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Visa Policy as Migration Channel in Sweden

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Summary

The European Migration Network (EMN) has, within the framework of its work program for 2011, the task of producing a comparative study of the EU's member states regarding *the relationship between visa policy and the handling of migration, including measures to prevent illegal migration*. This is to be constructed using national reports from all member states which will then be combined to produce a synthesis report. The study will also provide an overview of policy and legislation and investigate the effect of specific parts of the EU's regulations within this area.

In Sweden, entry visas are seen as a permit for visitors to Sweden who intend to return home after their stay. If the aim is to become a resident, then a residence permit is used instead. The requirement then is that the residence permit shall be obtained before entry into Sweden. In other words, the Swedish system uses entry visas for those who wish to visit Sweden, not as a channel for immigration.

Sweden issues Schengen visas almost exclusively in accordance with the EU's visa code. National entry visa occurs only in exceptional circumstances. Sweden has no bilateral agreements which affect visa issuing operations in third countries but answers to those agreements which apply on a European level, along with the other member states.

Sweden's procedures for visa handling follow the EU's Visa Code. It is mostly carried out by the Swedish mission abroad, but particularly difficult cases could however be sent to the Swedish Migration Board for examination and decision. In some locations, where particular circumstances apply, specialized methods of working have been developed. One such method which should be highlighted is the bona fide handling of visa applications at the embassy in Beijing. A number of Swedish businesses have obtained special status and, therefore, benefit from simplified procedures and a faster handling process. As a result, it is easier for Chinese businessmen to travel to Sweden. This bona fide handling process is described in more detail in the first of the report's two case studies. There is also a more all-encompassing work underway which will make visa application easier. In conjunction with the introduction of the new VIS-system, it is now possible, for example, to apply for a visa or a residence permit for studies via the Internet. The utilization of external service providers is predicted to increase and representation through other countries is used frequently in order to increase accessibility.

As far as preventing illegal migration is concerned, one important tool is a case handling system which makes it possible to interconnect an applicant's previous cases. In this way, fraudulent applications can be detected. The Swedish Migration Board has drawn up country-specific entry visa practices and disseminates comprehensive country information which is conducive to a high inspection quality. The Swedish Migration Board, the Swedish

National Police Authority and, amongst others, the Border Control at Arlanda Airport undergo training on false documentation in cities where there is a need for this. One special working method, which has proved successful, is the document inspection profiling which is being practiced at the Consulate General in St. Petersburg. This involves identifying trends amongst the fraudulent applications and strategically directing inspection accordingly. In this way illegal migration can be tracked more effectively, even with a large number of cases.

Discussions about the future suggest allowing an increased number to enter Sweden on a visa, even when intending to take up residence and work in Sweden. The reason for this would be to make immigration possible earlier and to bring about improved service. A solution such as this would be a slight deviation from the Swedish system which normally demands possession of a resident permit before arrival. This option is researched briefly in the report's second case study where India is examined due to the considerable number of workers migrating to Sweden from India.

Overall, the latest changes in the EU's policy and regulations on entry visas have led to changes in three areas:

- The Aliens Act has been changed so that it is in line with the Visa Code.
- The Swedish part of the VIS-system has great potential for the improvement of administrative processes.
- Decisions regarding visa relaxations for citizens of certain third countries have initially meant an increased number of asylum-seekers, especially from Serbia.

1 Introduction: purpose and methodology

The European Migration Network (EMN) has, within the framework of its work program for 2011, the task of producing a comparative study of the EU's member states regarding *the relationship between visa policy and the handling of migration, including measures to prevent illegal migration*. This is to be constructed using national reports from all member states which will then be combined to produce a synthesis report. Furthermore the study shall:

- Provide an overall picture of policy and legislation in the various countries.
- Give an overview of the practical implementation and organization of the policies and legislation which are associated with entry visas. This is done by examination of the various stages involved in the visa application handling process.
- Give information about the practical implementation of the particular parts of the EU regulations on migration which gives the member

states specific obligations towards certain categories of third country citizens¹.

- Explore the relationship between visa policy and the handling of migration through two case studies which deal with co-operation with third countries.
- Explore which effects the EU's policy and regulations have on national policy and legislation.
- Present statistics on entry visas.
- Draw conclusions on what relationship exists between visa policy and the handling of migration.

In the Swedish national report a central aspect is to describe the Swedish system, in which entry visas have a quite limited connection with immigration.

The study's target audience is decision-makers and civil servants who are involved in entry visas and migration policy at a national or European level, as well as organizations and private persons with a particular interest in this area.

1.1 Methodology

The study has been produced from common specifications which have been drawn up by the EMN². This has been done in order to make possible comparisons between the EU's member states. The specifications state which questions the study will address as well as overall plans, definitions and delimitations. A number of previous studies form the basis for this report, i.e., *Laws for Legal Immigration in the 27 EU Member States*³ which gives an overview of the legal framework in the various EU states.

The Swedish part of the study has been produced by experts from the Swedish Migration Board in collaboration with the EMN's National Contact Point. Consultation has also involved experts from the Ministry of Justice and The Swedish Police (principally Border Control and the Criminal Intelligence Service).

The information which has been compiled comprises official material such as laws, propositions and the country's official investigations. Besides these, data in the form of reports from other organizations, internal investigations and working papers have also been used. An important source of information has been interviews with key people within the Swedish Migration Board, the Ministry of Justice, the Swedish Police as well as with the embassies in Islamabad, New Delhi and Beijing.

¹ Directive 2009/50/EC, directive 2003/86/EC, directive 2005/71/EC.

² *Specifications for EMN Study – Visa Policy as Migration Channel, Final Version: 31st March 2011.*

³ IOM, 2009.

Statistics on entry visas and residence permits have been compiled primarily from extracts from the Swedish Migration Board's case handling system. The system has however not been in operation for the full ten year period mentioned in the study specifications. As far as the earlier years are concerned, figures from the Swedish missions abroad manually reported statistics are used, although these unfortunately contain a lesser degree of detail.

Statistics on refusals of entry/expulsions are provided via the National Police Authority, to which the local police authorities report their statistics. These figures also lack the degree of detail stated in the study specifications. More information on this can be found in Appendix 1.

1.2 Definitions

In this study, the EMN's terms and definitions are used and these can be found in the EMN's *glossary*⁴. For the Swedish part of the study however, the following terms and abbreviations should be specifically noted:

Work permit	Permission to work in Sweden.
C-visas	Permits for entry and a stay of up to a maximum of three months of a six month period. Issued in accordance with the Visa Code. Also called <i>Schengen Visa</i> .
D-visas	Permits for entry and a stay of more than three months and up to one year. Issued in accordance with Swedish legislation. Also called <i>National Visas</i> .
EMN	The European Migration Network.
Residence permit	Permission to travel into and reside in Sweden. The permit can be issued with or without time limit.
Swedish mission abroad	Embassy or Consular posts (can also mean representation or delegation).

⁴ *EMN Glossary*, the EMN's webpage.

2 Policy and legal framework for the granting of visas in Sweden

2.1 National policy and legislative framework

2.1.1 Conditions particular to Sweden

There are several specific conditions which influence Sweden's policies, legislation and case handling, as far as entry visas is concerned. To start with, the Swedish administration is itself built up of independent administrative authorities. This is laid down by constitutional law. No minister or official authority can determine how an administrative authority rules in a case where the authority's actions towards an individual or a municipality are concerned, or indeed where it concerns an application of the law. This regulation also applies to the government and the municipalities' governing body. This implies that the Ministry of Justice, which is responsible for the visa policy, has a very limited influence when it comes to the case handling operation.

The various parts of the national operation are organized in various different ways. For example, the Swedish Migration Board, including its regional offices, is organized as a national unit. The Police however is divided up into regional units with a relatively high degree of autonomy.

Yet as far as the legal framework for migration is concerned, Sweden is however relatively centralized. The EMN's report *Organization of Asylum and Migration Policies in the EU Member States (2010)* states that the EU nations' national legislation on migration, asylum and visa issuing can be divided up into two categories. Some nations develop a "package" of various laws which cover various aspects of migration. Others have one or two broader laws. Sweden belongs to the latter group and its central national law on migration, asylum and visa issuing is the Aliens Act (2005:716). There is also the Aliens Ordinance (2006:97) which is laid down by the government. Over and above its national regulations, Sweden also has comprehensive EU-legislation to take into account, for example that relating to the Visa Code.

Within the Government Offices of Sweden it is the Ministry of Justice which is responsible for migration matters, and which directs the Swedish Migration Board.

As far as case handling is concerned, it is the Swedish Migration Board which is primarily responsible for the reception of asylum-seekers and the issuing of residence permits, work permits and visas. The handling of visas and the majority of visa decisions are made by the embassies or consulates.

