

Report from EMN Sweden 2013:3

Identification of victims of trafficking in human beings in international protection and forced return procedures in Sweden



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EMN FOCUSED STUDY 2013

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Top-line "Factsheet"

Introduction

Trafficking in human beings is to a large extent an underexplored phenomenon in Sweden, as in many other countries. As a multifaceted phenomenon that is interlinked with irregular migration flows, exploitation of workers in the shadow economy, prostitution, organ trade and other crimes, the detection of cases of trafficking and the identification of victims remains a challenge for the state and non-state actors dealing with the problem.

Throughout recent years, however, awareness of the phenomenon has gradually increased and initiatives have been initiated both at regional and national levels to improve the prevention, detection and identification of victims, and the prosecution of perpetrators. All forms of trafficking in human beings are prohibited in Sweden. The specific offence has existed in legislation since 2002, when criminal liability for trafficking for sexual purposes was introduced in the Criminal Code. The law was amended in 2004 and now includes all forms of trafficking in persons.

Trafficking for the purposes of sexual exploitation and forced labour appear to be the most common forms of the phenomenon in Sweden. So far, trafficking for sexual purposes has clearly been attributed most attention in Sweden, in particular regarding children, young adults and women. However, there are also signs that trafficking for purposes of forced labour or labour exploitation has become more frequent.

In order to further increase awareness of the phenomenon, to better protect victims and to improve the prosecution of perpetrators, the Stockholm County Administrative Board has been given a national mandate to co-ordinate assistance and repatriation of victims of trafficking in human beings. It hosts both the National Coordinator and the National Coordination Secretariat against Prostitution and Trafficking, and administers a National Methodology Support Team, which is composed of governmental actors with extensive experience of anti-trafficking work.

The identification of victims of trafficking is not legally regulated in Sweden. It is generally depending on the situation at hand; in many cases, it is done by local Police forces, Social services, the Swedish Migration Board or some of the NGOs that offer crime victim support.

Purposes of this study and summary

This study focuses on the identification of possible victims of trafficking in international protection and return procedures. Thus, it touches primarily on competences of the Swedish Migration Board, which is responsible, among other competencies, for all procedures relating to the granting of international protection, reception of asylum seekers, and voluntary return. As forced return measures are carried out by the Police, their practices to detect and identify victims of trafficking are also part of the study to some extent. As a whole, the study aims at making a contribution to increased knowledge of how the phenomenon of trafficking in human beings is dealt with in Sweden, focusing on one specific aspect of the topic – the immigration and return process.

As the study shows, victims of trafficking can be detected and identified at any stage of a procedure for international protection, and at any time, they can be granted a reflection period (to recover and be able to take a decision on whether they want to cooperate with the investigating authorities) or a residence permit for witnesses in criminal proceedings. Victims of trafficking who want to, or have to, stay in Sweden, can also apply for a residence permit on grounds of exceptional distressing circumstances, which is a national form of humanitarian protection. In principle, they can be granted other kinds of residence permits as well (protection-related or in the framework of legal migration), if the respective requirements for such permits are fulfilled.

In 2012, the Swedish Migration Board detected 48 cases of presumed trafficking in human beings. Of these cases, 17 were detected by officers in charge of asylum examinations, 13 by staff dealing with reception of asylum seekers, and six by units dealing with the processing of applications for residence permits in the framework of legal immigration. Another 12 cases were reported by Dublin units, detention center staff, migration courts and units dealing with administrative procedures (appeal cases). 13 potential victims came from Mongolia, five each from Nigeria and Georgia, four from Russia and 21 from a broad range of other countries. Almost all cases detected regarded trafficking for sexual purposes.

In each of the three operative divisions of the Migration Board, there is one internal coordinator on trafficking cases. These coordinators gather data and experiences and serve as contact persons for case-workers and decision-makers. The Migration Board's internal "Manual for migration cases" (*Handbok för migrationsärenden*), which is an important basis for decision-making on asylum applications and other applications for residence- and work permits, contains a specific chapter on internal routines in cases of potential trafficking. It also includes a list of indicators which can suggest that a person may be a victim of trafficking.

There is no National Referral Mechanism in Sweden. Responsibilities applying on Swedish authorities are built into the administrative system, and cooperation among them is facilitated by the County Administrative Board of Stockholm and its National Methodology Support Team.

One of the main conclusions of this study is that the efficient detection and identification of victims of trafficking in international protection and forced return procedures depends on a high level of awareness and training of staff, good internal communication and well-functioning co-operation among the different public authorities involved in dealing with trafficking cases at local, regional and national levels. Since the staff turn-over within the Swedish Migration Board is sometimes high, especially when new officers are recruited due to an increase in applications for asylum or residence permits for legal immigration, there is a permanent need for sufficient training and possibilities to exchange experiences and information on trafficking in human beings.

Section 1: Residence permits, protection statuses and national programmes available to victims of trafficking in Sweden

This section briefly outlines the residence permits and protection statuses available to victims of trafficking in human beings in Member States. The aim of this section is to contextualise the section on referral. Information on rights should not be provided in detail, as it falls outside of the scope of this Study.

Q.1 What residence permit(s) specifically for victims of trafficking in human beings are available in your Member State?

In 2007, the Swedish Aliens Act (2005:716) was amended in accordance with the EU Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. Thus, a **specific residence permit for victims of trafficking** was created. However, the provisions in the Aliens Act are wider than those in the Directive since they provide for temporary residence permits to be issued not only for victims of trafficking but also for witnesses. Furthermore, they are not limited to the crime of trafficking in human beings, but apply to all witnesses in criminal cases.

The amendment in Chapter 5 Section 15 of the Aliens Act, reads as follows in translation:

“Upon application from the person in charge of a preliminary investigation, a temporary residence permit valid for at least six months shall be granted to an alien staying in this country, if

1. it is necessary to enable a preliminary investigation or a main hearing in a criminal case to be carried out,
2. the alien has shown a clear intention to cooperate with the investigating authorities,
3. the alien has severed all relations with the persons who are suspected of crime concerned in the preliminary investigation, and
4. considerations of public policy and security do not indicate that a permit should not be granted.”

If the alien wants a **reflection period** so as to recover and be able to take a decision on whether he or she wants to cooperate with the investigating authorities, a **temporary residence permit** valid for 30 days shall be issued, provided the conditions specified in the first paragraph, points 1 and 4 are satisfied.

A residence permit issued under the first paragraph may be renewed if the person in charge of the preliminary investigation requests this and the conditions specified there are still satisfied. A residence permit issued under the second paragraph may also be renewed if the person in charge of the preliminary investigation requests this, a longer reflection period is needed on special grounds and the conditions specified in the first paragraph, points 1 and 4 are satisfied.

The victim is informed of his/her right to a temporary residence permit by the investigation leader.

The Swedish Migration Board’s decision may be appealed to a migration court by the person in charge of a preliminary criminal investigation, see Chapter 14, Section 4, of the Aliens Act. An appeal against a decision of the Swedish Migration Board to reject an application for a temporary residence permit under Chapter 5, Section 15 or a decision to withdraw a permit issued pursuant to Chapter 5, Section 15, shall be

made to a migration court. Only the person in charge of a preliminary investigation may appeal against such decisions.

Besides the possibility to get a temporary residence permit according to Chapter 5, Section 15, a victim of trafficking may herself/himself at any time apply for a **residence permit on grounds of need for protection** as in Chapter 4, Section 1 and 2 of the Aliens Act, or refer to other **exceptionally distressing circumstances** as in Chapter 5, Section 6 of the Aliens Act. Being a victim of trafficking in human beings, and/or being an outcast and abandoned from the society in the country of origin, can sometimes be considered as situations which may be seen as exceptionally distressing circumstances. In practice, while victims of trafficking are seldom granted refugee status or subsidiary protection on the basis that they are victims of trafficking, the granting of a humanitarian status (exceptionally distressing circumstances) occurs more frequently.

Moreover, it needs to be said that children may be granted residence permits under Chapter 5, Section 6 of the Aliens Act (exceptionally distressing circumstances) even if the circumstances that come to light do not have the same seriousness and weight that is required for a permit to be granted to adults. Another point to be raised here is that victims of trafficking often want to return to their home country. Thus, they often show no particular interest in being granted residence in Sweden.

Q1a. Are they conditional on cooperation with the authorities?

As mentioned above, a temporary residence permit for witnesses in criminal proceedings in accordance with Chapter 5, Section 15, of the Aliens Act demands that the alien has shown a clear intention to cooperate with the investigating authorities.

By way of contrast, the granting of a temporary residence permit for 30 days, which allows for a reflection period, is not dependent on cooperation with the investigating authorities. Residence permits on grounds of international protection or exceptionally distressing circumstances are also granted irrespective of the victims' cooperation with the investigating authorities.

Q1b. In which year was it/were they introduced?

The residence permit for victims of trafficking in accordance with EU Council Directive 2004/81/EC was introduced in 2007. Residence permits on grounds of protection or on the basis of other exceptionally distressing circumstances have existed for many years in Sweden; the latest major reform was carried out in 2005, with the adoption of a new Aliens Act.

