassy staff. Training

was primarily focussed on individuals travelling from the Middle East – especially Iraqis.

The Stockholm Police Authority has also been on-site at Istanbul Airport to brief airport personnel about the design of Swedish documents. The aim of this exercise was to reduce the number of people travelling on false documentation. Almost immediately after their visit, a reduction was observed in the number of passengers who were refused entry at Arlanda Airport due to improper documentation.

Generally speaking, it can be observed that continuous contacts with missions abroad provide good results in relevant cases as decisions can be made based on better quality information – irrespective of whether the decision is positive or negative.

3.2 Entry

3.2.1 General description

Sweden's geographical position means that, in comparison to a number of other EU member states, the country carries out quite limited border controls. Most irregular migrants who arrive in Sweden have travelled via one or several other member states. Sweden's external border is, consequently, usually located in southern Europe. The majority of asylum applications in Sweden occur inside the country and not at the border. The controls that are carried out occur at internal borders as for example at the Öresund Bridge between Sweden and Denmark, and are primarily carried out by the Swedish Customs.

Checks are also carried out of passengers arriving by air from third countries. These may reveal other individuals who have been registered in SIS by another member state. No checks are carried out when leaving Sweden for another Schengen country; however they are carried out for travellers to third countries. In contrast to most EU countries, Sweden does not issue re-entry bans to individuals who have been granted a visa to Sweden, or to another Schengen country, and then stayed when the visa expired (overstayers). Sometimes people who leave Sweden have stayed in Sweden/Schengen for up to five years. Some of them state that they have not been staying in Sweden but have chosen to leave from Sweden because they know that Sweden does not issue re-entry bans. Before 2001 and the introduction of Schengen, re-entry bans were issued in similar situations. Currently only the Swedish Migration Board may issue re-entry bans in Sweden. There are differences at border controls as concerns actions taken if a person has a visa that has been issued by a country other than his/her country of destination. Some countries seem to allow a person to enter even if his/her stated destination for visa issue is not in agreement with the real aim of their travel.

3.2.2 *Examples of measures*

The CGE sends urgent tips out on a daily basis, tips from, for example, EU agencies concerning false documents and new modus operandi to stakeholders within the Police authorities with the aim of disseminating information rapidly and efficiently. The material that is established by Frontex and at EU level generally concerning irregular entry is distributed to all border control authorities i.e. the Coast Guard, Customs and Police authorities. The National Bureau of Investigation produces its own risk analyses aimed at irregular entry and irregular migration. This is carried out through cooperation between the CGE and the Intelligence Section. The CGE also participates in the development of risk analyses carried out within the framework of FRAN (Frontex Risk Analysis Network). These various channels and methods of information dissemination have contributed to the fact that more individuals and authorities who work with border control and other migration law gain access to the right information in a rapid, efficient manner.

One special group within the migration context that is important to focus on is unaccompanied minors. They generally enter the country with the help of networks that operate human smuggling. In cooperation with the Swedish Migration Board and the municipalities of Sigtuna and Stockholm, the Police Authority in Stockholm adopted an Action Plan in 2008 concerning the processing of cases of unaccompanied asylum-seeking children and young people who arrive via Arlanda Airport and who abscond, or who are considered to be at risk of absconding, from municipal accommodation. The aim is that the authorities, with the help of this action plan, will be able to prevent and avoid minors becoming victims of human smuggling or trafficking in Sweden and that those who commit these crimes will be arrested. Coordinated processing simplified these operations.²²

The eBorder Project

This project was aimed at introducing biometrics (fingerprints) into Swedish travel documents, to establish key exchanges with other countries, and to establish underlying information on the necessity of biometric verification when applying for travel documents. The project also aimed at enabling secure, effective processing of matters concerning Swedish travel documents. It was concluded in December 2008, however in order to be able to manage elements of this project which were not possible to finalise -

²² Report *Gemensam handlingsplan gällande hanteringen av ensamkommande asylsökande barn och ungdomar som reser in via Arlanda och avviker eller riskerar avvika från kommunala boenden*, Reg.No. AA-191-3004-08 Police Authority in Stockholm County 2008-01-18, pp.3-5.

including amended legal requirements – the project continued within the framework of "eBorder2" in January 2009.²³

A report has been produced by this project concerning how information about stolen/misplaced foreign travel documents is to be managed in the Swedish police system. In addition, information exchange has been established with Interpol and SIS concerning stolen or misplaced travel documents. Furthermore, a training plan and user documentation has been established for passport officers concerning the introduction of fingerprints into passports.²⁴ In addition, a public procurement of new passport readers was carried out, financed to 50 % by the EU Border Fund. The passport readers are now utilised when using SIS in border controls all around Sweden.²⁵

In Sweden biometric reading from travel documents has not yet been introduced. Sweden does not currently carry out any checks of people coming in on internal Schengen flights. There have been, however, opportunities to make random checks and intelligence-based checks. Such checks had been carried out to a certain extent but have now, in principle, ceased.

Neither does Sweden utilise API (Advanced Passenger Information) to any great extent. API provides the opportunity for government authorities to request passenger information from airlines concerning flights within Schengen or from a third country. Then the authorities are able to inform the airlines that, for example, a certain individual is not welcome in Sweden due to his/her appearance in SIS or on other grounds.