The Swedish missions abroad do however have the option to forward doubtful cases on to the Swedish Migration Board for assessment.

The Swedish Police have the main responsibility for border control. Swedish Customs and the Swedish Coastguard can in certain cases assist the police with the control of third-country citizens at Swedish border entrances or exits.

As is described in detail in section 2.1.2, Sweden regards entry visas as a permit for visitors who travel into Sweden with the intention of returning home after their stay. If their intention is to become a resident, then a residence permit is used instead. The requirement then is that the residence permit shall be obtained before entry into Sweden. Residence permits are primarily granted to individuals who want to move to a close relative in Sweden, or for those that come to Sweden for work or studies. For those who come to work, a work permit is normally required. Decisions on residence and work permits are usually made by the Swedish Migration Board on the basis of interviews carried out at an embassy or consulate. Certain decisions regarding permission for visits and studies can however be made by the embassy or consulate, yet these authorities cannot reject applications but must pass on cases to the Swedish Migration Board which they cannot themselves approve. As the handling of residence and work permits is carried out largely according to Swedish regulations, this means that other requirements apply for C-visa issuing.

2.1.2 Definition of entry visa

The Swedish Aliens Act previously described entry visas as a “permit to travel into and stay in Sweden for a shorter period”. Since the Visa Code came into power the law has changed and the previous description has been removed. Instead, it now states that an alien who travels into or stays in Sweden shall have either a Schengen Visa or a National Visa (chapter 2, section 3).

By Schengen visa, or *C-visa* as it is also known, is meant a visa which is issued according to the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (). The Visa Code defines *entry visa* as a permit granted by a member state for:

- transit through or a planned stay in the member state’s territories which shall not exceed three months in any given six month period from the date of first entry into the member state’s territories, or
- transit through the international transit areas of the member state’s airports.

National entry visa, or *D-visa*, may be carried out in specific circumstances. Such visas may only be granted for periods exceeding three months, up to a maximum of one year. Specific circumstances could be, for example, if

close relations wished to stay in the country with their family for more than three months, or certain business visits (prop. 2004/05:170 p. 272 f). Schengen visas are also known as C-visas and national visas as D-visas.

Furthermore there are also *A-visas*, which are visas issued for the transiting of airports which certain Schengen countries require from citizens of particular third countries. *B-visas* were transit visas which stopped being issued in the Schengen countries when the Visa Code came into power. A and B-visas lie outside the realm of this study.

According to the definitions in European and Swedish legislation, visas can also be seen as a permit which is given for a time-limited visit to the country. Visas can be issued for various reasons, visits to relatives, business visits, cultural or sporting exchanges, tourist visits, etc. Flight transit visas can also be added to this list. The intention must be to return to one's country of origin after the stay.

The legislation implies that Sweden cannot issue visas if the purpose of the stay is to become resident in Sweden. In such cases a residence permit is required, which shall be organized before entry into the country in accordance with the regulations of the Swedish Aliens Act. Exceptions are only made in cases specified in the law. A person granted a resident permit do not need a visa for entry into Sweden.

In summary it could be said that the Swedish system uses entry visas as a channel for visits, but not for migration. Despite this, entry visa can in certain cases represent an indirect type of support for migration (see section 2.1.10).

2.1.3 Historical perspective

During the latter part of the nineteenth century and up until the First World War, Sweden upheld the principle of free migration between nations. An alien could travel freely throughout the country, reside without a permit and work, in principle, without any limitations. In 1914, a law was passed which forbade aliens from residing in Sweden. The law did however not contain any general prohibitions but rather was aimed at criminal and anti-social foreign nationals.

During the Second World War, Sweden introduced obligatory visas for all foreign nationals as part of its control of them. After the end of the war, a development was initiated whereby citizens in more and more nations became visa-free. The aim was that visa-free agreements would gradually be introduced in as many nations as possible.

This development stopped in 1976, when Sweden re-introduced obligatory visas for Turkish citizens with the aim of reducing the mass immigration of, above all, Assyrian and Syrian citizens. The visa obligation has since been re-introduced for citizens from a number of nations.

Sweden entered into the Schengen collaboration in 2001.

2.1.4 **Visa policy has two objectives – to regulate and to ensure freedom**

Visa policy has as its objective to support regulated immigration and, at the same time, to allow the greatest possible freedom in cross-border movement. This applies in both matters of family relations and in commercial or cultural contexts.

Since the Visa Code came into power, visa policy, seen from a Swedish perspective, has remained almost exclusively on a European level. National visas are rarely used and the fundamental idea behind is the same as with Schengen visa– time-limited visits. Consequently, there are currently no particular policy developments as far as national entry visas are concerned.

Despite this there are however obvious connections between visa policy and foreign policy. Visas can also be seen as a complement where family reunification (or family reunion) is concerned, something which is discussed in more detail below.

2.1.5 **Examination aims to prevent absconding**

A visa application will not be approved if information arises which suggests that the actual aim of the visit is residence in Sweden. Accordingly, the Swedish Migration Board shall carry out an assessment of the risk that the applicant, due to personal or other relationships, does not intend to return to his country of origin. The Swedish Migration Board carries out a more restrictive assessment in cases where the visa applicants come from countries where “defections” have been numerous and readmission presents problems.

The authority also assesses the urgency of the visit, the likelihood of carrying out a possible refusal of entry or expulsion, and that the alien is not already black-listed.

2.1.6 **Three decision levels**

Three decision levels are involved as far as decisions on entry visa are concerned: the Government, the Swedish Migration Board and the Swedish mission abroad/Swedish Migration Board’s visa unit.

Exceptions from visa requirements may be instructed by the Government in addition to what is stated in the Council’s Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. The exemptions are found in the Aliens Ordinance. The Government has, in other respects, no position regarding the issuing of visas.

General guiding principles for decisions on entry visas and country-specific visa practices have been issued by the Swedish Migration Board (see 2.1.8).

As far as the decisions made in individual cases are concerned, these are made primarily by the Swedish mission abroad, but in certain cases also by the Swedish Migration Board. Decisions regarding entry visas can be appealed to the Migration Court of Appeal.

2.1.7 **The Government's control of the Swedish Migration Board**

The Government's control of the Swedish Migration Board is exercised through ordinances, budgets, government instructions and appropriation directions, as well as through the annual results dialogue. The government does not exercise any specific control of the Swedish Migration Board's guiding principles or practices for entry visas.

2.1.8 **The Swedish Migration Board's guiding principles**

The Swedish Migration Board's current general guiding principles for entry visas were issued in 2010. The guiding principles refer to the EU regulations applicable in this area. In addition to that, the guiding principles give the Swedish mission abroad as well as the Trade Office in Taipei the authority to decide on D-visas. The authorities which may issue C-visas can be found in the Visa Code. The guiding principles also contain rules for how and which cases can be forwarded from foreign authorities or police authorities to the Swedish Migration Board; the principles also stipulate that the foreign authorities should report regularly on visa-related matters.

In addition to the general guiding principles, the Swedish Migration Board compiles country-specific entry visa practices. These are distributed via *Lifos*, which is a country information system.

Since entry visa decisions now can be appealed, the courts are the authorities which determine the legal practice. The Swedish Migration Board is however expected to remain central actor in the dissemination of information and interpretation of judgments via so called legal statements.

2.1.9 **Foreign policy aspects**

Swedish visa practices and service level in relation to entry visas form part of the country's external image, and are as such important for the Swedish foreign policy. Political, cultural and economic relations are influenced and a restrictive visa practice could lead to distraction in relations between some nations. Moreover, visa policy can be used as a tool of foreign policy, to either support or oppose developments in another country. Since Sweden in essence issues C-visas, Sweden primarily follows the foreign policy aspects of entry visas on a European level.

The importance of entry visas for the trade is increasingly noticeably. It is important that the regulatory framework can offer speedily and simple entry

into Sweden for customers, employees and other Swedish businesses' overseas contacts. This matter is discussed in more details in section 3.2.1.

2.1.10 The relation to family reunion/family reunification

A few years ago, a government inquiry (the Swedish Refugee Council) pointed out that a more restrictive regulation on family reunion could entail difficulties in maintaining family connections, and that a more generous visa policy in such situations could help abate undesired obstructions to human contact. Family visits should, according to the Council, be seen as a natural part of life⁵. These observations are still valid.

2.2 Agreements with third countries

Sweden, like the other Schengen nations, follows the of the visa facilitation agreements which were entered into between the EU and Georgia, the Russian Federation, the Ukraine, Albania, Bosnia and Herzegovina, Serbia, Montenegro, the former Yugoslavian Republic of Macedonia and Moldavia. The agreement with Georgia is applicable from spring 2011, and the agreement with Russia came into force in June 2007. All other of the above mentioned agreements came into force in January 2008. The aim of these agreements is to simplify the issuing of visas for stays of up to 90 days per half-year. This does not affect those who intend to reside in Sweden.

