



Good Advice

for Asylum Seekers in Sweden

THE SWEDISH NETWORK OF REFUGEE SUPPORT GROUPS - FARR
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This is FARR

Good Advice is produced by The Swedish Network of Refugee Support Groups, FARR. FARR is a non-profit organisation. It consists of voluntary groups and individual members around the country. One of FARR's most important tasks is to provide advice and support to you as an asylum seeker.

As a voluntary organisation, FARR cannot change the law or decide how it should be interpreted. However, through Good Advice we want to inform you of your rights and what you can do to affect the outcome of your case.

Good Advice

The first edition of Good Advice was produced in 2007 in cooperation with the Brotherhood Movement – Sweden's Christian social democrats, co-financed by the European Refugee Fund. In 2009, translations into Spanish and Arabic were financed by Save the Children.

Good Advice was updated in 2011, in all the language versions, to reflect changes in law and precedent. At the same time, the publication was translated into English and Russian. This part of the project was paid for by Emmaus Björkå. Minor updates were also made in 2012 and 2013. In 2013 FARR commissioned a translation of the handbook into Farsi.

At the end of 2014, the material was updated once again, this time as part of a higher-level course in practical humanitarian law. These revisions led to the 2015 edition. Translations were paid for by the Church of Sweden. For current information, see FARR's website: <http://www.farr.se>.

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/The Board of FARR

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Who has the right to stay in Sweden?

Refugees and others in need of protection

According to the Aliens Act there are three categories of individuals who enjoy the right to protection in Sweden; refugees, individuals in need of subsidiary protection and individuals otherwise in need of protection.

A **refugee** is defined by the Act as...

an alien who

is outside the country of the alien's nationality, because he or she feels a well-founded fear of persecution on grounds of race, nationality, religious or political belief, or on grounds of gender, sexual orientation or other membership of a particular social group, and

is unable, or because of his or her fear is unwilling, to avail himself or herself of the protection of that country.

Aliens Act chapter 4, section 1

The paragraph is based on the definition of a refugee which can be found in the UN convention on the legal status of refugees. The definition comprises several parts:

- **That you are located outside your country of origin,**
- **that you experience fear, meaning that you are afraid of persecution,**
- **that the fear is well-founded – meaning that the danger is real and can be corroborated by others,**
- **that the persecution is a result of certain defined things, and**
- **that you cannot get protection in your country of origin.**

You must meet all of these demands in order to be considered a refugee. In practice, the first item on the list means that you have to be in Sweden. The concept “well-founded fear” in this context means that you are afraid of what will happen in the future. Things that have already happened are not decisive.

According to the EU directive on who should be deemed to be a refugee, “persecution” must be actions which “constitute a severe violation of basic human rights”. Mentioned, by way of examples, are “acts of physical or mental violence, including acts of sexual violence; legal, administrative, police and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner; prosecution or punishment which is disproportionate or discriminatory”.

Even if you are not considered to be a refugee according to the refugee convention, you may be eligible for subsidiary protection under the Aliens Act. An individual is eligible for **subsidiary protection** if he or she does not risk persecution for a reason enumerated in the refugee paragraph but there is nonetheless a *substantial reason to believe* that he or she...

1. (...) upon return to the country of origin, would run a risk of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment, or as a civilian would run a serious and personal risk of being harmed by reason of indiscriminate violence resulting from an external or internal armed conflict, and
2. (...) the alien is unable or, because of a risk referred to in point 1, unwilling to avail himself or herself of the protection of the country of origin.

Aliens Act chapter 4, section 2

(Please note that the extract from the Act has been somewhat shortened.) This section is based on the definition contained in the EU directive on grounds for protection.

The granting of a residence permit in accordance with one of the two definitions (refugee or individual eligible for subsidiary protection) is also referred to as **asylum**.

Finally, an individual can, under the Aliens Act, be **otherwise in need of protection**. This applies if he or she neither fits the definition of a refugee nor is entitled to subsidiary protection but nevertheless...

1. needs protection because of an external or internal armed conflict or, because of other severe conflicts in the country of origin, feels a well-founded fear of being subjected to serious abuses, or
2. is unable to return to the country of origin because of an environmental disaster.

Aliens Act chapter 4, section 2a

When the paragraph on individuals otherwise in need of protection was drafted, the government mentioned a few examples of what the law considers to be serious abuses:

reprisals, legal abuse and harassment. It can be a matter of both indiscriminate or systematic breaches which as a result of the power struggle in the country do not provide the individual with a possibility of obtaining protection or legal redress. (...) The breaches can take the form of disproportionate punishment, arbitrary deprivation of freedom, mistreatment, sexual violence, social exclusion, forbidding employment or other harassment when they are of a severe nature but not sufficient grounds for granting protection based on the refugee clause (...)

Bill 2004/05:170, p 274

Regardless of the category of protection, you can be threatened either by the state or by somebody else. However, if responsibility for the persecution or abuse lies with a non-state actor you must show that the state is unable or unwilling to offer you protection.

If you are stateless, meaning that you are not a citizen anywhere, you may nevertheless be in need of protection against a country in which you have been a resident. You are not, however, entitled to a residence permit in Sweden for the sole reason that you are stateless.

What is the difference between the various categories of individuals in need of protection?

The *refugee paragraph* uses the expression “persecution”. Persecution does not necessarily imply threats against life or torture; it may consist in harassment or repeated threats, assaults and various forms of abuse. On the other hand, in order to be deemed a refugee you must be in danger of persecution for one of the specific reasons enumerated in the paragraph.

The paragraph on *persons eligible for subsidiary protection* applies to those who face particular kinds of risk, namely the death penalty, corporal punishment, torture or indiscriminate violence due to an armed conflict. *Why* someone is exposed to these risks does not matter – no conditions are listed. The paragraph is mainly used for people who have fled war (armed conflicts). If anyone in the area in question is at great risk, showing that you are from there may be enough. Otherwise you need to demonstrate that you as an individual are particularly exposed.

Finally, an individual *otherwise in need of protection* has usually fled from a situation that is not defined as armed conflict but nevertheless amounts to “serious opposition”. In that case, the chance that you will be affected is considered small. To qualify for this category, you must, in addition to the conflict, have a weighty personal reason as to why you in particular are in need of protection.

An application for asylum is processed in a certain order. First, the Migration Agency determines whether you meet the criteria to be deemed a refugee. If you do, you are entitled to asylum and refugee status. If you do not meet the refugee criteria, the investigation moves on to assess whether you are eligible for subsidiary protection, etcetera.

The granting of a residence permit as an individual “otherwise in need of protection” is not referred to as asylum. However, individuals in all three categories of persons in need of protection are legally **entitled** to a residence permit. Exceptions are only possible if the applicant has committed war crimes, crimes against humanity or certain other serious offences.

Adults and children of all genders can be in need of protection. If a family applies for asylum, the grounds of each individual are to be assessed, even the children’s.

→ READ FURTHER BELOW UNDER “THE ASYLUM PROCEDURE”, ON PAGE 15

Exceptionally distressing circumstances

You can be allowed to stay in Sweden even if the authorities do not think you are in need of protection. That can happen for example if you are very ill or have lived legally in Sweden for such a long time that it is difficult to return home. Such grounds are legally called “exceptionally distressing circumstances”.

A permit may be granted to an alien...

if on an overall assessment of the alien's situation there are found to be such exceptionally distressing circumstances that he or she should be allowed to stay in Sweden. In making this assessment, particular attention shall be paid to the alien's state of health, his or her adaptation to Sweden and his or her situation in the country of origin.

Aliens Act chapter 5, section 6

When it comes to your health condition the rules are very strict. Firstly, your illness must be so serious that you are at risk of dying. And secondly, even if you are that seriously ill you can still be sent home if care is available in your home country. The fact that you cannot afford the care you need, or are unable to get to the hospital, is not reason enough. Neither is the fact that the quality of the care may be worse. In addition, the reasons for giving you a residence permit are weighed against the cost of giving you treatment here. If that would be expensive for Sweden, your claim may be denied.

It is also difficult to get a residence permit based on having adapted to life in Sweden. Your links to Sweden are individually assessed, there is no rule that says that all those who have remained in Sweden for a certain length of time are allowed to stay. The preamble to the law – comments from among others the government and parliament when the law was being prepared – states that your length of stay, regardless of whether you have been in Sweden for months or years, does not matter unless it has led to a special connection. A special connection could for example arise from working or studying for a long time. If you have left Sweden for a period of time and then returned it is only the time after your return that counts as the period of waiting.

The third point, the situation in the country of origin, was not explained when the law was introduced. But the way in which it has been interpreted shows that it has come to mean a number of things. Practical obstacles to removal that make it impossible for Sweden to carry out an expulsion (for example if the home country refuses to accept you) is one such thing. It may also refer to a situation where someone is ostracised in his or her social context or suffers from trauma as a result of torture or similar harsh experiences in the home country or is a victim of human trafficking.

Children's particularly distressing circumstances

When it comes to children, the term used is not “exceptionally distressing circumstances” but “particularly distressing circumstances”. That means that the circumstances do not have to be as severe as for adults. But even for children, residence permits due to distressing circumstances are only given as an exception to the rule. Unaccompanied minors who have no one to return to in their country of origin can get residence permits due to particularly distressing circumstances, if they are not eligible for subsidiary protection or deemed to be otherwise in need of protection.

The Migration Agency or the court are to take into account whether the child has lived in Sweden for a long time and, if so, if this has led to a special attachment. This attachment to Sweden may have been formed through the child's adaptation to Swedish society, often through having attended school here.

It is not stated anywhere how long a child must have been living in Sweden in order to form a special attachment, but a rule of thumb is around seven years. If the child has been in hiding, one cannot be sure that those months or years will be counted. The assessment is always done on a case-by-case basis. The older the child is, the more likely it is that the Migration Agency will consider the child to have its own attachment to Sweden, outside of the family. If the child has been placed in a family home that may also affect the decision.

Children's need of healthcare can lead to a residence permit even if the condition is not life-threatening. In cases where a serious illness threatens the future development and quality of life, and that illness can be cured in Sweden but not in the country of origin, the child can be given a residence permit on the grounds of particularly distressing circumstances.



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Close relatives

Family making a joint asylum application

If a family (defined as parents and children under the age of 18) arrive in Sweden together and any one of the family members is granted a residence permit as being in need of protection or in exceptionally distressing circumstances, the whole family may stay on the same grounds. Another adult, who has become the legal guardian of a child, can also be given permission to stay if the child is deemed to be in need of protection and granted a residence permit.

Family reunification

A person who is married to or cohabits with a Swedish resident is entitled to a residence permit in Sweden. This also applies to registered partners and spouses of the same sex. In other words, if you have a permanent residence permit in Sweden, your partner is also entitled to live here. However, both of you must be over 18 and neither of you can be married to someone else.

Children under 18 with one or both parents resident in Sweden are also entitled to residence permits. It is the children's age by the time the Migration Agency makes its decision that counts. It is also necessary for the child to have lived with the parent at some point and the child must not have a more substantial link to a parent resident in another country. Documentation or DNA tests supporting the relationship may be required. In some

cases there may be other conditions to meet before relatives can join you in Sweden. See below on passport and subsistence requirements.

Parents of unaccompanied minors who are granted refugee status or protection on subsidiary grounds also have the right to move to Sweden. But this usually does not apply if the child was allowed to stay because of particularly distressing circumstances. In that case the family is expected to reunite in the home country or the country in which the parents have permission to live.

The Migration Agency may also grant residence permits to other close relatives. In those cases the people involved must have been living together immediately before the permit holder's departure to Sweden. One of the people involved must also be dependent on the other. The dependency can be economic, emotional or social and must have existed already in the home country. The Migration Agency also wants to know if there are any other family members in the home country or in another country. If that is the case, the Migration Agency may come to the conclusion that the relative should seek support from them instead.

Whether a person is a child or not is decided on the day the Migration Agency makes its decision. It is of no importance how old the child was when the application was handed in. A child who has applied for permission to be reunited with its parents is almost guaranteed to get a residence permit if the child is 17 at the time of the decision. However, if the applicant turns 18 before a decision is made, the person is counted as an adult and then stricter rules apply. Even if the Migration Agency has stated that it does not willingly separate siblings from each other it does happen that younger children in a family are granted permits while those over 18 have their applications rejected. In such cases, an application can be made based on family links and the fact that everyone in the family are part of a shared household. However, in order for that to work, the child over 18 must still be dependent and unable to get assistance from somewhere else.

An application for a residence permit based on family ties must be handed in from the country of origin or from another country where the relatives are legally resident. The quickest way to apply is online, but it is also possible to hand in one's application at a Swedish embassy or consulate. The application must be approved before your relatives are allowed to join you in Sweden.

Passport requirements

In order to enter Sweden you must be in possession of a valid passport and be able to prove your identity. In most cases, both demands are met if you hand in a passport from your country of origin. If you do not have one, it is possible in certain exceptional cases to prove your identity by other means, through certificates or documentation. In such rare cases, Sweden may issue aliens' passports. Aliens' passports are not, however, granted to individuals who are still in their country of origin. All-in-all, it is very difficult for families to reunite in Sweden if they come from a country without functioning authorities that are able to issue documents.

If it is completely impossible for the relatives to get identity documents, the Swedish Migration Agency can do a DNA analysis to confirm the biological ties and then make a joint assessment for the whole family. However, the DNA analysis may only be used as long as there are no other doubts in the investigation. For example, if a couple's accounts contradict each other at some point, that may be considered a cause for doubt.

Subsistence requirements

If you are an adult who has applied for asylum in Sweden and been granted a residence permit as an individual otherwise in need of protection or on grounds of exceptionally distressing circumstances, you must show that your accommodation is large enough and that you can support yourself before your relatives are granted residence permits. These criteria are called subsistence requirements. The accommodation must be a lease in your name, a sublet or an owned flat or house. The necessary size of the accommodation depends on the size of the family. In order to meet the income requirements, you only have to make enough to support yourself, but the Swedish Migration Agency will make sure it is a guaranteed income. Information about the current rules can be found at the Migration Agency. The subsistence requirements do not apply if it is your child that is applying for a residence permit, alone or together with the other parent. When you have had your residence permit for four years, the subsistence requirement is removed also for other relatives.

Relatives staying in Sweden

If you are in Sweden and apply for a residence permit because you are a relative of a resident, your application is likely to be rejected since it should have been submitted from abroad. An exception can be made if you have a current asylum application lodged with the Swedish Migration Agency, or if you are in Sweden legally with some kind of residence permit (not just as a tourist).

If you apply for asylum whilst your partner and/or child is already resident in Sweden you should mention the relationship in your asylum application. You can also bring it up later in the process if the relationship has arisen during your stay in Sweden.

The Migration Agency can give a residence permit to a parent whose child is granted asylum, if the parent is also the legal guardian and the two are living together.

The law states that decision-makers should take particular regard to children who could suffer from being separated from their parent, if such a separation would be lengthy. However, in order to be able to apply from Sweden you must show that you without a doubt would have been granted a residence permit from abroad. That means that your application could be denied if you have lived without documents in Sweden for a long time. You need to provide specific reasons why you cannot travel to your home country, or explain why your child in particular would be harmed by the separation. You also have to be able to prove your identity with a valid passport in the same way as if you had applied from abroad.

Can I as an asylum seeker get married in Sweden?

You can get married or cohabit with your partner while seeking asylum in Sweden. This also applies to same-sex couples. Before you get married you must go through a special procedure called an “assessment of impediments” (*hindersprövning*). This means that the authorities examine whether there are any obstacles, for example that one of you is already married. For this reason you may need a certificate from your country of origin, for instance from the embassy. The investigation is carried out by the local tax authority and you need to show authentic identity documents. You may get married even if your asylum

application has been rejected and you are awaiting removal. The ceremony can take place anywhere but it must be performed by a priest or another accredited official in the presence of two witnesses. If you marry according to Islamic tradition you should check with the tax authorities that the marriage has been registered in Sweden.

My asylum application has been rejected. May I stay with my family in Sweden?

If you have children who are resident in Sweden and there is a risk of lengthy separation from them it is possible that you may be allowed to apply from Sweden, but only under certain conditions – see above under “Relatives staying in Sweden”. Otherwise, the rule is that you should apply from your country of origin – or from another country where you are legally resident. You need to stay for a while in the country where you submit your application, as you may be called to the Swedish embassy for an interview. It is possible to hand in your application in any country where you have an address, but the embassy does not have to handle your case if you are not allowed to be in that country.

My partner comes from another European Union country and lives in Sweden. Do I have the right to live in Sweden too?

Yes. If your spouse, registered partner or cohabitant is a citizen of another EU or EEA country and lives and supports himself/herself in Sweden you automatically have the right to live here. This is called a right of residence. You just need to report to the Swedish Migration Agency to obtain a residence card. This also applies to people with dual nationalities, if one of them is from an EU member state. You must be able to produce a valid passport.