Wilma III (equipment for the issue of emergency and seamen's visas)

The aim of the Wilma III Project was to provide the Swedish Police working at the external borders with a mobile solution to enable the issue of seamen's and emergency visas. The mobile concept is especially suitable for smaller, more remote harbours or airports, but the equipment can also be used as backup at larger airports and harbours where stationary equipment is already in place.

The mobile solution includes a photo station which enables the recording of the compulsory biometric data from individuals applying for visas. The information is entered and an application is registered in VIS via the existing Wilma system – all in accordance with EU regulations. When VIS is fully operational it will be compulsory to register visa applications in VIS and to check various pieces of information in the system in order to process the application and make a decision. It will also be compulsory to collect in biometrics from people applying for a visa.

²³ Final report of eBorder, Reg.no. PVS-530 170-1439/07, National Police Board 2009-02-06 p.3-6.

²⁴ Final eBorder Project Report, National Police Board, Reg.no. PVS-530 170-1439/07, pp.3-6.

²⁵ [http://gb.utv.rps.police.se/eborder2_proj/PL/Projektstatus/Statusrapporter/Avstämning projekt_epassläsare 201012](http://gb.utv.rps.police.se/eborder2_proj/PL/Projektstatus/Statusrapporter/Avstämning_projekt_epassläsare_201012).

In addition to a photo station, the mobile concept consists of laptop computers (a secure type used only by the Police) and a printer. The photo station consists of a camera to take a portrait photo, a fingerprint scanner for four fingers and a solution that makes it possible to record the visa holder's signature. Thirty such mobile units have been purchased and these have been distributed according to need among the 21 Swedish Police authorities. Each Police authority has at least one unit. The equipment has been placed at strategic locations so that it can be used in a flexible manner at the various border checkpoints

Operation "Triangle Project"

The Border Police Department in Stockholm County has, in cooperation with their counterparts in Tallin (Estonia), Mariehamn (Åland) and Helsinki (Finland) established methods to combat cross-border criminality.²⁶ This cooperation has included an exchange of officials and coordinated operations in the three participating countries. This project also occasioned an exchange of information and methodology as concerns working methods and improved communications.

The aim of the project was to prevent criminals whose intention was to commit crimes in the area from entering the countries, to prevent and detect crimes and to counter illegal entry generally. In the second half of 2009, Operation Triangle was concluded in these three countries which resulted in a number of arrests and criminal complaints including charges of human smuggling, fraudulent use of documents and abuse of original documents. Intelligence has confirmed that a large number of human smuggling networks are active within this area. "Operation Triangle" has led to collaboration between the border control authorities of the participating countries on a day-to-day, operative basis. Cooperation has produced impressive results.²⁷

3.3 Irregular stay

3.3.1 General description

The National Bureau of Investigation uses the statistics provided by the Swedish Migration Board concerning the number of asylum-seekers from different countries. Some of the most common countries of origin of asylum-seekers in Sweden are currently Iraq, Afghanistan and Somalia. As it is extremely unlikely that these individuals have been able to enter Sweden legally, it can be assumed that most of them have been smuggled into Sweden, or to other EU member states. The National Bureau of

²⁶ Authorities participating included the Border Police Department of Stockholm County, the Police in Tallin, the Border Agency and the Finnish Police and the Border Control Units in Helsinki, Åbo and Mariehamn. Press release *Brottsförebyggande Östersjökooperation*, Police Authority in Stockholm County 1 March 2010.

²⁷ Press release *Brottsförebyggande Östersjökooperation*, Police Authority in Stockholm County 1 March 2010.

Investigation receives information from a number of different sources which is then evaluated and processed. This information generally leads either to dissemination to the relevant authorities or to actual criminal charges.

For individuals applying for residence permits due to family ties there are no requirements for DNA tests or similar in order to establish if a family relationship actually exists. However, to a limited extent, Sweden does use DNA testing to assess kinship in such cases. When DNA is used it primarily concerns Somali family reunion cases. Many of these cases concern families with a relatively large number of children where it is not always clear whether the children are biological children. In 2009, around 1 700 people were tested in this context. In 2010, this number decreased due to a more restrictive policy on family reunions with uncertain identities (please also refer to 2.1.4 above).²⁸

Sometimes, people who have become Swedish citizens discover that their children, or other member of their nuclear family who they believed to be dead or disappeared, are actually alive in their home country. These family members may, after having been granted a residence permit in Sweden due to family ties, be registered in the country and eventually become Swedish citizens without any DNA testing.

Cases of abuse can occur when, for example, an individual registers residency in Sweden using a forged passport from another EU member state. Registration is in such cases carried out at a local Tax Agency. Tax agencies do not have access to documentation from the Swedish Migration Board.