When entering into the Schengen cooperation, Sweden already had a number of bilateral agreements with third countries. According to the Schengen regulations, these agreements are applicable even after Sweden's entry into Schengen. Several of these agreements are therefore still applicable in a formal sense, but are of little or no practical importance. Agreements on, for example, visa exemption, have successively been replaced by equivalent regulations or agreements at EU level.

2.3 Recent changes of visa policy and legislation within the EU-context

Recent changes to the EU's policy and regulations on visas has led to changes in the Aliens Act. Furthermore, the adjustments which are being made to the Swedish case management system, Wilma, so that Sweden can fulfil its responsibilities according to the VIS-regulation⁶, also present an opportunity for several other improvements. For example, technology has been developed to give students the option to apply for visas and resident permits on the Internet. Visa exemption for the citizens of certain third

⁵ *Swedish Refugee Politics in a global perspective*, SOU 1995:75

⁶ The European Parliament and Council's Regulation (EC) No 767/2008 of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation).

countries has resulted in an increased number of asylum-seekers, primarily from Serbia. These changes are described in more detail in chapter 5.

As far as other European legislation regarding entry and stay for particular groups is concerned, the Council's Directives 2005/71/EC⁷ and 2004/114/EC⁸ are applied through the issuing of residence permits. The implementation of the Directive 2005/71/EC has come about through, for example, new regulations in The Aliens Ordinance⁹. None of the Directives have however had any effect on the regulations regarding entry visas.

The Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (the Blue Card directive) has still not been fully implemented. Again, this matter has more to do with residence permits and the regulations regarding the entry visas are not affected.

2.4 Recent changes to visa policy and legislation relating to national visas

Member states can issue national visas as a result of the European Parliament and Council Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa, and Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). The regulation states that entry visas for stays exceeding three months shall be in the form of national visas issued by the member states in accordance with national legislation or Union legislation. Visas issued for longer stays shall be valid for a maximum of one year, and shall permit free movement in the same way as Schengen visas.

The Visa Code has brought about adjustments to the Swedish regulations regarding national entry visas. Previously, the Aliens Act prescribed that national visas could be issued for periods shorter than three months. Special circumstances could however allow a national visa to be issued for a period of up to one year. This rule was not considered to be in line with the Visa Code, which has all-encompassing regulations regarding the issuing of visas for shorter stays¹⁰. The Aliens Act has therefore been changed so national

⁷ The Council's Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

⁸ The Council's Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.

⁹ Described in more detail in ch.4, sections 7 a and b, The Aliens Ordinance.

¹⁰ Prop. 2010/11:121.

visas only are issued for a period of more than three months up to a maximum of one year. As before, there must be specific reasons for issuing national visas¹¹. This change has as effect that further legal expertise and policy space is moved to EU-level.

3 Practical implementation and organisation

3.1 General procedures in the Visa Process

Application

Sweden's handling of visa applications complies with articles 5-20 of the Visa Code. The actual handling process involves the Swedish mission abroad and, in certain cases, the Swedish Migration Board. Particularly difficult cases can be forwarded from the Swedish mission abroad to the Migration Board's visa unit. From 1 July 2011, and in accordance with article 43 of the Visa Code, Swedish legislation allows the use of external service providers. Sweden also accepts visa applications which are submitted through commercial intermediaries in accordance with article 45 of the Visa Code. Sweden is represented by other Schengen nations in 82 cities, and Sweden represents other nations in 55 cities. Since the new Aliens Act entered into force, countries representing Sweden are also allowed to reject applications.

In exceptional cases, and in accordance with articles 35 and 36 of the Visa Code, it is possible to acquire a visa issued at a border crossing. The option to apply for a visa at a border crossing has previously often been utilized by seamen. During 2010, the border police received over 1,500 such applications. The requirements for such applications have been strengthened considerably and are more in line with the Visa Code. If a visa is to be issued at a border crossing, the Visa Code requires that the applicant shall previously not have had the opportunity to apply for a visa through a Swedish mission abroad. Documentation or certification from an employer is often required to confirm that no such opportunity has arisen. The option of acquiring a visa issued at border control is also utilized by other entrants who have not had the chance to apply for a visa prior to their arrival, for example when the visit has been arranged hastily due to a sick relative in Sweden. In such cases, visas are usually granted.

Comprehensive technological developments have accompanied the development and rolling out of the national part of the VIS-system. Around 15 Swedish missions abroad are currently involved in pilot operations regarding e-applications, as well as bookings and payment for visas via the Internet, and student residence permits. During autumn 2011, this

¹¹ Ch 3, section 4, Aliens Act.

technology will be rolled out to all missions abroad with a requirement for it.

Applications for D-visas are basically submitted in the same manner as C-visas. D-visas are however only used in specific cases (see section 2.1.2) and there are documents and procedures designed specifically for these situations. Also those applying for a D-visa must pay a fee, and he or she must be in possession of a passport. The requirement of the period of validity for the passport is however somewhat more lenient than the requirements in the Visa Code.

Examination

Examination and assessment of applications is carried out according to articles 21-32 of the Visa Code. Security checks are carried out through registration in SIS, interviews and a more thorough document check which may involve a thorough examination of passport and stickers, and contact with banks, employers and the like, depending on what is appropriate for the city where inspection is being carried out. Section 3.3.1 describes in more detail how the Swedish Consulate General in St. Petersburg uses profiling to uncover fraudulent applications, and the case study in section 4.1 examines how the authorities in Beijing have instigated collaboration with various businesses in order to make the application process easier.

Before the entry into Schengen, the Swedish missions abroad which have a migration operation were provided with document control equipment. The Ministry for Foreign Affairs has recently invested in new UV-lights and loupes for the missions abroad which are in need of such. One particular challenge is to reach both seconded and locally employed staff with relevant training so that they have the skills needed to operate the equipment.

The Swedish mission abroad also carries out investigations in Sweden. This can involve extracts from the company registers as well as checks of the companies sponsoring the applications. Universities and courts are contacted when relevant.

From this year, training on false documentation is carried out by Frontex. Sweden does however also carry out its own training initiatives. The National Police Board makes regional training efforts, assembling border control, airline and embassy staff. Other police authorities have also carried out their own training, i.e., the police at Arlanda Airport and in Göteborg.

Sweden's migration experts (previously Migration Attachés) are part of a network with other *immigration liaison officers* (ILO) which exchanges information regarding, for instance, how illegal migration can be prevented.

Unlike C-visas, Swedish D-visas are almost exclusively family-related. Consequently, another type of document and a different type of control is required. For example, specific controls are carried out of those sponsoring

the visit, and proof of family ties is usually requested from the country of origin. A special application form is used, but not with same demands in terms of content as that prescribed by the visa code. For example, travel insurance is not required, no biometric checks are carried out and there is no consultation requirement. Sweden requests no particular medical examinations as far as C or D-visas are concerned.

As before, and supported in the Administrative Procedure Act, it is possible to request a retry of a visa case. Since 5 April it is also possible to appeal C-visa cases to the Administrative Court. D-visa cases can be reconsidered but cannot be appealed against.

Arrival, residence and departure

Border checks are made on the way into Sweden in accordance with, for example, article 5 of the European Parliament and Council's Regulation No 562/2006 of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). Regularly checks are made of a person's identity, whether they are registered in SIS and that their travel documentation is correct. In certain cases a closer inspection is made, for example, of references, medical insurance and travel money. If a person is denied entry they may appeal, yet often asylum is sought instead. In such cases, the police collaborate with staff from the Swedish Migration Board.

The Swedish Customs Service and the Swedish Coast Guard are also involved in the control of Sweden's external borders. This involves co-operation with the police, even if Swedish Customs Service, in particular, mainly carry out other tasks. The Swedish Coast Guard has policing authority at sea.

The police authorities carry out certain control of aliens. The Swedish Migration Board is not normally involved, except where a visa needs to be revoked for deportation purposes. If an alien who is residing in Sweden commits a crime, it is the police who register this in SIS.

Visa extensions can be made in accordance with article 33 of the Visa Code. Applications in such cases are made to the Swedish Migration Board. D-visas cannot be extended, instead the person concerned must apply for a residence permit for their visit (in specific cases, the person may also apply for a residence permit for work purposes).

Upon departure, the Border Police check if the visa's time limitations have been observed, and the passports are stamped if they are travelling outside of the Schengen area. Should a person have stayed in Sweden longer than their visa allowed, the Border Police register this in a system to which the Swedish Migration Board also has access. SIS-locking is normally not used if a person stays too long, but rather in more serious crimes.

In accordance with the Visa Code, it is possible to appeal decisions on cancellation or revoking of visas. It is however not possible to appeal against a refusal to extend the length of a visa. Otherwise, the options to appeal are the same as in earlier parts of the process.