Q.2 Are international protection status(es) granted to third-country nationals for the reason of being a victim of trafficking in human beings in your Member State?

Yes.

Q2a. If yes, please name which statuses are granted here

As mentioned above, a victim of trafficking can be granted protection or be issued a residence permit on the basis of exceptionally distressing circumstances in the framework of an asylum procedure. That a victim of trafficking is granted protection on grounds of exceptionally distressing circumstances, which is a national form of humanitarian status, is more frequent than the granting of subsidiary protection or refugee status.

Q3. Does your Member State have a national referral mechanism?

No. There are established channels for inter-agency cooperation in Sweden, for example between the Swedish Migration Board, the Police and local social service

institutions, but since the organization and practicalities of this cooperation vary between regions, this does not represent a standardized “national referral mechanism”.

Section 2: Detection, identification and referral of victims in international protection procedures

This section first examines the mechanisms that are used to detect and identify victims in the procedure for international protection,¹ It then explores how identified victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.

Where relevant, please distinguish between first instance and appeal procedures, where applicable.²

2.1 Legislative framework

Q.4 Are there established mechanisms for detecting and identifying victims of trafficking in human beings in the procedure for international protection?³

Yes.

Q4a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification of victims in the procedure for international protection is outlined in legislation (if yes, provide reference to the legislation)*

No.

- b. Process for detection and identification in the procedure for international protection is outlined in soft law – e.g. a 'protocol' (if yes, provide the reference)*

Yes. The "Manual for migration cases" (*Handbok för migrationsärenden*), which is an important basis for decision-making on asylum applications and other applications for residence- and work permits by the Swedish Migration Board, contains a specific chapter on internal routines in cases of presumed trafficking.

The Manual (only in Swedish) is publicly available on the website of the Migration Board, <http://www.migrationsverket.se/info/200.html>.

- c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)*

No.

¹ In **Ireland**, this would imply covering both procedures for asylum and subsidiary protection, as no single procedure is in place.

² For example, in **Ireland** there is no appeal procedure for subsidiary protection application, and this is decided on the basis of papers submitted. (The implications of CJEU Judgment of 22/11/12 and Irish HC Judgment of 23/1/13 in *MM v Min. for J&E* case that applicants for Sub/Protection have 'a right to be heard' are currently being considered in DJ&E.)"

³ (Member) States should here **only** refer to mechanisms for detection/identification used in international protection procedures – i.e. they should not refer to those used specifically by law enforcement, NGOs or other persons coming into contact with victims in situations outside of international protection procedures.

Q5. Are there different protocols and/or practices for children and adults?

Yes, to some extent.

Q5a. If yes, please briefly describe how these differ and why.

In principle, the internal routines of the Swedish Migration Board concerning the detection and identification of victims of trafficking are the same for adults and children. When a child is presumed to be a victim of trafficking, however, the Swedish Migration Board is legally required to inform the competent local social services (*Socialtjänsten*) about the child. There is no such legal requirement in the case of adults. A guardian ad litem is appointed, who confirms the asylum application. In most cases a public counsel is appointed to represent the minor who is applying for asylum. The counsel is present during the asylum investigation and the guardian ad litem is invited to be present.

Q6. Are there different protocols and/or practices for men and women?

No. The gender of the person that is presumed to be a victim of trafficking matters as they will be asked whether they want their case to be dealt with by a female or male case worker. When interpreters are used, it is recommended that the potential victim has a say on the choice of interpreter so that the interviewee feels at ease. For example, a woman may feel more at ease with a female officer and/or female interpreter, but the opposite may also be preferred.

Apart from this, the internal procedures themselves are not different for men or women. Due to the fact that exploitation of women for sexual purposes appears to be the most frequent form of trafficking, the internal Manual of the Swedish Migration Board mentions explicitly that also men can be victims of different forms of trafficking. In fact, recently, cases of trafficking of men for labour exploitation (or forced labour) appear to have become more frequent.

Q6a. If yes, please briefly describe how these differ⁴ and why.

-

2.2 Detection and identification of victims

Q7. How are (potential) victims of trafficking in human beings detected in procedures for international protection?

Q7a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State.

- a. The competent authority⁵ proactively screens all applicants for indications of trafficking in human beings;

No. The Swedish Migration Board as the competent authority for asylum procedures and the assessment of applications for residence permits uses a number of indicators to detect cases of trafficking. This, however, does not mean that all applicants are systematically

⁴ E.g. only female officers can screen / assess women.

⁵ Here, "competent authority" refers to the authority competent for examining the merit of the third-country national's case for international protection. In many (Member) States, this is a 'case worker'.

screened.

- b. *The competent authority proactively screens applicants with a particular profile⁶ for indications of trafficking in human beings (please provide information on the type of profile);*

No. The case-workers of the Swedish Migration Board act on the basis of awareness, experience and empathy. Since persons from certain countries of origin or with particular profiles, have proven to be victims of trafficking more often than others, case-workers may be particularly observant when confronted with applicants from such countries, or with such profiles. There are, however, no specific "risk profiles".

- c. *Victims self-report;*

Yes. It is possible that, for example on the occasion of an asylum interview or in contact with officials at reception units, victim report to officers about being trafficked.

- d. *Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*

Yes. It is possible that the victim's legal aid, a reception officer or other persons report a case of presumed trafficking to the Swedish Migration Board and/or to the Police.

- e. *Other (please specify).*

-

Q7b. Is there a stage the applicant for international protection can no longer be screened (e.g. after the first negative decision)? If yes, please describe the circumstances.

No. Potential cases of trafficking can be detected, and suitable measures be taken, at all stages of the asylum procedure.

Q8. If the competent authority detects that an applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

Q8a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim?

Yes.

- a. *If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

Cases workers at the Swedish Migration Board are required to take into account certain indicators, which could suggest that the person in question has been the victim of trafficking, when assessing asylum applications. These are:

- An applicant does not have a passport, or a forged one;

⁶ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

- he/she has no return ticket to the country of origin;
- the applicant looks scared or upset, does not speak freely and makes the impression that he/she is under surveillance;
- the applicant appears to be depressed and/or miserable, so that the case worker feels a need to take care of him/her;
- a third person is always present at contacts with the Migration Board;
- the applicant is accompanied by a dominant person;
- the applicant appears to be unnaturally happy;
- he/she bears signs of violence on his/her body;
- the applicant often changes his/her address;
- he/she is under the influence of narcotics, possible against his/her will;
- the person suffers from insomnia, stomach ache, vomiting, or panic in spite of being placed in a safe environment.

When a case worker or other staff of the Swedish Migration Board suspects a case of trafficking in human beings, he or she is required to report the case to one of the three internal coordinators for further action and advice. There is one coordinator for each operative division within the Migration Board: Reception, Asylum Examination, and Managed Migration and Citizenship.

The indicators listed have been developed on the basis of experiences made by case workers of the Swedish Migration Board. They also take into account the national directives for measures against prostitution and trafficking in human beings for sexual purposes that have been developed and published by the National Coordinator against Prostitution/Trafficking at the County Administrative Board of Stockholm.⁷ These directives describe, among other issues, how victims of trafficking can be detected and how different state and non-state actors should cooperate in order to prevent trafficking and to handle presumed cases of trafficking.

Q8b. Are other mechanisms⁸ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)?

Yes.

a. If yes, what are these?

There may be other indicators than the ones mentioned above. It is important for case workers to get an integral impression of the person in question, e.g. by interviewing him or her. Case workers also act on the basis of awareness, personal experience and empathy. In order to be able to do so, however, training on trafficking is important.

b. If no, why not?⁹

⁷ Länsstyrelsen i Stockholms län (2011): [Nationella riktlinjer för arbetet mot prostitution och människohandel för sexuella ändamål](#), Stockholm.

⁸ E.g. interviews.

⁹ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

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Q8c. *If, following detection, the third-country national concerned is not assessed as a (potential) victim, what happens? Can the third-country national seek an alternative assessment elsewhere?*

While such a case is quite unlikely and there therefore is no formal procedure for this, a victim can always report to other actors (the police, Social services staff, NGOs, for example) and ask for a (re-) assessment of his/her case.

Q9. *Have methods for the detection and/or identification of victims in international protection procedures been evaluated in your Member State?*

Yes. In 2010, the Swedish Migration Board undertook a review of the Board's activities related to trafficking in human beings, in conjunction with an analysis of future needs and the development of proposals for improvements. When the review process was started, there had not yet been any established internal routines for detecting and protecting victims of trafficking. Meanwhile, as mentioned above, they have been put into place and laid down in the Migration Board's Manual for asylum cases.

Q9a. *If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.*

The 2010 report revealed, among other issues, that a majority of units within the Migration Board were of the view that they needed more knowledge and expertise on trafficking in human beings, and that this concerned approximately 500 case-workers and other staff. Staff would also profit from improved internal communication. The report also stated that cooperation between the Migration Board and other actors had been established but that more could be done.