In December 2008, new regulations entered into force concerning residence permits due to employment which brought a considerable relaxation of the qualifications necessary for such a permit. Being allowed to stay legally in Sweden on the basis of a work permit has since become a new, often-used modus operandi. Time after time irregularities have been revealed as concerns companies who, according to their applications, have provided employment for third country citizens. Applicants do not need to supply fingerprints in their applications. However, in the future, fingerprints will be included in visa applications in accordance with Article 13 of the Visa Code as soon as the Code is fully applied.²⁹ Currently there is no feedback between the Tax Agency and the Swedish Migration Board concerning when an individual's residence permit has ceased to be valid: the person in question retains his/her Swedish personal registration number but is, de

²⁸ Interview with Daniel Johansson, expert at the Migration Board. In 2010, the Board sent 328 cases for DNA testing. These requests meant DNA tests for 923 people in 2010. In 2009 there were 526 cases and 1707 people were tested. Consequently one request/case will mean DNA testing for around three people. Costs for DNA testing in 2010 amounted to SEK 2 416 500, which gives an average cost of SEK 2 618 per DNA test. In 2009 costs amounted to SEK 3 644 000 which gives an average costs of SEK 2 134 per DNA test. Costs per case were SEK 7 367 in 2010 and SEK 6 927 in 2009.

²⁹ The European Parliament and Council's Regulation (EC) no. 810/2009 of 13 July 2009 Establishing a Community Code on Visas.

facto, staying in the country illegally. In certain cases these individuals have also received social security benefits. The personal registration number cannot cease to be valid unless a government authority informs the Tax Agency that the residence permit for the individual concerned has expired and that the person has left the country.

3.3.2 *Examples of practical measures*

An inner system of checking of aliens that is intelligence-based must be well-founded. Profiling and information exchange may be one efficient method of identifying irregular groups moving within EU territory. In 2011, the CGE issued a FAP (Regulations and General Advice for Police Operations) concerning inner checking of aliens. The aim of this FAP was to ensure a homogenous, national checking procedure and to identify irregular migrants in Sweden, and to ensure that the resultant migration law measures were processed correctly. This work was initiated in 2010. The CGE has also produced a number of circulars in this field in order to promote standardised application of the law in issues concerning, for example, detention and acquisition of travel documents.

The Police carry out workplace checks in various forms, often in cooperation with other government agencies such as the Tax Agency. The Police are not entitled to make random checks of their own, consequently they may only carry out an inspection when they have received a tip or other information that provides sufficient grounds to carry out inner checking of aliens in accordance with the stipulations of the Aliens Act (2005:716) and, when necessary, a search warrant in accordance with the Police Act (1984:387) or when suspicions are levelled against an employer concerning breach of the Aliens Act, a search warrant in accordance with the stipulations of the Code of Judicial Procedure. The Police may initiate surveillance based on a tip in order to obtain sufficient information to carry out a check. These checks are consequently intelligence-based. Intelligence comes from other government agencies – primarily the Tax Agency, the Social Insurance Office, the Swedish Migration Board and the Enforcement Agency as well as from the general public and from competitors of the subjects of the check. At company visits carried out by the Police in cooperation with, for example, the Tax Agency and municipal permit units, suspicions may be aroused that there is cause to check whether employees are staying in the country illegally. The Police may then intervene and check passports and other documents. Occasionally, checks are made of hotel registers concerning information on foreign citizens, which can lead to the discovery of individuals staying in the country illegally.³⁰

Concerning cooperation with other government agencies/societal functions aimed at the discovery of irregular migrants via, for example, the medical

³⁰ EU Directive providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, Report of the Sanctions Enquiry SOU 2010:63, pp.316-317.

care system, the social insurance system, housing and education there is a duty according to Chapter 17, Sections 1-2 of the Aliens Act for social government agencies etc. to answer questions from Police authorities. The Police cooperate with the Tax Agency, both as concerns identity issues and population registration with the aim of discovering irregularities. This cooperation began at the end of 2010. It has been noted that there are individuals in Sweden who register as EU citizens using false passports from other member states.

3.4 Pathways out of irregularity

3.4.1 General description

In a section dealing with this subject, distinctions should be made between persons of whom government agencies know that they are in the country (i.e. people who have at some point in time applied for permits in Sweden and then absconded) and persons that government agencies are not aware of (i.e. people who have never applied for permits, for example, having travelled into the country – perhaps legally – from another Schengen country and then overstayed the duration of their visa or permit). Individuals discovered by the Police who do not possess the necessary permits to stay in Sweden may be expelled by a Police authority whose decision may be appealed to the Swedish Migration Board, a migration court and the Migration Court of Appeal.

Amnesties

How can legal status be achieved in Sweden? Several times Sweden has used amnesties and similar procedures. The last one occurred between 15 November 2005 and 31 March 2006, when the current Swedish Aliens Act entered into force. More than 8 000 people who had previously stayed in the country on an undocumented basis were again registered in the Swedish Migration Board reception system. A total of 31 000 cases were examined according to the interim legislation and around 17 000 residence permits were granted.³¹

Asylum-seekers whose applications have been rejected

Within the body of regulations governing labour migration from countries outside the EU, since it was reformed in 2008, there are opportunities for asylum seekers whose applications have been rejected to gain legal status in Sweden. This could be considered to be one pathway out of an imminent irregular situation. According to Chapter 5, Section 15a of the Aliens Act, a temporary residence permit may be granted to a foreigner whose application for a residence permit as a refugee or as being in need of protection has been rejected and the decision has entered into legal force. This occurs if the person concerned is in Sweden and, for the previous six-month period, has

³¹ Swedish Migration Board Annual Report 2006.

been employed in a job that will continue for a period of at least a year at the time of the application. Another precondition is that the application must be submitted within two weeks of the date the rejection decision enters into legal force. In 2010, approximately 500 people whose asylum application rejections had entered into force were granted work permits on these grounds.