As far as the procedures regarding arrival, residence and departure are concerned, by and large the routines apply for either C or D-visas.

3.2 Visa issuance for the purpose of legal immigration – specific procedure in the visa procedure

3.2.1 National Visa Practices for admission of third-country nationals

According to the main rule in chapter 2, section 3 of the Aliens Act, an alien who travels to or who resides in Sweden shall have a Schengen Visa or a National Visa, if he or she has neither a residence permit nor a permanent place of residence. The overwhelming majority of the visas issued in Sweden are Schengen Visas, i.e. C-visas, which are issued in accordance with the Visa Code.

The second paragraph of chapter 3, section 4 of the Aliens Act deals with national entry visas, which are usually referred to as D-visas. These can only be issued in certain circumstances. When the regulation on national entry visas for longer stays was introduced, it was stated that such circumstances could be, for example, when close relatives wished to visit family for a period of more than three months, or business visits¹².

A residence permit is required if the intention is to become Swedish resident. An application for residence permit shall have been made in the country of origin, and the permission is granted by the Swedish mission abroad. The same examination of residence permits apply regardless of whether or not the applicant comes from a country which is normally granted visa-free entry into Schengen nations. Should a person have received a residence permit, then this document is sufficient for entry and no visa is required.

Accordingly, the main rule is that C-visas and the less frequently occurring D-visas are used for visits, whilst residence and work permits are used for legal immigration.

Scenario 3, described in the study specifications, is the normal case for Sweden. When a residence permit is issued, no visa is required for entry; hence the third point described in the scenario is not applicable.

¹² Prop. 2004/05:170 pp. 272-273.

In certain cases scenario 2 is also of relevance. It is possible for a third country national entering Sweden on a C or D-visa to apply for a work permit on site – should the person find an employer who would employ him or her. The requirement is however that the employer cannot spare the applicant during the time it would take him or her to travel back to their country of origin in order to apply for a work permit. This procedure indirectly implies that the entry visa has been a prerequisite for obtaining the work permit. In order for a person to be granted a visa, there is however the requirement that the purpose of travel is a visit, and that the intention is to return home on completion of the visit. The situation described is thus a special case. Persons from third countries who are family members of EU/EES-nationals can, thanks to the Directive on Free Movement of Persons¹³, apply for resident permits (and in certain cases, work permits) after having travelled to Sweden. This is the second example when entry visas can be a prelude to residence. For this group, however, it is a more formal process. It is C-visas which applies – both to those who apply for work permits after their arrival and to members of the families of EU/EES-nationals.

3.2.2 Challenges and success factors for facilitating legal immigration

Swedish legislation did previously not allow Schengen nations representing Sweden to reject visa applications. Yet the Aliens Act is altered and this approach is now possible. The alteration simplifies collaboration and makes it possible to find solutions for representation in more cities.

As a contribution towards a faster handling procedure at the representation, the Nordic nations have jointly developed a system for sending cases securely to each other electronically. The system is called *Nordic Mail*. When the VIS-system is rolled out, its ability to send messages will fulfil this role for visas, but Nordic Mail is expected to continue to play a role as far as residence permits are concerned.

The Swedish Migration Board endeavours to provide, on its website, adequate information on what is required for entry visas and the various different types of residence permits. This is part of the overarching work to simplify the application process for the applicant.

The opportunity to use e-applications has been introduced for visas and certain types of residence permits at approximately 15 Swedish missions

¹³ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

abroad. In addition to filling in the application online, it is also possible to make payments and book appointments over the Internet. During the autumn, the system will be rolled out to the Swedish missions abroad in need of it, and it is expected to make the process easier for the missions abroad as well as for the applicants. E-applications also present an opportunity for the applicants' references to help them with the completion of their digital applications.

One important element in improving the quality and effectiveness of the Swedish case handling has been the integrated IT system, Wilma. This system has meant that cases can easily be forwarded and linked to cases on residence permit and citizenship.

Experts and international collaboration

In order to improve the quality and level of service in case handling, the Swedish Migration Board has nine seconded Migrations Experts (previously "Migration Attachés") with regional responsibility. The Migration Experts are involved in acquisition and dissemination of information, improving procedures and in other ways developing the operation. An important aspect of their work is efforts to reduce case handling times and to improve customer service. The migration experts also participate in the local Schengen collaboration, which is an important channel for disseminating information and improving the operation. One particular function at the Swedish Migration Board, *Swedish missions abroad – co-ordination* (UM-SAM), is responsible for supporting this local collaboration, disseminating minutes and providing feedback to the Swedish missions abroad.

The Nordic nations' diplomatic services have regular meetings in order to develop their local collaboration. In recent years, this collaboration has expanded and procedures are constantly being improved in order to jointly find more efficient local solutions. In this way, a more comprehensive regional coverage is being built up in a cost-effective manner. In this context, collaboration regarding entry visas is also discussed.

Bona fide handling of visa applications in Beijing

Sweden's embassy in Beijing has created a system with bona fide handling of visa applications for foreign nationals who are employed by Swedish companies in China. This is described in more detail in the case study in section 4.1. Since the companies that have been given bona fide status are informed about what is expected, the applications are often correctly prepared and therefore easy to handle. The risk of absconding is less and the applications undergo a simplified handling process. In all, this process makes it easier for applicants and contributes to economic exchanges

between Sweden and China. Seventeen Swedish companies currently have bona fide status with the embassy in Beijing.

3.3 Visa procedures for the purpose of preventing illegal immigration

3.3.1 Prevention of illegal immigration during visa issuing and monitoring process

Application

Document analysis and control of differing degrees, dependent on the nature of the application, is fundamental to the handling of applications.

Furthermore, via SIS as well as the Swedish systems checks are always carried out to assess if the person has been in Sweden before. Sweden does however not demand any certification of impunity from the country of origin. Apart from what is stated in the Schengen template, no *declaration of good will* is required and the applicant is normally not requested to show a return ticket. This is however dependent on which document(s) the local Schengen collaboration and the Commission have decided shall be required for applications from the particular city in question. Sweden makes no particular demands of the applicant in terms of medical examinations.

Examination

Swedish missions abroad make contact with another member state's mission abroad if, for example, that mission previously has rejected an application from a person who is applying for a visa at the Swedish mission abroad. Usually, this can be seen in the passport, which shall be stamped when a visa application is examined in accordance with article 20 of the Visa Code. Sweden does not allow the applicant to deposit money. Controls are however carried out whereby the applicant may show cash or account statements or, through a reference, provide details of financial self-sufficiency.

The assessment of the risk of absconding is facilitated by the case handling system "Wilma", which allows the Case officer to see all of an individual's previous cases in the same system. Accordingly, the Case Officer can, for example, see if a person who is applying for a visa has previously sought asylum or applied for a residence permit in Sweden. One particular challenge in this context is Sweden's comparatively firm privacy legislation which restricts the Case Officer's rights to search through different registers.

Refusals are made in accordance with the template in appendix 6 of the Visa Code. Refusals of D-visas are also justified with support of the Aliens Act, yet not according to the template in the Visa Code.

Profiling at the Consulate General in St. Petersburg

Sweden's Consulate General in St. Petersburg has developed methods which will detect applications with errors easier. At least 90 per cent of the applications are assessed to be legitimate, yet it is not possible for the Consulate General to investigate every application in the same depth. By applying profiling, the staff can sift out the cases which need to be investigated more thoroughly. One indication that such actions are required could be if the domestic passport reveals that the applicant has exchanged his/her foreign passport before its validity has expired. This could mean that the applicant wishes to hide information found in his previous passport, i.e., stamps that show misuse of a previous visa. The Consulate General has also discovered patterns where certain kinds of references are used particular often in applications which contain false information. The Consulate General therefore works continuously to identify which false pretences people choose, in their attempts get to Sweden. When new trends are identified, procedures are adjusted so that these applications can be investigated more thoroughly.

Collaboration with Police Liaison Officers regarding marriages of convenience

A good example of the challenges presented by difficult cases is the handling of C-visas in Islamabad. Many would like to travel into Schengen nations as the spouses of EU/EES-citizens. Approximately 80 per cent of the marriage certificates which reach the embassy in such cases are false. The major contributory factor for this is the extensive corruption prevalent in Pakistan, where it is relatively simple to purchase the correct documents which seem to be completely genuine. These documents are however often not registered. Yet it requires local knowledge and, usually, visits to the town where the marriage is supposed to have taken place to be able to discover this. A further complication is that the local lawyers, who in other countries can be called upon in such cases, cannot be used in Pakistan as cases of corruption have also been discovered to involve them. To get around these problems, the Swedish Embassy works in close collaboration with the Norwegian Police Liaison Officer in Islamabad. The Police Liaison Officer and her secretary undertake trips and help the Swedish Embassy to determine the integrity of marriage certifications. When inspections are required for towns far away from Islamabad, the Police Liaison Officer has a network of trustees that can be used. These trustees have also been utilized to educate local employees. Next step would hopefully be, through the Nordic collaboration, to train at least one local employee per embassy to such a level that they can take over this type of control trips themselves.