Several steps and measures, both with regard to the establishment of internal routines for detection of victims, improved internal communication, improved cooperation with other actors and awareness-raising among staff, have been taken since the report was carried out in 2010. According to the Swedish Migration Board's internal coordinators for trafficking cases, however, there is still a need for increased awareness and training of staff on trafficking in human beings within the Migration Board. In 2013, for example, many new case workers have been recruited, and staff have been reassigned to new units internally, in order to cope with the increasing number of new asylum applications. Consequently, training efforts need to be increased, as well.

Q9b. *If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in international protection procedures.*

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2.3 Referral

Q10. *If an applicant is identified as a (potential) victim, can s/he access tailored statutory assistance and support whilst remaining in the international protection procedure (i.e. without referral to other procedures)?*

Yes. The asylum process at the Swedish Migration Board is independent from the provision of assistance to victims, which is the responsibility of the Swedish municipalities and/or county councils please see below (Q10a.) for details.

Q10a. *If yes, please briefly describe how the assistance is provided (e.g. state programme, access to general state welfare services, government-funded*

assistance provided by NGOs, etc.).

In Sweden, each municipality has the responsibility to provide the necessary support and assistance to those who are resident in the municipality. This also applies to victims of trafficking. They are entitled to all necessary support from the Social services in order to achieve a reasonable standard of living, unless the needs can be met elsewhere. An individual assessment must be made in each case. The municipality is responsible to provide support to victims of crime, but also to their family. Such support could include sheltered housing, support in contact with other agencies, financial assistance, interpretation and some form of psychosocial support.

Municipalities often provide this kind of support in close cooperation with civil society actors; many shelters, for example, are run by local NGOs. The services offered to victims of trafficking are the same as those for victims of crime in general. However, there are some specific services targeted in particular at victims of trafficking. For instance, when they have been trafficked for sexual purposes, they can get assistance from specialized prostitution units in the major cities.

As far as health care and dental care are concerned, responsibility lies with the Swedish county councils. If someone who is staying in a county without being resident there, and is in need of immediate health care or dental care, the county council is obligated to provide such care.

Q10b. If yes, describe under what conditions the assistance can be provided (without referral to other procedures) – specifically, does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to access the assistance? If yes, state which authorities are competent.

No, the potential victim does not need to be “formally identified by a competent authority”. It belongs to the duties of municipal Social services to determine whether any person registered in a municipality is in need of any particular help or assistance, and if yes, what kind of help or assistance is needed. The Swedish Migration Board, which is responsible for the processing of applications for international protection (or applications for a residence permit on other grounds) is not directly involved in the provision of help and assistance. Normally, the authority in charge of prosecuting a case of trafficking informs the relevant local municipality of any persons that may need special assistance. The municipality can then offer, for example, a place in a designated shelter for vulnerable persons. Having indicated this, it may also be the case that the Swedish Migration Board cooperates with municipalities to arrange appropriate support and assistance for potential victims of trafficking. Especially, when a child is presumed to be a victim of trafficking, for example, the Swedish Migration Board needs to inform the competent municipal authorities so that assistance will be arranged. Sweden has special centers for investigations involving children – the Children’s Houses. The purpose of these centers is to avoid that child victims are shuffled around between authorities seeking to perform their respective duty.

Q10c. What mechanisms are in place to facilitate this type of referral (to assistance, whilst remaining in international protection procedures)? Are there any agreements in place? Does it form part of a National Referral Mechanism?

At the local level, especially in the urban areas of Sweden, close local and/or regional cooperation arrangements have been developed in order to take care, and offer support, to persons that are presumed to be victims of trafficking.

Dependent on the region, different competent actors can be involved in such cooperation arrangements. These actors usually include, at least, the regional policy authorities, the municipal social services, the Swedish Prosecution Authority and the Swedish Migration Board.

Q10d. Are there any obstacles to this type of referral?

The competent experts on trafficking within the Swedish Migration Board are of the opinion that a well-functioning cooperation structure between local and regional authorities are essential for providing adequate assistance and care to presumed victims of trafficking. How well local cooperation arrangements work can sometimes depend on the experience, workload, level of training and willingness to cooperate of the actors involved – also at the level of the individuals that are in charge. Some experts feel that the identification of victims of trafficking and the provision of assistance is not always given the highest priority. At the Swedish Migration Board, for example, the internal trafficking-coordinators have sometimes felt that they are not given enough time to focus on trafficking-issues, especially when the overall workload is very high. Apart from that, no obstacles to the provision of adequate assistance and care could be observed.

Q11. If an applicant is identified as a (potential) victim and there is the possibility to change to (or participate in parallel in) procedures as foreseen under Directive 2004/81/EC or national equivalent measures¹⁰ how does this work in practice?

Q11a. Does the applicant have to withdraw from the procedure for international protection in order to do so?

No. Any asylum procedure is carried out irrespective of any other procedures. Thus, residence permits in accordance with Council Directive 2004/81/EC of 29 April 2004 (for third-country nationals who are victims of trafficking or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities) can be issued even in cases in which the person in question has applied for asylum or any other residence permit (such as for family reunification or work).

a. If yes, can s/he re-open the procedure for international protection if s/he is not granted a residence permit under Directive 2004/81/EC?

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b. If no, please elaborate – how does this work in practice? Does the victim have to be formally identified by a different competent authority? If yes, state which authority.

Any asylum procedure is carried out irrespective of whether a process to grant a residence permit in accordance with Council Directive 2004/81/EC is underway, as well. Both kinds of procedures can be carried out in parallel. As all procedures related to the granting of a residence permit (protection-related, work-related, family-related, etc.) are carried out by the same organization, the Swedish Migration Board, there is no need for formal identification by other authorities.

Q11b. How is referral to the procedure as foreseen under Directive 2004/81/EC

¹⁰ As mentioned, Denmark, Ireland and the United Kingdom have not opted into Directive 2004/81/EC.

organized? Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The victim is given information on his/her rights and possibilities, but has to initiate the procedure on his/her own (where applicable with the help of his/her legal representative).

To provide an presumed victim of trafficking with sufficient information and counseling is regarded as important in Sweden. According to the Manual of the Swedish Migration Board, case workers shall help a victim of trafficking by contacting other relevant authorities and organizations. Victims are also encouraged to file a complaint at the Police, but they are also informed about the fact that a complaint is not a precondition to get help. However, the victim cannot apply for a residence permit in accordance with Council Directive 2004/81/EC himself/herself. Applications for such permits must always be lodged by the person in charge of a preliminary investigation – thus, in order to be granted such a residence permit, contacts with the authority which investigates the crime are necessary.

- b. The competent authority contacts the authorities responsible for issuing a reflection period or residence permit.

Case workers of the Swedish Migration Board that suspect that an applicant is a victim of trafficking inform the coordinators within the Migration Board. The coordinators compile all the cases and inform the Police. To report cases to the Police is not the same as to file a complaint – which the applicant must do himself/herself. When the Police receive information from the Migration Board, however, they will decide how to proceed in each individual case and whether an investigation shall be done or not. The person in charge of a preliminary investigation can then apply for the victim to be granted a residence permit as witness in criminal proceedings.

- c. There is a national referral/cooperation mechanism that helps him/her.

There is no National Referral Mechanism in Sweden. Instead, responsibilities applying on the respective authorities are built into the administrative system. For example, the Swedish police should be informed about all presumed cases of human trafficking so that they can decide whether to undertake an investigation.

Q11d. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC?

Yes. Applications for international protection and applications from persons in charge of a preliminary investigation to issue a residence permit in accordance with Council Directive 2004/81/EC are processed by different divisions of the Migration Board. Whereas applications for international protection are dealt with by the Asylum Examination division, all other kinds of residence permits are processed by the division for Managed Migration and Citizenship. Dossiers and information can be shared between those two divisions.

Q12. If an applicant is identified as a victim and there is the possibility to change to obtain a residence permit (other than that described in Q11) or international protection status on grounds of being a victim of trafficking in human beings, how does this work in practice?

Q12a. Can the applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to apply for the residence

permit / international protection on these grounds?

Yes. The applicant can apply for an international protection status at any time on grounds of **need for protection** as laid down in Chapter 4, Section 1 and 2 of the Aliens Act. This includes refugees in accordance with the Geneva Convention (*konventionsflyktingar*), subsidiary protection (*alternativt skyddsbehov*) and other ground for protection (*övrigt skyddsbehov*). He or she may also refer to other **exceptionally distressing circumstances** as in Chapter 5, Section 6 of the Aliens Act. Being a victim of trafficking in human beings, and/or being an outcast from the society in the country of origin, can be seen as examples of situations which may be seen as exceptionally distressing circumstances.

In certain cases, an applicant could also apply for other kinds of (not protection-related) residence permits (e.g. for family reasons, work, or education), irrespective of whether he or she has been identified as a victim of trafficking in human beings. Usually, however, with some exceptions, these residence permits must be applied for from outside Sweden. When an applicant has been granted a residence permit in accordance with Council Directive 2004/81/EC, exceptions from the main rule, i.e. that a residence permit must be applied for before entry into Sweden, can be made, if the person in question fulfills the conditions for another type of residence permit, such as work, studies, or family reasons.

