

Migration policy

FACT SHEET

Ministry of Justice

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The Government's objective is to ensure a sustainable migration policy that safeguards the right of asylum and, within the framework of regulated immigration, facilitates mobility across borders, promotes needs-based labour immigration, harnesses and takes into account the effects of migration on development and deepens European and international cooperation. This fact sheet describes the Government's work in this area at national, EU and international level.

Migration and asylum policy is by nature a cross-border issue. People move continually between different countries. Some are forced to flee persecution, while others move for economic and social reasons. They may move to start a family, work or study in another country. They may also move to another country in the hope of a better future. Migration often has a major development impact on both the countries of origin and the countries of destination.

The Swedish Migration Board is the administrative agency responsible for migration issues, i.e. residence permits, work permits, visas, reception of asylum seekers, returns to countries of origin, citizenship and repatriation. Also active in the area of migration are the migration courts, the Migration Court of Appeal, the police authorities, the Swedish Prison and Probation Service, the county administrative boards, the Swedish Public Employment Service and Swedish missions abroad. In 2012 the Migration Board and missions abroad received more than 457 000 applications for stays in Sweden, an increase of 12 per cent compared with 2011. Most of the people who applied for visas to visit or for residence permits wished to be reunited with family members, study or work. In addition, 43 887 people sought asylum in Sweden in 2012, an increase of 48 per cent compared with 2011.

Immigration

The Government's guiding principal is that immigration helps to revitalise the community, the labour market and the economy as newly arrived immigrants bring new knowledge and experience from their home countries.

Labour immigration

As globalisation intensifies, the movement of people across borders is ever increasing. In today's globalised labour market, it has also become increasingly common for both Swedish citizens and citizens of other countries to move abroad for work. Sweden has a labour market immigration system that is simple and flexible for both employers in Sweden and for people who want to come to Sweden to work. Based on the skills needs of employers, the Swedish system is tailored to the requirements of the Swedish labour market and offers Sweden the best possible conditions for labour market immigration. A fundamental requirement for being granted a work permit in Sweden is that the terms of employment are not inferior to those required by Swedish collective agreements or practice in the profession or industry. This requirement is to prevent people from being exploited on the Swedish labour market.

Immigration of family members

A large proportion of migration to Sweden today is family member immigration. The provisions on residence permits for family members were given their present wording in connection with Sweden's implementation in April 2006 of Council Directive 2003/86/EC on the right to family reunification. The provisions based on this Directive give, for example, a spouse and children the right to a residence permit unless there are special grounds against granting a residence permit. There are also Swedish provisions based on the Directive that make it possible for family members to obtain a residence permit. These provisions apply, for example, to those who intend to marry or enter into a cohabiting relationship.

In April 2010, some new rules for family member immigration were introduced. A financial support requirement was introduced as a condition for an alien being granted a residence permit on the grounds of personal ties. The financial support requirement demands that the sponsor, i.e. the person already staying in Sweden, must be able to support themselves and have housing of adequate size and standard for themselves and the alien. However, there are several exceptions to this requirement, such as if the applicant is a child.

In July 2010, amendments to the Aliens Act came into force with the aim of preventing certain cases of family separation where children are involved. These amendments imply that when decisions are made, greater consideration will be given to the consequences for the child of being separated from a parent. This will make it easier for parents and children who are already in Sweden to be granted residence permits in cases where it is clear that residence permits would have been granted if the assessment had been carried out before entry to the country.

Immigration policy in the EU

The EU has adopted a number of legal instruments governing immigration, including a directive that will make it easier for highly qualified workers to work in the EU (the EU Blue Card Directive) and directives to make it easier for students and researchers to study and work in Europe. There is also the directive mentioned above on family reunification and a directive on long-term resident status in the EU. In December 2011 the Single Permit Directive was adopted along with a common set of rights regarding labour market immigration to the EU. In addition, the common regulatory framework is complemented with directives concerning intra-corporate transferees and seasonal workers. Also, in March 2013 a proposal was presented for a new modified directive for students and researchers.

Migration and development

The Government's objective is to increase coherence between migration and development in order to strengthen the positive effects and reduce the negative effects of migration on development. This requires a holistic approach that in addition to development, migration and foreign policy involves a range of areas, including trade, labour market, health, education, integration and human rights. Migration and development is an important issue and regional and international cooperation has been deepened in various ways, including through the work of the Global Forum on Migration and Development (GFMD). Sweden holds the chairmanship of the GFMD from January 2013 to June 2014.

Circular migration

Circular migration – temporary or more long-term moves between two countries – is a migratory pattern that can help meet labour needs in recipient countries and have positive development effects in countries of origin, as well as benefiting the migrants themselves.

In July 2009 the Government appointed a parliamentary committee to examine how people's increased mobility to and from Sweden can be

made easier and how the positive development effects of circular migration can be promoted. The committee's final report, presented in March 2011, proposes a number of legislative amendments and other recommendations now being prepared at the Government Offices.

Migration issues in EU cooperation with third countries

The EU's Global Approach to Migration and Mobility was established in 2005 and aims to achieve broad and integrated cooperation with third countries on all aspects of migration. The work is conducted with relevant countries of origin and transit in the areas of legal migration, illegal immigration, asylum and international protection, and migration and development.