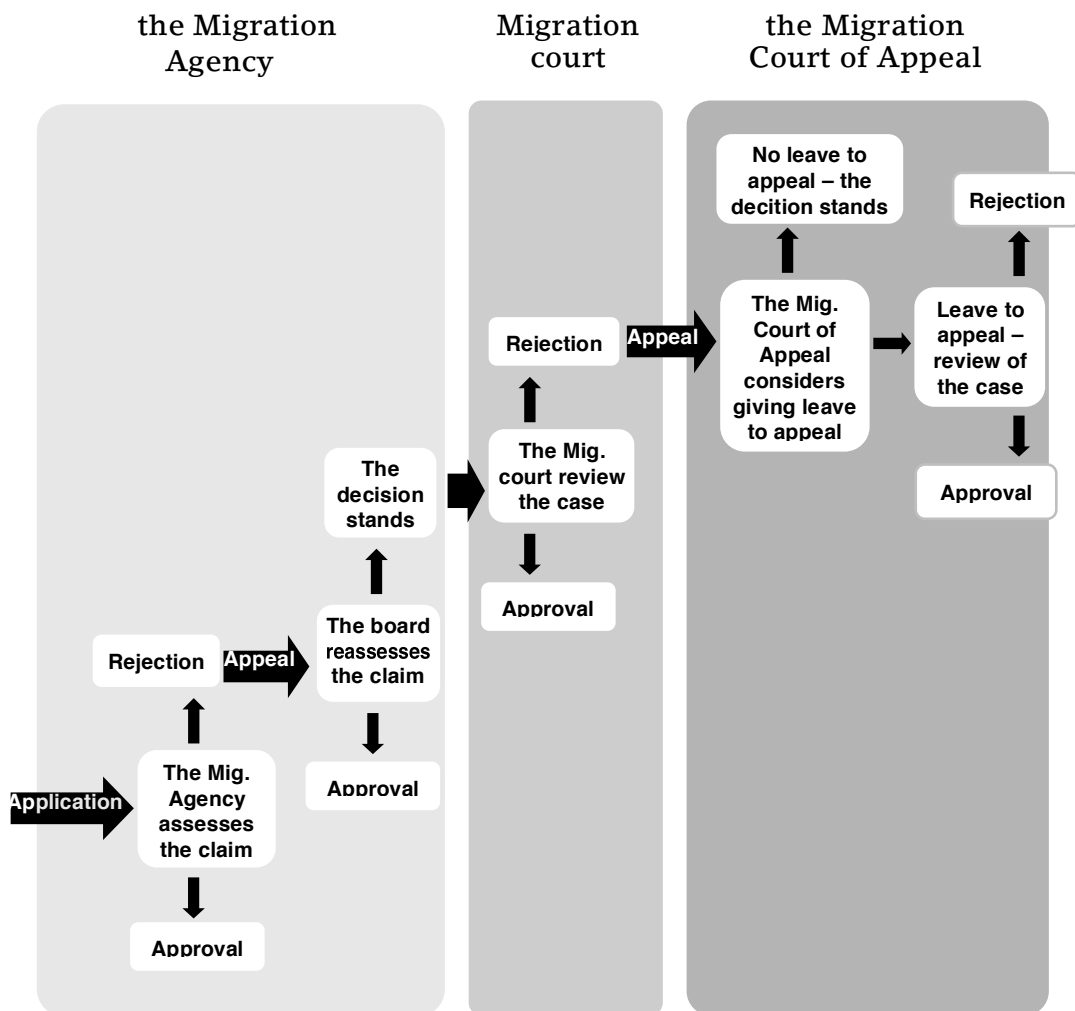
→ SEE THE LIST OF EU/EEA STATES ON PAGE 85.

I want to live with my partner in Sweden, but the Migration Agency first wants to check whether our relationship is serious. How is this done?

If you are not married but are going to be (or if you live together now but did not share a home before you came to Sweden) the Swedish Migration Agency will investigate whether it is a so-called seriously intended relationship. This is called a “seriousness test”. The Migration Agency takes into account how long you have known each other, whether you speak a common language and what you know about each other. If the Migration Agency believes that there is a risk that one of the partners will be subjected to violence or other serious abuse in the relationship, the request can be refused. In order to see if there is such a risk, the Migration Agency can request information from the police, who keep a register of people who are suspected of or have been found guilty of a crime. If you are married, you will not have to go through a seriousness test. In that case, the Migration Agency is not allowed to question your relationship unless there is evidence that it is a sham marriage.

→ FOR RULES ABOUT WORK PERMITS, SEE PAGE 44 AND 45.

The asylum procedure



First instance: the Migration Agency

When you claim asylum in Sweden you will meet the Migration Agency. This is the authority that decides whether you will be granted residency in the country.

You should claim asylum as soon as possible after arriving in Sweden, ideally the same day. If not, the Migration Agency might believe that you are not in urgent need of protection.

When you reach the borders of Sweden (including airports) you can say that you wish to claim asylum. You will then be taken to one of the Migration Agency's application centres. These are located in for example Gothenburg, Malmö and Solna (in Stockholm). The application centres receive your asylum application and take your fingerprints and your picture. They will also assess whether you are entitled to the financial aid that asylum seekers can get if they do not have money of their own. Children under 14 do not need to provide fingerprints.

At this first assessment, the Migration Agency will only ask you a few questions about why you wish to claim asylum in Sweden. The information that the case worker is looking for at this first meeting is your name, date of birth, citizenship and language. The Migration Agency will also ask you about your health status and ask whether you want to undergo a voluntary medical check-up. You can say yes to this.

You will be requested to submit your national passport if you have one. If not, the Migration Agency will ask for other identity documents, such as an ID card, a driver's licence, a military service record, military service card or birth certificate. They will also ask whether you have any specific requests regarding which public counsel you want (the public counsel is a lawyer who will assist you free of charge), and if it matters to you whether the person who interviews you or the interpreter is a man or a woman. It may be significant for you which public counsel you get and it may be advisable to choose yourself if you have the possibility. Please contact voluntary associations for information on knowledgeable lawyers.

You may also be asked to undergo a language analysis upon your first meeting. The Migration Agency performs language analyses in order to verify that you really come from the place that you claim to be from. The analysis consists of making a recording of your speech. A linguistic expert will then listen to the recording and assess where your dialect belongs.

After you have claimed asylum you will be given an ID card called an LMA card. LMA stands for the law governing the reception of asylum seekers. You will then be offered accommodation. If you do not have money of your own you will be given a daily allowance, financial aid for asylum seekers.

The details of the asylum assessment itself may vary. Previously, it was common for the asylum seeker to first meet her or his public counsel. The counsel would take an account of the grounds for asylum before the assessor at the Migration Agency began to look at the case. These days it is more common for you to be called to an interview at the Migration Agency already within a couple of weeks, before the public counsel has written anything. If a public counsel has been appointed, she or he will also be called to the interview. Read more under the sections “Legal counsel” and “Asylum assessment”.

► **When you seek asylum in Sweden you will first meet the Migration Agency.**



PHOTO CAJSA UNNBOM

Should your claim for asylum be assessed in Sweden?

Upon your first contact with the Migration Agency you will be asked several questions about how you arrived in Sweden. The case worker will want to know when you left your country of origin, exactly from where you left and how you got here. He or she will ask whether you have passed through other countries before arriving here and whether you have tickets for your trip to Sweden. The Migration Agency will then assess whether your asylum claim should be decided here or in another country.

You cannot decide for yourself where to claim asylum. Sweden, the other EU countries, and Switzerland, Iceland and Norway have regulations that determine this. The agreement is called the Dublin Regulation and the countries that have signed it are called Dublin countries. The point is that you should only claim asylum in one of these countries.

How the Dublin Regulation works

If the assessment of your asylum application has already begun in one EU member state, your case should continue to be dealt with in that country.

If you are an adult and the assessment of your application has *not* been initiated, the policy is that your application should be dealt with in the EU member state that has granted you a residence permit or a visa. If you have neither a residence permit nor a visa, your asylum application should be dealt with in the country where you first entered the EU. If it cannot be shown where you entered the EU but the Migration Agency finds out that you have stayed illegally in an EU member state, your asylum application should be dealt with there. If there is no such country either, your asylum application should be dealt with in the country where you submitted it.

In addition, there are special rules for the reunification of family members who have ended up in different countries.

If you arrive in Sweden in order to apply for asylum but it turns out that your application should be assessed in another EU member state in accordance with one of these rules, you will be sent to that country. Usually, the evidence consists of fingerprints that you have had to submit in another country along the way.

If you are under the age of 18 and apply for asylum in Sweden alone, you only have to go back to the country that let you into the European Union if your case has already been decided there. That applies whether the decision is positive or negative. If you have not received a decision anywhere, the starting point is that your asylum application should be dealt with in the EU member state where you have family members, if that is in your best interest. Otherwise, your application should be assessed here in Sweden. Sweden may question your age and decide that you should be counted as an adult. Then you may be transferred to the other country even if you have not received a decision there.

When Sweden comes to the conclusion that a different country is responsible, a request is made to that country. Certain EU member states do not bother to reply, but that will be seen as an acceptance.

If your matter is being dealt with in accordance with the Dublin Regulation, you are not automatically entitled to a public counsel. Most likely you will not get one. Unaccompanied minors are an exception – they normally get a public counsel and are always entitled to be aided by a responsible guardian (see page 67).

How can the Migration Agency know where I have been?

All asylum seekers over the age of 14 must give their fingerprints. Since January 2003 these fingerprints are stored in a database called EURODAC. All EU countries as well as Norway and Iceland can access this database if they want and if you have claimed or been granted asylum in any of these countries it will show. If this happens, the Migration Agency will try to make you go back there.

Sometimes children under the age of 14 are also forced to provide fingerprints when police or border guards do not believe the age given by the child.

If the Migration Agency finds evidence that means you should be sent to another Dublin country already when you hand in the application, you will be informed of this immediately and be given an opportunity to comment. After that you probably will not be called to another hearing. If reasons to send you to another Dublin country are found at a later stage of the investigation, you will be informed of this and also have a chance to comment.

If the Migration Agency decides to send you to the responsible Dublin country you may appeal to the migration court in your own language. The appeal should be submitted within three weeks of the date that you were informed of the decision. Despite this, you can be forced to leave Sweden before the migration court has assessed the case. Your grounds for asylum will not be assessed at this point, only the issue of which country is responsible for your application.

Does Sweden have to abide by the Dublin Regulation?

No. Every country may assess a person's asylum claims if it wants to. In practice, however, very few exceptions are made. This is due to the fact that Sweden assumes that all EU countries follow the Geneva Convention, that is to say that refugees are treated equally wherever they end up. That said, factors such as the conditions of reception in the responsible country or personal reasons, like health and connection to Sweden, can be of importance. In recent years some EU countries have been criticised for breaking EU rules and other international rules concerning the reception of asylum seekers. The European Court on Human Rights has intervened against transfers to Greece. For a period, Sweden has stopped transferring people to Greece, but compared to other countries Sweden has followed the regulation quite strictly.

When does a Dublin decision expire?

When the responsible Dublin country agrees to receive an asylum seeker it is called an accept. Once the accept has been given Sweden must transfer – that is to say send – the person within six months. If the transfer takes longer than that, the case becomes Sweden's responsibility. But this rule only applies as long as the delay depends on actions of the state. You must also consider that Sweden can request extra time from the other country.


Sometimes the transfer cannot be carried out because the asylum seeker is detained, serving a prison sentence for example. The responsibility for the case will then be transferred to Sweden after 12 months. If the asylum seeker cannot be sent because he or she is in hiding, the responsibility for the case will be handed over to Sweden 18 months after the other Dublin country's accept.

If a decision on inhibition has been made on your Dublin transfer (meaning that, for some reason, the transfer to the other country has been temporarily stopped), the time count restarts at zero as soon as the inhibition expires. That means that Sweden gets a new six or 18-month period in which to transfer you to the other country.

If an asylum seeker who has received a Dublin decision leaves the Dublin area for more than three months, he or she can then make a new claim for asylum in any Dublin country. Please note that you must travel directly to the country where you want to seek asylum in order not to be considered as a Dublin case again, and that you must be able to provide authentic documents proving that you have in fact been outside the Dublin area for at least three months. Helpful documents could be for example ID papers issued during these three months, tickets or stamped travel documents or records that show that you have been in touch with an embassy of some EU country. The demands on evidence are rather strict. You must not have been able to claim asylum in the country that you spent time in. If the country has an asylum system, it must be found lacking by the UNHCR for example.

How are asylum seekers treated in other Dublin countries?

Asylum seekers are treated differently in different Dublin countries. The differences may concern what rights you have (for example if you have the right to legal counsel), how the asylum process is organized and who is given residency. However, all Dublin countries have promised to abide by the UN Geneva Convention. There are also significant differences in the assistance available to asylum seekers when it comes to housing, economic support etc.

 FIND OUT WHAT RULES APPLY IN YOUR COUNTRY OF DESTINATION AT
<http://www.ecre.org>.

FARR can sometimes help by contacting voluntary organisations in other countries who can provide support and give advice about the asylum process.

→ SEE ALSO ADDRESSES AT THE BACK OF THIS PUBLICATION.

Accelerated process for "manifestly unfounded applications"

The Migration Agency may find that your claim is “manifestly unfounded” – meaning that you are obviously not in need of protection. This might be because you are a citizen of an EU country or any other country that is deemed safe (that is to say where human rights are generally considered to be respected) or because the Migration Agency considers it to be self-evident that you lack grounds for asylum.

If your claim is found to be manifestly unfounded the Migration Agency may issue an order called “refusal of entry with immediate enforcement”. This means that you are to be expelled from Sweden and that you are not allowed to stay in order to appeal the decision. Such a decision is made within three months after your asylum claim.

You may appeal a refusal of entry, but you are not entitled to wait here while the court considers your appeal unless the court grants you the right to stay. Voluntary organisations can sometimes provide support in this situation.

→ SEE ADDRESSES AT PAGE 78.

The Migration Agency may not decide on expulsion or refusal of entry without giving you the opportunity to comment on the decision in an oral hearing. This rule also applies to Dublin cases.

Legal counsel

Most asylum seekers have the right to a legal counsel. This is a solicitor who helps you with your asylum claim and represents you in contacts with the Migration Agency. You do not need to pay anything for this; the solicitor is reimbursed by the Migration Agency or a migration court.

You will not be provided with public counsel...

- ▶ **if the Migration Agency considers it to be self-evident that you will be granted residency in Sweden.**
- ▶ **if your asylum claim should not be assessed by Sweden.**
- ▶ **if the Migration Agency considers your claim to be manifestly unfounded.**

In other cases you are provided with a public counsel. If a decision is made that public counsel is not needed, you can appeal that decision. You may request to be represented by a particular solicitor when you meet the Migration Agency for the first time or shortly thereafter. It could be important that the person is interested in asylum issues and has prior experience of such cases. If you request a particular representative, the Migration Agency should grant your request unless there are particular reasons against it, such as the counsel living too far away from you. It might be good for female asylum seekers to be represented by someone who has worked with women's asylum claims before.

May I change legal counsel?

It can be difficult to change your legal counsel. But if you have especially compelling reasons, for example that a serious conflict has erupted between the two of you, the Migration Agency may let you get a new counsel. If you live closer to the new representative you may state this as a reason.

If the Migration Agency will not let you change counsel, the decision can be appealed to the migration court. If the court rejects your application as well you can change your counsel anyway, but then you will have to pay for the service yourself. You also have the right to let someone other than your public counsel speak in your name and work on your case. Such a person is called a legal representative. All you need to do is give a power of attorney – that is a written permission – to that person.

→ ON PAGE 86 THERE IS AN EXAMPLE OF A POWER OF ATTORNEY.

Such a legal representative can contact authorities and lawyers in order to get information and act on behalf of your case. Any person can be a legal representative, including a relative, a friend or a member of some voluntary association. Your legal representative should co-operate closely with your solicitor and not act without informing the solicitor beforehand.

Asylum assessment

As mentioned above, asylum assessments may proceed in different ways. The Swedish Migration Agency is currently introducing a unified procedure. The description given here is based on this protocol which, in 2015, has been adopted in most parts of the country.

When your application for asylum is registered you will be summoned for an interview with a case worker at the Migration Agency. You are entitled to choose your public counsel. If you do not, the Migration Agency will choose a counsel for you. Some counsels meet their clients before the interview, but most asylum seekers meet their public counsel for the first time in connection with the inquiry interview at the Migration Agency. It might be a good idea for you to contact your public counsel before the interview. Ideally, you would be able to calmly go through your grounds for asylum with your public counsel before you meet at the Migration Agency. If you have undergone a language test, your counsel ought to ask for the result, to be able to comment on it.

Your identity will be examined as extensively as possible. It is important to try to procure identity documents from your native country. These should be in the original, preferably with a photo. If you have fled your country using a fake name and fake documents you must be able to explain why.

At the meeting at the Migration Agency an interpreter will attend and your legal counsel will assist you. As an asylum seeker you have a responsibility to point out all the relevant facts of your case. That's why it is recommended to meet with the legal counsel to go through your grounds for asylum already before the interview. You have to tell the Migration Agency about everything that has happened to you and all your reasons for seeking protection.

If you seek asylum together with your family, the grounds for each of you should be described. You should also be interviewed one at a time. The individual protection needs of children must also be considered. What is in the best interest of the child should be weighed in at all stages of the asylum procedure. This is stated in the first chapter of the Aliens Act. Children seeking asylum are therefore not just a part of their parents' claim.