Absconding and return

What happens to people who are not able to legalise their stay in Sweden? Quite often people whose asylum application rejections have entered into force abscond. Some of these, when discovered by the Police, can be taken into detention to await the enforcement of their expulsion. As a large number of these individuals have no travel documents or other identity documents, this cannot be enforced immediately; the Police authorities must first obtain the relevant documents. The detainee's willingness to cooperate as concerns the obtaining of these travel documents is often decisive for how long a person is detained in Sweden.

In cases involving contacts with Swedish missions abroad, a good personal contact network is essential. A decision has been taken concerning a coordinating function for Police authorities concerning cases involving Swedish missions abroad, which will also mean additional resources allocated to the obtaining of travel documents. There probably would be coordination gains to be made by placing full responsibility on one government agency instead of dividing up the work between several. Guidelines and changes achieve better impact when they are focussed in one agency only. In the longer term, the CGE will be able to delegate tasks to individual Police authorities, for example as concerns the organisation of a return charter flight. This is done to a certain extent today in the larger Police authorities, however closer, more efficient cooperation is still desirable.

A large number of returns from Sweden occur as normal travel, i.e. the expelled/deported person travels on a scheduled flight, in some cases escorted by employees of the Prison and Probation Transport Service (TPT) or alone. The travel forms used by Sweden include individual travel, unescorted removals, escorted removals and charter flights for returnees accompanied by security personnel from TPT and the Police. Chartered planes may either be organised nationally or under the auspices of Frontex (Joint Return Operations).

Recently, Sweden has been organising its own charter flights to Iraq. In connection with these the Police Authority in Stockholm County has changed its working methods and used outreach operations to identify individuals who are no longer entitled to remain in the country. Since the number of asylum applicants from Iraq has decreased, it can be assumed that this working method has sent out certain signals to smugglers and/or potential asylum seekers. The Police Authority in Stockholm County organised six chartered planes to Iraq during the second half of 2011. There were 35-50 returnees on each plane.

As far as the enforcement of return decisions in cases of persons with special difficulties is concerned, Sweden often achieves success by applying a humane attitude to the returning individuals. Swedish Police use dialogue extensively and only resort to violence in extreme emergencies. For example, Sweden has no position or policy that forces returnees to be handcuffed. Swedish Police and security personnel from TPT always begin from what could be called the “softer approach”. The other party must be the one who takes the initiative for violence. This approach has proved to be extremely successful. Many connecting flights to Frontex operations also have a nurse on the plane which provides good psychological effects and means that minor medical problems can be dealt with quickly and efficiently. The Police also avoid sudden detention prior to enforcement trips as far as possible – occasionally, however, such measures are essential due to the limitations connected to the detention of children. A failed enforcement attempt on the family must already have been made for a child to be taken into detention according to the Swedish Aliens Act. In principle, Sweden does not enforce the expulsion of any unaccompanied minors to a third country unless they return voluntarily. Scuffles occur much more seldom in enforced removal cases using the humane approach adopted by the Swedish Police and TPT escorts, as compared to a harder approach in which certain elements of a violent nature, for example handcuffs, are standard.

3.4.2 Examples of measures

There are some cooperation projects underway with EU financing via partial financing through the European Return Fund. For example the Swedish Migration Board is running a project entitled "Kortare väntan – Återvändande" (Shorter stay - Return) which is working to introduce lean-based working methods into Swedish Migration Board reception activities dealing with returnees whose asylum application has been rejected.

The European Return Platform for Unaccompanied Minors (ERPUM) is a cooperative project between Sweden, the United Kingdom and the Netherlands aimed at creating a platform for work with unaccompanied refugee children primarily from Afghanistan and Iraq. This project is partially financed through the European Return Fund's Community Action allocation.³²

The REVA Project (Legally secure and efficient enforcement operations) is also working on the introduction of a lean-based approach in its process concerning enforcement of cases that have been transferred to the Police. The REVA Project has brought an important development over the course of the last few years as concerns the individuals that Swedish government agencies know are in Sweden, primarily those whose cases have been transferred from the Swedish Migration Board to the Police authorities. In

³² <http://www.migrationsverket.se/info/4597.html>

their government directives for 2009 the Swedish Migration Board, the National Police Board and the Prison and Probation Service were tasked to cooperate on enforcement matters carried out by all three government agencies. This led to the National Police Commissioner and the directors general of the Swedish Migration Board and the Swedish Prison and Probation Service agreeing to implement a process review of enforcement operations. A pre-study was carried out in 2010 and a consultancy company established a number of proposed improvements. The REVA Project has then moved forward with five of the proposals which were:

- Segmentation and specialization;
- Dealing with identity issues earlier in the process at the Swedish Migration Board;
- Improving the border interface between the Police and the Swedish Migration Board;
- Increased focus on lead times within enforcement operations;
- Prioritisation of detention cases.