Among the different instruments used to implement the Global Approach to Migration and Mobility, the EU mobility partnerships are the most prioritised. Sweden participates in the Mobility Partnerships with Moldova, Georgia and Armenia, and will also participate in the planned partnerships with Tunisia and Morocco.

Asylum

Sweden is committed to a humane refugee policy and to being a place of refuge for people fleeing persecution and oppression. The right to seek asylum must be safeguarded and a tendency in Europe towards closed borders must be counteracted.

The Government is seeking closer EU cooperation in the area of asylum and sees the establishment of a Common European Asylum System as an important overall objective of EU asylum policy. The Common European Asylum System aims to ensure that all Member States offer equal protection and to promote greater solidarity among the EU Member States.

The European Refugee Fund (573/2007/EC) has been established with the aim of supporting and encouraging the Member States' efforts in receiving asylum seekers, refugees and people in need of protection. The funds are used to promote the implementation of Community legislative provisions on asylum and to finance the joint EU resettlement programme. To support the Member States' work on returning people to their countries of origin, the European Return Fund (575/2007/EC) has been set up and co-finances projects for both return and repatriation. The Swedish Migration Board is the national agency responsible for the Refugee Fund and the Return Fund, both of which will end in 2013. A new asylum and migration fund for 2014–2020 is currently being negotiated and will replace the cur-

rent funds in this area.

In the first phase, the most important legal instruments laying the foundation of a future Common European Asylum System are the Asylum Procedures Directive 2005/85/EC, the Qualification Directive 2004/83/EC, the Reception Conditions Directive 2003/9/EC, the Eurodac Regulation (2000/2725/EC), and the Dublin Regulation (2003/343/EC).

In 2008–2009, as a part of the continued harmonisation process, the Commission proposed amendments to all these legal instruments. While renegotiation of the Qualification Directive has been completed, negotiations regarding the other legal instruments are still ongoing. The Government is working for their adoption as soon as possible.

The European Asylum Support Office

Regulation (EU) No 439/2010 of the European Parliament and of the Council on establishing a European Asylum Support Office (EASO) entered into force on 18 June 2010. The Support Office has been operational since 19 June 2011 and is headquartered in Valletta, Malta.

The key responsibilities of the European Asylum Support Office are to contribute to the implementation of the Common European Asylum System, enhance practical cooperation on asylum matters and help Member States whose asylum and reception systems are under particular pressure.

The Government hopes that the establishment of EASO will enhance practical cooperation on asylum matters in the EU in order to improve application of the legislation and clarify its contents.

Resettlement

In addition to those coming to Sweden on their own to seek asylum, protection is offered every year in the form of resettlement to people who have sought refuge in a third country and do not have access to any other long-term solution (refugee quota). The Swedish Migration Board decides on the resettlement of refugees or persons otherwise in need of protection. In the main, a decision is taken following a proposal from the UN High Commissioner for Refugees (UNHCR). Resettlement is a way of sharing responsibility with countries hosting large groups of refugees, and the system helps to safeguard access to asylum for refugees. In recent years the Swedish refugee quota has amounted to 1 900 people.

Apart from Sweden, fifteen EU Member States currently offer resettlement on a regular basis. Sweden has been pushing for more countries to become permanent resettlement countries and for the establishment of a common resettlement programme for the EU. Negotiations began in 2009 and in March 2012 the Council and the European Parliament agreed on such a programme.

Reception of asylum seekers

The Swedish Migration Board has the main responsibility for the reception of asylum seekers. This responsibility is regulated in the Reception of Asylum Seekers and Others Act (1994:137). An asylum seeker is covered by this Act from the date on which an application for asylum has been submitted until the person has been received by a municipality after being granted a residence permit or has left the country. This applies on the condition that the person does not go into hiding to avoid enforcement of a refusal-of-entry or expulsion order.

Council Directive 2003/9/EC on the reception of asylum seekers in Member States was adopted in 2003. The Directive establishes minimum standards that aim to guarantee asylum seekers in the EU a dignified reception with comparable reception terms in the Member States.

Appeals system

Decisions taken by the Swedish Migration Board in alien and citizenship cases may be appealed to a court. The administrative courts in Stockholm, Gothenburg and Malmö are migration courts. In May 2012 the Government decided that a fourth migration court should be established and located at the Administrative Court in Luleå as of 1 October 2013. The Administrative Court of Appeal in Stockholm is the Migration Court of Appeal.

When a decision is appealed, there is a court case between the applicant and the Swedish Migration Board. An applicant may be granted an oral hearing in the migration court corresponding to the general procedure at administrative courts. However, the focus of the examination of alien cases must lie with the first instance, i.e. the Swedish Migration Board.