→ READ MORE ON PAGE 65 UNDER »CHILDREN'S GROUNDS«.

All the papers and information that you want the Migration Agency to have should be handed in at the hearing. If you add things later on that you could have disclosed right at the start the Migration Agency might think that you are making things up. Therefore it is recommended to tell everything from the beginning.

After the interview a written record from the meeting will be sent to the counsel. You have the opportunity to comment on it and complement it with further information. You and your public counsel must read the record in detail so that you can find any errors and misunderstandings. This is very important. Ask to have everything read to you in your language! If something is wrong, it may be very difficult to get the Migration Agency to believe you if you give the correct version later.

You are entitled to copies of all documents concerning the asylum assessment. Even if you do not request your own copies, it is very important that you take part of all written material so that you can correct any mistakes with the help of people you trust.

When the public counsel has transmitted your comments and additions, the Migration Agency can make a decision on whether to grant you a residence permit. This usually takes a few weeks. Before the Migration Agency makes their decision they will check if you are in the police register of people suspected or guilty of committing a crime. If you are, this can affect your case. A person who has committed serious crimes can be denied residency. Minor crimes can mean that you are granted a temporary residency permit, where you would normally have been given permanent leave to stay. Even minor crimes can tip the balance against residency if the grounds for granting a permit are considered to be relatively weak.

Right to an interpreter

You are entitled to the assistance of an interpreter during the asylum assessment. The interpreter may be present or participate via video-link or telephone. As a woman you may request a female interpreter if you feel that you prefer it. The interpreter must uphold

professional confidentiality. In other words, he or she may not tell anyone what you have said. The interpreter should be neutral, that is to say not take sides. If you feel that you cannot trust the interpreter, for reasons due to ethnicity, religion, political affiliation or other reasons, you may request to have the interpreter replaced. This also applies if you have difficulties understanding the interpreter. It is important that you and the interpreter can talk to each other without problems.

If your claim is rejected

If your asylum claim is rejected by the Migration Agency you may appeal the decision to the migration court. You have the right to public counsel when appealing the decision.

If you are granted a permanent residence permit

You may stay in accommodation run by the Migration Agency for some time after being granted permanent residency, PUT. During this time the national employment service should find a municipality for you to move to. In some cases, for instance if you are too ill to work, the Migration Agency is responsible. If you have been living in your own accommodation you may stay there.

If you are granted PUT you can live in Sweden for as long as you like. The conditions are that you have been granted the permit on honest grounds and that you do not later commit serious crimes and are sentenced to expulsion. PUT is normally given for five years at a time but is renewed if you continue to live in Sweden. If you leave Sweden for more than one year you risk not having your permit renewed. You may leave Sweden for a total of a year divided over several trips, but if you have been away for one year straight your residency in Sweden can be considered terminated. If you have been recognized as a refugee or a person otherwise in need of protection you have the right to live on trial in a country where you have lived earlier without the permit being withdrawn until two years after your residency in Sweden has ended.

Up until recently the permanent residency permit was glued into the passport. Nowadays the permit is given as a card. If you do not have a passport and you can prove that you cannot obtain a new one you may apply for a foreigner's passport at the Migration Agency. You have to pay for this. If you have been given leave to stay as a convention refugee or as a person otherwise in need of protection you are entitled to a special passport called a travel document. This is free of charge. The foreigner's passport or travel document is generally not valid for trips to your country of origin.

If you are granted a temporary residency permit

In certain cases the Migration Agency can grant temporary residence permits (TUT) instead of permanent ones. This may happen for example if:

- ▶ **you have been granted residency in order to move in with someone living in Sweden**
- ▶ **you are in need of healthcare and have been allowed to stay because you need treatment, such as surgery**
- ▶ **you have been granted a residence permit in order to testify in a trial**
- ▶ **there are temporary impediments to removal (See page 39.)**
- ▶ **you have committed an offence and the Migration Agency is of the opinion that there is a risk of further criminality or anti-social behaviour**

Swedish citizenship

When you have been living in Sweden for five years you may apply for Swedish citizenship. If you have been granted convention status (that is, have been considered a refugee) or if you are stateless you will only have to wait four years. This time is counted from the day you made your asylum claim – if you were given residency by the Migration Agency or a court in the first process. If you are granted residency after a new assessment, that is to say because of impediments to removal, the time is counted from the day of your decision. You might be able to count part of the time that you have spent legally in Sweden before that, but no more than half of it.

Second instance: the migration courts



If your application for asylum and residency is rejected by the Migration Agency you may appeal to a migration court.

The administrative courts in Malmö, Gothenburg and Stockholm serve as migration courts. The court usually consists of three lay assessors and a judge who decide together. The lay assessors are not required to have any legal training. They are ordinary citizens chosen by the political parties.

To appeal

The appeal is directed to the migration court but should be sent to the Migration Agency. This is done in order to give the Migration Agency an opportunity to reassess its decision in light of the content of your appeal. If the Migration Agency does not want to reassess the case the appeal will be passed on to the court together with a statement. In this statement the Migration Agency will explain how it views your reasons. After that the migration court will decide whether it requires more information about your case. It will also decide whether you should be called to a meeting, a so-called oral hearing.

At the oral hearing in the migration court you and your solicitor will meet the Migration Agency's litigator as two opposing parties. The litigators are lawyers representing the Migration Agency. When the proceedings are finished the judge will tell you when the verdict is to be delivered.

To request an oral hearing

An oral hearing in the migration court provides you with an opportunity to explain in your own words why you must be allowed to stay in Sweden. But you cannot expect to be able to tell your story from the beginning. The court should already have been introduced to the most important aspects of the case through documents submitted earlier. Migration Agency representatives are also present in court. They are there to say why they think you should not be granted residency, and ask you questions about things they find incredible.

You or your solicitor have the opportunity to explain things that have been unclear and to point out faults in the Migration Agency's decision. If you want to be able to talk to the court about your case you should ask your public counsel to request an oral hearing.

Oral proceedings in a migration court should be held if you request it, as long as there are no special reasons against it or it is considered unnecessary. If your application has been rejected because the Migration Agency has questioned your credibility, you are entitled to a hearing. On the other hand, your application for a hearing may be rejected if your credibility has not been put in question. That means that if the case is “only” about factual issues such as the situation in your country of origin, the court is of the view that it can make a decision without you being present. If you do not request an oral hearing, the court may decide to offer one anyway if they feel that this might facilitate their decision-making. If the court does not consider your presence necessary they will base their verdict on the documents that your solicitor and the Migration Agency have submitted.

The court should notify you whether there will be a hearing so that you have the opportunity to supplement the material if necessary.

Confidentiality

The documents concerning you that the Migration Agency have are handled with confidentiality. That means that no one else is allowed to see them. People who have nothing to do with the case cannot be present when the Migration Agency discusses your case. Court proceedings, on the other hand, are often open to the public and verdicts are released to anyone who wishes to read them. Even documents concerning asylum seekers can be generally available unless the court decides against it. But the migration courts are supposed to use caution when giving out information about asylum seekers. The courts may only give out information if it is clear that this will not place you or anyone close to you at risk. Often, the migration courts do make the verdicts public but remove any information that might be used to identify you, including in certain cases which country you are from. You or your public counsel can request that the proceedings take place behind closed doors (that is barring outsiders) and that the documents be treated with confidentiality.

If your claim is rejected

A decision from the migration court can be appealed to the Migration Court of Appeal. From the announcement of the verdict you have three weeks to appeal.

If your claim is accepted

The Migration Agency can also appeal a decision from a migration court to the Migration Court of Appeal. This may happen if the verdict on your case can affect several other cases and the Migration Agency needs guidance from the Migration Court of Appeal. If the Migration Agency has not appealed the verdict within three weeks, the verdict stands and you will be granted residency.

Third instance: the Migration Court of Appeal

If your claim is rejected by a migration court you can appeal the verdict to the Migration Court of Appeal. This is situated in the administrative court of appeals in Stockholm.

The Migration Agency can also appeal the migration court's decision, if you are granted residency. A positive verdict can therefore not be considered final until three weeks after its announcement.

Leave to appeal

When you or the Migration Agency has filed an appeal to the Migration Court of Appeal the court will first decide whether to even grant you a hearing. This is called acquiring leave to appeal. Normally you cannot be deported from Sweden while the Migration Court of Appeal considers this.

The Migration Court of Appeal grants hearings in very few cases. Appeals only lead to proceedings when there are particular reasons, or if the Migration Court of Appeal considers there to be a need for guidance in how to interpret the law. This means that a decision in your case could help the Migration Agency in its assessment of similar cases in the future. If permission to appeal is not granted, the migration court's decision stands.



► The Migration Court of Appeal may try asylum cases to give guidance for similar cases in the future.

PHOTO CAJSA UNNBOM

In an appeal of the migration court's decision it is important to specify what verdict you wish the court to reach, and why. Your legal representative can help you with this. Since you need permission to appeal you should also state why you are in need of one. The appeal should have reached the migration court within three weeks after your negative verdict. Otherwise your appeal will be rejected. Exceptions will be made if you have received wrong information concerning how to appeal.

The Migration Court of Appeal can decide to hold an oral hearing, that is to say that you will be summoned to the court and have the opportunity to argue for your case. You may be given an oral hearing if it can be beneficial to the case, but it usually only occurs in so-called security cases.

Security cases

Occasionally the Swedish security police suspect an asylum seeker of threatening “national security”. This could mean suspicions of things such as terrorism or espionage. If the Security Services think that you should be evicted or expelled on the grounds of such suspicions, both the Migration Agency and the Security Services will be your opponents and the last word rests with the government instead of the Migration Court of Appeal. If the Security Services request your expulsion under the Act concerning Special Controls in Respect of Aliens, the case will be dealt with according to this rather than under the Aliens Act.

If you appeal a negative decision in a security case, the Migration Agency will transfer the case to the Migration Court of Appeal, who will arrange an oral proceeding. The same thing will happen if the Migration Agency has granted a residence permit and the security police appeals the decision. The Migration Court of Appeal will then give their opinion to the government, who will make the final decision. In its statement, the Migration Court of Appeal should mention whether it considers there to be impediments to sending you away, such as the risk of you being subject to the death penalty, torture or other cruel, inhumane or humiliating treatment, or physical punishment. If the Migration Court of Appeal considers there to be such a risk you may not be denied entry or deported. The government must comply with this.

If the court does not alter the deportation decision

Decisions from the Migration Court of Appeal cannot be appealed. This applies irrespective of whether they give you a negative decision or decide not to assess your case at all. When the Migration Court of Appeal has said no, you have been given a final decision. The reasons that you have put forward were not enough to grant you residency in Sweden. You must now consider what you want to do. Are you going to try to return to your country of origin on your own? Are you going to wait for the Migration Agency to organize the trip? Will your home country let you return? Are you going to choose not to co-operate so that the Migration Agency cannot deport you? Are you going to try to travel to some other country? Are you going to try to hide in Sweden?

FARR cannot provide answers to these questions – only the advice that you must carefully contemplate the alternatives, and that you need to discuss them within your family if they are with you. You must consider the consequences of the different alternatives for each one of you, including the children. The following sections contain practical information about what usually happens after a final deportation decision.

If any new circumstances should arise that have not yet been assessed, you should turn to the Migration Agency and claim that there are so-called impediments to removal. Impediments to removal are circumstances that render a denial of entry or a deportation order impossible to enforce.

→ SEE PAGE 39.

Deportation and enforcement

The Migration Agency is responsible for making sure that people whose asylum applications have been rejected actually leave Sweden.

Return counselling

After having received a deportation order you will be summoned to a meeting with the reception case worker at the Migration Agency. At this meeting you will discuss the return trip to your native country, or to another country that will receive you. The Migration Agency prefers it if you leave Sweden on your own. When it comes to certain countries, it is possible to get financial assistance if you return voluntarily.

There are voluntary organisations who work to facilitate returns. This could mean providing services such as finding organisations who could lend you support in your native country or locating relatives.

If you do not leave on your own accord the Migration Agency or the police will try to enforce the deportation, but this cannot happen until the decision has gained legal force (that is to say three weeks after the migration court's decision, unless you appeal).

If the Migration Agency suspects that you will attempt to evade deportation by going into hiding you may be placed under supervision or in detention. Being placed under supervision means that you must report to the police regularly.

There are a few examples of people with deportation orders against them having been arrested by police in conjunction with the return counselling session. On the other hand, it is common to view the act of not showing up to the return counselling as a sign of non-cooperation, and this may lead to the case being handed over to the police.

► The Migration Agency prefers it if you leave Sweden on your own.



FOTO DZZ/MORGUEFILE

If you do not turn up when the Migration Agency summons you, change your address without notifying the Migration Agency or refuse to co-operate in some other way, the Migration Agency will hand over the task of enforcing the denial of entry or deportation to the police. This might also happen if, for example, you threaten to hurt yourself or someone else.

If your case is handed over to the police

The Migration Agency can ask the police to help them with specific things such as picking you up, or they may hand over the entire case to the police. If your case is handed over to the police they may issue a warrant for your arrest. It is the police's job to search for you in order to force you to leave the country. In this situation the police are responsible for everything: the Migration Agency case workers are no longer involved in your case. The case cannot be handed over to the Migration Agency again. But it is still the Migration Agency that makes decisions concerning eventual impediments to removal.

→ SEE PAGE 39.

How does the police search for people who remain in Sweden without a permit?

The police have the right to control your ID documents if they have reason to believe that you are residing in Sweden without a permit. They usually ask for ID during other routine procedures, such as traffic controls or inspections of restaurants. The risk of being caught is large for someone who breaks a rule, such as travelling on public transport without a ticket. If you are apprehended without valid documents the police can place you under supervision, in detention or in jail while waiting for deportation.

For how long is the deportation decision valid?

The migration court's decision to deport or deny you entry expires after four years. This is counted from the day when the decision gained legal power – that is to say when it could no longer be appealed.

Can I come back after having been deported?

If you leave Sweden and come back within four years in order to claim asylum your application will be treated according to the rules on impediments to removal, not as a new case. In other words, you cannot re-enter the process from the beginning until four years have passed. The old deportation order still stands and if the Migration Agency considers it to be self-evident that you lack new grounds for asylum the decision can be carried out once again

Prohibition on return

If your asylum application is rejected and you do not leave Sweden “voluntarily” before the date stated in the rejection, you may be given a prohibition on return. That means you cannot re-enter the Schengen area for a year.

If the Migration Agency suspects that you will not leave Sweden voluntarily, they may issue a prohibition on return right away, with the asylum decision. That may ban you from re-entering Schengen for two years or more – up to five years. That might happen if you have avoided deportation before, said that you will not leave Sweden, not helped the Migration Agency verify your identity, left false statements, omitted information, or committed a crime. If you get a prohibition on return of this kind, you lose the time you otherwise would have had to leave the country by your own accord and must go immediately.

The prohibition on return means that you will be put on the Schengen countries' barring list. There is a possibility that you will be given a visa for entering if you are entitled to family reunification. But it will be difficult to get a visa for any other reason. However, you still have the right to apply for asylum if you manage to make it to Europe and are in need of protection.

When a temporary residency permit expires

If you have a temporary residency permit because you have come to Sweden in order to get married or to be with your children, the residency permit will usually be made permanent after two years.

If you have a temporary residency permit because the authorities think that you will be able to return to your native country after a certain period of time, you are considered to have accepted leaving Sweden when the temporary permit expires. If you still wish to stay in Sweden you have to re-apply.

If you have a deportation decision that has gained legal power but have later been given a temporary residence permit because the deportation could not be carried out, special rules apply. In this case, the deportation decision is still in place when the temporary permit expires. You cannot re-claim asylum because you have already been given a final rejection. In this situation you can only have the residency permit renewed if you can show that the impediment to removal remains or that new impediments have arisen.

→ READ MORE ABOUT IMPEDIMENTS TO REMOVAL ON PAGE 39.

Detention

The Migration Agency's locked unit is called a detention centre. Decisions about placing a person in detention are taken by the Migration Agency. If the case has been handed over to the police, it is the police that make the decisions.



Reasons for being placed in detention

According to the Aliens Act, an asylum seeker can be placed in detention for several reasons. In conjunction with your entry into Sweden or your submission of an application for asylum you may be placed in detention...

► if your identity is unclear or if you do not wish to co-operate in inquiries into identity.

An unclear identity means that you cannot prove who you are to such an extent that the Migration Agency believes you. If your grounds for asylum can be assessed without knowing exactly who you are, you may not be taken into custody simply because your identity is unclear.

Later on in the asylum process you may be placed in detention...

► if you do not co-operate during the investigation, so that your asylum application cannot be assessed.

► If your denial of entry or deportation is to be carried out and the Migration Agency has reason to believe that you will go into hiding or commit crimes in Sweden.

► If it is likely that you will be given a quick decision (a deportation order without a thorough investigation). You may then be placed in detention even before the decision has been made.

Relatively few asylum seekers are placed in detention. It can be difficult to foresee who will be detained. The reasons behind the Migration Agency's or the police's assumptions that you will go into hiding vary. Common reasons are that you have lived in hiding before, that you have stated that you do not intend to co-operate upon denial of entry or deportation, or that you have not been showing up at meetings to which you have been summoned.