The Police Authority in the region of Skåne has, in conjunction with the Swedish Migration Board and the Swedish Prison and Probation Transport Service, carried out a pilot project between November 2010 and March 2011. This pilot project concluded that the potential financial gain from improved enforcement operations was more than SEK 500 million. Costs for current enforcement operations should, using this new working method, be reduced by SEK 300 million. In addition, the number of enforcements should be able to be increased, which would mean potential savings of another SEK 250 million.³³ The heads of authorities have consequently taken a decision that this approach will be applied on a national basis.

Re-establishment support

The Swedish Migration Board may, after application, take a decision to award a government grant (re-establishment support) to certain foreign citizens. These are regulated in Ordinance (2008:778) on Re-establishment Support for Certain Aliens and may occur in the following circumstances:

- the person has had his/her application for asylum rejected or his/her UAT case has been written off when the person in question has withdrawn his/her application for a residence permit,
- the person intends to return voluntarily,

³³ Pre-study report The REVA Project, Pekka Annala, the Migration Board, Emelie Lindvall, Police and Marko Lepistö, Prison and Probation Service, Reg.No.2010-111-28661, 2010-11-18, pp.3-5; and REVA – rättssäkert och effektivt verkställighetsarbete, Per Löwenberg Central Border Control Unit, National Bureau of Investigation 2011-06-13.

- there are extremely limited opportunities to re-establish due to severe difficulties in the country, or part of the country, that the person is going to return to,
- it appears likely that the person will be received by the country,
- the application for re-establishment support occurs very soon after the person received his/her application rejection or has withdrawn his/her application.

Exceptions can be made if it is assessed as necessary in order to fulfill international agreements concluded by Sweden or if it is assessed as being of special importance to promote the voluntary return of foreign nationals.

Re-establishment support may be granted also to a husband or wife or cohabitant who accompanies the foreign citizen to the return country as well as to accompanying children. Re-establishment support may not be granted to Swedish citizens or to anyone who has previously received such support. Re-establishment support amounts to SEK 30 000 per adult and SEK 15 000 per child with a ceiling of SEK 75 000 per family.

The Swedish Migration Board may claim back this grant wholly or partially if the person concerned does not return voluntarily or, after return, travels illegally to Sweden or provides inaccurate information due to which the support was paid erroneously. The Swedish Migration Board's assessment is that it is currently people who return to Afghanistan, Burundi, Central African Republic, Democratic Republic Congo, Côte d'Ivoire, Eritrea, Guinea, Guinea-Bissau, Iraq, Yemen, Liberia, Mali, Niger, Rwanda, Sierra Leone, Somalia/Somaliland, Gaza and the West Bank (stateless persons), Sudan, Chad, Togo and Uganda who would be qualified to receive this support in normal circumstances. There are, however, no formal constraints on people from other countries applying for re-establishment support.

4 Transnational cooperation in reducing irregular migration

4.1 Cooperation Agreements

Well-developed collaboration has been underway between the Nordic countries in all fields for a considerable period of time. With regard to border issues, this co-operation has its origins in the Nordic Passport Agreement of 1958. Agreements have also been reached whereby the Nordic authorities, such as police authorities, may contact each other directly without recourse to central authorities in order to facilitate the exchange of information. One example is the Nordic police cooperation agreement (Agreement between the police authorities of the Nordic countries on police cooperation, signed in 2002). The Nordic countries also share common police liaison officers at embassies around the world working for all the Nordic countries. Their duties include border security issues.

The Öresund agreement (Agreement between the Government of the Kingdom of Sweden and the Government of the Kingdom of Denmark on police cooperation in the Öresund region from 1999) is a consequence of the construction of the Öresund Bridge (the fixed link across Öresund connecting Sweden and Denmark) and the fact that provisions of the Schengen Convention in respect of cross-border pursuits thus will be of importance to the future Swedish-Danish cooperation in the Öresund Region. Under this agreement the competent Swedish and Danish police authorities should, *inter alia*, exchange information about cases and persons as well as relevant events in relation to criminal activities with connection to the Öresund Region.

On a government level, an agreement has been entered into regarding the development of cooperation in the Baltic Region. This includes a facilitated exchange of information and joint operations.

4.1.1 Re-admission agreements

Re-admission agreements are agreements concluded between states in order to regulate conditions and obligations for re-admitting individuals. Usually these agreements encompass the country's own citizens, third country citizens and stateless people. They may also regulate opportunities to transit through countries.

The fact that states re-admit their own citizens is in line with international law obligations that are recognised by most states. Re-admission agreements could be said to confirm this obligation. As concerns citizens of third countries and stateless people there is not the same support in law to oblige states to re-admit this group of people.

There are, generally speaking, two types of re-admission agreement: bilateral agreements and EU agreements. Bilateral agreements are

negotiated by the Ministry of Justice (previously the Ministry for Foreign Affairs) and are valid between Sweden and the relevant country. EU agreements, or what are known as Community Agreements, are negotiated by the European Commission (COM) on instructions from the Council. If COM receives a mandate to negotiate a re-admission agreement with a specific country, member states may not negotiate agreements bilaterally with the same country. In accordance with EC law, the stipulations of the EU agreement have priority ahead of any bilateral re-admission agreements previously concluded with third countries by member states. However, there is nothing to prevent the application of a bilateral agreement in parts where the EU agreement does not regulate the matters in question.