Return to country of origin

If Sweden's asylum system is to be sustainable in the long term, those who, following an examination, are found not to be in need of protection must return to their countries of origin. A rejection of an application for a residence permit is usually accompanied by a refusal-of-entry or expulsion order. Return should primarily be voluntarily, with the support of the Swedish Migration Board. In cases where the obligation to return to one's country of origin is not respected, the police service is responsible for implementing the refusal-of-entry or expulsion order. People must always be returned under humane and dignified conditions. To facilitate a return under dignified conditions, the Government has introduced financial re-establishment support for people against whom a non-appealable refusal-of-entry or expulsion order has been issued and who choose to return voluntarily to a country that due to severe

conflicts offers very limited opportunities for re-establishment. To support the efforts to establish a functioning system of returns, Sweden has entered into readmission agreements with a number of countries. These agreements regulate the procedures and criteria for one to readmit individuals staying without a permit in the territory of the other party. They also serve as a basis for continued cooperation between countries on migration policy issues. Sweden also applies the readmission agreements the EU has concluded with a number of third countries.

The Return Directive 2008/115/EC establishes common standards and procedures for returning illegally staying third-country nationals. The provisions necessary for the implementation of the Directive in Swedish law entered into force on 1 May 2012.

Visa issues

Sweden follows the visa provisions of the Schengen acquis. Visas issued in Schengen countries are valid in the entire Schengen area. In exceptional cases, a Schengen visa may apply only for entry into the country that issued it. In 2012, close to 216 000 visa applications were received by the Swedish missions abroad. On average, approximately 90 per cent of these applications were approved. To facilitate contacts between EU citizens and citizens in the EU's neighbouring countries, visa facilitation agreements have been entered into with the Russian Federation, Ukraine, Albania, Bosnia and Herzegovina, Georgia, Serbia, Montenegro, Macedonia and Moldova. Negotiations on visa facilitation agreements are also being conducted with Armenia and Azerbaijan. A visa facilitation agreement has advantages for citizens in the country with which the agreement has been concluded in connection with the issuing of Schengen

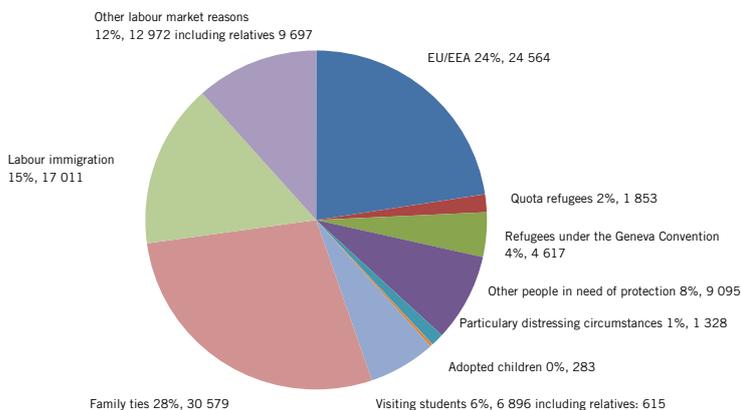
visas. In 2009, it was decided that citizens of Macedonia, Montenegro and Serbia are to be exempt from visa requirements when entering the Schengen area. In 2010, it was also decided that citizens of Albania, Bosnia and Herzegovina, and Taiwan are to be exempt from visa requirements. Dialogues on visa-free travel are being conducted with the Russian Federation, Ukraine, Moldova, Kosovo and Georgia.

EU system for the exchange of visa data (VIS)

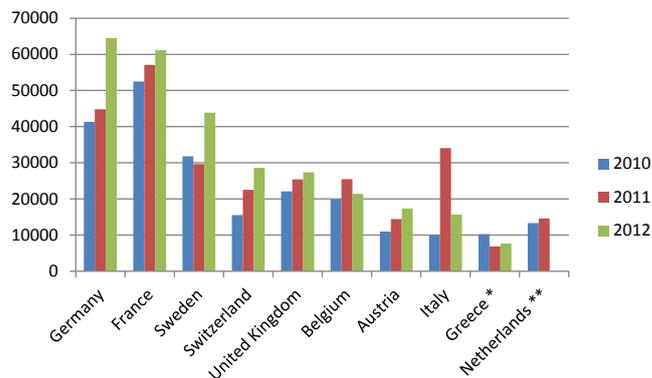
The system's purpose and functionalities are defined in Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS). VIS collects biometrics (fingerprints and facial photograph) at each first-time visa application. The purpose of VIS is to secure identification of those who apply or have applied for a visa. VIS will be introduced gradually over a two-year period all around the world. Rollout of VIS began in October 2011 and will be completed by 2014. The first rollout region was North Africa, followed by countries in the Middle East, the Gulf states and Afghanistan.

Visa Code

In July 2009, Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code) was adopted. The Visa Code gathers into a singular regulation all provisions relating to issuing visas for stays of up to three months. In addition, the working methods that the Member States are required to follow when processing visa applications are harmonised. The Visa Code also introduces the right to appeal against the rejection of a visa application. The right to appeal entered into force on 5 April 2011 while the Code entered into force on 5 April 2010.



Permits according to grounds. (Source: Swedish Migration Board)



Number of asylum seekers in ten biggest receiving countries in EU 2010-2012 (Source: Swedish Migration Board)

* Greece reports Jan-Oct 2012 ** Netherlands have not reported for 2012*



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