It should be noted, however, that according to the experiences of the Swedish Migration Board, many victims of trafficking wish to return to their home country instead of staying in Sweden.

Q12b. If yes, please name the title of the residence permit / protection status and the conditions under which (potential) victims of trafficking in human beings can apply for it.

As mentioned above, the applicant can apply for an international protection status at any time on grounds of **need for protection** as laid down in Chapter 4, Section 1 and 2 of the Aliens Act. This includes refugees in accordance with the Geneva Convention (*konventionsflyktingar*), subsidiary protection (*alternativt skyddsbehov*) and other ground for protection (*övrigt skyddsbehov*). He or she may also refer to other **exceptionally distressing circumstances** as in Chapter 5, Section 6 of the Aliens Act.

In theory, there are many other kinds of residence permits available, each attached to specific conditions. In order to be granted a residence permit for work reasons, for example, the applicant must have found a job within Sweden in the framework of the regulations for labour immigration. To be granted a temporary residence permit for education purposes, the third-country national has to be admitted to, for example, full-time higher education in Sweden. There are certain requirements also for residence permits issued for family reasons. Overall, the individual conditions and rules attached to each of these residence permits cannot be described in detail within this focused study. Information can be found at <http://www.migrationsverket.se>.

Q12c Does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to apply for the residence permit / protection status? If yes, state which authorities are competent. Can the authorities responsible for processing applications for international protection formally identify in these circumstances?

No. Normally, it is sufficient that the circumstances on which the granting of a

residence permit will be based are presented in a credible manner. The Swedish Migration Board is the authority responsible for the granting of residence permits, irrespective of the purposes of residence, and the identification of victims is part of the examination.

Q12d. When can the application procedure be started?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. *When a first instance decision has been made as to whether the applicant can be granted asylum;*
-
- b. *When a first instance decision has been made both in regard of whether the applicant can be granted asylum and, if not, whether s/he can be granted subsidiary protection;*
-
- c. *When the third-country national has received a (final) negative decision on his/her application for asylum;*
-
- d. *When the third-country national has received a (final) negative decision on his/her applications for (other types of) international protection;*
-
- e. *Other, please specify.*

In most cases, the application can be submitted at any time. When a third-country national has been refused entry and/or ordered to leave (expulsion), however, a unit for administrative procedures within the Swedish Migration Board must decide that the expulsion is to be suspended (inhibition) before an application can be submitted.

Q12e. How is referral to the procedure for the residence permit / international protection on grounds of being a victim of trafficking in human beings organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. *The victim is given information on his/her rights and possibilities, but has to initiate the procedures on his/her own (where applicable with the help of his/her legal representative).*

Yes, the Swedish Migration Board offers information on the asylum procedure, but normally, the victim needs to apply for a protection status or other kind of residence permit himself/herself (or through a legal representative).
- b. *The competent authority starts up the procedure for the other form of protection.* -
- c. *There is a national referral/cooperation mechanism that helps him/her.*
-

Q12f. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used

in the new procedure?

Yes. Since the Swedish Migration Board is responsible both for international protection and for all channels of legal immigration, the applicant's dossier and evidence gathered can be shared among the respective units within the Migration Board.

Q13. Have systems of referral of (potential) victims of trafficking in human beings from international protection procedures to other procedures been evaluated in your Member State?¹¹

No.

Q13a. If yes, how well are they considered to be working? Provide evidence.

-

Q13b. If no, please provide any other evidence of the effectiveness (or otherwise) of referral here.

As each individual case of presumed trafficking is different, and since no systematic evaluations of internal procedures have been carried out, there is no reliable evidence concerning the effectiveness of referral between different kinds of procedures.

2.4 Detection and identification and referral in relation to Dublin procedures

Q14. If, in accordance with Council Regulation 343/2003, the competent authority decides that another Member State is responsible for examining the application for international protection (i.e. Dublin procedures apply) and the applicant is detected as a (potential) victim of trafficking in human beings, does this trigger Article 3(2)¹² and/or Article 15¹³ of the Regulation – i.e. can the Dublin transfer be suspended?

In cases where a victim of trafficking applies for asylum, the general principle is to apply the Dublin regulation. Transfers are not automatically suspended or cancelled. However, when an asylum seeker is granted a temporary residence permit in accordance with the EU Council Directive 2004/81/EC of 29 April 2004, or a "reflection period", this means in practice that Sweden has taken over the responsibility for the asylum seekers. Thus, no Dublin transfers will be carried out in such cases. (The Migration Board may also not take a decision on removal or transfer as long as the temporary residence permit is valid.)

Further to this, in the event of particular humanitarian considerations, the Swedish

¹¹ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

¹² Article 3(2) states that "each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation."

¹³ Article 15(1) states that, "Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must consent." Article 15(3) refers specifically to Unaccompanied Minors and states, "If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor".

authorities may refrain from carrying out a Dublin transfer and decide to examine the application for international protection in Sweden.

If yes, please answer the following questions:

Q14a If yes, how are (potential) victims subject to Dublin transfers detected? Please specify which applies:

- a. The competent authority¹⁴ proactively screens all applicants subject to Dublin transfer for indications of trafficking in human beings;*
-
- b. The competent authority proactively screens applicants subject to Dublin transfer with a particular profile¹⁵ (please provide information on the type of profile);*
-
- c. There is no systematic screening, but victims can self-report / other actors can draw attention to the potential victimisation (cf. section 3.4 if (optionally) completed);*
-
- d. Other (please specify).*

Potential victims of trafficking in human beings can be identified at any stage of an asylum procedure. They can also self-report. Other stake holders than the Swedish Migration Board can also notice that an asylum seekers may be a victim of trafficking. Examinations on whether Sweden is responsible for carrying out the asylum procedure, or whether another Member State of the Dublin II regulation is responsible, are an integral part of any asylum procedure. Thus, as Dublin procedures are not considered as procedures separate from an asylum procedure, there are no particular practices for detecting and identifying possible victims of trafficking within in the context of Dublin transfers.

Q14b. If a (potential) victim is detected, what are the next steps in terms of assessment and identification? Is there a specific level of evidence needed to suspend a Dublin II transfer?

As mentioned above, Dublin transfers are not automatically suspended or cancelled. However, if an asylum seeker has been granted a temporary residence permit in accordance with the EU Council Directive 2004/81/EC of 29 April 2004, or a "reflection period", this means in practice that Sweden has taken over the responsibility for the asylum seekers. Thus, no Dublin transfers will be carried out in such cases. (The Migration Board may also not take a decision on removal or transfer as long as the temporary residence permit is valid.)

Q15. If being a victim of trafficking in human beings does not trigger Article 3(2) or

¹⁴ Here, "competent authority" refers to the authority competent for examining the merit of the third-country national's case for international protection. In many (Member) States, this is a 'case worker'.

¹⁵ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

Article 15 in your Member State can Dublin II transfers be suspended anyway?

Yes, in some cases. In the event of particular humanitarian considerations, the Swedish authorities may refrain from carrying out a Dublin transfer and decide to examine the application for international protection in Sweden.

Q16. Are third-country nationals subject to Dublin procedures informed of possibilities offered under Directive 2004/81/EC or national equivalent measures, or other residence possibilities?

The above-mentioned practices and routines concerning the detection and identification of victims of trafficking in the framework of asylum procedures also apply to Dublin procedures. There are no particular practices for detecting and identifying victims of trafficking in Dublin procedures.

2.5 Future measures

Q17. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for international protection?

Yes.

Q17a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

The Swedish Migration Board envisages continuing efforts to increase awareness for trafficking in human beings among its staff. This applies to all units working with migrants within the Migration Board. The Migration Board also aims at enhancing the systematic gathering of information on detected cases of trafficking. Further to this, the analysis of detected cases shall be improved in order to enhance the capacity to detect possible patterns of trafficking in human beings and changes of patterns instead of only gathering information on isolated cases. As a prerequisite for this, awareness of the importance of the fight against trafficking in human beings needs to be increased at all levels within the Migration Board.

Q17b. If no, are there any obstacles to the introduction of measures?

-

Section 3: Detection, identification and referral of victims in forced return procedures

This section first examines the mechanisms that are used to detect and identify victims who have received a (final) negative decision on their application(s) in international protection, or who have abandoned the procedure, i.e. "rejected applicants", who are subject to a forced return procedure. It then explores how (potential) victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.

*Please note that wherever reference is made to forced return in this section, it relates to the **forced return of rejected applicants for international protection** only rather than other persons subject to forced return measures (e.g. irregular migrants).*

3.1 Legislative framework

Q18. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in forced return procedures¹⁶?

Yes.

Q18a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

a. Process for detection and identification in forced return procedures is outlined in legislation (if yes, provide the reference)

-

b. Process for detection and identification in forced return procedures is outlined in soft law – e.g. a 'protocol' (if yes, provide the reference)

-

c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)

The forced return of a rejected applicant for international protection is handled by the Swedish police. The police officers involved in the execution of forced returns are informed about the importance of being watchful of indicators that may suggest that a person is a victim of trafficking.

Q19. Are there different protocols and/or practices for children and adults?