A decision by the Migration Agency or the police to place you in detention can be appealed to the migration court. A judge will then decide whether the reasons for keeping you in detention are adequate.

Time limits

If you have a decision of denial of entry or deportation you may not be kept in detention for more than two months unless there are exceptional (strong) reasons for this. After two months the detention decision must be re-assessed. If this is the case, you and your legal representative will be summoned to a meeting with the Migration Agency. If your case has been handed over to the police the meeting will be held with the police instead. After these negotiations the Migration Agency or the police will decide whether there are exceptional reasons to keep you in detention for another two months. When these two months have passed the decision must be re-examined once more. The two month period cannot be renewed indefinitely, as detention for more than twelve months in order to carry out the deportation is prohibited by law. Decisions regarding continued detention can be appealed to the migration court.

If you have been placed in detention but have not been issued a denial-of-entry or deportation order you may be locked up for a maximum of two weeks. If the authorities find that there are exceptional circumstances to keep you in detention, that decision should be re-examined every two weeks.

You can also be placed in detention when you submit your asylum application in order for your identity to be verified. Such detention may last a maximum of 48 hours and cannot be extended. But this does not prevent you from being placed in detention later for other reasons.

Legal aid

If you are placed in detention you will be provided with legal representation after three days. Your legal representative can appeal the detention decision before the two months have expired. Your solicitor might request that you instead be placed under supervision (that is to say be required to regularly report to the authorities) or be completely released. The solicitor helping you with your detention is not necessarily the same person who is in charge of your application for residency.

Your application for asylum

You can continue seeking asylum or residency from inside the detention centre, but you may be deported before you get a decision. If you do not have an ongoing case when you are placed in detention it can be difficult to get a solicitor to take on your case.

You always have the right to write in your own language to the court or the Migration Agency and present new reasons for why you need protection in Sweden. If you have the means to, you are free to hire a private lawyer or solicitor. We recommend that you seek advice from the voluntary organisations who visit the detention centres.

Embassy visits and travel documents

A common reason for being kept in detention for a prolonged period of time is that the authorities find it difficult to arrange travel documents for you. In such cases, the police can ask you to visit your native country's embassy with them. You can refuse to go and it is unusual for the police to use violence in such situations, but they may try to force you by other means. You can also refuse to co-operate in some other way, for example by not signing the application for travel documents. However, this can be used against you in negotiations concerning whether to prolong your detention or not. Your refusal to co-operate in verifying your identity may also lead to withholding of your daily financial aid.

→ SEE PAGE 69 OF THE SECTION »YOUR RIGHTS AS AN ASYLUM SEEKER«.

Your rights while in detention

The Aliens Act states that anyone held in detention should be treated humanely and with respect for his or her dignity. You should be given opportunity for activities and recreation (which can mean games, TV and other things). You should also be able to perform physical exercise and spend time outdoors.

You have the right to healthcare during your time in detention, including at hospitals. If you are denied the healthcare that you consider yourself to be in need of, you should continue claiming your right. You may not bring alcohol and objects that might hurt you or others into detention centres.

Visits

You have the right to receive visits and in other ways contact people outside the detention centre, as long as this does not interfere with the running of the detention centre. It is common that you have to book visits in advance. The visits may be supervised, if that is considered necessary for security reasons. Detention centre staff will often ask visitors to write their names on a list. This information is not saved. The staff do not have the right to conduct body searches on visitors, that is to control what they bring into the facility. They may, however, search you after the visit. When you are visited by your legal representative or your lawyer, different rules apply. Your meeting may then only be supervised if your legal representative specifically requests it to be.

Jail

If it is considered necessary to uphold security and order at the detention centre, or if you

are considered to be a danger to yourself or others, the Migration Agency may decide that you should be held separately from the other detainees. This might mean transfer to an ordinary jail. A jail is a kind of detention centre run by the police, where suspected criminals are also held. The security is more vigilant there.

If you have been placed in custody for reasons mentioned here, that decision should be reviewed at least every three days. You are entitled to assistance from the public counsel dealing with your custody case if you wish to contest it. You may not be put in jail if you are under the age of 18.

Being placed under supervision

Instead of detention, the Migration Agency or the police may decide that you should be placed under supervision. This means that you must report to the police station or the Migration Agency at regular intervals, for example twice a week. Children may also be placed under supervision. Supervision decisions should be re-examined after a maximum of six months.

Children in detention

Children are rarely placed in detention. But the law does permit it, if it is done in order to execute a denial-of-entry or deportation order. A condition is that earlier attempts to deport the child have failed, even though the child has been placed under supervision. Besides, a child can be placed in detention in connection with an immediate removal order, or if it is likely that such an order will be issued. The child may then be placed in detention as long as:

► **there is an obvious risk that the child will otherwise hide in order not to be removed from Sweden**

and

► **it is not enough to place the child under supervision.**

A child may not be separated from both his or her guardians (often the parents) by the detainment of either the child or the guardians. An unaccompanied minor (a child who has arrived in Sweden without his or her guardians) may be placed in detention only if there are exceptional reasons supporting such a decision.

The child may not be kept in detention for longer than 72 hours, but if there are “exceptional reasons” the child may be detained for another 72 hours.

Impediments to removal – assessing new reasons

Claiming impediments to removal means that you tell the Migration Agency that it is not possible to carry out your deportation (removing you from Sweden) and why. The Migration Agency should, in theory, assess such obstacles on their own initiative, if it is informed of their existence. But usually the person who has been denied asylum must request it.

If there are impediments to removal it may be postponed or you may get a new decision granting you residency. There are two types of obstacles to removal: on the one hand there are obstacles of a practical nature or which are due to things such as illness and other humanitarian circumstances, on the other there are hindrances which imply that you need protection. The Migration Agency can make decisions regarding both types of obstacles. If the impediment is about need for protection, there is also the possibility of a fresh assessment of the asylum case.

Decisions concerning impediments to removal that the Migration Agency can make without carrying out a complete re-assessment of the entire case are often called “12:18” after the paragraph on impediments to removal in the Aliens Act. In such cases, only the new reason is assessed.

Decisions to re-assess the entire case due to the possible existence of new reasons concerning protection needs are called “12:19” after the paragraph on new assessment. It is only possible to get a new assessment if you (or your legal representative or lawyer) have called attention to impediments to removal concerning protection needs.

You are not entitled to the assistance of a public counsel in order to assert an impediment to enforcement. However, if you apply for assessment on the grounds of need for protection you can, at the same time, apply for inhibition and public counsel. *If you have been granted a fresh assessment, you may get public counsel.*

Practical and medical impediments to removal

► Reasons to assume that the receiving country will not receive you.

If the country to which Sweden wants to deport you refuses to receive you this is a practical impediment to removal. This must not, however, depend on your “refusal to co-operate”. You may be accused of this if you refuse to visit your native country’s embassy in order to get travel documents, or if you do not make sufficient efforts to procure ID documents.

► **Medical obstacles or other special reasons for not carrying out the decision**

In this case, a medical obstacle does not concern how you will fare in your native country, but rather whether you are too ill to survive the flight. There may also be humanitarian obstacles, such as your child being severely ill and not being able to get the required healthcare in your country of origin. It might also be that you have a strong connection to Sweden that did not exist when you were given the deportation decision. If you have started a family during your time as an asylum seeker, you may be entitled to live in Sweden. Normally, an application based on such grounds should be made from abroad. However, if there are children who would suffer from your separation, the Migration Agency can, in certain cases, take into account the best interests of the child and allow you to stay in Sweden for the purposes of the application.

Impediments to removal due to new protection needs

► **New circumstances that could give you residency as a refugee or person otherwise in need of protection.**

New grounds for protection are, for example, that the circumstances have changed in your country of origin so that it has become more dangerous for you to return. It can also be that the authorities of that country have become more interested in you, or, for example, that you have been told that a warrant has been issued for you or that you have been convicted there. These must be reasons that have not been assessed earlier and that you have not been able to bring up earlier.

Regardless of the type of impediment to removal that you ask the authorities to assess, it is difficult to get it recognized. Since practical/medical grounds and fresh needs for protection are dealt with differently by the authorities, it may be wise to consider the nature of your grounds.

Assessment of impediments to removal (12:18)

The Migration Agency should on its own initiative assess whether there are any impediments to removal, if it “so happens” that the deportation or denial of entry cannot be executed. Anyone can inform the Migration Agency of eventual obstacles. For example, the police may notify them of the fact that it is not possible to carry out a deportation to a certain country or a doctor may testify that the patient is too ill to fly. A guardian or case worker can also bring problems of enforcement to light. You yourself or your legal representative or lawyer can of course also inform the Migration Agency that there are new reasons that make it impossible to carry out the expulsion. However, the Migration Agency rarely accepts those obstacles as valid. Even if the police inform them that your country of

origin is not willing to receive you, that is hardly ever enough to make the Migration Agency cancel the deportation.

When it comes to practical and medical obstacles, only the Migration Agency can make decisions, and these cannot be appealed. The same goes for impediments due to new circumstances that put you in need of protection, if they are not brought up by you or your counsel according to paragraph 12:19.

New assessment of protection needs (12:19)

When it comes to impediments due to new circumstances that put you in need of protection, the Migration Agency also makes the first decision. There are three possible answers:

► No.

The Migration Agency does not consider this to be a new circumstance that concerns protection needs. This is the most common answer!

► Yes.

The Migration Agency agrees that you have a new reason that means you are in need of protection. You are then granted temporary or permanent residency, according to section 12:18.

► You are granted a new assessment.

The Migration Agency agrees that you have raised issues concerning protection needs but cannot straight away decide whether they are enough to grant you residency. Your case is then re-assessed, according to section 12:19.

Summary: In order to get a new assessment of your asylum case, you must show that you have new reasons that have not been examined earlier and that put you in need of protection in Sweden. Thus, if you request a new assessment of your entire case, it will not help to bring up medical and practical impediments to removal, even if there are such obstacles.

Evidence

If you claim medical reasons as impediments to removal you must submit a doctor's certificate that explains the risks involved in returning (for example death or serious risks to your health). A medical case history is not enough. The doctor's certificate should abide by the guidelines on writing certificates published by The National Board of Health and Welfare.

 YOU CAN FIND THESE GUIDELINES HERE:

<http://www.socialstyrelsen.se/sosfs/2005-29>

When it comes to an impediment to removal due to protection needs you must explain why it really raises the need for protection and how it differs from the reasons that you have brought up earlier. You must also explain why you have not been able to bring up these new

circumstances earlier. There may be a valid excuse, for instance that the events are recent. In certain cases, having repressed or not having been able to address certain issues due to a psychiatric condition may constitute a valid excuse.

If you are granted a new assessment

If your application for an assessment of impediments to removal is accepted, but the Migration Agency does not immediately agree that the obstacle is great enough to stop the expulsion, your asylum case will be brought up again. In that case, all grounds for asylum are re-assessed, not only the new ones. It is as if the whole asylum process had started from the beginning, but purely humanitarian reasons will not be taken into account. The deportation order is cancelled until further notice (you are granted inhibition) and if needed you are also provided with public counsel. You are given the opportunity to bring up all the information about the risks you are facing, the current situation in your country of origin and your situation in Sweden. The Migration Agency will eventually make a decision which may be positive or negative. A negative decision may be appealed just like after a new asylum application, and the entire case will then be handed over to the migration court.

If impediments to removal arise in a security case, the case is handed over to the government for adjudication.

→ SECURITY CASES, SEE PAGE 30.

If you are denied an assessment

If the Migration Agency says no straight away and does not want to make a new assessment concerning your claimed impediments to removal you may appeal their decision – but only if you have claimed needs for protection. Then, the decision not to make a new assessment can be appealed to a migration court, and in the last instance to the Migration Court of Appeal. It can be useful to have a legal representative to help you. Remember that the appeal only concerns whether you will be granted a new assessment at all.

However, appealing the decision is not always the wisest thing to do if you are denied a new assessment. This is especially true concerning practical or medical obstacles, attachment to Sweden, the well-being of a child and similar things. But also if you suspect that the likelihood of the court agreeing with you about your needs for protection is very small. In this case, it might be better for you and others to speak to your case worker at the Migration Agency, seeing as this is where decisions on impediments to removal are made. If your case has been handed over to the police it might be good for the police to hear about your problems. The central issue is making the case worker at the Migration Agency realize that it is in fact not possible to put you on the plane. This might not be made any easier by you having brought the case all the way up to the Migration Court of Appeal to be rejected (even if a no there does not in fact concern the new reason but rather the granting of a new assessment).

How great is the chance that the deportation will be stopped due to impediments to removal?

The majority of applications concerning impediments to removal are rejected by the Migration Agency, and it is unusual for the migration courts to offer an alternative opinion. You can claim impediments to removal several times if further protection needs or practical obstacles arise.

May I wait in Sweden while the case is being decided?

If you have been given a decision by a migration court or from the Migration Court of Appeal that has gained legal power you do not have the right to reside in Sweden while you wait for the decision concerning the assessment of impediments to removal. But there is one exception: if you have pointed out obstacles based on needs for protection which have not been previously assessed. In that case, the expulsion may not be enforced until the Migration Agency has decided whether there will be a fresh assessment. If there is to be a fresh assessment, the expulsion may not be enforced until it is completed. However, it is difficult to know how long such a reprieve will last since it expires as soon as the Migration Agency has made its decision, and the police may get the news before you do. The Migration Agency may also make a specific decision on inhibition and in that case you will be given information about that.

The Migration Agency cannot deport me, but I am not given residency either. For how long can this situation go on?

In certain cases there may be practical impediments to removal that mean that you cannot be deported, but that the Migration Agency consider to be your fault. Examples of this are if you refuse to visit your native country's embassy in order to be issued with travel documents or if the Migration Agency thinks that you are not trying hard enough to prove your identity. In such cases you might have to wait for a long time. Adults may be "punished" during this time by not being allowed to work and by having their daily allowance lowered or withdrawn completely.

→ READ MORE ON DAILY ALLOWANCES ETCETERA ON PAGE 72.

Prescription

Four years after the entry into force of an expulsion decision (that is the date from which it becomes enforceable and can no longer be appealed), the decision is prescribed.

Prescription means that the decision is no longer valid; the expulsion can no longer be enforced. This does not mean that you will automatically be given a residence permit in Sweden, but you are entitled to renew your asylum application and to be in Sweden while it is being assessed.

Children and impediments to removal

When the application regarding impediments to removal concerns a child, the circumstances do not have to be quite as grave as for adults. Impediments to removal in the case of children can, according to the statutes in the Aliens Act, concern situations where the child cannot be taken care of in an appropriate way in the country of origin. The reason for this may be that the child's guardian has passed away, or that it is not possible to locate the parents. A serious health condition and other distressing circumstances can be given a bit more weight than they would for an adult. New protection needs or practical obstacles may of course crop up in the case of children, as they do with adults.

Changing tracks – applying on grounds of work

If your asylum application has been rejected but you have worked in Sweden during your time as an asylum seeker, you have a chance to “change tracks” and apply for a residence permit on the grounds of work without first having to leave Sweden. It is important to know that such an application must be submitted within two weeks of the entry into force of the expulsion decision. That is why you should speak to your employer in advance if you suspect that your application will be rejected, even if you are thinking about claiming impediments to removal for some other reason.

In order to be granted a residence permit on the grounds of work you must have a valid passport. You must have worked legally (declared or “*vitt*”) for the same employer for at least four months. You must also have been promised to keep the job for at least another year. It does not have to be a full-time job, but your wages must be at least 13,000 SEK per month before taxes (at the time of writing in 2015). The terms of employment must have been approved by the trade union with which employers in the field usually bargain. Current rules on applying for a work permit can be found on the Migration Agency's website. There you will also find an online form for the employer to fill out.

If you are granted a residence permit on the grounds of work, your spouse and minor children can be granted residence permits for the same period of time. The residence permit will be temporary at first, but if you stay in employment it can be extended and eventually become permanent.

If you want to prolong a temporary work permit, you must apply for this before it has expired. In order for the work permit to become permanent you must have been working

legally (declared or “*vitt*”) for four years in total during the past seven years. Changing employers is allowed, but if you do that during the first 24 months you must apply for a new work permit. After 24 months you only have to apply for a new work permit if you change your profession. If you quit your job, or if you are let go, you have the right to stay in Sweden and look for a new job for three months after your work permit expires. The Migration Agency may check your wages and terms of employment even after you have been given a work permit. If the requirements are not met they may withdraw the permit.

Applying for a residence permit from abroad

If you have stayed in Sweden for a long time as an asylum seeker, you may have formed a connection which gives you the right to settle in Sweden. It can be that you...

- ▶ **have a job offer in Sweden**
- ▶ **have started a family in Sweden, or**
- ▶ **may be accepted into formal education in Sweden.**

In principle, the conditions for settling in Sweden for one of these reasons are the same as for other foreigners who wish to move to Sweden without having applied for asylum. A principal rule is that the permit should be applied for from abroad, from a country where you are allowed to stay. You must be able to show a valid passport.

In order for you to be granted a *work permit* from abroad, the employment needs to meet certain conditions, roughly the same as if you had applied within two weeks of having your asylum application rejected (see previous entry). However, in this case you do not need to have been previously employed in Sweden.