Arrival and departure

The airlines are obliged to hand over passenger lists to the Swedish police when the passengers have boarded the plane. The police can impose fines if this is not done. To be able to inspect passenger lists is a good tool for

discovering persons who are travelling with false documents. However, when the passenger lists are not handed over until after boarding has been completed, it is not possible to stop the departure for a person who is, for example, travelling with a false passport. In order to improve the chances of being able to intervene before it is too late, the police have a voluntary collaboration with several airlines, which means that passenger lists can be inspected at an earlier stage.

Border Control can impose fines on airlines which allow persons with incomplete travel documents to travel. The amount varies but is usually around SEK 36, 000 per person with incomplete documents.

The Criminal Intelligence Service, which is part of the Police, is an important source of information for Border Control. Moreover, Border Control's document technicians play an important role through their acquisition and dissemination of knowledge and information.

In several cases, an embassy has required that a visa applicant report to the embassy after they have returned home. This has applied to a very specific type of trip and the aim has been to clarify whether more visas of the same type were to be granted. This procedure is however very rare and is carried out on a voluntary basis.

A pilot study has been carried out in a project which aims to register information on third country citizens, upon their arrival in Sweden. There are no problems with this as far as Swedish entry visas is concerned as the information is registered, as before, directly into Wilma, (the case handling system), to which the Swedish Migration Board has access. There is however confidentiality between the police and the Swedish Migration Board, as far as entry with a visa from Schengen nations is concerned. Consequently, information on these persons first reaches the Swedish Migration Board if, upon their departure, it comes to light that they have stayed in Sweden longer than their visa allows. The idea behind the project was that, in certain cities, a person from the Swedish Migration Board should be located at Border Control, and would therefore have direct access to this information, thanks to the opportunities presented by chapter 9, section 1 of the Aliens Act¹⁴. Such information would make it easier to identify asylum-seekers at an earlier stage and to ascertain, in accordance with The Dublin Regulation, if their application should be examined in Sweden or in another Schengen nation. No continuation of the project is currently planned, but the VIS system is expected to serve a similar purpose.

Domestic control of aliens occurs, for example through checks on workplaces, if there are particular reasons to be suspicious. In addition to

¹⁴ Ch 9, sec. 1 of the Aliens Act states that if the Swedish Migration Board is involved in entry checks, then passports and other documents shall be shown to their officials.

this, there are no specific procedures to ensure that persons leave the country within the time limits of their visa. Since both entry and departure are registered in the visa system (Wilma), it is however just as easy to follow up the times of arrival and departure at a later date. As previously mentioned, the system makes it possible to track all of an individual's cases. It is therefore possible to see whether the person has previously sought asylum or applied for a residence permit in Sweden, or if that person has previously stayed in the country longer than their visa or residence permit allowed. Visa-holders regularly contact the Swedish Migration Board voluntarily to notify them that they have arrived back in their country of origin.

3.3.2 **Prevention of illegal immigration through other measures during visa issuing**

Development of guiding principles: In addition to the handbook for the Visa Code, Sweden has its own handbook for those parts of the visa handling process which are not regulated by the Code. General Guidelines for the handling of visa cases have been issued by the Swedish Migration Board's Director-General, and the Swedish Migration Board has also published country-specific visa practices. The formation of legal practices will however be shifted onto the Courts as soon as the Visa Code and the new Aliens Act come into force, compare section 2.1.8. The Swedish Migration Board is expected to continue to play a key role in interpreting and informing on legal developments.

Training: The training of staff at the Swedish missions abroad is carried out by staff from the Swedish Migration Board. Interactive training has been developed as a complement to this. The National Police Board carries out training on false documentation in locations where the need is particularly great. On such occasions the training is often co-ordinated with staff from Border Control, airlines and the embassy or consulate. This type of exercise has been carried out in, for example, Jordan, Malaysia and Syria. Other police authorities, for example the police at Arlanda Airport, also carry out international training exercises.

Development of information systems and use of country information: *Lifos* is Sweden's system for country information. The information is updated by the Country of Origin Information Unit at the Swedish Migration Board, which keeps it up to date by examination of organizations' reports, news coverage and by their own visits to relevant cities.

Development of checklists and quick guides: Besides the handbook and the guidelines published by the Swedish Migration Board, no specific checklists are centrally produced. The Swedish missions abroad do however create their own supporting documents, based on their requirements.

Statistics and information on third country nationals who have been refused entry, worked illegally or who are victims of human trafficking. The statistics and information compiled is analyzed centrally by the National Police Board, which subsequently send warnings and information to, primarily, Border Control.

Establishing “blacklists”: Blacklisting is incompatible with Swedish law which explicitly regulates such types of data storage. The same legislation stipulates that it is illegal to search for people in a register, other than those who are applying for a visa. What is more, a Case Officer cannot check up on the references given in visa applications. If such a check was legal, it might then be possible in certain situations to uncover more cases of human trafficking.

Document experts at Swedish missions abroad: The migration experts who are seconded to foreign authorities help spread knowledge about falsified documents. At the Swedish Migration Board in Sweden there are document experts who can be called upon when needed, likewise at the Swedish Police Board. The police at Arlanda Airport also have document technicians who carry out on-the-spot case handling and they help develop skills at various locations all over the world. There is also collaboration between Police Liaison Officers from Sweden and other EU member states.

3.3.3 **Challenges and success factors for preventing illegal immigration**

Local co-operation with other Schengen nations is an important factor for success. A major challenge is to move towards a greater harmonization of attitudes from the various Schengen nations located in the same city. Differing degrees of leniency often lead to the problem of *visa shopping*. There are indications that local Schengen collaborations grow especially strong and work better in locations where the Commission has taken over the management.

In certain cases there is a comprehensive exchange of information when Sweden hands over the visa handling process to another Schengen nation located in the same city. This is particularly common within Nordic collaborations. On some occasions it has also happened that locally employed staff from the Swedish embassy have instead been employed at the represented nation’s embassy. This helps to retain skills and enhances the quality of the case handling process.

In section 3.3.1 it is mentioned that airlines are obliged to pass passenger lists on to the police, but that these often arrive too late. This control would be even more effective if the police had access to information within the booking system which also contains information on payment, luggage and booking dates. This would make it possible, for example, to specifically inspect persons who fit the profile for people smuggling. Such developments are however not currently possible, and would probably

require both changes in the constitution and development of suitable technology.

The handling of entry visas is of great importance, but in order to effectively prevent illegal migration, a holistic approach is required. If Swedish visa practice is too restrictive, people will deliberately choose other, more accessible ways of migrating to Sweden. It could, for instance, be a question of different types of residence permits. Furthermore, it is not uncommon that people travel into the Schengen region via a visa issued by another Schengen nation in order to seek asylum in Sweden, without presenting ID or travel documents. They might also have acquired refugee status in another Schengen nation before travelling on to Sweden. When refugee status is obtained upon arrival in the first Schengen nation, the person's fingerprint is often immediately erased from Eurodac¹⁵. The case can therefore not be tracked by the Swedish Case Officers and the Dublin Regulation becomes ineffective. This example is somewhat outside the realm of this study, yet it is relevant as it shows the importance of a holistic view of the work to counteract illegal migration.

A number of visa applications have been received by the Swedish Migration Board where the reason for travel has been stated as a marriage between a third country citizen and an EU-citizen who is resident in Sweden. In a number of cases, the Swedish Migration Board has refused entry due to suspicions of abuse of the Free Movement of Persons Directive. In nearly all of these cases, the concerned parties have chosen not to appeal, which is an indication of that it probably was a marriage of convenience. The Swedish Migration Board and the police have even noticed that "false" marriages between EU-citizens and third country nationals have taken place in Sweden. The marriages of convenience is used as an instrument of illegal migration represents a challenge for Sweden and many other member states, and should be discussed in continued collaborations.

More and more nations do not take back their own citizens if their documents are not in order, which is a growing problem. This applies to, for example, Cuba, Iran, the Kurdish region in Iraq, Ethiopia, Eritrea, Vietnam, Laos, Somalia, Palestine and Lebanon. In practice, assessments of these risks have been carried out both on a collective basis and for individual cases. To refuse visas for citizens of certain countries also means taking a stance which can be inconvenient for the country in question.