No. The routines of the Swedish police concerning the detection and identification of victims of trafficking are the same for adults and children. However, when a child is presumed to be a victim of trafficking, the police are legally required to inform the competent local Social services (*Socialtjänsten*) about the child. There is no such requirement in the case of adults.

¹⁶ (Member) States should here **only** refer to mechanisms for detection/identification used in forced return procedures – i.e. they should not refer to those used to detect/identify in situations outside of forced return procedures.

Q19a. *If yes, please briefly describe how these differ and why.*

-

Q20. *Are there different protocols and/or practices for men and women?*

No, the procedures are not different for men or women. If possible, however, a female officer may interview and assess the case of a woman who is a potential victim of trafficking if the latter so desires. When using an interpreter it is recommended that the potential victim has a large impact on the choice of interpreter so that the interviewee feels at ease. For example, a woman may feel more at ease with a female officer and/or female interpreter but the opposite may also be preferred.

Q20a. *If yes, please briefly describe how these differ and why*¹⁷

-

3.2 Detection of victims

Q21. *How are (potential) victims of trafficking in human beings detected, amongst rejected applicants, in forced return procedures?*

Q21a. *Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State.*

- a. *The competent authority*¹⁸ *proactively screens all rejected applicants for indications of trafficking in human beings;*

No. The Swedish police as the competent authority for forced return procedures use a number of indicators to detect cases of trafficking. These indicators are similar to the ones used by the Swedish Migration Board, please see above under Q8.a. This, however, does not mean that applicants systematically screened.

- b. *The competent authority proactively screens all rejected applicants with a particular profile*¹⁹ *for indications of trafficking in human beings (please provide information on the type of profile);*

No.

- c. *Victims self-report;*

It is not uncommon that persons in the procedure of a forced return report to the police officer in charge of the return procedure that they are victims of trafficking.

- d. *Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*

Yes, it is possible that the victim's legal aid or other person reports a

¹⁷ E.g. only female officers can screen / assess women.

¹⁸ Here, "competent authority" refers to the law enforcement official or other authority competent to supervise and enforce forced return process of applicants for international protection who are subject to a return order.

¹⁹ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

case of suspected trafficking to the Swedish police.

e. *Other (please specify).*

-

Q22. If the competent authority detects that a rejected applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

The Swedish police will examine whether a criminal investigation of the case should be initiated. In this case, it may be the case that the authority in charge of a preliminary investigation/criminal investigation applies for the possible victim to be granted a residence permit for witnesses in criminal proceedings. If it is clear that the person subject to forced return has not been identified as a victim of trafficking at an earlier stage, it will also be checked whether impediments to forced return apply.

Q22a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim?

Yes.

b. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?

Police officers are required to take into account certain indicators, which could suggest that the person in question has been the victim of trafficking, when assessing asylum applications. These are:

- An applicant does not have a passport, or a forged one;
- he/she has no return ticket to the country of origin;
- the applicant looks scared or upset, does not speak freely and makes the impression that he/she is under surveillance;
- the applicant appears to be depressed and/or miserable, so that the case worker feels a need to take care of him/her;
- a third person is always present at contacts with the Migration Board;
- the applicant is accompanied by a dominant person;
- the applicant appears to be unnaturally happy;
- he/she bears signs of violence on his/her body;
- the applicant often changes his/her address;
- he/she is under the influence of narcotics, possible against his/her will;
- the person suffers from insomnia, stomach ache, vomiting, or panic in spite of being placed in a safe environment.

This is not an exhaustive list. The presence or absence of one or more indicators itself can neither confirm nor deny human trafficking. An overall assessment of the person in question is required.

The list has been developed in cooperation between the National Police Board, the National Bureau of Investigations, local police authorities, local social services offices, the Swedish Prosecution Authority and the Swedish Migration Board and has drawn on the findings of a joint project of the European Commission and the ILO (International Labour Organization) which purpose was to, inter alia, identifying the needs and developing common indicators to detecting trafficking in human beings.

Q22b. Are *other mechanisms*²⁰ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)?

Yes.

a. *If yes, what are these?*

If there is an indication that a person is a victim of trafficking, the officer in charge should investigate this further. The investigation will consist of an interview with the potential victim but can also include other measures of investigation.

b. *If no, why not?*²¹

-

Q22c. *What happens if, following the assessment, the competent authority decides that the third-country national concerned is not a (potential) victim? Can the third-country national seek an alternative assessment elsewhere?*

Such a case is unlikely to occur in reality. Usually, a person who self-reports to be a victim of trafficking and cooperates with the authorities in charge of preliminary/criminal investigation will not need to seek an alternative assessment elsewhere.

Q23. *Have methods for the detection and/or identification of victims in forced return procedures been evaluated in your Member State?*

No. The Swedish Migration Board is not aware of any specific evaluation of the methods for the detection and identification of victims of trafficking in forced return procedures.

However, the National Police Board in Sweden, also appointed National Rapporteur by the Swedish government, produces each year a report on trafficking in human beings²². Among other contents, it also describes what the police authorities are doing to prevent, detect and take legal proceedings against this crime. The report focuses on trafficking in human beings for sexual purposes but also address the problem of trafficking for other purposes. It does not differentiate between rejected asylum applicants in forced return procedures and other victims of trafficking in human beings. In their most recent report, regarding 2011, they suggest measures to be taken in order to be more successful in preventing and detecting victims, and to have more traffickers convicted by the courts. One measure is specially directed towards improving the capacity to detect victims of trafficking in human beings, suggesting that the responsible authorities should be given the possibility to strengthen their cultural competence and by a multidisciplinary approach in cooperation with other authorities and experts on cultural diversity in order to increase staff's ability to perform their duties and to increase efficiency in these investigations.

Q23a. *If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected /*

²⁰ E.g. interviews.

²¹ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

²² Council of Europe Convention on Action against Trafficking in Human Beings, Article 29 p. 4

unidentified?

-

Q23b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in forced return procedures here.

No information available.

3.3 Referral

Q24. If a rejected applicant is identified as a (potential) victim and there is the possibility to open up a procedure as foreseen under Directive 2004/81/EC, how does this work in practice?

Q24a Can the rejected applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to access the provisions of Directive 2004/81/EC or national equivalent measures?

Yes, under condition that the rejected applicant chooses to cooperate in the criminal investigation, the leader of a so called preliminary investigation can apply for a permit according to the provisions of Directive 2004/81/EC.

Q24b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

a. The (potential) victim is given information on his/her rights and possibilities, but has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).

No.

b. The authorities competent for implementing the forced return procedure contact the authorities responsible for issuing a reflection period or residence permit.

Yes. The leader of the preliminary investigation can apply for a permit according to the Directive. The application is filed with the Swedish Migration Board and the leader of the preliminary investigation is the only one who is qualified to lodge such an application. However in the case of a rejected asylum applicant, a unit for administrative procedures within the Swedish Migration Board must decide that the impending expulsion is to be suspended ("inhibition") before an application can be made. These persons are thus excluded from the possibility of receiving a temporary permit. The expulsion will only be suspended and they do not receive the same benefits as other persons granted a permit according to the directive.

c. There is a national referral/cooperation mechanism that helps him/her.

No. There is no National Referral Mechanism in Sweden. Responsibilities applying on the respective authorities are built into the administrative system.

Q24c. Can the applicant's dossier /evidence gathered to date by the law enforcement authorities be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC?

Yes. The leader of a preliminary investigation dealing with a suspicion of trafficking in human beings will have access to information about the victim, which has been gathered in connection with an execution of a forced return.

Q25. Have systems of referral of (potential) victims from forced return procedures to other procedures been evaluated in your Member State?²³

The Swedish Migration Board is not aware on any such evaluation.

Q25a. If yes, how well are they considered to be working? Provide evidence.

-

Q25b. If no, please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms.

No information available.

3.4 Future measures

Q26. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for forced return?

No. The Swedish Migration Board is currently not aware of any future measures to improve or facilitate the detection and identification of victims of trafficking in human beings in procedures for forced return.

Q26a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

-

Q26b. If no, are there any obstacles to the introduction of measures?

No information available.

²³ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

Section 4: Detection, identification and referral of victims by other related actors

This section looks at detection, identification and referral of (potential) victims who are residing in (i) reception centres; and (ii) detention facilities awaiting forced return. It optionally looks at detection and referral by other actors.

4.1 Detection and identification of victims in reception centres / detention facilities

Q27. How are (potential) victims of trafficking in human beings detected in the following situations:

- a. Whilst residing in reception centres for applicants of international protection (where these exist in Member States)?*

Reception facilities and detention centers in Sweden are operated by the Swedish Migration Board. Hence, the methods used are the same regardless of the fact that the potential victim is in a reception center or a detention facility. Any official of the Swedish Migration Board that comes into contact with a potential victim of trafficking residing in a reception facility run by the Migration Board can detect and identify the victims and report this to the responsible case-worker and/or anti-trafficking coordinator within the Migration Board, as well as to the Police and to Social services. Other actors, such as NGOs, Social services or volunteers, can detect a victim as well, and inform the competent authorities.