In order to be granted a residence permit on the grounds of *studies* you must have applied to and been accepted onto a course of formal education. You also have to show that you have sufficient funds to support yourself for the duration of your course. At the time of writing in 2015, the sum required is 8,010 SEK per month, but if you can show that you get free housing and/or food, the amount can be somewhat reduced. If the course is shorter than one year, you also need a health insurance with full coverage. In addition, most courses cost money. Hence, if you have attended school in Sweden and wish to apply for a course of higher education, you should find out whether there are any scholarships you can apply for.

Residence permits for these reasons can be applied for either at a Swedish embassy or by way of forms online. Online applications are processed a lot quicker. If you are granted a residence permit, it must be collected at an embassy in order to be inserted into the passport. In most cases, the permit will be temporary at first but can be extended.

→ THE RULES ON THE GRANTING OF RESIDENCE PERMITS ON THE GROUNDS OF *FAMILY REUNIFICATION* CAN BE FOUND ON PAGE 11.

🌐 DETAILED RULES ON BEING GRANTED A RESIDENCE PERMIT ON THE GROUNDS OF WORK, FAMILY REUNIFICATION OR STUDIES CAN BE FOUND ON THE MIGRATION AGENCY'S WEBSITE. FORMS TO FILL OUT CAN ALSO BE FOUND THERE.
<http://www.migrationsverket.se>

When Sweden does not provide protection

If you have been given a final rejection on your asylum application, you may feel that you have been wrongly assessed. You might have very strong needs for protection, or risk torture or inhumane or humiliating treatment if you are sent back to your native country. If you have strong evidence supporting this, there are a couple of international instances to which you can turn.



These institutions can raise your case and form their own opinion, even if Sweden considers you not to be in need of protection. Before you turn to them you must however have come to the end of the asylum process in Sweden, so that there are no more chances of receiving protection here. The application cannot be processed until the decision in Sweden has gained legal power, but you may

submit your application as soon as the court verdict is announced in order to allow the international court time to view the documents before the deportation can be executed. If the international instance agrees to examine the case and requests Sweden to freeze the deportation order, the decision will not gain legal power again until the international instance has made its decision. If the decision is to encourage Sweden to completely annul the deportation order, Sweden usually complies.

It is important not to use this possibility if you do not have reason to fear serious abuse in your country of origin, or if there is an internal flight alternative (that is to say that you would be safe in a different part of your native country). It is not an instance to which one would normally turn, for example regarding Dublin cases. You should talk to someone knowledgeable before you send in an application to any of the international authorities. The most common are:

► **The United Nations Committee Against Torture (CAT)**

It is located in Geneva and makes decisions in individual cases in May and November each year.

► **The European Court of Human Rights**

It is located in Strasbourg in France and should check whether the states that have signed the European Convention on Human Rights actually respect it. The court delivers verdicts all year round.

These instances are grounded on one convention each: the UN convention against torture and the European convention on human rights. Article 3 of both conventions is important for those of you who stand at risk of deportation.


Neither CAT nor the ECHR examines all cases that are sent to them. If they agree to re-assess your case you must be prepared to wait for a long time – years, in the worst case scenario – for a decision.

The Committee Against Torture, CAT

The Committee Against Torture, CAT, is a UN organ whose task is to make sure that no member state deports anyone at risk of torture. The committee's work is based on Article 3 of the UN convention on torture. This states that:

- 1. No state party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture*
- 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.*

CAT primarily concerns itself with cases where someone risks being tortured by the authorities (the State).

 READ MORE: <http://www2.ohchr.org/english/bodies/cat/>

The European Court of Human Rights, ECHR

The European Court of Human Rights, ECHR, should ensure that no state party violates Article 3 of the European Convention on Human Rights.

This states that:

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

 READ MORE ABOUT THE EUROPEAN COURT OF HUMAN RIGHTS: <http://www.echr.coe.int/>
(KLICKA PÅ APPLICANTS.)

Can I turn to both CAT and the European Court of Human Rights at the same time?

No.

Can CAT and the European Court of Human Rights stop my deportation?

Yes. Both the Committee against torture and the ECHR have the power to request that the Swedish state cancel a planned deportation, through a fast-track procedure. They can do this if they, after a first glance at your case, consider it to be a possible violation of Article 3 if you were to be deported before the committee or the court had time to examine your case properly. According to the Swedish Aliens Act, such a request should be respected and the Migration Agency should grant inhibition. It is stated in chapter 12 § 12 of the Aliens Act:

If an international body that is competent to examine complaints from individuals makes a request to Sweden for suspension of the enforcement of a refusal-of-entry or expulsion order, a stay of enforcement shall be ordered unless there are exceptional grounds for not doing so.

When inhibition is granted, you may live like when you were an asylum seeker, with full financial aid, but you do not have permission to work.

If either CAT or the European Court finally decides that Sweden has made a mistake and that you ought not to have been given an expulsion decision, Sweden should comply and award you a residence permit.

How to apply

If you are in a hurry it is possible to fax an application to CAT or ECHR. You may then write in your own language or in English or Swedish and explain why you are appealing to them. (Swedish is not an official language for CAT, but it is fine to write in Swedish to the ECHR. You can check their websites to see if they accept applications in your language.) There are application forms in various languages.

→ YOU CAN FIND THE ADDRESSES AT THE WEBSITES, SEE ABOVE.

Describe what you fear will happen to you if you are deported, and what evidence you have that can prove it. To complete your application, you must also send copies of all the decisions in your asylum case. This applies to decisions from both the Migration Agency and the migration court, and from the Migration Court of Appeal if you have applied for leave of appeal.

You cannot normally expect your public counsel to appeal to the CAT or the ECHR. It is not included in their job description.

How you can influence your case

REVEAL EVERYTHING RIGHT FROM THE START

Neither the Migration Agency nor your legal representative know as much as you about what you have fled from. This means that even if you think that what you have gone through is obvious, the Migration Agency might not know all the details. You must tell them everything about the situation in the country that you have fled from, in as much detail and as coherently as you possibly can.

Certain things may feel especially difficult to talk about, but these might be extra important to explain. If you do not feel up to revealing everything in one sitting, it is important for you to say so, and to bring it up again at a later date. Focus should lie on what could happen to you if you were to be sent back to your country of origin.

If something that could possibly help you get residency should occur during the asylum process, such as you entering into a relationship with someone in Sweden or your health deteriorating, you should inform your legal representative as soon as possible. It is not a good idea to “save” reasons in order to bring them up later.

Certainly, you must have new reasons in order to get a new assessment after a rejection – but the likelihood that the authorities will listen to your reasons is much greater if you reveal everything from the beginning. The risk is great that what you “save” will not be accepted as new grounds because you do not have a valid excuse for not having mentioned them previously.

CHOOSE YOUR LEGAL REPRESENTATIVE

In your very first contact with the Migration Agency when you seek asylum, you will be asked whether you wish to be represented by any particular solicitor or lawyer as your public counsel (if it has been determined that Sweden is responsible for your case). You then have an opportunity to mention a lawyer or a solicitor that you have been recommended, or accept the one suggested by the Migration Agency.

If you wish to choose one but do not know anyone you can ask around and submit a name later, although within a few days.

→ READ ABOUT YOUR RIGHT TO PUBLIC COUNSEL AND THE POSSIBILITY OF CHANGING YOUR LEGAL REPRESENTATIVE ON PAGE 21.

CO-OPERATE WITH YOUR LEGAL REPRESENTATIVE

It is extremely important that you co-operate with your legal representative. Ideally, you would meet with your counsel prior to the asylum interview – initiate contact yourself if he or she does not! If your interview at the Migration Agency is due before you have been assigned a public counsel, you should nevertheless describe in detail to the counsel why you require protection in Sweden once you finally meet. You must be detailed; it is not enough for you to say that there are a lot of problems in your native country. Tell them why you in particular are in need of protection. Even if the Migration Agency considers your country to be safe it must make an individual assessment of your particular case. If the first asylum interview has already taken place, it is important to go through the transcript from the interview with the counsel so that he or she finds out if the Migration Agency's assessors have misunderstood something or if important information is missing.

CONTRIBUTE WITH KNOWLEDGE ABOUT THE COUNTRY THAT YOU HAVE FLED FROM

The Migration Agency has access to information about asylum seekers' native countries through the database Lifos, which is open to the public on the Migration Agency's webpage. You usually do not need to submit information concerning the general situation in your country of origin. However, it is good to highlight certain parts of the country information that are especially relevant to your case. Make sure that the country information is up-to-date; what you have to prove is not only what you have had to go through, but above all the risk that you bear of being subjected to it again in the future.

 LIFOS: <http://lifos.migrationsverket.se>.

ACCOUNT FOR YOUR REASONS FOR SEEKING ASYLUM IN DETAIL

It is important that you describe your grounds for asylum truthfully, in chronological order if possible and in as much detail as you can.

Try to acquire documentation to corroborate your story, preferably at the start of the asylum process. The documents should support the need for protection or the exceptionally distressing circumstances that your claim concerns. Appropriate documents may be police summons, court proceeding notes, medical transcripts, threatening letters, newspaper clippings etcetera. Give all of the material in the original in an envelope to your legal representative. Also, take your own copies of everything that you submit and store them in a safe place.

If you suspect that a document might be fake you should not use it. Should the Migration Agency discover that a document is not authentic they will question your entire story, not just the contents of the document.

If you have been politically active in your country of origin, political organizations in exile can sometimes help find proof of your political record. The same advice applies here: do not ask for fake certificates or exaggerations.

If you are politically active in Sweden you should submit information about that too. This could be photos from demonstrations, recordings from local radio, newspaper articles, statements from representatives of the organizations or something else that proves your political involvement. Explain what effect your activities in Sweden would have if you were to return to your native country.

If you have spent time in prison, describe the prison, ideally using drawings and details. Even if it can be difficult to talk about personal experiences, such as a relationship with someone of the same sex, or being raped, it is important that such information reaches your legal representative and the Migration Agency as soon as possible. If the information is revealed at a later date it will not be given the same weight. This might even mean that you are considered untrustworthy.


If you do not want information of a more personal nature to reach anyone, not even your family, it is important to explain this to your case worker and your public counsel. You are entitled to demand confidentiality even in relation to those closest to you.

If you recall something important that you have forgotten to disclose, contact your legal representative. You can write down your story in whatever language you wish and send it to your legal representative and the Migration Agency.

The Migration Agency has specific guidelines concerning gender and sexuality that the case workers must abide by and that may make it easier for you to account for your grounds for asylum. A female asylum seeker has the right to request to be interviewed by a female case worker, but there are no guarantees that your wish will be granted.

In the assessment of your need for protection, dates and times are of great importance, especially if they are contradictory. You must therefore be careful to differentiate between what you surely remember and what you only think you remember. In some cases, you can indicate the time by stating what time of year it was, or use other approximations. If you correct the times afterwards this might be interpreted as an attempt to change your story. Sometimes wrong dates and times are due to mistakes in translation and interpretation. Therefore it is important that you study the documents that your legal representative submits so that you can check that they are correct.

If you are interviewed by the Migration Agency or if an oral proceeding is held this will be documented in a protocol, so it is also crucial that you get this transcript read to you in your own language. Make sure that you speak up immediately if you discover any mistakes.



Common reasons for negative decisions

- ▶ It can be useful to be aware of why the migration authorities usually deny the granting of asylum. Here are some of the more common reasons.

YOUR CASE IS NOT SWEDEN'S RESPONSIBILITY

You have been in another EU country, a Dublin Regulation country or another country that is considered safe. Your asylum application should therefore be determined there. It can suffice that you have had the possibility of staying there, for example because the other country has granted you a visa. This is based on the first country of asylum principle. This means that Sweden has agreed with other countries that asylum applications must be determined in the first safe country where the applicant has had the opportunity to seek asylum.

YOU ARE NOT CREDIBLE

The immigration authorities claim that your story contains contradictory facts, or that the evidence you have handed in is not convincing. Sometimes the authorities believe that evidence in the form of copies of court decisions and other documents could be falsified. Your credibility can also be called into question if you are unable to prove who you are.

YOU DO NOT RISK SERIOUS HARM

The immigration authorities do not believe there is a real and foreseeable risk that you will be subjected to persecution, torture, inhuman or degrading treatment or unreasonable punishment if you are sent back to your home country. Even if they believe you when you tell them what has happened, the authorities may question whether it will happen again.

YOU CAN SEEK PROTECTION FROM YOUR NATIONAL AUTHORITIES

Your case may be rejected for this reason even if you have been subjected to harm by people who are employed by the state, such as police officers and military personnel. The immigration authorities may regard this as a situation where state officials have acted outside the rules of their position, as individuals, not state representatives, and that it is therefore possible for you to obtain protection from the authorities.

YOU CAN MOVE TO ANOTHER PART OF YOUR HOME COUNTRY

The immigration authorities may accept that you cannot live in safety in your home region but they can still ask you to seek protection in another part of your country where you are not threatened. This is called an internal flight option.

THE CRISIS IN YOUR HOME COUNTRY IS NOT SEEN AS AN ARMED CONFLICT

You come from a country where there is an armed conflict or other severe clashes, but Sweden does not consider the conflict to be so grave that anyone can be a target. If you cannot show that you, as an individual, risk being personally subjected to persecution, torture or inhuman treatment and can only refer to the general situation in the country, you risk being given a negative decision.



YOU HAVE SUBMITTED IMPORTANT INFORMATION TOO LATE

You have disclosed important reasons for why you are seeking asylum only after the negative decision from the Migration Agency, in spite of the fact that you knew of them earlier. This can lead to your new reasons being seen as an escalation of your story – that you are exaggerating and making things up. The authorities may believe that you have learnt what to say in order to increase your chance of obtaining asylum. If you have been a victim of severe traumatic assault in your home country and are too frightened to tell the whole truth from the beginning, the authorities should show understanding. Then the risk is not so great that the new facts will be disregarded as less credible. However, you may need a certificate from for example a psychiatrist or a forensic medical professional in order to persuade the authorities to accept this.



THE SITUATION IN YOUR HOME COUNTRY HAS IMPROVED

The situation in your country of origin has taken a turn for the better since you fled and the migration authorities have concluded that the threats against you are no longer serious enough to grant you asylum. Perhaps you have deserted from the army and later the government introduces an amnesty for deserters. Or a United Nations force has started operating in your country and can provide protection in a particular region or in the whole country.



YOU HAVE NOT BEEN POLITICALLY ACTIVE AT A SUFFICIENTLY HIGH LEVEL

You have been an opponent of the regime but not in a prominent position. Therefore your national authorities are not especially interested in you.



YOU DO NOT FULFIL THE REQUIREMENTS FOR HAVING EXCEPTIONALLY DISTRESSING CIRCUMSTANCES

Reasons for why exceptionally distressing circumstances are not enough to get a leave to remain could be that your illness can be taken care of in your home country or that you do not risk dying because of it, that your attachment to Sweden is considered weak or that it is your own fault that you have been in Sweden for a long time (for example because you have been hiding or have refused to get identity documents that would enable an expulsion).



YOUR REASONS FOR FLEEING ARE NOT COVERED BY SWEDISH LAW

Examples of reasons that are not sufficient to obtain asylum according to the Aliens Act is ethnic discrimination of “low intensity” or problems with the mafia or criminal groups which Sweden claims that your home country can protect you from. Your reasons can also be seen as financial. If you are poor, do not have a place to live or a job, these grounds are not normally seen as valid grounds for asylum in Sweden, even when your situation has arisen through discrimination.

Specific advice for women

The Swedish Aliens Act is meant to be gender neutral. At the same time, the asylum process has been shaped by a traditionally male perspective. In practice, this makes it difficult for women to get their reasons for asylum validated, since they are often persecuted in different ways than men.

Try to find a legal representative with knowledge about women's reasons

If you are in need of protection due to a reason related to your gender it may be important for you to get a legal counsel who has experience in advocating women's asylum claims.

Emphasize the political implications of what you have done

In many parts of the world, the political activities of men and women take different forms. Even if you have been the victim of abuse specifically because you are a woman who has voiced protest and refused to be dominated, your reasons for seeking asylum may not necessarily be regarded as political. Objections to social, cultural and religious norms do not always fit into the image of what counts as politics. Therefore, it is important for you to emphasize that your activities or your way of life were the result of political choices, even if you may not have been organized in an overtly political movement.

If the migration authorities do not regard you as being a refugee on political grounds they can use a different reason listed in the same section: persecution due to gender. According to the government bill, "gender" should be interpreted as both a social and a biological category. The concept also covers...

socially and culturally determined, stereotypical understandings of how men and women should behave

Prop 2005/06:6

This section is also relevant if you have been persecuted for being transgender – for example if you do not fit into just one gender category, dress in clothes that are traditionally worn by a different gender or wish to perform gender reassignment therapy, commonly known as sex change.

Usually, however, persecution due to gender often means abuse against women for being women. The Migration Agency has announced that gender-related persecution can include anything from forced abortion and domestic abuse to women being punished for their

political activities. It may be that you have been forced to flee because you have refused to follow the social norms of your native country, like wearing a veil. It may also be that someone wishes to force you to marry or be circumcised. If you have fled due to reasons like this you should clarify that you made a conscious decision to act against the norms of society.