The aim of re-admission agreements is that people who are not entitled to stay in the country can be rapidly and efficiently returned using procedures and routines established in agreements. Re-admission agreements do not compel a country to return citizens, they merely stipulate regulations on how this is to occur.

Agreements regulate, for example, the deadlines as concerns responses to requests, transfers, how identities are established, travel documents and their issue, and transits. Further to this, they often provide forms/annexes to be used when requesting re-admission.

There are also re-admission clauses in other types of agreements. COM has, for example, in partnership and cooperation agreements, included a clause stating that the country in question is obliged to re-admit its own citizens. COM has received requests from several member states concerning the establishment of a list of countries with which the EU has entered agreements including re-admission clauses.

Bilateral re-admission agreements

Sweden has bilateral re-admission agreements with a total of 23 countries. Eleven of these are EU member states. These bilateral agreements may be complemented by an implementing protocol (TP) or with later agreements/amendments in the form of Agreed Minutes (AM) or a Memorandum of Understanding (MoU).

International agreements are concluded or enter into force generally through the signing of agreements followed by ratification (acceptance or approval) which is the final measure that commits the parties to the agreement. In certain cases ratification is not required and then a signature alone is binding.

According to the ordinances (1990:1070, 2001:173) on the publication of Sweden's international agreements etc. the primary rule is that all international agreements that are binding on Sweden that have been entered into by the Government must be published through Sweden's International Agreements (SÖ). The relevant countries are: Armenia, Bosnia-Herzegovina, Bulgaria, Cyprus, Estonia, France, Iraq (Mou), Croatia, Latvia, Lithuania, Macedonia, Montenegro (TP, AM), Poland, Romania, Serbia (TP, AM), Switzerland, Slovakia, Germany and Vietnam.

EC re-admission agreements (Community Agreements)

To date COM has negotiated 13 re-admission agreements that have entered into force. The countries concerned are Hong Kong, Macao, Sri Lanka, Albania, the Russian Federation, Bosnia-Herzegovina, Macedonia, Moldova, Montenegro, Serbia, Ukraine, Pakistan and Georgia. Countries that the COM is mandated to negotiate additional re-admission agreements with include Morocco, Turkey, China and Algeria. Re-admission agreements are regularly discussed in the Council Group for Migration and Expulsion and may also be discussed in the HLWG (High Level Working Group on Asylum and Migration).

Finally it could be mentioned that reciprocity prevails as concerns the application of Community Agreements, i.e. that these are mutual agreements and are applied "both ways".

4.2 Other forms of non-legislative cooperation with other countries

4.2.1 Police and Customs liaison

The Police and Customs, jointly with the other Nordic countries, send out PTN liaison officers (PTN is an abbreviation of Polis och Tull i Norden). Via these joint liaison officers stationed abroad, the fight against organised and cross-border crime that affects the Nordic countries can be undertaken more effectively.

Liaison officers are generalists who are expected to work within a number of different areas on behalf of all Nordic countries. The liaison officers maintain a network within the different fields which promotes information gathering and dissemination. In the autumn of 2011, a PTN Liaison Officer was installed in Istanbul, which is a vital geographical location as concerns irregular migration. Previously PTN liaison officers were also stationed at a number of places within the EU, however now they remain only in Poland and Estonia.

The PTN liaison officer

- seeks to create and maintain relations with law enforcement and other relevant authorities in the countries to which he or she is accredited (host countries),
- co-ordinates and facilitates information exchange between the police and customs authorities in the Nordic countries and the host countries – both in general and in ongoing criminal investigations or intelligence matters, and
- collects and collates strategic intelligence on crime, with connection to the Nordic countries, in their region.

The liaison officers follow the same common guidelines and represent all the Nordic countries irrespective of which country has stationed the

individual liaison officer. The revised mandate of the PTN was agreed upon at a meeting between the Nordic National Police Commissioners in Stockholm in August 2009. Swedish police officers are also stationed with both Europol and Interpol.

4.2.2 Mediterranean Transit Migration (MTM)

The Strengthening Dialogue on Mediterranean Transit Migration Project, MTM, and i-MAP began in 2002 with the aim of developing dialogue between a number of Arab and European countries. The group of Arab countries consisted of Algeria, Egypt, Lebanon, Libya, Morocco, Syria and Tunisia. The project was mainly financed by the EU Commission but funds were also provided by partner states Cyprus, France, Italy, Portugal, Malta, Holland, Switzerland, Sweden and Poland. Sweden contributed EUR 32 000 in 2008. The project worked to create better understanding between the participating states focussing on irregular migration flows. Its specific objectives were to:

- use MTM/i-MAP as a platform for improved exchange of information,
- contribute to a knowledge base on the composition and development of migration flows at regional, national and local levels,
- support national research and analysis capacity,
- support European countries in the identification of areas of cooperation with countries along the migration routes,
- support improved processes in countries along migration routes,
- develop MTM/i-MAP towards the countries actual needs and use a trilingual platform.

Sweden concluded its participation at the beginning of 2010.

4.3 Cooperation within EU or international organisations

The CGE participates in the FRAN (Frontex Risk Analysis Network) network through which vital exchange of information takes place. The network holds four regular meetings per year as well as a number of specialized meetings on specific geographical areas outside the EU. The network produces quarterly reports and some tailored risk analyses (TRA), i.e. more thematic reports, every year.