As far as stopping illegal migration is concerned, on the whole the same principles apply for C and D-visas. A less comprehensive control procedure is often required for those applying for Swedish D-visas as they do not

¹⁵ European database of the fingerprints of asylum-seekers and illegal migrants.

normally belong to the risk groups, as far as illegal immigration is concerned.

4 Case studies

As was explained in chapter 2, the Swedish regulatory framework implies that entry visa primarily is a matter dealt with at EU level. For Sweden, the entry visas have no direct connection to migration. The case studies chosen do not therefore aim to support such a connection. Furthermore, Sweden does not have any bilateral agreements on entry visas which effect can be measured. Instead, the first case highlights practical work methods which are used to increase mobility and improve economic exchanges between Sweden and China through simplification of the visa process. The second study has been chosen in order to discuss the implications, should the Swedish system be developed so that entry can, to a large extent, be made on a visa, even when people are coming to Sweden to live and work. India is the third country which is examined, due to the significant numbers of qualified workers immigrating to Sweden from India.

4.1 Case study I - China

4.1.1 The purpose of the case study

The first case looks at China. During the last decade, exchanges between China and Sweden have increased at all levels. Personal mobility between China and Sweden affects the society of both countries and their economies. In order to improve mobility, the embassy in Beijing has developed the so-called bona fide handling of visa applications. This means that certain Swedish businesses are given access to simplified procedures for visa applications. The result is a simplified process for the business traveller, which can contribute to an increased level of economic exchange.

In addition to describing how bona fide handling is actually carried out, the case study also gives an insight into the flow of passengers from China to Sweden. Information on conditions in China can hopefully help identify other locations where simplified routines may be of interest for increasing mobility.

4.1.2 Sweden's relationship with China

Sweden was, back in 1950, the first western nation to establish diplomatic relations with the People's Republic of China. Sweden's and China's mutual history stretches back even further than this. One of the highpoints of the relationship was reached back in the 18th century, when trade relations were flourishing on a large scale.

Today, Sweden and China are connected on many levels and economic exchange is extensive. Sweden also carries out political development work in China and works towards democracy and an increased respect for human rights.

Sweden's trade with China has recently increased dramatically. China is the tenth largest market for Swedish exports and Sweden's second most important export market outside of Europe¹⁶. In 2010 it was estimated that c. 400 Swedish businesses and 1,500 businesses with Swedish connections were established in China. The number of Swedish businesses which trade with China exceeds 10,000.

Research collaborations and student exchanges are also expanding. Chinese researchers are an essential element in the work of several Swedish research institutions, especially within technology and natural science. During 2010, the embassy in Peking issued nearly 2,000 residence permits for Chinese nationals on their way to study at Swedish educational institutions. This is more residence permits for studies than any other Swedish embassy issued during 2010.

The number of Chinese citizens in Sweden has risen steadily since the beginning of the 1990s and in 2010 it had exceeded 14,000.

In addition to the embassy in Beijing, Sweden is also represented through the Consulate General in Hong Kong and Shanghai. The Consulate General in Hong Kong does not admit visa applications, this is instead done by the Finnish Consulate General.

Sweden has no bilateral agreements with China regarding the issuing of visas.

4.1.3 **Bona fide handling at the Beijing embassy**

Sweden's embassy in Beijing has created a system for the bona fide handling of visa applications from the foreign employees of Swedish companies in China. Companies which are given bona fide status get access to simplified application procedures. In order for a business to be granted bona fide status, it must be part of a Swedish group of companies and it must have employees who need to travel regularly to Sweden on business. The embassy gives bona fide businesses extensive information on what is expected of them and on the correct completion of the applications. The visa applications are therefore usually correctly prepared and easy to process. It is in the businesses' interest to maintain mutual trust and to ensure that the visa applications are legitimate. Among the applications received from companies with bona fide status, the risk of absconding is consequently

¹⁶ Statistics Sweden 2011, *Exports to our 30 largest trading partners*.

lower than the risk among other applications, and the same thorough check procedure is therefore not required. This type of simplified process makes the businesses' operations considerably easier and this in turn promotes trade and industry. Seventeen Swedish businesses currently have bona fide status with the embassy in Beijing.

The simplified procedures mean, for example, that there is no need for interviews with the applicants and that scanned versions of the parent company's invitations can be accepted. The single most important benefit for both embassy and applicant is however that the applicants do not themselves need to be present when the application is handed in, instead it is delivered by a courier. This will change to a certain extent should visa applicants be required to undergo biometric checks. However, since biometric information will be re-usable, the embassy does not envisage any major effects as a result and it is expected that bona fide routines will continue to play an important role.

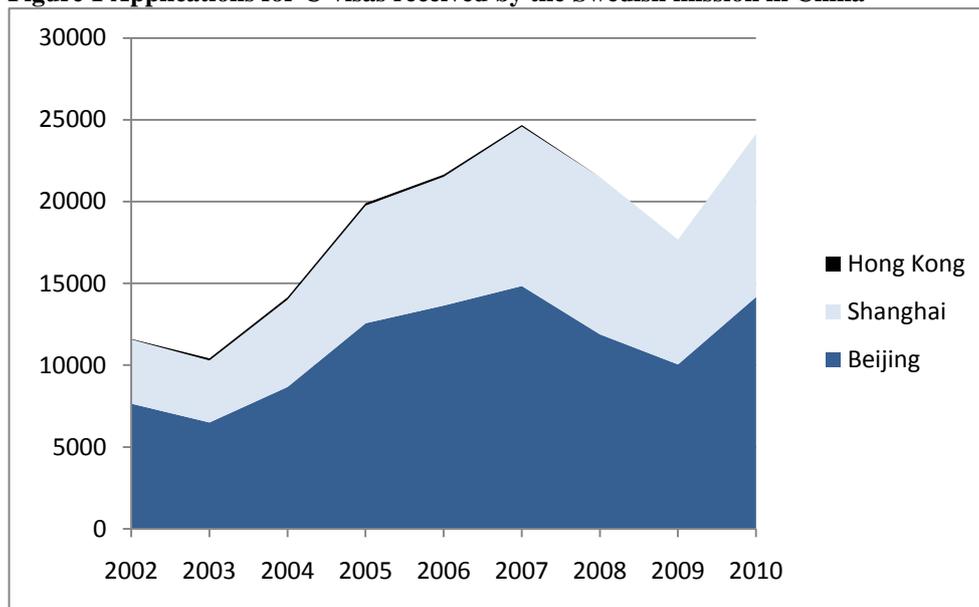
As far as processing time is concerned, the embassy makes no distinction between applications received from bona fide companies or from any other. The 15 calendar day limit applies to both. With the exception of applications received during the peak season, decisions are usually made even quicker than this. For guaranteed faster processing, the embassy recommends electronic applications, where a decision is promised within seven calendar days.

The embassy in Beijing estimates that c.20 per cent of the visa applications it handles are completed using bona fide routines. For 2010, this means that over 2,700 visas have been issued in this manner. First and foremost it is Ericsson, along with other Swedish companies like IKEA and ABB, who are the major users of this procedure.

4.1.4 **Visa issuing and migration from China**

As the diagram below shows, an increased volume in terms of visas, residence and work permits can be seen. The increase in the number of visas, which is mainly connected with business travel, dropped off during the financial crisis. Residence permits are a little more diversified, for example, many are issued to students. As a result, the effects of the financial crisis cannot be seen as much in the figures relating to the issuing of visas.

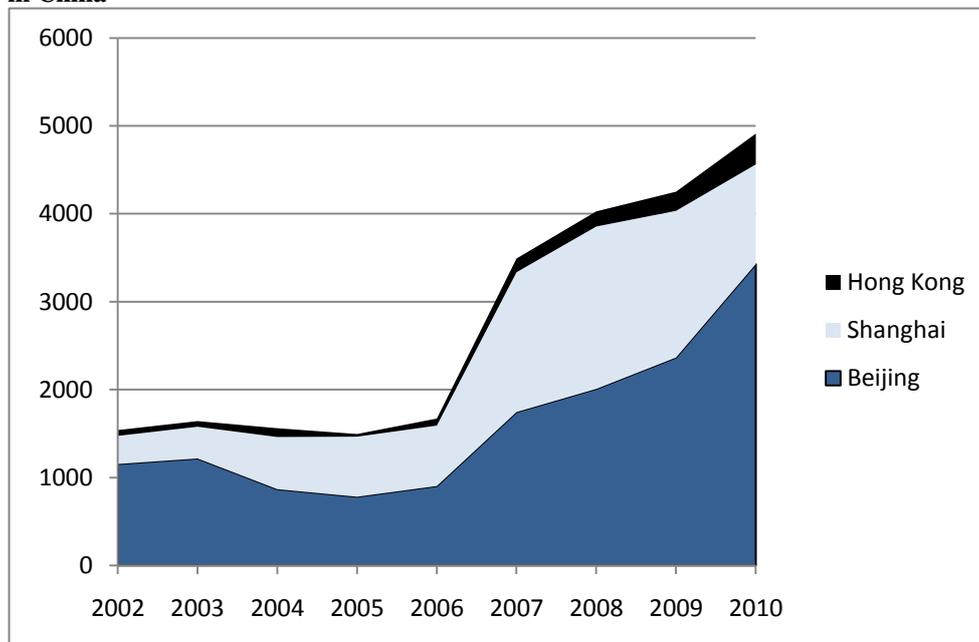
Figure 1 Applications for C-visas received by the Swedish mission in China



As the above diagram shows, we see a growing trend during the first decade of the 21st century. The financial crisis led however to a major downturn during 2009. During 2007, Finland took over the issuing of Swedish visas in Hong Kong.