- b. Whilst detained in detention facilities for irregular migrants awaiting return (where these exist in Member States)²⁴?*

Reception facilities and detention centers in Sweden are operated by the Swedish Migration Board. Hence, the methods used are the same regardless of the fact that the potential victim is in a reception center or a detention facility. Any detention center staff can detect and identify the victims and report this to the responsible case-worker and/or anti-trafficking coordinator within the Migration Board, as well as to the Police and to Social services.

Q27a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State:

- a. All residents / detainees are screened for indications of trafficking in human beings;*

No. There is no systematic "screening".

- b. All residents /detainees with a particular profile²⁵ for indications of trafficking in human beings;*

²⁴ In some (Member) States, third-country nationals awaiting return are not detained at all, whereas in some (Member) States, returnees are detained in regular prisons or in migration reception centres. These cases fall outside of the scope of this Study, and only detention facilities will be covered.

²⁵ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country of origin to the EU Member State, refer to a known route used by traffickers.

No.

c. *Victims self-report;*

Yes, it is possible that a victim reports about being trafficked to a member of staff of the Migration Board in connection with the interviews that are carried out in reception or detention facilities.

d. *Another actor in contact with the victim draws attention to the potential victimization (if so, please refer to section 3.4 if (optionally) completed);*

Yes, it is possible that the victim's legal aid, a reception officer or other persons report a case of suspected trafficking to the Swedish Migration Board.

e. *Other (please specify).*

Possible victims of trafficking can be detected and identified at all stages of an asylum procedure. As the Swedish Migration Board is not only responsible for the examination of asylum applications but also for reception facilities and detention centers, a victim can be detected in the framework of an asylum interview or in other contacts with the Migration Board, such as for example by staff responsible for the reception of asylum seekers or for detention centers. The Migration Board uses a number of indicators to detect cases of trafficking, as outlined above in Section 2. These indicators do not only apply to the detection and identification of possible victims in the framework of an asylum procedure or interview, but also in the contexts of reception or detention. It is not the case, however, that all persons residing in reception facilities run by the Migration Board, or in detention centers, are systematically screened.

Q28. Is the practice described above based on established guidelines / protocol (if yes, please provide a reference / information)

Yes. The "Manual for migration cases" (*Handbok för migrationsärenden*), which is an important basis for how work in reception facilities and detention centers should be carried out, contains a specific chapter on internal routines in cases of suspected trafficking.

Q29. Are there different protocols and/or practices for children and adults?

Yes.

Q29a. If yes, please briefly describe how these differ.

When a child is presumed to be a victim of trafficking, the Swedish Migration Board is legally required to inform the competent local social services about the child. There is no such requirement in the case of adults.

Q30. Are there different protocols and/or practices for men and women?

No. The gender of the person that is presumed to be a victim of trafficking matters as they will be asked whether they want their case to be dealt with by a female or male case worker. The internal procedures, however, are not different for men or women. Due to the fact that exploitation of women for sexual purposes appears to be the most frequent form of trafficking, the internal Manual of the Swedish Migration Board mentions explicitly, that also men can be victims of different forms of trafficking.

Q30a. *If yes, please briefly describe how these differ*²⁶

-

Q31. *What are the next steps in terms of assessment and identification?*

Q31a. *Is there a standard set of indicators used to assess whether the suspected victim should be identified as a victim?*

Yes.

a. *If yes, please give further details, provided the information is not considered of a sensitive nature.*

Cases workers at the Swedish Migration Board are required to take into account certain indicators, which could suggest that the person in question has been the victim of trafficking, when assessing asylum applications. As mentioned above in section 2, These are:

- An applicant does not have a passport, or a forged one;
- he/she has no return ticket to the country of origin;
- the applicant looks scared or upset, does not speak freely and makes the impression that he/she is under surveillance;
- the applicant appears to be depressed and/or miserable, so that the case worker feels a need to take care of him/her;
- a third person is always present at contacts with the Migration Board;
- the applicant is accompanied by a dominant person;
- the applicant appears to be unnaturally happy;
- he/she bears signs of violence on his/her body;
- the applicant often changes his/her address;
- he/she is under the influence of narcotics, possible against his/her will;
- the person suffers from insomnia, stomach ache, vomiting, or panic in spite of being placed in a safe environment.

Q31b. *Are other mechanisms*²⁷ *used to assess whether a suspected victim should be identified as such?*

Yes.

a. *If yes, what are these?*

There may be other indicators than the ones mentioned above. It is important for case workers to get an integral impression of the person in question. Case workers also act on the basis of awareness, personal experience and empathy. In order to be able to do so, training on trafficking is important.

b. *If no, why not?*²⁸

-

²⁶ E.g. only female officers can screen / assess women.

²⁷ E.g. interviews.

²⁸ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

4.2 Referral of (potential) victims in reception centres / detention facilities

Q32. What are the next steps in terms of referral?

- a. The (potential) victim is provided information on his/her rights and possibilities, but s/he has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).

Yes, the Swedish Migration Board offers information on the asylum procedure, but normally, the victim needs to apply for a protection status or other kind of residence permit himself/herself (or through a legal representative).

- b. The reception centre / detention facility manager or other contact point in these institutions contacts the authorities responsible for issuing a reflection period or residence permit.

Yes, reception staff may contact other competent authorities on behalf of the victim. If the victim is a child, they are obligated to contact the social services (*Socialtjänsten*).

- c. There is a centralised national referral / coordination mechanism/contact point that helps him/her.

No. As mentioned above, there is no National Referral Mechanism in Sweden. Responsibilities applying on the respective authorities are built into the administrative system.

Q33. Have systems of detection and referral by actors in reception centres or detention facilities to procedures for victims of trafficking in human beings been evaluated in your Member State?²⁹

Yes.

Q33a. If yes, how well are they considered to be working? Provide evidence.

In 2010, the Swedish Migration Board undertook a review of the Board's activities related to trafficking in human beings, in conjunction with an analysis of future needs and the development of proposals for improvements. When the review process was started, there had not yet been any established internal routines for detecting and protecting victims of trafficking. The 2010 report revealed, among other issues, that a majority of units within the Migration Board were of the view that they needed more knowledge and expertise on trafficking in human beings, and that this concerned approximately 500 case-workers and other staff. Staff would also profit from improved internal communication. The report also stated that cooperation between the Migration Board and other actors had been established but that more could be done.

Several steps and measures, both with regard to the establishment of internal routines for detection of victims, improved internal communication, improved cooperation with other actors and awareness-raising among staff, have been taken since the report was carried out in 2010. According to the Swedish Migration Board's internal coordinators for trafficking cases, however, there is still a need for increased awareness and training of staff on trafficking in human beings within the Migration Board. In 2013, for example, many new

²⁹ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

case workers have been recruited, and staff have been reassigned to new units internally, in order to cope with the increasing number of new asylum applications. Consequently, training efforts need to be increased, as well.

Q33b. Please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms here.

No information available.

4.3 Role of other actors (optional)

Q34. Do other actors coming into contact with applicants and rejected applicants – e.g. legal representatives, civil society organisations, and medical staff – formally detect detection (potential) victims amongst third-country nationals in international protection and/or forced return procedures and refer them onto other authorities competent to identify and assist³⁰?

No. Other actors such as legal representatives, civil society organizations or medial staff cannot “formally”, i.e. in a legal sense, detect or identify a possible victim of trafficking. When they come into contact with a person that might be a victim of trafficking, however, they should inform the police. When the possible victim is a child, the Social services must be informed. When the terms of stay of the person at hand is not regulated, they can also refer him or her to the Swedish Migration Board so that, for example, an application for asylum can be lodged. When social assistance and help with, for example, housing or care, is required, the local Social services should be informed.

Q34a. If yes, describe the mechanisms for detection.

As legal representatives, civil society organizations or medical staff can come into contact with potential victims of trafficking in very varying contexts and depending on their respective roles in a municipal context, there is no specific “mechanism” for detection.

Q34b. If yes, describe what happens in terms of referral.

When the Police are informed about a potential trafficking case, they will examine whether or not to launch a preliminary investigation. The officer in charge of the preliminary investigation may apply for the victim to be granted a residence permit for witnesses in criminal proceedings. When the person at hand is referred to the Migration Board, an asylum procedure or procedure for a residence permit on other grounds can be started. When the local Social services are informed, they will decide whether or not any particular assistance or support is needed.

³⁰ **Only** describe detection amongst third-country nationals in international protection / forced return procedures; not for detection in general.

Section 5: Training

Q35. What guidance and training do competent authorities (and optionally other actors) receive regarding the detection and identification of victims? Please specify the following for each type of training described:

a. Content of training, specifically:

Training is provided for staff of the different authorities dealing with cases of human trafficking in different ways and through a variety of different channels. Thus, it is not possible to provide an all-encompassing overview. A few examples can however be mentioned.

In 2008, the Government commissioned the Swedish Crime Victim Compensation and Support Authority, in consultation with the Police, Prosecution, Courts Administration and Migration Board to design and implement an education program to raise awareness about prostitution and human trafficking, especially sex trafficking.