5 Impact of EU policy and legislation

The Sanctions Directive³⁴ and the Return Directive³⁵ are currently not implemented in Swedish legislation.

Since 10 January 2011, Sweden has been Chair of GDISC (General Directors' Immigration Services Conference). During Sweden's period as Chair, a special unit has been set up at the Swedish Migration Board to deal with GDISC matters. This unit works for the member states by planning and implementing meetings and conferences aimed at promoting practical cooperation within asylum and migration as well as initiating and administering various projects within the migration field. Currently all 27 EU member states are part of the network as well as Iceland, Croatia, Norway, the Republic of Macedonia, Switzerland and Turkey.

The Ministry of Justice has delegated the position of Sweden's national contact point for the EASO (European Asylum Support Office) Asylum Team to the Swedish Migration Board. The Asylum Team was formed at the end of January 2011 with the aim of providing support to countries experiencing problems in the asylum field. All member states are duty-bound to establish a national reserve unit in accordance with EASO regulations.

Sweden has assisted Greece with asylum experts for several periods during 2011.

The “Söderköping Process” was launched in 2001 as a cross-border cooperation project in the asylum and migration field with the aim of responding to the challenges posed by EU enlargement eastwards. Since its inception, its overall goal has been to support and facilitate approaches towards the countries along the EU eastern border using capacity development, transfer of knowledge and exchange of experience in the asylum and migration fields in accordance with EU standards and value platforms.

5.1 VIS and residence permit cards

In 2010, the Swedish Migration Board introduced the national part of the VIS System at all government agencies who process visa matters. VIS is a common EU information system for the issuing of visas. Government agencies currently use the national VIS System without connection to the central VIS System and without collecting fingerprints. The central VIS

³⁴ Directive [2009/52/EC](#) of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

³⁵ Directive [2008/115/EC](#) of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

Project, which is run by the EU Commission, was delayed but eventually became operational on 11 October 2011.

On 20 May 2011, the respective EU regulation entered into force which means that Swedish government agencies have begun to issue residence permit cards instead of the previous system of sticking a permit into the passport. The Start-up date for the new residence permit cards was 20 May 2011.

The aim of these cards (also called UT Cards) is to achieve a higher level of security compared to the previous sticker system. Consequently these cards will have biometric features – they contain a data chip showing a photo and the fingerprints of the owner. All EU member states issue the same type of residence permit cards after 20 May 2011.

Fingerprints and photos are taken when the application is submitted and in connection with the notification of granting of residence permit or when a person needs to renew his/her permit. When the UT Card is issued, the biometric information is sealed in the card's chip only. UT cards are of the same size as ATM cards and are labelled Residence Permit in the language of the country of issue. UT Cards only serve as pieces of evidence of the fact that a residence permit has been issued; they cannot be used as ID cards or travel documents.

6 Estimates and statistics on the irregular migrant population

Data presented under this heading covers the period 2005 to 2010. Statistics have been compiled primarily through extracts from Eurostat and the Swedish Migration Board case management system. In this context it should be noted that the introduction of a new level and process procedure for aliens' cases, NIPU 2006, means that it has been impossible to obtain certain statistics for the years 2005 and 2006.

6.1 National statistics (Eurostat) related to irregular migration

All the statistics requested in the study specifications can be found in the statistics annex (Annex 2).

6.2 Other national statistics on irregular migration

In principle only an estimate can be made as concerns the number of irregular migrants in Sweden. In the spring of 2011, the Police had noted approximately 16 000 people whose asylum applications had been rejected and who had absconded or were to be removed. For the years 2008, 2009 and 2010 the Swedish Migration Board reported around 8 000 people per year who had absconded from reception centres.

These volumes include individuals who have left the country on their own initiative without notifying the authorities. In that there is free movement of people within Schengen, individuals are able to move between the various Schengen countries without many problems.

A further indicator was generated in connection with a regularisation process in 2005/2006 (please refer to Chapter 3.4). The opportunity to be granted a residence permit meant that around 8 000 people who had been absconding came forward and attempted to regularize their stay. Even after the regularisation, Sweden has experienced a large number of asylum-seekers and, from 2008, a recognition rate (share of positive asylum decisions) of approximately 30%. Consequently, the number of irregular migrants in Sweden has probably increased.

7 Conclusions

Sweden maintains a relatively low profile concerning checking of entry at border crossings with the aim of limiting the number of irregular migrants. This is primarily a result of the fact that Sweden is mostly surrounded by Schengen countries. When entry does occur from third countries, which primarily occurs through airports, Sweden operates efficient and reliable border control.

7.1 Approaches

Most irregular migrants who travel to Sweden apply for asylum after they have entered the country. How they have entered the country is often not stated, however the most common pattern is entry via other Schengen countries. In many cases Swedish government agencies know that organised travel to Sweden occurs, for example by bus from the western Balkans. One major entry point is the Öresund Bridge between Denmark and Sweden. Schengen regulations limit the actions available to Swedish government agencies as concerns the control of internal borders. Consequently coordinated monitoring by Police and Customs occurs only in exceptional cases.