The expression persecution due to gender is also used to describe persecution because of political or ethnic reasons, where the actual acts of persecution take a specifically gendered form. For example, you may, as a result of political persecution (as conventionally understood), have been subjected to sexual violence. In such cases it may be more difficult to prove that this was an act of persecution, compared to if you had been subjected to some other form of torture. You must be able to show that the abuse was systematic.

Draw attention to your reasons

During your asylum inquiry it is crucial that you draw attention to gender-related protection needs. Otherwise there is a risk that your public counsel and the authorities might overlook them.

Reveal everything as early as possible

According to its internal policy, the Migration Agency should show understanding if female asylum seekers cannot disclose information concerning particularly traumatic events straight away. It could also be that you, due to cultural or language differences, express yourself in a way that the Swedish case worker cannot understand. For example, you may not feel comfortable talking to a man about what you have been through. The Migration Agency does not always show an understanding of the fact that trauma affects how and when people choose to tell others about their experiences. It is therefore very important that you account for your traumatic experiences as early and in as much detail as possible, even those events that you find especially sensitive and difficult to talk about. If you do not trust your legal counsel or case worker, it is important for you to find someone else to talk to who can then relay your story. You can also submit a written account of what has happened in your own language. You have the right to request a female interpreter and a female case worker.

PHOTO
MARIA ZERIHOUN



► **During your asylum inquiry it is crucial that you draw attention to gender-related protection needs. Otherwise there is a risk that your public counsel and the authorities might overlook them.**

Disclose details

If an act of abuse has been perpetrated by a member of your family or some other person close to you, it can be difficult to prove that you are in need of protection. If you have been subjected to rape it may be difficult to prove that there is a significant risk of this being repeated in the future. Therefore, it is important that you tell your story coherently and in as much detail as possible, since, in the absence of other evidence, the inquiry will mostly be based on your testimony.

Reveal things at the right time

It is important that you reveal your reasons for seeking asylum during the actual asylum inquiry, rather than during the part of the interview that concerns family matters or other similar information.

Explain why you cannot get protection from the state

A common reason for the Migration Agency to deny someone residency is that they believe that you can seek protection from authorities or organizations in the country from which you have fled. If this is not possible in your case, it is crucial that you prove this. The abuse might have been sanctioned by authority figures, or there might not exist any legal or practical protection against the persecution that you have been subjected to.

According to their own internal guidelines, the migration authorities must take into consideration that in certain countries women might have strong reasons for not wanting to file complaints against their tormentors, especially if the abuse has been perpetrated by representatives of the state. The native country's authorities might neglect to investigate sexual crime. Also, it is often more difficult for a woman than for a man to consider internal flight options.

If you like – request a separate interview

If you do not want your partner or your children to hear of certain things that you have experienced, you can request to be interviewed separately concerning your own private claims to asylum. You can also request that the decision based on these reasons be sent separately, and that the information should not be disclosed to your partner or the rest of your family. In certain situations you can even request your own public counsel.

If you need to testify against traffickers

A person who has been a victim of sexual trade in humans, trafficking, can be given temporary residency in return for testifying against the perpetrators. This must be requested formally by a prosecutor who considers your testimony to be important. These kinds of temporary residency permits should be valid for at least six months. The fact that you are allowed to stay in this way does not stop you from applying for refugee status and a permanent residency permit.

Specific advice for you who have been, or want to be, in a same-sex relationship

It is not illegal in Sweden to have sexual relations with a person of the same sex and according to Swedish law discrimination due to sexual orientation is forbidden.

Homo- and bisexual people have almost the same legal rights as heterosexual individuals today, and many are open about their orientation. Sweden is a relatively tolerant society compared to many other countries. There are organizations working for lesbian, gay, bisexual and trans rights and plenty of social venues for people to meet.

Do not hide your sexual orientation

Persecution in your native country due to your sexual orientation may grant you asylum in Sweden. Therefore it is important that you tell your public counsel and your case worker about everything that you have been subjected to. For someone who comes from a place where homosexuality is not tolerated it is easy to believe that they might react in a strange way, but there should be no need to worry about this. Your lawyer is there to help you and the case worker must follow the law.

► Persecution due to sexual orientation can be a reason for asylum in Sweden



FOTO MARIA ZERIHOUN

Reveal everything as soon as possible

If you do not reveal your reasons for fleeing right away there is a risk that the migration authorities will not believe you when you finally do tell them. It is therefore important that you tell them everything right from the start.

If you like – ask for a separate interview

If you came to Sweden with your family and do not want them to find out certain things that you have gone through you may request a separate interview about your personal grounds for asylum. You may then say that you wish any decisions based on this interview to be sent to you separately and that this information must not reach the other members of the family. In certain situations you may even request a different public counsel from the one assigned to the rest of your family.

Explain why you cannot get protection in your home country

A common reason for denial of asylum is that the Migration Agency believes that you can seek protection from authorities or organizations in your country of origin. If you cannot get protection, the burden of proof lies on you. The abuse might have been sanctioned by state officials, or there might not exist any legal or practical protection against the type of persecution that you have been subjected to. In many countries the police do not protect homosexual people. If this is the case, you may still be regarded as a refugee. It is important that you explain why you have not been given any help by the police, or why you may not even have filed a complaint. If you can, offer examples of how the authorities perceive homosexuality and try to gather evidence to support your claims.

Help gather information about the situation in your country of origin

The Migration Agency gathers information on the countries that asylum seekers come from. This country information is then used in making decisions. The migration authorities usually do not know much about the situation for homosexuals in your country. If there is any information, it often only concerns homosexual men, not women. Therefore it can be useful to contribute your own information: give detailed accounts of what you know, try to find reports, articles or certificates from organizations. Give the information to your public counsel so that he or she can compile it.

 HERE ARE SOME POTENTIALLY USEFUL WEBSITES:

<http://www.ilga.org/>

<http://www.iglhrc.org/>

Do not hide your sexuality

The preparatory work to the Aliens Act that was enacted in 2006 states that sexual orientation is such a fundamental trait that no one can be required to refrain from displaying it. Yet the law has been interpreted in such a way that it is still possible to deport people to countries where they are afraid to live openly and instead must hide and lie. If the Migration Agency gets the impression that you do not wish to be open about your sexuality, the assessment may be that you therefore do not risk persecution. If you have been discreet about your orientation it is important that you explain why you think you would be persecuted regardless – or that you would like to live openly if you dared. It may also be important that you inform people in Sweden that you are homosexual. This also increases the chances of meeting someone who can put you in touch with people who can help.

If you enter into a relationship with someone in Sweden

If you cohabit with or marry someone of the same sex who resides in Sweden you are entitled to a residence permit here (see the section on family members). However, the Migration Agency may insist that you return to your country of origin and apply for the permit there.

You can find help here

RFSL, The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights, is a large organization from which you can get support and help. Amnesty also has a refugee group for LGBT people.

→ YOU WILL FIND THEIR ADDRESSES ON PAGE 79.

Specific advice for people who have been subjected to torture or sexual abuse

Account for everything you have experienced as degrading

A brief definition of torture would be physical, psychological or sexual violence perpetrated by an officer or representative of the state. That is, abuse from your partner or from criminal gangs on the streets does not amount to torture. However, being compelled to witness how other people are subjected to abuse might be regarded as torture, regardless of whether those other people are known and dear to you or not.

Amnesty and other human rights organizations have described a multitude of different forms of torture. Sometimes the violence does not take the form of physical beatings but rather alterations to the environment, such as lowering or raising of the temperature to extremes, or continual pouring of water onto the cell floor.

According to several international conventions as well as Swedish law it is forbidden to carry out an expulsion to a country where the expelled person is at risk of torture *or inhuman or degrading treatment or punishment*. You may therefore be entitled to protection even if the treatment that you risk is not defined as torture. It is crucial that you tell the migration authorities about everything that you have experienced as degrading or harmful to your physical and psychological well-being.

Reveal everything as early as possible

If you have been subjected to torture, aggravated assault, rape or other forms of abuse, you should reveal this as soon as possible to your public counsel, or to someone else whom you trust and who can then contact your lawyer. If it seems easier, you can also write down what you have been through in your own language and then give the written account to your lawyer or to the Migration Agency.

Describe the abuse in detail

A concrete account increases the chances that you will be believed. It is important that this information is revealed early on in the process, or alternatively, that you can explain why it has taken time for you to tell your whole story.

Get the physical injuries documented

In order to strengthen your arguments you should contact a general practitioner as soon as possible so that he or she can document your injuries. Take the documentation to the Migration Agency and request to see a forensic practitioner as well. The Migration Agency may demand a forensic medical opinion, meaning a certificate from the forensic practitioner, and pay for it, if they are of the view that such an examination is important in order to assess your credibility. Even if your scars are old they should be examined. In this way, you can prove for instance that your burn-marks are remnants of abuse rather than chicken-pox scars, and you will have written proof of your injuries even when the scars begin to fade.


The forensic medical opinion should describe the injuries and whether it is probable that they have been caused in the way that you claim.

Get the psychological injuries documented

Just as it is important to document any physical injuries and scars due to torture, it is equally crucial to document the emotional and psychological injuries that you may have incurred. Thus, you should get a psychiatric opinion that describes how you have reacted mentally to the things that you have been through. It could also explain why you have not been able to account for certain events earlier. This verdict should be written by a psychiatrist. Try to see a doctor with documented experience and competence. Ideally, you should meet the doctor several times in order for him/her to be able to offer a qualified opinion that the authorities can trust.

It is also important, for your own sake, to receive help and treatment. People who have been subjected to serious abuse, threats or violence, such as war situations, sometimes experience psychological problems afterwards. This can produce many different symptoms such as nightmares, painful memories when awake, suspicion towards people around you, anxiety attacks, racing pulse, nausea etcetera. It can also make it difficult for you to exactly recall parts or entire episodes of what happened to you in your native country or place of abuse. Depressive symptoms are also common, such as a disinterest in the world around you, difficulties in feeling emotions, little or no hope for the future, and general indifference. Certain symptoms can arise immediately, while others can emerge long after the trauma occurred. Such feelings after a trauma are called post-traumatic stress disorder (PTSD).

It is common for people who have not sought professional help to think that they have “gone mad” and therefore fear telling others about their thoughts and nightmares. But post-traumatic stress is a normal reaction to an abnormal event. Seeking professional assistance is definitely nothing to be ashamed of. It can be difficult to get hold of a psychiatrist, especially since asylum seekers are only granted emergency healthcare, but it is important to try to get a consultation by any means available to you. Sometimes the best thing can be talking to a psychologist or getting treatment by a psychotherapist. But even if a certain psychologist or therapist is the one most initiated in your trauma, you may need to get a written opinion from a physician (psychiatrist), since the Migration Agency does not attach as much value to opinions by non-medical doctors.

 YOU CAN SEE WHAT A MEDICAL OPINION SHOULD CONTAIN IN THE GUIDELINES OF THE NATIONAL BOARD OF HEALTH AND WELFARE:
<http://www.socialstyrelsen.se/sosfs/2005-29>

Seek help from the centre for tortured refugees

If you feel that you are tormented by events that happened to you prior to your arrival in Sweden, there are places to turn to. There are psychiatrists, physical therapists and welfare officers that can help you. Sometimes it can be harmful to start a course of treatment that cannot be concluded, so whether you get help or not may depend on where in the asylum process you are.

→ ADDRESSES TO CAREGIVERS CAN BE FOUND ON PAGE 82.

Children's reasons

Who is considered to be a child?

In Sweden you are a child until the age of 18. If an asylum seeker turns 18 before a decision concerning residency is made, he or she will be regarded as an adult by the migration authorities. Thus, when it comes to determining whether you are to be treated as an adult or a child, it is the age at the time of the decision that matters rather than how old you were when you came to Sweden.

Legal rights of the child

Sweden has signed the UN Convention on the Rights of the Child. This means that Sweden has promised that every child who applies for asylum is to be treated with special consideration to that which is in the best interest of the child and the child's development and health. However, the principles of the convention are not directly effective. They need to be transposed into Swedish law in order for the decision makers to be able to apply them. Not all parts of the convention have been integrated into Swedish law, but the Aliens Act contains a recital (a so-called "portalparagraf") on the best interests of the child:

In cases involving a child, particular attention must be given to what is required with regard to the child's health and development and the best interests of the child in general.

Aliens Act, Chapter 1, Section 10

The Child Convention states that the best interests of the child should be prioritized – that is be regarded as of the utmost importance. However, the preparatory work to the Aliens Act states that the best interests of the child should be weighed against Sweden's interest of regulated immigration. That rule is not as strong as the first one, and what is best for the child must always be examined and motivated in decisions on residency. It is important to make sure that the best interests of the child are not just mentioned but have actually been considered in the decision, and in what way.

Children should be given the opportunity to speak for themselves

The law states that when a child is affected by a decision, that child should be heard (interviewed by the migration authorities), unless it is obviously inappropriate. It is important to create a secure environment in which the child can speak, even though it can be difficult for a child to talk on command or in a place that feels intimidating.



PHOTO RACHJOSE/MORGUEFILE

The authorities should take into consideration that the child will reveal as much as his or her maturity and age will allow. The parents decide whether their child should be interviewed or not.

Children may have their own reasons for asylum

Swedish authorities usually emphasize the child's right to its parents, which means that if the parents' reasons for asylum are found to be insufficient it is usually considered best for the child to accompany them back to their native country. Even if it would be in the best interests of the child to stay in Sweden with the parents, this is not always sufficient.

It is important to remember that even children can have grounds for asylum. It is common for the Migration Agency's investigators and even public counsels not to consider this possibility. Even if they remember that there may exist particularly distressing circumstances for children, such as the fact that they may have adapted well to life in Sweden, that they are ill and need medical treatment or similar conditions, children's experiences from their native countries and fear of return are easily overlooked.

It can also be difficult for you as a parent to find out what your child knows, and to see your child being forced to think about traumatic experiences again. But it is still important that events pertaining to the child are brought into the light. If your child has been traumatized, ignoring it will definitely not help. Therefore, try to think of what your child may have experienced and witnessed. Letting the child draw can be a useful way of gathering information, if it is hard to find the proper words to describe what has happened.

A traumatized child may need help from a psychotherapist or a paediatrician in order to make sense of what has happened. These people can also issue official opinions in order to explain to the migration authorities what the child has experienced and what kind of treatment is needed.

As with adults, it is important to account for everything that might happen to the child upon return to your native country. Are your children under threat due to your situation? Does the child risk reprisals, not being able to go to school, being taken into custody or being separated from you in some other way? Does the child risk circumcision or forced marriage? If the child has physical or mental disabilities, will he or she be given proper care and treatment in your native country?

Unaccompanied children

Children who have come to Sweden without their parents or other guardians are usually called unaccompanied children. Every such child is assigned to a trustee (*god man*), who is to take responsibility for the child and take care of its affairs in place of a parent.

It is important also for unaccompanied minors to account for everything that may have happened to them. Since the child may not know what is required and does not see the public counsel for such a long time, other adults may need to assist. Children may be threatened because of their parents' position, due to refusal to take up arms or join a militia, because a hostile group systematically kills or kidnaps young people – or, similarly to adults, due to their own activity or belonging to a certain group. Children may also be in flight due to trafficking.

If you have applied for asylum as an unaccompanied minor

The Migration Agency or the local social welfare board will contact the head guardian and apply for a trustee who can look after you. If you are given residency, you are instead granted a specially appointed guardian.

Unaccompanied children are supposed to be considered top priority by the migration authorities. The government has stated that it should not take more than three months for an unaccompanied child to be informed of a decision in his or her case. However, that time limit is not always respected.

It is common for asylum inquiries about minors to be chiefly concerned with finding out where the parents are, in order for the child to be able to be reunited with them. If you are underage and unable to return to your native country, you, your trustee or your public counsel must work together to explain this to the Migration Agency's investigator.

If the Migration Agency investigator suspects that you are older than you have claimed to be, your recorded age may be revised. That may happen because you have been registered as being older in another EU member state or because the case worker is of the opinion that you look like an adult. Sometimes x-rays of the teeth or wrists are used to determine people's age.

If the Migration Agency case worker makes a note that you are over 18, the authorities will from then on treat you as an adult. If that happens, you will not be appointed a trustee nor be provided with youth housing, and you could be deported even if your parents are not found. You do not have the right to appeal an age evaluation, but if you are certain that the evaluation is incorrect you can – perhaps with the help of your former trustee – try to get the Migration Agency investigator to change it.

According to the Migration Agency's own directives, a dental examination must show that you are likely over the age of 21 in order for the Migration Agency to alter your age to over 18 (since dental x-ray is an uncertain method). The evaluation has often been done by a second EU country, in which case you can request that Sweden conducts its own inquiry. If you have your own documents proving your age this makes everything much easier.

If you are under the age of 18 and are not granted residency in Sweden you cannot be sent back to your native country unless there are relatives or at least an orphanage there to take care of you. If not, the expulsion order cannot be enforced until you are 18. Yet if you are denied residency according to the Dublin Regulation and are to be deported to another EU country, you can be sent even if there is no one there to take responsibility for you.