The number of D-visas issued is minimal. During 2010, 160 were issued, of which 144 were family-related.

Figure 2 Applications for residence and work permits received by the Swedish mission in China



The number of residence and work permits has thus increased substantially since 2006. To get an idea of the type of visas and residence permits issued the table below shows details of all cases processed by the embassy in Beijing during 2010.

Table 1 C-visas, residence permits and work permits issued by the embassy in Beijing during 2010

C-visas		Residence and work permits	
Total	13 535	Total	2 983
Tourism	1 173	Education	1 959
Business	10 076	Employment	631 ¹⁷
Visiting family / friends	1 632	Family	333
Cultural	196	Other reasons	60
Sports	49		
Official	82		
Medical reasons	2		
Other	325		

Table 1 shows that business travel accounts for 75 per cent of visas issued. All categories are expected to increase over the coming years. The visa applications are predominantly genuine and the embassy only rejects around 2 per cent.

As far as work permits are concerned, the table presents a false picture. The majority of applications for residence permits are made over the Internet and go directly to the Swedish Migration Board in Sweden. Whilst only 631 applications were received by the embassy and later approved by the Swedish Migration Board, a total of 1,518 work permits were actually issued to Chinese nationals, although this cannot be seen in the figures above. This makes work permits the second largest category after residence permits for students.

4.1.5 Findings of case study I

Bona fide handling could also be utilized in other cities. The model has several advantages:

- Less time is spent on the inspection of correct visa applications and can therefore be spent focusing on more dubious cases.
- Simplified routines are of great importance to both travellers and businesses and stimulate economic exchange between the two countries.
- Through the businesses being kept well-informed, most applications are correctly filled in and therefore easier to examine. The fact that applications can be dropped off and picked up by couriers also reduces queues at the embassy.

¹⁷ The figure represents the number of work permits received by the *embassy* which are granted. As mentioned in the text, a greater number of applications go directly to the Swedish Migration Board.

One factor which makes bona fide handling particularly suitable for Beijing is that such a large majority of the applications are legitimate and that the rejection rate is low as a result. The large and growing number of business trips also means that the volumes are sufficient to justify the work involved in making these improvements. The presence of several large Swedish companies in the country is of course a prerequisite for this model.

4.2 Case study II – India

4.2.1 The purpose of the case study

One option which is being discussed is that it should be possible, to a larger extent, to also issue visas to those intending to become resident and work in Sweden. Visas would then be a complement to residence and work permits and this could facilitate quicker entry into the country. It is still unclear if Sweden will go in this direction. Nevertheless, this case study presents an overview of the implications of such changes.

India is a particularly appropriate country to examine due to the extensive immigration of its qualified workforce into Sweden. This primarily involves computer specialists, whose work is of great importance to many Swedish companies.

4.2.2 Sweden's relationship with India

Diplomatic relations between Sweden and India were initiated as far back as 1948, the year following India's independence. The first Swedish business investments were however made in the 1920s and today, more than 130 Swedish companies are represented in India, including ABB, Volvo Trucks, Astra Zeneca, Ericsson, Atlas Copco, Sandvik and SKF. Previous presence in India has mainly consisted of manufacturing industries, but in recent years more and more companies have placed their research and development operations in India. India is today the fifth largest non-European country, in terms of Swedish exports¹⁸. Furthermore, Sweden and India have bilateral collaborations in various areas, environmental matters, science and research, for example.

Sweden has long had a comprehensive developmental cooperation with India. According to the strategy for developmental cooperation with India for 2009-2013, this is now to become more selective. The traditional developmental cooperation is in the process of being phased out.

At the start of the 2000s, the number of Indian nationals residing in Sweden began to increase and grew from under 2,000 in the year 2000 to over 7,100 in 2010.

¹⁸ Statistics Sweden 2011, *Exports to our 30 largest trading partners*.

Sweden is represented in India by the embassy in New Delhi. Sweden has no bilateral agreements with India regarding the issuing of visas.

4.2.3 Visa issuing and migration from India

Both the number of visitors and immigration from India has increased since 2002. The financial crisis also affected India and one of the after-effects was the temporary drop in the otherwise increasing number of visas issued for business travel.

Figure 3 Applications for C-visas, residence and work permits received by the embassy in New Delhi

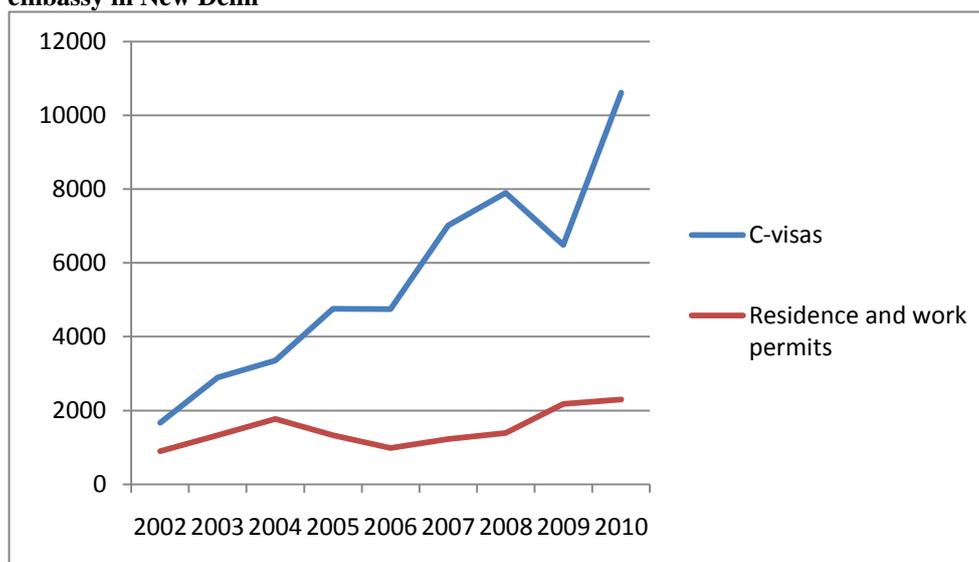


Table 2 C-visas, residence and work permits issued by the embassy in New Delhi

	C-visas		Residence and work permits
Total	10 144	Total	1 912
Tourism	824	Education	1 333
Business	5 172	Employment	334 ¹⁹
Visiting family / friends	1 431	Family	179
Cultural	44	Other reasons: Total	66
Sports	442		
Official	61		
Other	2 170 ²⁰		

¹⁹ The figure represents the number of work permit applications received and granted by the *embassy*. Thanks to the option to apply digitally for work permits, many applications are now sent direct to the Swedish Migration Board in Sweden. This is not seen in the table. During 2011, a total of 1,853 work permits were issued to Indian nationals.

²⁰ The visas issued in this category are also, to a large extent, for business trips and family-related visits.

From table 2 it can be seen that the increase in the number of visas issued which we see in figure 3 has largely been brought about by economic exchange. This is due to the fact that it is for business trips that C-visas are usually issued. The increase in the number of visas issued where the purpose is to visit family and friends can also be seen as an indirect product of economic exchange. These cases consist primarily of parents visiting their children who are working in Sweden.

During 2010, Sweden issued just 24 D-visas from the embassy in New Delhi, of which 22 were family-related.

As far as work permits are concerned, the figures in table 2 show only the applications received and granted by the embassy. Most applications are made over the Internet and in 2010, a total of 1,853 work permits were granted for Indian nationals. During the first four months of 2011, just under 800 were granted, which indicate that the figure for the whole of 2011 will be even higher than before. This makes work permits more common than cases related to family or study.

Of the 1,835 who were granted a work permit during 2010, 82 per cent were computer specialists, 5 per cent were civil engineers/architects and 4 per cent engineers/technicians. The other 9 per cent included primarily business economists, marketing personnel, personnel professionals, catering and restaurant staff and those with various management positions. This confirms the image that the Indian workforce is, by and large, highly educated. The refusal rate for work permits is very low, and the companies which employ workers from India have good knowledge of the application procedures.