During 2009 and 2010, the Swedish Crime Victim Compensation and Support Authority carried out a training programme for staff within the Police, the Swedish Prosecution Authority, judiciary courts and the Swedish Migration Board. The purpose of the programme was to

- Improve knowledge of the underlying mechanisms affecting the occurrence of prostitution and trafficking in human beings for sexual purposes.
- Improve interaction with victims of prostitution or trafficking in human beings for sexual purposes.

In 2011, the National Board of Health and Welfare developed two educational materials within the areas of prostitution and trafficking in human beings for sexual purposes – one with a focus on children and young people and one focusing on adults. The educational material is primarily aimed for staff in Social services, health services, substance abuse and addiction treatment, sheltered accommodation, and at youth clinics.

UNICEF Sweden and the National Board of Health and Welfare have jointly developed a publication which aims to make it easier to identify child victims of trafficking for sexual purposes. The publication is based upon international UNICEF's guidelines to ensure children and young victims of trafficking, girls and boys, the protection and rights they are entitled under the Convention on the Rights of the Child. It contains a checklist of issues and actions that may be taken and is supposed to help officials in Government agencies, which may come into contact with the girls and boys who are likely to be vulnerable to trafficking. The primary recipients of the publication are Social services, health care staff, the Swedish Migration Board and the Police, but also NGO's that come into contact with victims of trafficking.

Training specifically aimed at staff of the Swedish Migration Board is sometimes provided through training courses. Such courses are often offered on a regional basis. In October 2013, for example, the regional cooperation framework against prostitution and trafficking offered a training course for staff of the Swedish Migration Board based in Southern Sweden in cooperation with the Swedish border police, the City of Malmö, and the Swedish Prosecution Authority. The focus of the training course was to provide guidance on the responsibilities and competencies of the different

authorities dealing with victims of trafficking, how capacities to detect and identify victim of trafficking can be improved, and how to act in cases in which a suspicion of crime arises.

i. Indicators for detecting / identifying victims

Indicators for detecting and identifying victims and increased capacities of detecting cases of trafficking belong to the usual elements of training courses offered.

ii. Profiling techniques

Since the Swedish Migration Board does not use profiling in order to detect and identify possible victims of trafficking, this is usually not part of any training offered.

iii. Gender-sensitive approaches for engaging with victims

When training of detecting and identifying victims of trafficking is offered, specific risks for women and men, as well as children and adults, are often covered.

iv. Building trust and engaging with (potential) victim

How to approach possible victims of trafficking and to build trust is also often included into training offered.

v. Others (please briefly describe)

Since various different actors are involved in the process of detecting victims of trafficking, and offering help and support, such as local Social services, the Migration Board, the Police and the Swedish prosecution authority, an important element of training is to inform participants of the respective roles of each of these actors and ways of communicating and sharing information among them.

b. Type of stakeholder trained

Training is offered for staff of many different actors involved, such as the Swedish Migration Board, Police officers and local Social services.

c. Type of training / guidance (e.g. Training module, Training workshop, Examination, Guidelines, Brochure, Other (please describe))

Training and guidance are provided through various channels. Seminars, workshops and conferences are a frequent means of providing training. There is also a wide range of different publications, reports and other written training material. Written material can be accessed, for example, at the website of the National Coordinator and the National Coordination Secretariat against Prostitution and Trafficking located at the County Administrative Board of Stockholm.³¹

d. Authority / organization providing the training

Training is provided by different actors, also at regional and local levels. The National Coordinator and the National Coordination Secretariat against

³¹ <http://projektwebbar.lansstyrelsen.se/nmtsverige/Sv/Pages/default.aspx>.

Prostitution and Trafficking located at the County Administrative Board of Stockholm provides material from various actors at its website.³²

The Swedish Institute has been tasked by the government to spread information about the Swedish policies and measures on combatting prostitution and trafficking in human beings. It has also developed brochures and films.³³

e. Frequency of the training (e.g. annually, one-off, induction training, etc.)

There is no institutionalized frequency. Training is provided as often as possible and in relation to demand from the various actors involved.

f. Whether the training is obligatory.

Generally speaking, training is recommended but not obligatory.

*Q36a. Specifically please describe whether your Member State has organized **joint training sessions** of trainees from different backgrounds – e.g. personnel involved in procedures for international protection, forced return and those for victims of trafficking in human beings.*

Yes. Training sessions are often organised jointly by various actors with different competencies, also at regional or local level.

*Q36b. Specifically please describe whether your Member State has organised **multi-disciplinary training** – i.e. as provided by a range of experts.*

Yes. Training sessions are often organised jointly by various actors, also at regional or local level, with different focuses.

³² <http://projektwebbar.lansstyrelsen.se/nmtsverige/Sv/Pages/default.aspx>.

³³ <http://projektwebbar.lansstyrelsen.se/nmtsverige/Sv/utbildningsmaterial-/Pages/sis-filmer-om-prostitution-och-manniskohandel.aspx>.

Section 6: Statistics

This section provides statistics that indicate the scale and scope of (potential) victims detected and identified in procedures for international protection and forced return.

Q37. Has your Member State conducted any research into the scale of victims of trafficking in human beings in international protection procedures and/or procedures for forced return? Yes / No

No. The Swedish Migration Board is only aware of research that has been carried out on the phenomenon of trafficking in human beings in general (please see below), not specifically on the detection of victims in international protection and/or forced return procedures. Worth mentioning, however, is that UNICEF has conducted research focusing on child trafficking in the Nordic countries. Their report was published in 2012 and aimed at improving understanding of child trafficking and responses in the region and contributing to the international discourse on child trafficking by examining the linkages between anti-trafficking responses and child protection systems.³⁴

Every year, and for periods of less than a year, the Swedish Migration Board reports all cases of presumed victims of trafficking detected by the various units of the Migration Board to the National Bureau of Investigations. These reports cannot, however, be regarded as "research", since they do not include any deeper analysis of the phenomenon.

The report from the Swedish Migration Board to the National Bureau of Investigations for 2012, to give one example, lists 48 cases of presumed trafficking in human beings that were detected by staff of the Migration Board. Of these cases, 17 were detected by staff in charge of asylum examinations, 13 by staff dealing with reception of asylum seekers, and 6 by units dealing with the processing of applications for residence permits in the framework of legal immigration. Another 6 cases were reported by Dublin units, 3 by detention center staff, two by migration courts and one by a unit dealing with administrative procedures. As far as the countries of origin of the suspected victims are concerned, 13 came from Mongolia, five each from Nigeria and Georgia and four from Russia. For other countries of origin, only one or two cases each were reported. Almost all cases regarded trafficking for sexual purposes. There were only two cases of suspected trafficking for purposes of forced labour.

Q37a. If yes, briefly describe it here, providing the reference to the Study, its aims, and any key findings relevant to this present study.

Trafficking in human beings is to a large extent an unexplored phenomenon in Sweden, as in many other countries. In the Swedish case, there are no reliable quantitative or qualitative studies on the phenomenon as a whole, which means comprising all aspects of trafficking in human beings or a comprehensive quantitative overview. Throughout recent years, however, awareness of the phenomenon has increased and initiatives have been initiated both at regional

³⁴ Child Trafficking in the Nordic countries: Rethinking strategies and national responses, UNICEF, 2012

and national levels.

In November 2012, the Stockholm County Administrative Board published a report on trafficking in children.³⁵ One of the main findings was that a total of 166 children have been registered in Sweden as suspected victims of trafficking in the years 2009 to 2011. There were cases of sexual exploitation, but also other reasons of trafficking, such as theft, begging and child labour. Most of the suspected cases involved children that had come to Sweden as unaccompanied minors. On the basis of the main findings of the report, a range of conclusions and recommendations were made, such as to intensify awareness raising and training among institutions that work in the area of migration and social care, to further improve cooperation among different public institutions, to continue and intensify international cooperation and to invest in specialized accommodation and care for victims.

Each year, the National Police Board publishes a progress report on trafficking for sexual and other purposes (*Lägesrapport Människohandel för sexuella och andra ändamål*). The most recent publication within this series was, at the time of writing this study, the progress report on 2011. It provides an overview of the situation concerning trafficking in human beings in Sweden including related legislation, a statistical overview on reported suspicions of cases of trafficking, court judgments on suspected cases, among other aspects. According to the report, the number of suspected cases of trafficking for sexual purposes has increased from 15 in 2008 to 35 in 2011. Suspected trafficking for other purposes has increased from only 8 cases in 2008 to 63 in 2011, see Table 1 for details.

Table 1: Police complaints lodged concerning alleged cases of trafficking, 2008-2011

	Trafficking for sexual purposes	Procuring of women/men	Trafficking for other purposes
2008	15	51	8
2009	31	94	28
2010	32	120	52
2011	35	86	63

Source: Rikspolisstyrelsen (2012): Människohandel för sexuella och andra ändamål, Lägesrapport 13, RPS Rapport 2012.

Q38. Please complete the table in **Annex 1** as far as possible, based on statistics available in your (Member) State.