Your rights as an asylum seeker

The Act concerning Persons Seeking Asylum and Others (1994:137) regulates what rights to compensation, housing, healthcare and other matters you have as an asylum seeker in Sweden. Children's rights are covered by the UN Child Convention, which Sweden has signed. Since the convention has not wholly been converted into Swedish law, it is not entirely applicable here. However, it should still affect all decisions.

FOTO CAJSA UNNBOM

Healthcare

Adult asylum seekers only have the right to emergency medical care and dental care, maternal care, assistance during delivery, contraceptive advice, abortion, treatment according to infectious disease legislation and treatment that cannot wait. That treatment cannot wait means that the condition could develop into a life-threatening one or lead to other serious consequences if not treated quickly. Whether this applies in your case or not is decided by the person responsible for your treatment (this could be a doctor, nurse or other healthcare worker). Upon arrival in Sweden you also have the right to a medical examination or a conversation about your health situation.

Asylum seekers prove their right to medical care by displaying a card – the LMA card that all asylum seekers receive upon registration of their asylum applications.



► **Adult asylum seekers are only entitled to limited healthcare.**

At every visit at the doctor's you will pay a patient fee of 50 crowns. You will also pay 50 crowns for every medication prescribed by the doctor (the prices were applicable in 2015). The rest will be paid by the Migration Agency. If you require frequent care there is a possibility to apply for additional support. It is not impossible that you may receive treatment above and beyond immediate and urgent care, but in that case you must pay the full cost yourself.

The healthcare and social welfare sectors have laws of professional confidentiality that apply to everyone, regardless of whether you have residency or not. According to the law, no information about you may be given to anyone unless that is what you want. One exception is if your counsel submits a health certificate on your behalf, in which case the Migration Agency is entitled to demand additional information from the health services in order to assess it.

Children and healthcare

An asylum seeker who is a minor has basically the same rights to medical and dental care as any other child living in Sweden. This means that it is free in many parts of the country, while you may be required to pay a certain fee in other parts. Dental care is always free for children. Children may sometimes be denied longer treatments if it is assumed that they will be unable to complete the treatment and incur injuries from it if they do not stay in the country for the entire time.

In certain cases parents can also be offered treatment at a family centre, for instance if this is considered necessary for a child to recover.

Children also need to display an LMA card.

Education

Asylum seeking minors have the right to childcare, preschool and school just like other children in Sweden. All asylum seeking minors have the right to go to school. However, unlike most other children in Sweden, asylum seeking children are not obligated to attend school. The municipality is obliged to provide a school within a month of the child's application for asylum. Children have the right to attend a preparatory class, where they can be given extra Swedish lessons for up to two years.

Asylum seekers of the appropriate age can attend high school. Children up to the age of 18 years can apply for entry to the Swedish gymnasium and if accepted, you should be given the opportunity to complete your education.

Language classes or other activities are sometimes arranged also for adults, usually by voluntary associations.

Work

If you have identity documents approved by the Migration Agency, you as an asylum seeker are entitled to work without a work permit. Even if you are not in possession of identity documents, you may work if the Migration Agency case workers are of the view that you are trying to participate in your own identification. If you are to be expelled with immediate enforceability you may not work even if you have identity documents.

If you do not need to have a work permit this should be recorded on your LMA card. When you start working, your daily grant will be decreased (see below) in accordance with your income, and can be withdrawn completely.

The conditions for asylum seekers are different from those of other workers in Sweden. For instance, you are not entitled to a sick grant if you become ill, you just keep your normal daily grant. However, you do have the right to join a union if you please.

Even if you cannot find work straight away it is in your favour to apply for a so-called A-tax document as soon as you have received your LMA card. The tax document can make it easier for you to get a real job, and later on you can prove that you are eager to earn your own way and work legally in Sweden.

Housing

You have the right to live without cost at a reception unit, or camp (ABO). Although it is called a camp, this often means that you will be given an apartment in a normal residential area, or share such an apartment with other asylum seekers.

You can also arrange your own housing (EBO). If you live in the designated camp housing the Migration Agency will cover the rent, but if you live in your own housing you will be given no such financial assistance. Many asylum seekers nevertheless choose to live in their own housing. If you start living on your own and then for whatever reason wish to stop doing so you can talk to the Migration Agency and request a room at one of their camps. But they cannot guarantee that it will be in the area of your choice.

You may also move from camp housing to your own apartment at any time, but you will have to find a place yourself.

If you have relatives with whom you could stay, through EBO, you should find out what the situation is like in that particular area and whether you are likely to be able to find your own apartment and employment there in the future – or whether it might even be easier for you to find a job there.

If you are under the age of 18 and unaccompanied, without a parent or other guardian, you should not live like adult asylum seekers. Instead you should be offered a place at one of the local homes for unaccompanied minors. After a short period of time in one of the cities where asylum seekers are registered, you should be assigned housing at one of the youth homes for asylum seekers, or in a family.

Unaccompanied children who are placed in a municipality have the same rights as everyone else living there. This is stated in the Social Services Act (2001:453).

When you have turned 18 the municipality is no longer responsible for you and you are no longer entitled to a trustee (see page 67). However, the municipality can let you stay in the youth housing until you have turned 21. If the Migration Agency, after an age evaluation, concludes that you are in fact an adult it is likely that you will be transferred from the youth home straight away.

Daily grant

As an asylum seeker you are entitled to a daily allowance if you have not brought money or are able to support yourself in some other way. The daily allowance is low and is intended to cover the most important things.

The daily grant for children cannot be decreased but the allowance for adults can be decreased or completely withdrawn, for instance if you, according to the Migration Agency, “obstruct” the handling of your case. This could mean that you have gone into hiding to avoid deportation or that you are not cooperating in procuring documents that would prove your identity. Even if you are in fact unable to prove your identity, the Migration Agency can claim that you are not being cooperative. Your money will also be withdrawn if you are given an expulsion order that cannot be enforced due to practical impediments (obstacles), and you refuse to do things to facilitate your deportation. You will then be offered housing where you will be given food or food coupons but no money.

Decisions regarding decreased or withdrawn financial grants can be appealed to the county administrative court. You can write the appeal in your own language. Enclose a written copy of the Migration Agency's decision.

Your rights if you are undocumented

As an organization, FARR does not encourage people who have been given final expulsion orders to avoid deportation by living in hiding in Sweden. If you consider it impossible to return to the country that you have fled from, it will be your decision to continue living in Sweden. If you live in Sweden without a permit your rights are limited.



It is not punishable by law to support a person avoiding expulsion, as long as the person giving the support is not doing so in order to make a profit.

All children, both clandestine and asylum seekers, are covered by the UN Child Convention, which Sweden has signed. This grants all children rights – regardless of whether the child has residency or not. Since the convention has not been converted into Swedish legislation it is not fully applicable in Sweden, but it should still affect all decisions.

Healthcare

Since July 1st 2013, adults living in Sweden without a permit – as undocumented – have the same right to medical care as adult asylum seekers (see page 69). That means medical care and dental care that cannot wait, maternal care, assistance during delivery, contraceptive advice, abortion, treatment for certain infectious diseases regulated by law and one medical examination. What constitutes care that cannot wait is up to the health professionals you meet. Each county council (*“landsting”*, the body deciding on matters such as healthcare in a certain region) can offer undocumented adults the right to more extensive healthcare if it wants to. If you need treatment for something that is not mentioned above, you can try to find out what applies in the county where you live.

The first time you seek care you get a backup number (a “*reservnummer*”) that the hospital or clinic staff use instead of a personal identity number. It is important that you save this number and take it with you every time you seek treatment. It is also good if you can bring some form of identification (an ID card or a copy of it, a passport or an old LMA card). If you do not have any kind of ID, you are still entitled to healthcare.

The state covers the main part of the costs, but you have to pay a patient's fee just like asylum seekers do. The fee may vary between counties, but a doctor's appointment at a health centre costs 50 crowns. You also pay 50 crowns for every prescription the doctor writes for you.

🌐 YOU CAN FIND MORE INFORMATION, IN SEVERAL LANGUAGES, ABOUT HEALTHCARE FOR UNDOCUMENTED PEOPLE AT THE RED CROSS: <http://www.redcross.se/detta-gor-vi/stod-till-migranter/vardformedling-for-papperslosa/>

The healthcare confidentiality regulations apply to everyone, regardless of residency permits. According to the law, health workers are not permitted to disclose any information that may injure the patient. The only exception is giving information to the police, but only if the police specifically ask for a certain person at the hospital. Then staff have to answer yes or no to the question. However, the staff are not allowed to call the Migration Agency or the police on their own initiative and tell them that you are there.

If you are worried that the police may come looking for you, ask the staff to tell you if they are contacted by police. You also do not have to give them your address. Instead, you can say that it is confidential. If the staff at the hospital do not know the law properly they might call the Migration Agency to find out where they should send the bill. The Migration Agency may then in their turn call the police. Therefore, it is important for you to tell them about your rights, and that it is against the law for health workers to call the Migration Agency and tell them that you are at the hospital. The law is called the Secrecy Act (1980:100).

Children and healthcare

Undocumented children have the right to all the medical and dental care that they need, in the same way that children born in Sweden do. However, long-term treatments can be denied children who are waiting for a decision. This is done in order to prevent injury to the child if the treatment is stopped before it is completed because the child has to leave Sweden.

The fact that healthcare for undocumented children should be given on the same conditions as for Swedish children means that it is free in places, and associated with a patient fee after the age of 12 in others. Dental care is free of charge until the child is 19 years of age. After that you will pay the adult fee. Clandestine children pay the full price for prescribed medication.

Sometimes the medical staff do not know what rules apply to children who seek medical attention but do not have the last four digits of their ID number, and they are unsure of how to handle payment and registration. Therefore, it is good if you yourself can inform the staff of the rules that apply. For medical care, you can refer to the municipality and county council's home pages, where there are directives about what applies in that particular place.

Support and help from the social services

Every Swedish municipality has a responsibility for everyone in that area, including people without documents. That means that you always have the right to ask the social services for help. You can apply to get assistance with healthcare, treatment or other support due to mental health issues, substance abuse or disabilities. Asking for economic assistance is another option. You can also apply for some form of support aimed at children and young people, such as a contact person or a weekend camp.

The social services have to look at your application, but depending on how they interpret the law and your situation, they may decide not to help you. To access their services, it is important that you tell them that you cannot get help anywhere else and that the Migration Agency does not have any responsibilities towards you. You should also make it clear that you do not have any other way of making a living and that you cannot return to your country of origin. You can give a c/o address if you want, but point out that you are in fact living in the municipality.

Before meeting the social services, it may be wise to remind them that they are not obligated to contact the police. They are also not required to let the Migration Agency know if they are approached by someone who has applied for a residence permit but been denied. However, those working within the social services have a duty to give information about a person who is to be deported or expelled (*utvisas eller avvisas*) if someone from the police or the Migration Agency contacts them and asks about that particular person.

 YOU CAN FIND MORE INFORMATION ABOUT RIGHTS FOR UNDOCUMENTED MIGRANTS AT FRISTAD STOCKHOLM FOR EXAMPLE: <http://dinarattigheter.org/till-myndigheter/socialtjanstlagen-och-kommunens-ansvar/>

Education

Every child between the age of 6 and 18 has the right to go to school in Sweden. Since July 1st 2013, that also applies to children who live in hiding. Contact the headmaster at the school that the child wants to attend. The school staff do not have the right to notify the Migration Agency or the police, and you do not have to tell the school your address.

A child can start going to preschool class the year it turns six years old. There, the child can prepare for primary school. The primary school is open to children from the age of seven. In Sweden, children attend primary school for nine years. In both preschool and primary school, the children receive books and lunch for free.

After finishing primary school, pupils can choose to continue their studies at high school, *gymnasiet*. There are many different programmes to apply for and it is the pupils' grades that determine to which ones they will be admitted. Most high school programmes take three years to complete. If you embark on a high school education while you are under 18 you have the right to finish it even after you turn 18.

Undocumented children and young people with intellectual disabilities have the right to attend special education programmes, "*särskola*", where they get tuition that is tailored to their needs.

All education for children is free in Sweden and if the child needs transport to school, the school has to arrange it.

Work

If you had the right to work prior to your decision, you lose it once you have definitively been denied asylum. If you have had a normal job and paid taxes you might be able to continue doing this, for instance if your employer does not discover or care about your change of status. The taxation authorities do not automatically disclose information to the police about individual workers. However, the taxation authorities and the police do occasionally control work and residency permits in workplaces.

If you have a black-market job you do not enjoy any employment security or right to sick leave. You do however always have the right to a salary appropriate to the type of work that you do, and you have a right to the salary that you have been promised, whether verbally or in writing. This has nothing to do with a work permit. The work injury insurance covers everyone, regardless of work permits.

The trade union can try to assist you in protecting your interests and can support you in case of conflict with your employer. However, most labour unions do not organize people who lack work permits. One exception is SAC, the syndicalists. Other unions have ongoing discussions about the subject. In Stockholm there is a trade union centre run by LO.

→ THE ADDRESSES CAN BE FOUND AT PAGE 83



If you have been received or treated badly

The Migration Agency's ombudsman for applicants

If you have been badly received or in some other way mistreated by Migration Agency staff you can seek advice from the Migration Agency's own Applicant's Ombudsman. The Ombudsman will receive and investigate your complaint, but cannot look at the evaluation of your reasons for asylum.

🌐 YOU CAN GET IN TOUCH WITH THE OMBUDSMAN VIA A WEB FORM:
<http://www.migrationsverket.se/info/1125.html> OR BY PHONE: 020-30 30 20.

The Judiciary ombudsman (JO)

You can complain to the judiciary ombudsman if you think that you or someone else has been mistreated or received badly by a state authority or state representative in the handling of a case. JO should make sure that authorities and state representatives comply with the law and fulfil their obligations. However, JO can never change a decision or a judgement.

🌐 HERE IS THE DOCUMENT FOR FILING COMPLAINTS TO JO: <http://www.jo.se/>

The Discrimination ombudsman (DO)

The Discrimination ombudsman works for the equal rights and opportunities of all and against all forms of negative discrimination – for instance discrimination on grounds of sex, gender expression, ethnic origin, religious belief, physical or mental disability, sexual orientation or age.

🌐 INFORMATION ON HOW TO REPORT DISCRIMINATION CAN BE FOUND ON THE WEBSITE:
<http://www.do.se>

Addresses

FARR

The Swedish Network of Refugee Groups (Flyktinggruppernas Riksråd) is a politically and religiously independent network that supports refugee groups, asylum committees and individuals.

Tel: 08-710 02 45, e-mail: info@farr.se, <http://www.farr.se>

Chairperson: Sanna Vestin, Stockholm, sanna.vestin@farr.se

LOCAL REFUGEE GROUPS AND ASYLUM COMMITTEES

These groups are members of FARR and support asylum seekers and clandestine refugees. If you cannot find a group where you live, contact info@farr.se. Some groups do not make their addresses public.

Borlänge: Borlänge Asylum Committee

Tel: 0709-25 99 89, e-mail: kent.gustafsson@bahnhof.se

<http://www.borlangeasyllkommitte.se>

Borås: The Churches' refugee advice service in Borås

Tel: 0706-62 88 66, e-mail: ingegerd.helgesson@bredband.net

Falkenberg: Halland's Asylum Committee

Tel: 0346-583 16 / 0735-753866

Falun: The Refugee Group in Falun

Tel: 023-25005, 023-338 15, e-mail: peromon@telia.com, margaret.hammare@swipnet.se

Gävle: The Asylum Committee in Gävleborg

e-mail: gavleborg@asyllkommitten.se, <http://www.asyllkommitten.se>

Göteborg: No One Is Illegal

Tel: 0704-37 75 24, e-mail hotline: momo@ingenillegal.org, e-mail group: goteborg@ingenillegal.org

<http://www.ingenillegal.org/imai-goteborg/>

For legal advice in Gothenburg, contact rosenjuristerna@gmail.com

Hammenhög: Österlen's Support Group for Refugees

e-mail: hanna-johansson@passagen.se

Knivsta: Alsike Convent (Helgeandssystrarna)

Tel.: 018-38 30 02, 0708-48 24 44. e-mail: systrarna@alsikekloster.org

<http://www.alsikekloster.org>

Lund: The Asylum Group Lund

Tel: 0762-41 14 22, e-mail: asylgruppenlund@gmail.com, <http://asylgruppenlund.webs.com>

Lund: Voluntary Asylum Support in Skåne

e-mail: asylstod@gmail.com, <http://asylstod.wordpress.com/>

Malmö: The Asylum Group in Malmö

e-mail: asylgruppenimalmo@gmail.com, <http://www.asylgruppenimalmo.se>

Malmö: Centrum för Sociala Rättigheter

Tel.: 0704-309098.

<http://www.socialarattigheter.se>

Norrköping: The Asylum Group in Norrköping
Tel: 0737-80 27 77, e-mail: epost@asylgruppennorrkoping.se
<http://asylgruppennorrkoping.wordpress.com>

Skellefteå: SMIA (Inhabitants of Skellefteå Against Inhuman Deportations)
Tel: 0761-34 21 46, e-mail: erik.wikstrom@telia.com, ayn.ron@gmail.com

Stockholm: The Asylum Committee in Stockholm
Tel: 0708-16 21 61 (preferably sms)
For legal advice, contact the Human Rights Group at Physicians in the World (Läkare i Världen) instead, 08-664 66 87.