Other methods of entering Sweden irregularly is to use a Schengen visa issued by another Schengen country in order to travel into the Schengen area and then on to Sweden. Usually in such cases, passports are hidden and withheld from Swedish authorities. Using someone else's passport to enter the Schengen area (known as look-alikes) is also considered to be widespread. It is assessed to be less likely that people hide in cars or trucks across all of Europe in order to enter Sweden. However this pattern may be used for shorter distances in order to get across, for example, the Öresund Bridge.

Around 95% of all asylum-seekers in Sweden are not able (or not willing) to produce travel documents or passports. This percentage has remained relatively stable during the entire reference period. Totally Sweden has, during the period 2005 - 2010, received approximately 158 000 asylum-seekers.

Other routes into Sweden go via guest studies. In order to enter Sweden as a student from a third country, the applicant must be in possession of a residence permit. The permit can then be valid for up to 18 months. It has been observed that many migrants use this method for purposes other than studies. In 2011, however, Sweden introduced university fees for students from third countries. This has most probably made it more difficult to exploit study residence permits for other purposes.

In December 2008, Sweden had introduced a labour migration reform. Briefly this reform means that employers determine whether or not a third country national may enter the country for work purposes. The criteria to be fulfilled are that salaries may not be less than the established minimum salary level and that Swedish unions play an important role in monitoring the employment and admission conditions. Residence permits for employment are granted for up to two periods of two years. After this time, a permanent residence permit may be issued if the person is still employed. It has been observed that an employer, or a contact allied to an employer, has been able to abuse this reform to exploit individuals wishing to come to Sweden. In some cases, third country nationals have been lured to Sweden with promises of good jobs and high incomes. As a consequence, the Swedish Migration Board has successively introduced targeted checks against employers who are overrepresented as concerns the employment of third country migrants. These companies must also prove that salaries are guaranteed for as long as the work permit is valid.

Another method of irregularly entering Sweden is via arranged marriages. It has, for example, been observed that the number of weddings in Sweden between EU citizens who are not Swedish citizens and third country citizens has increased over the course of the last few years. After marriage, third country nationals are free to exercise free movement within the EU.

Altogether, there are many ways of entering Europe and Sweden. The manner in which migrants are received in terms of standards of accommodation, medical care and schooling opportunities may also play a certain role. Sweden maintains a comparatively high level of asylum-seeker reception which probably functions as one factor for consideration when entering Sweden illegally.

7.2 Measures

Sweden has made certain efforts as concerns dealing with the large numbers of asylum-seekers whose chances of obtaining a residence permit are very limited. The Western Balkans are one such area in which Sweden and the EU have stated that the fact that visa exemption was introduced at the end of 2009 and in 2010, means greater responsibility for the states in this geographical area. There are also Swedish Police stationed in Slovenia tasked to assist in stopping people entering Schengen illegally. Swedish Police have also participated in targeted training inputs for migration officials, embassy staff and airport staff in various countries.

As concerns staying in the country, development activities have been underway for a number of years within asylum application examination in order to be able to sort the cases and reduce waiting periods for final decisions - irrespective of whether the decision is positive or negative.

Providing a rapid response to asylum applications is regarded as a service to the applicants.

Return currently one of the issues that Sweden prioritises as a path out of irregularity. With a recognition rate of around 30%, there is a relatively large number of people who fall into a situation of irregularity. The REVA Project (Legally secure, efficient implementation activities), has been underway as a cooperation project between the Swedish Migration Board, the Police and the Swedish Prison and Probation Transport Service. One ambition and objective is to encourage all actors involved to collaborate and to ensure high quality enforcement operations. The goal is to persuade as many people as possible to return with their personal integrity intact.

Sweden also applies a system of re-establishment support. Individuals who return voluntarily to certain countries/areas after the asylum process is concluded are granted a lump sum. As a maximum, one family can receive SEK 75 000 (ca EUR 8 000). This sum is paid out after the person in question has returned and focuses on a limited number of nationalities.

Another path out of irregularity introduced by Sweden in December 2008, which was included as part of more extensive labour force reform, was that asylum-seekers whose application for asylum had been rejected were given the opportunity of applying for, and being granted, a work permit under certain circumstances. For example the person concerned must be employed and be offered employment for a stated period of time and their application must occur within two weeks of their asylum rejection entering into legal force. Discussions have been held on opportunities to broaden the possibility of being granted work permits. In 2010, approximately 500 asylum-seekers who had not been granted asylum were granted permits based on labour market circumstances.

The number of persons staying illegally in Sweden is difficult to assess but most probably concerns at least 10 000 individuals. In 2010 alone, around 8 200 people absconded from Swedish Migration Board reception units. Some have left Sweden but there is probably a large number still in the country. In spite of this, it is probably true that the scope of irregular migration in Sweden is not as great as in some other EU member states.

One conclusion is that the Swedish asylum system plays a key role in the irregular traffic to Sweden. In that as soon as an asylum application is submitted, an irregular migrants' stay in Sweden is legal until a rejection decision enters into legal force. As Sweden is surrounded by Schengen countries it is vital that common European efforts to prevent and avoid irregular migration work well, at the same time as the right to asylum and humanitarian concerns are protected.

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Links

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Annexes

1. Study specifications



Appendix 1
EMN_StudySpecs_Irr

2. Standardised tables from Eurostat for collection of national statistics concerning migration.



Appendix 2 EMN
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