³⁵ Länsstyrelsen i Stockholms Län (2012): Barn utsatta för människohandel – en nationell kartläggning, Rapport 2012:27, Stockholm.

Section 7: Conclusions

This study has shown that the actors involved in international protection and forced return procedures, namely the Swedish Migration Board and the Police, have developed internal routines and practices on how to detect and identify possible victims of trafficking in human beings. Among other things, a specific chapter on trafficking victims has been included into the Swedish Migration Board's "Manual for migration cases" (*Handbok för migrationsärenden*), which is an important basis for decision-making on asylum applications and other applications for residence- and work permits, and the Board has appointed three internal trafficking experts for each of the operative divisions responsible for asylum procedures, legal migration procedures, and reception and return. While the handbook informs case-workers and decision-makers about how to detect and identify possible victims and what to do in such cases, the internal coordinators help to gather and share experiences, give advice, interact with other relevant actors, such as the Police or Social services, and report presumed cases of trafficking to the National anti-trafficking coordinator.

While it is important to note that many victims of trafficking who are detected and identified by the Migration Board actually want to return home instead of staying in Sweden, there are different possibilities to obtain a residence permit in cases in which this is needed. On the one hand, victims for trafficking can apply for a (renewable) temporary residence permit for a reflection period in order to make up their minds about whether they want to assist in the prosecution of perpetrators and to witness in criminal proceedings. Officers in charge of preliminary investigations of cases of trafficking can apply for a (renewable) residence permit for any victim of trafficking that agrees to co-operate in an investigation. On the other hand, protection statuses for victims of trafficking are available as well. Irrespective of the fact whether a victim of trafficking chooses to cooperate with the authorities, he or she may receive a humanitarian residence permit on grounds of exceptionally distressing circumstances. Other protection statuses or residence permits are available as well, subject to the fulfillment of the respective legal requirements attached to these, but seldom apply in practice. The study has also shown that victims of trafficking can be detected and identified at any stage of a procedure for international protection, legal immigration or return. As such, there are no legal obstacles to an effective detection and protection of victims.

In spite of the fact that there is no national referral mechanism concerning potential victims of trafficking in Sweden, responsibilities applying on the respective national authorities are built into the administrative system. Thus, whether victims of trafficking are efficiently detected and identified and perpetrators prosecuted does not depend on a standardized referral mechanism but rather on factors such as a high level of awareness and experience among the authorities involved; simple, well-functioning and easy structures for co-operation and communication among them; the gathering and analysis of data, evaluation and follow-up of the existing structures and routines, and training of staff coming into contact with potential victims. At the Swedish Migration Board, the co-operation with other actors and authorities is considered to be well-established while there seems to be a need for continuous awareness-raising and training among case-workers, decision-makers, and other staff, especially when staff turn-over is high and new officers are recruited. The Migration Board's internal coordinators sometimes sense that training efforts, and the raising of awareness among all staff, including the senior management of the Board, is not attributed sufficient attention and resources at all times.

Unfortunately, there are almost no statistical data available which would be suitable to the common template for this EMN study. As mentioned in Section 6 of the study, however, the Swedish Migration Board can provide data on presumed cases of

trafficking in human beings on a regular basis (annual or biannual). The most recent data set for a whole year, 2012, shows that the Swedish Migration Board has detected 48 cases of presumed trafficking. Most detections were made by officers in charge of asylum procedures and reception of asylum seekers. The potential victims of trafficking came from many different countries, with a focus on Mongolia, Nigeria, Georgia, and Russia. In almost all cases, trafficking for sexual purposes was suspected.

From a Swedish perspective, it will be interesting to learn, through this EMN study, and once all national reports contributing to this study are available, how other EU Member States and Norway deal with the detection and identification of victims of trafficking in international protection and return procedures.

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ANNEX 1

Table 1 – Statistics on third-country national victims of trafficking in human beings identified in procedures for international protection and forced return

	2008	2009	2010	2011	2012	Source / further information
<i>Third-country nationals identified as (potential) victims and who have <u>withdrawn</u> from or <u>stopped</u> procedures for international protection</i>						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures (or – where relevant – have stayed in international protection procedures) ³⁶ and who have (later) been granted a reflection period as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC, Directive 2011/36/EU or other national provisions). Where possible, please disaggregate for: - Gender, age, nationality of the person identified	n.a.	n.a.	n.a.	n.a.	n.a.	The statistics collected by the Swedish Migration Board on potential victims of trafficking cannot be disaggregated for the status of their asylum or legal migration procedure.
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) applied for a (temporary or permanent) residence permit as a victim of trafficking in human beings cooperating with the authorities (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive ³⁷).	n.a.	n.a.	n.a.	n.a.	n.a.	

³⁶ The measure provided here depends on the (Member) State's response to Q11a – i.e. whether the applicant has to withdraw from the procedure for international protection in order to be granted a reflection period and/or residence permit under Directive 2004/81/EC.

³⁷ Denmark, **Ireland** and the **United Kingdom** are not signatory to and therefore do not transpose Directive 2004/81/EC; however, each of these offers alternative procedures for granting residence permits.

Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) been granted a (temporary or permanent) residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive). Where possible, please disaggregate for: - Gender, age, nationality of the person identified	n.a.	n.a.	n.a.	n.a.	n.a.	
<i>Third-country nationals identified as (potential) victims and who have <u>been rejected</u> from procedures for international protection following a (final) negative decision</i>						
Number of third-country nationals who have been <u>rejected</u> from (EU harmonised) international protection procedures <u>following a (final) negative decision</u> on their application and who have (later) ³⁸ been granted a (non-EU harmonised) protection status or residence permit (e.g. on humanitarian grounds) ³⁹ as a victim of trafficking in human beings (e.g. due to humanitarian reasons). Where possible, please disaggregate for: - Gender, age, nationality of the person identified	n.a.	n.a.	n.a.	n.a.	n.a.	The statistics collected by the Swedish Migration Board on potential victims of trafficking cannot be disaggregated for the status of their asylum or legal migration procedure.
Number of third-country nationals who have <u>been rejected</u> from (EU harmonised) international protection procedures <u>following a</u>	n.a.	n.a.	n.a.	n.a.	n.a.	

³⁸ **Note:** in some (Member) States, where all third-country nationals applying for international protection are assessed against all categories of international protection simultaneously in the same process, this reference to two separate processes may not be relevant. (Member) States with single procedure are not required to provide an answer here, and can state "Not Applicable" in the box.

³⁹ Where possible, please specify the type of protection status / residence permit.

<p><u>negative decision</u> and who have – following official identification procedures - (later) been granted a reflection period as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU or other national provisions).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 						
<p>Number of third-country nationals who have <u>been</u> rejected from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been granted a residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 	n.a.	n.a.	n.a.	n.a.	n.a.	
Statistics on referrals to national referral mechanisms (where existing in (Member) States)						
<p>If an national referral mechanism (NRM) exists in your (Member) State, please provide statistics on:</p> <ul style="list-style-type: none"> - Number of third-country nationals referred by the authorities responsible for <u>examining and deciding upon applications</u> for international protection to the NRM - Number of third-country nationals referred by the authorities responsible for <u>enforcing forced returns</u> to the NRM - Number of third-country nationals referred by the authorities responsible for <u>managing reception centres</u> to the NRM - Number of third-country nationals referred by the authorities responsible for <u>managing detention facilities</u> to the NRM 	n.a.	n.a.	n.a.	n.a.	n.a.	There is no national referral mechanism in Sweden.

<ul style="list-style-type: none"> - Number of third-country nationals referred by <u>legal representatives</u> to the NRM - Number of third-country nationals referred by <u>civil society</u> to the NRM - Number of third-country nationals referred by <u>other actors</u> to the NRM <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 						
General statistics ⁴⁰						
Number of third-country nationals who have been granted a (non-EU harmonised) protection status or residence permit as a victim of trafficking in human beings (e.g. due to humanitarian reasons). ⁴¹	n.a.	n.a.	n.a.	n.a.	n.a.	
Number of third-country nationals who have been granted a reflection period as a victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU).	n.a.	n.a.	n.a.	n.a.	n.a.	
Number of third-country nationals who have been granted a residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	15	23	33	39	25	Source: Swedish Migration Board. Figures include all third-country nationals that were granted a residence permit for witnesses in criminal

⁴⁰ The purpose of presenting these general statistics is to allow for the possibility to present the statistics above as a proportion of wider groups of (potential) victims of trafficking in human beings.

⁴¹ Where possible, please specify the type of protection status.

						proceedings.
Number of third-country nationals referred to procedures for victims of trafficking in human beings through the NRM	n.a.	n.a.	n.a.	n.a.	n.a.	

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About the EMN

The European Migration Network (EMN) is an EU funded network, set up with the aim of providing up-to-date, objective, reliable and comparable information on migration and asylum for institutions of the European Union, plus authorities and institutions of the Member States of the EU, in order to inform policymaking. The EMN also serves to provide the wider public with such information. The EMN was established by Council Decision 2008/381/EC adopted on 14 May 2008. The Swedish Migration Board is the Swedish National Contact Point (NCP) for the EMN.

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