Stockholm: No One Is Illegal
Tel: 0707-33 61 07 (for booking appointments only), e-mail: stockholm@ingenillegal.org

Stockholm: Jesuit Refugee Service (JRS Sweden)
Tel.: 08-505 780 06. e-mail: sweden@jrs.net

Sundsvall: The Asylum Committee in Sundsvall
Tel: 0729-13 03 80, e-mail: info@sundsvallsasylkommitte.se
<http://www.sundsvallsasylkommitte.se/>

The south part of Dalarna: The Asylum Committee of Södra Dalarna
e-mail: joi.persson@telia.com, michael.williams@farr.se

Trelleborg: Per Lang (who is also the supplementary contact person in Skåne)
e-mail: per.lang@gmail.com

Umeå: No One is Illegal
e-mail: umea@ingenillegal.org

Uppsala: The Ecumenical Refugee Group
e-mail: bo.nylund@telia.com

Östersund: No One is Illegal
Tel: 0764-27 54 57, e-mail: ostersund@ingenillegal.org
<http://www.ingenillegal.org/imai-ostersund>

OTHER ORGANIZATIONS WORKING WITH ASYLUM AND REFUGEE ISSUES

Amnesty International, Swedish section

After meticulous examination and if it is considered possible to confirm the risk of persecution, Swedish Amnesty can appeal to authorities in individual cases if these fall within the areas covered by Amnesty. Amnesty can also issue statements concerning the risks faced by certain groups. Read more on the webpage or contact the refugee department. Box 4719, 116 92 Stockholm. Tel: 0771-266 37 89, Fax: 08-729 02 01. email: info@amnesty.se. <http://www.amnesty.se>

The Children's ombudsman (Barnombudsmannen, BO)

The Children's ombudsman is an authority with a mission to safeguard the rights and interests of children and young people with regard to the UN Child Convention. The authority monitors compliance with the convention in society. The Children's ombudsman can suggest legislative changes to government, but will not deal with individual cases.

Box 22106, 104 22 Stockholm. Tel: 08-692 29 50, e-mail: info@barnombudsmannen.se
Tel for children: 020-23 10 10 (the call is free of charge). <http://www.barnombudsmannen.se>

Caritas

The welfare organization of the Catholic church that lends support, advice and practical help to asylum seekers, refugees and homeless people.

Brunnsgränd 4, 4th floor, Box 2150, 111 30 Stockholm

Tel: 08-50 557 600, fax: 08-22 56 20, e-mail: caritas@caritas.se

<http://www.caritas.se>

The Discrimination ombudsman (Diskrimineringsombudsmannen, DO)

The DO works for the equal rights and opportunities of all and against all forms of negative discrimination. If you have been discriminated against in Sweden due to for example your sex, ethnicity, disability or religious belief, the DO can in some cases provide you with advice, legal support and representation during a potential court case.

Box 3686, 103 59 Stockholm

Tel: 08-120 207 00, 020-36 36 66 (calls to this number are free of charge). Fax: 08-120 20 800. E-mail: do@do.se. <http://www.do.se>

Crossroads

Focused solely on EU migrants, provides social support. Opening hours: 8–12 am Mon–Fri; Krukmakargatan 36A, 118 56 Stockholm. Closest underground station: Zinkensdamm.

<http://stockholmcrossroads.se/en/>

No One Is Illegal (Ingen Människa är Illegal)

A network that works towards a world without borders and supports clandestine refugees with practical things such as housing, food, public transport, social activities etcetera.

E-mail to different local groups:

uppsala@ingenillegal.org

stockholm@ingenillegal.org

goteborg@ingenillegal.org, tel: 0704-377 524

ostersund@ingenillegal.org, tel: 0764-27 54 57

nykoping@ingenillegal.org

trollhattan@ingenillegal.org

umea@ingenillegal.org

<http://www.ingenillegal.org/>

HIV-Sweden (Hiv-Sverige)

An organization that is led by and works for HIV-positive individuals and their next of kin.

Tjurbergsgatan 29, 118 56 Stockholm. Tel: 08-714 54 10,

e-mail: info@hiv-sverige.se. <http://www.hiv-sverige.se>

Liberal Refugee Fund (Liberala Flyktingfonden)

The Liberal Refugee Fund was established by the Liberal Youth Federation. It raises and distributes money to those who are in hiding and who cannot return home. People who are in hiding can turn to the fund to apply for financial assistance.

Liberala flyktingfonden, Box 2253, 113 16 Stockholm.

Tel: 08-559 227 49, e-mail: flyktingfonden@luf.se

Physicians in the World (Läkare i Världen)

The Human Rights Group gives legal and social advice.

Tel: 08-664 66 87, e-mail: info@lakareivarlden.org

The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RSFL)

RFSL works to protect the rights of lesbian, gay, bisexual and transgender people in Sweden. RFSL also gives support and advice to LGBT refugees. The organization also runs the network RFSL Newcomer, a meeting place for LGBT refugees and migrants.

Sveavägen 59, Box 350, 101 26 Stockholm. Tel: 08-501 629 00, e-mail: forbund@rfsl.se
<http://www.rfsl.se>

The Advice Bureau for Asylum Seekers and Refugees (Rådgivningsbyrån för asylsökande och flyktingar)

The Advice Bureau offers free legal counselling in issues concerning asylum, family reunification, Swedish citizenship and Swedish alien legislation. It also provides information about conditions in particular countries that are of importance for asylum claims and other grounds for residency.

Gyllenstiernsgatan 14, 115 26 Stockholm. The phone hotline is open Mon–Thurs, 9–10.30 am.
Tel: 0200-88 00 66. Fax: 08-665 09 40. <http://www.sweref.org>

Save the Children (Rädda Barnen)

An organization active in Sweden and around the world with the mission to protect children's rights. Among other things, it works with children's right to medical care and education. Some local organizations are involved with refugee children.

107 88 Stockholm. Tel: 08-698 90 00. Fax: 08-698 90 10. <http://www.rb.se>

The Red Cross (Röda korset)

The Red Cross supports refugees in the majority of the world's countries. In Sweden they lend support to asylum seekers, do research as well as assist in family reunification and referral of Red Cross messages.

Hornsgatan 54, Box 175 63, 118 91 Stockholm

Tel: 08-452 46 00, 020-41 50 00 (advice in refugee cases, family reunification etcetera)

E-mail: info@redcross.se

<http://www.redcross.se/detta-gor-vi/stod-till-migranter/>

The Social Mission (Sociala Missionen)

The Social Mission is a Christian organization that offers advice and support in cases that concern migration. You can call or write to them or visit them personally. The Social Mission also works with family reunification, return and integration.

Högbergsgatan 31 A, 116 20 Stockholm

Tel: 08-556 023 00. Fax: 08-556 023 29, e-mail: info@socialamissionen.se

<http://www.socialamissionen.se>

The Swedish Church (Svenska Kyrkan)

Many of the congregations within the Swedish Church support refugees in various ways. Contact the Swedish Church and find out what kind of work is being done near you.

Svenska Kyrkan, 751 70 Uppsala

Tel: 018-16 95 00. Fax: 018-16 97 07, e-mail: info@svenskakyrkan.se

<http://www.svenskakyrkan.se>

UNHCR Regional Office for the Baltic and Nordic Countries

The regional office of UN's refugee commission. Among other things, they handle issues concerning asylum legislation. They also advise governments, authorities and organizations on legal matters and provide public information.

Ynglinggatan 14, 6 tr, 113 47 Stockholm

Tel: 08-457 48 80. <http://www.unhcr.se/>

The Left Party's Refugee Fund (Vänsterpartiets fristadsfond)

An organization that helps asylum seeking refugees who are threatened by expulsion and are unable to return to their native countries. The fund contributes financially to cover legal expenses. This can be done after a meticulous inquiry that concludes that it is necessary to submit a new application in order to correct a prior decision.

Box 12660, 112 93 Stockholm

Tel: 08-617 51 86, e-mail: anita_dorazio@hotmail.com

ORGANIZATIONS THAT GIVE CARE TO EU CITIZENS AND UNDOCUMENTED MIGRANTS

Liljengrenska stiftelsen, Varberg

borttaget telnr e-mail: liljengrenska@hotmail.com

Physicians in the World (Läkare i Världen), Stockholm

“The Clinic”, run by Physicians in the World, is open on Wednesdays between 6.30 and 9 pm at Artemisgatan 10 in Hjorthagen. Undocumented migrants are welcome there to meet medical staff free of charge and to get help accessing subsidized public healthcare.

Tel: 08-664 66 87, e-mail: info@lakareivarlden.org

<http://lakareivarlden.org/>

Porten, Borås

Porten provides access to healthcare to people without documents every other Monday.

Tel: 0735-63 20 80 (open on Wed 5.30-7 pm), e-mail: krook99@gmail.com

Rosengrenska, Gothenburg

Rosengrenska run the programme “Care for Undocumented Migrants”. It is staffed by a network of volunteering healthcare professionals and caters to undocumented people. The operations are run through a phone line and a drop-in reception that is open one evening per week.

Tel: 0704-06 66 70, e-mail: kliniken@rosengrenska.org

<http://www3.rosengrenska.org>

The Red Cross (Röda Korset), Stockholm

An independent network of doctors, midwives, psychologists and other professions with different medical backgrounds working voluntarily, providing care for undocumented individuals. Treatment is free and is booked in advance.

Tel: 020-211 000 (Mon–Thurs 9.30-11 am, free of charge), 0709-406723 (text messages only), e-mail: papperslos@redcross.se

<http://www.redcross.se/detta-gor-vi/stod-till-migranter/vardformedling-for-papperslosa/>

Tinnerökliniken, Linköping/Norrköping

Works primarily with EU migrants but helps undocumented people get access to public healthcare.

Tel: 0733-22 58 87, e-mail: info@papperslosa.se. <http://www.papperslosa.se>

Other places

Healthcare may be available at other places. Contact the networks in Stockholm and Gothenburg for information (see above).

OTHER HEALTHCARE ORGANIZATIONS

Centre for Crisis and Trauma (Kris- och Traumacentrum)

Specialists in war- and torture-related injuries.

Wollmar Yxkullsgatan 25, 118 50 Stockholm. Tel: 08-515 167 50, fax: 08-655 77 56,
e-mail: ktc@krisochtraumacentrum.se. <http://www.krisochtraumacentrum.se>

The Red Cross centre for tortured and war-injured refugees in Sweden

The Red Cross' various treatment centres for war- and torture-related injuries are designed for refugees and their families who suffer from the consequences of experiences of torture and war.

Stockholm: tel: 08-772 19 80, e-mail: info-rkc@redcross.se

<http://www.redcross.se/detta-gor-vi/stod-till-migranter/vard-for-krigs-och-tortyrskadade/behandlingscenter-stockholm/>

Malmö/Hässleholm: tel: 040-32 65 30, e-mail: rkc.malmo@redcross.se

<http://www.redcross.se/rehabmalmo>

Skellefteå/Luleå/Umeå: tel: 0910-71 78 56/55/52, e-mail: rkc.skelleftea@redcross.se

<http://www.redcross.se/rehabskelleftea>

Skövde: tel: 0500-42 49 95, e-mail: rkc.skovde@redcross.se

<http://www.redcross.se/rehabskovde>

Uppsala/Hedemora: tel: 018-18 75 68, e-mail: rkc.uppsala@redcross.se

<http://www.redcross.se/rehabuppsala>

SUPPORT FOR WOMEN AND LGBT PEOPLE WHO HAVE SUFFERED VIOLENCE

There are many hotlines for women who have been subjected to violence, here we mention only a selection. Several women's centres will accept undocumented women, for instance municipal women's centres in Gothenburg.

Ada Women's Shelter

A non-profit foundation that runs a shelter for women, girls and children who need to leave their homes because of violence and threats. Tel: 031-13 11 66, e-mail: info@kvinnojouren-ada.nu

Women's Network (Kvinnors nätverk)

For women in need of advice and assistance. Tel: 08-646 10 70. Tel for young people: 020-40 70 40 (9am–10pm, free of charge), e-mail: info@kvinnonet.org. <http://kvinnonet.wordpress.com/>

RFSL's Victims Support Team (Brottsofferjour)

If you are an LGBTIQ person who have been subjected to violence, RFSL's Victims Support Team can give support and help you deal with your experiences. Visit address: Sveavägen 59 in Stockholm. Tel: 020-34 13 16 (free of charge), e-mail: boj@rfsi.se

The Sister Help Centre Somaya (Systerjouren Somaya)

The Sister centre Somaya offers support and counseling in several languages, both on the phone and face-to-face. The centre also runs sheltered housing and conversation groups.

Tel: 020-81 82 83 (week-days 9 am–4 pm, closed for lunch 12 am–1 pm). E-mail: info@somaya.se

<http://www.somaya.se>

Terrafem

Organisation that, among other things, runs a national hotline, a women's centre, a "girl house" and a legal centre for girls and women who are subjected to violence by relatives. The hotline also offers support and legal counseling for vulnerable women in over 40 languages.

Box 891, 101 37 Stockholm. Tel: 020-52 10 10, e-mail: info@terrafem.org. <http://www.terrafem.org>

TRADE UNIONS

The Trade Union Centre for Undocumented Individuals (Fackligt Center för Papperslösa)

The centre helps undocumented individuals and asylum seekers to assert their rights in the labour market through information and contacts with trade unions. Open on Mondays, 4–7 pm.

Hälsobrunnsgatan 10, 113 61 Stockholm. Tel 020-160 10 06, e-mail: info@fcfp.se

<http://www.fcfp.se>

Syndicalists – SAC

SAC is a trade union which also organises undocumented individuals.

Sveavägen 98, Box 6507, 113 83 Stockholm,

Tel: 08-522 45 630, e-mail: info@sac.se

<http://www.sac.se>

OTHER LINKS

<http://www.echr.coe.int>

The European Court of Human Rights.

<http://www.ecre.org>

Links to conventions regarding human rights and EU directives. Information about other countries' asylum systems. List of organizations in other countries (ELENA).

<http://www.ecoi.net>

Database with country information.

<http://www.immi.se>

Institute for Immigrants. Has an extensive list over organizations for immigrants and refugees in Sweden and other countries.

<http://www.irinnews.org>

News from many countries.

<http://lifos.migrationsverket.se>

The Migration Agency's country information.

<http://www.manskligarattigheter.se>

The government's homepage with annual reports from the Foreign Office on human rights in various countries.

<http://www.sanna-ord.se/>

News site about asylum and refugee issues, updated weekly.

<http://www.unhcr.org>

The UN Refugee Commissariat. In English.

<http://www.w2eu.info>

Independent information for asylum seekers in EU countries.

Appendices

EU countries

Austria
Belgium
Bulgaria
Cyprus
Denmark
Estonia
Finland
France
Germany
Great Britain
Greece
Hungary
Ireland
Italy
Croatia
Latvia
Lithuania
Luxemburg
Malta
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden
The Czech Republic
The Netherlands

Dublin countries

The EU countries, Switzerland, Norway and Iceland.

EEA countries

The EU countries, Gibraltar, Iceland, Liechtenstein and Norway.

Power of Attorney

Hereby, _____
is, at one or several opportunities, authorized to represent me in items pertaining to work- and residency permit, refugee declaration and travel documents, arrest and detainment issues, enforcement of expulsion, as well as other issues connected to residency.

The power of attorney includes the right to in the above mentioned issues and whatever pertains to them, act upon my behalf in all ways, and in association with all authorities, courts and organisations and other instances, such as the Migration Agency, the Administrative Court and the Administrative Court of Appeal, at negotiations, at the signing for release of documents and any other measures that the case may require.

The mandate includes authority to act for the undersigned before international bodies monitoring Sweden's commitments in relation to human rights.

Signature

Name (please type)

Date of birth (and, if applicable, case number)

Date

The text on this page is a translation of the Power of Attorney (Fullmakt för ombud) on the following page.

Fullmakt för ombud

Härigenom befullmäktigas _____
vid ett eller flera tillfällen, att företräda mig i ärende angående arbets- och
uppehållstillstånd, flyktingförklaring och resedokument, häktning och
förvarsfrågor, verkställighetsärenden, samt alla andra frågor som har något
samband med ärenden om uppehållstillstånd.

Fullmakten innefattar behörighet att i angivna ärenden och vad därmed
sammanhänger handla å mina vägar i alla hänseenden, och inför alla myndigheter,
domstolar och organisationer och andra instanser, såsom Migrationsverket,
förvaltningsrätten och kammarrätt, vid förhandlingar, vid utkvittering av
handlingar och alla andra åtgärder som ärendet kräver.

Fullmakten innefattar behörighet att företräda undertecknad inför internationella
instanser som övervakar Sveriges åtaganden beträffande mänskliga rättigheter.

Underskrift

Namn (textat)

Födelsedatum (och eventuellt ärendenummer)

Datum

»Everyone has the right
to seek and to enjoy
in other countries
asylum from persecution«

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