4.2.4 Entry visas as a complement to residence and work permits

There is at present no draft proposal suggesting that visas should be used for entry also in cases where the person has applied, or shall apply, for a work permit. It is also highly uncertain whether a change in this direction is likely. The possibility is nevertheless addressed in this section since it could lead to entry at shorter notice for certain groups. The processing time for a visa is usually shorter than it is for a work permit. The difference becomes even greater when residence permit cards are implemented. Whether such a change is appropriate must however be viewed in a wider context, and constitutional changes might be required in such a case.

It is possible to imagine several variations. One would be that the application for a work permit is made as usual. The Swedish Migration Board in Sweden thus makes a decision regarding the permit. But, instead of the residence permit card being sent by courier to the embassy to be later passed on to the applicant, the embassy or consulate issues a visa direct to the applicant. The person can then enter Sweden and pick up the card at one of the Swedish Migration Board's offices. This method could probably imply an earlier entry into Sweden by one or, at best, two weeks.

More forceful variations can also be discussed. The application for a work permit could be made in Sweden, after entry is made on a visa. Such a solution could, hypothetically, mean entry into Sweden two to three weeks earlier. Other positive effects of this solution would be reduced administration and scope to improve the service provided to the applicants.

Even if the intention is to enhance mobility, one must also bear in mind the risk of illegal migration and not undermine the improved security which the residence permit cards aim to provide. If a tangible project on one of these models was initiated, one would need to look carefully at how control would be affected. The system of bona fide handling in Beijing, which is described in section 0, can serve as a shining example of how procedures can be simplified for certain categories without the risk of increased illegal migration.

Possible scope

The most obvious target group for faster entry through entry visa would be persons holding key positions in the Swedish companies where they will work, in situations where their skills are needed at short notice. It is impossible to say how large this group might be. As the 1,853 persons issued with work permits during 2010 were almost exclusively qualified and highly educated professionals, it may well be that the group is of considerable size.

Since the rejection rate for work permit applications from India is practically non-existent and the businesses are legitimate, it is also possible to imagine using entry visas for faster entry as part of a bona fide handling process for all work permit applications from selected companies. As with the routines for simplified visa handling in Beijing, the model could be based around a particular trust of certain Swedish businesses. Such routines could in that case apply to the majority of work permit applications.

Processing times for work permits

For work permit applications which were received electronically, it took, during 2010, an average of 16 days for the Swedish Migration Board to make a decision. The average time for paper applications was 68 days if one count from the day the application was received by the Swedish mission abroad to the day the Swedish Migration Board made the decision. How long it takes before the applicant actually gets their permit cannot be ascertained from the statistics. When residence permit cards are used, it can be estimated at an extra one to two weeks.

4.2.5 Findings of case study II

The immigration of qualified workers from India is important for many Swedish businesses. The waiting period for persons who will work in Sweden could be reduced and earlier entry made possible by the use of

visas. To determine whether such a development is desirable requires a more thorough analysis than this report. Moreover, the Swedish regulations in this area would probably require amendments.

The most obvious target group for faster entry through entry visas would be those persons holding key positions that the companies need at short notice. As the work permit cases from India are characterized by a low refusal rate and the companies have good knowledge of the applications procedures, it may be possible to expand such processing so it can be applied to more people. The bona fide handling of visa applications in Beijing may serve as a source of inspiration for the simplification of procedures.

5 Effects of EU policy and legislation

Overall, the latest changes to EU policy and regulations regarding entry visa have led to changes in three areas:

- The Aliens Act has been amended.
- The Swedish part of the VIS system can improve handling processes and, for example, introduce e-applications for visas and residence permits for students.
- Decisions on visa exemption for citizens of certain third countries have initially led to an increased number of asylum-seekers, primarily from Serbia.

Sweden is also affected in other ways, for example, by the visa facilitation agreements which have been entered into by the EU and a number of third countries (see section 2.2). These have led to a reduction in fee income and has meant simpler travelling for certain groups. It has however been difficult to assess any direct effect on the number of trips undertaken, so it is the changes brought about by the points mentioned above which are assessed to have had the greatest impact.

5.1 Changes in the Aliens Act

The Visa Code is the new regulation which has made the greatest demands for amendments of Swedish legislation. As a result, the Aliens Act, which is the central national legislation for foreign nationals in Sweden, has been amended. Some of the amendments are as follows:

- National entry visas issued with the support of the Aliens Act may no longer be issued for a period shorter than three months. For such time periods, only C-visas or visas which are territorially limited according to the Visa Code are to be issued.
- Regulations have been introduced so the Government Offices of Sweden may enter into agreements with another Schengen nation whereby that nation's relevant authorities may make decisions

regarding Schengen visas. This also applies to refusals. Furthermore, regulations are also introduced so that the Government, or the Government Offices of Sweden under the Government's authority, may decide on collaboration with an external service provider or a commercial intermediary, in accordance with the Visa Code.

- The option to relay the reasons for particular visa decisions is limited so that it only applies to national visas.
- Provisions have been introduced which stipulate that an authority's decision to refuse an application for a Schengen visa, and decisions regarding the annulment or revocation of a Schengen visa, may be appealed to a Migration Court.

5.2 Increase in number of asylum-seekers as a result of visa relaxations

When visa requirements were exempted for a group of third countries, the number of asylum-seekers from several of these countries increased significantly. The group which has increased most is that of Serbian nationals. This involves primarily the Romany minority in Serbia. Sweden had previously received some hundred applications for asylum per year. After visa requirements were exempted, the figure increased to over 6,300 for 2010. The Swedish Migration Board made the assessment that the vast majority of the applications were manifestly unfounded²¹. A number of these cases have been appealed. The Court has in nearly all cases judged in favour of the Swedish Migration Board.

5.3 The VIS system

The introduction of the common Visa Information System (VIS) has only required minimal amendments of Swedish laws and regulations²². The more substantial changes are those required to adapt the previous case handling system Wilma to VIS, into which a number of new functions will also be added. It will be possible to apply for visas over the Internet, and an electronic booking system as well as a new fee handling system will be introduced. The work will be carried out in collaboration with the Swedish e-Migration project, and will also make it possible for guest students to apply for residence permits via the Internet. E-applications also include the possibility to pay online. These changes are expected to shorten processing times and to simplify a number of processes, both for those applying for visas and for the Swedish authorities. E-applications are already being used

²¹ When an asylum-seeker does not cite reasons which would give them the right to a residence permit, the application is regarded to be unfounded. The application is however still examined individually and the decision of The Swedish Migration Board can be appealed.

²² *Constitutional changes due to the VIS ordinance* (Ds 2009:5).

by approximately fifteen Swedish missions abroad, and will be comprehensively rolled out during the autumn.

5.4 National debate

Since Sweden only utilizes entry visas for the purpose of visits and not as a channel for migration, it is seldom that visa policy is covered by the media. A change has been noticed since 2010, when the nationalist party the Sweden Democrats was elected to parliament. Representatives for the Sweden Democrats have questioned visa exemptions in parliamentary debates and in parliamentary committees.

6 Statistics

Statistics on entry visas, residence and work permits as well as regarding refusals of entry/expulsions are shown in appendix 1. The statistics have mostly been collected from systems which were not in operation for the whole of the ten year period stated in the study specifications. Furthermore, not all of the details requested were available. More information regarding sources and the possible limitations of certain tables can be found in the appendix.

7 Conclusions

For Sweden, there is no direct correlation between visa policy and policies regarding legal migration. If the aim is to immigrate into Sweden, residence permits are used instead of visas, and the permit is issued before entry into the country. Sweden only issues a few national visas, and only when the applicant intends to return home after their stay. As Sweden almost exclusively issues C-visas, which are governed by EU regulations, there is no real national visa policy with a view to Sweden and Swedish regulations. There can however be an indirect connection between visa policy and migration. Furthermore, exceptions are made for relatives of EU citizens and work permits where visas in particular rare cases can be a first step towards domiciliation.

Visa policy can contribute to the prevention of illegal migration and influence the flow of migration on a more comprehensive level. However, it is mostly the policies and measures adopted at EU level which have an effect on Sweden. One example is that the number of asylum-seekers from Serbia initially rose sharply when visa requirements were exempted. Many important measures to make application for visas easier and to prevent illegal migration are however connected with handling processes and systems. For Sweden, it is important that the IT systems make it possible to view all of a person's previous cases during examination of the visa application. Other examples of successful working practices are the profiling methods used in St. Petersburg, which make it easier to uncover fraudulent applications, as well as the bona fide handling of visa applications for certain Swedish companies in Beijing. Future discussions involve the increased usage of visas for entry also in instances where the intention is to become resident and work in Sweden. The purpose of this is to reduce waiting time and administration. It is however still unclear whether Sweden will choose to go in this direction.

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