



# Migrationsverket

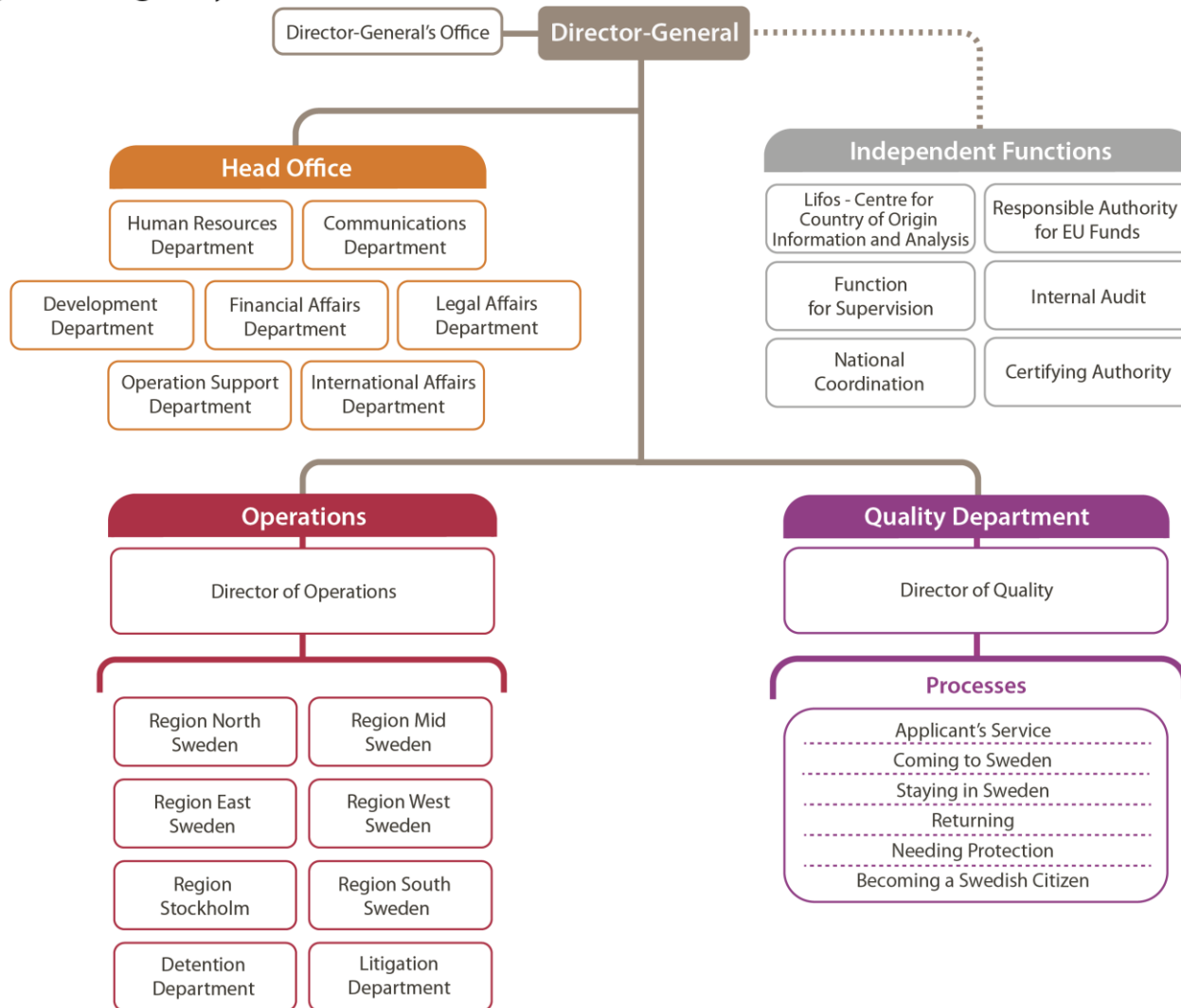
The Swedish Migration Agency

”Sweden — a nation open for the possibilities  
of global migration”

**The Migration Agency’s vision**



# Swedish Migration Agency



# Responsibilities

- According to the Constitution:
- The Migration Agency is fully independent from the Government or the Parliament in relation to individual decisions
- Government is prohibited from influencing the decisions.
- This also applies to the Agency's policy in different topics
  - 'No ministerial rule'; inte ministerstyre

# Refugee Status Determination

*Types of procedures that exist in your country?*

- regular procedure: **yes**
- border procedure: **no**
- admissibility procedure: **no**
  
- accelerated examination (“fast-tracking” certain case caseloads as part of regular procedure): **yes**

*(Comment: no suspensive effect = need for institutionalised best practice)*

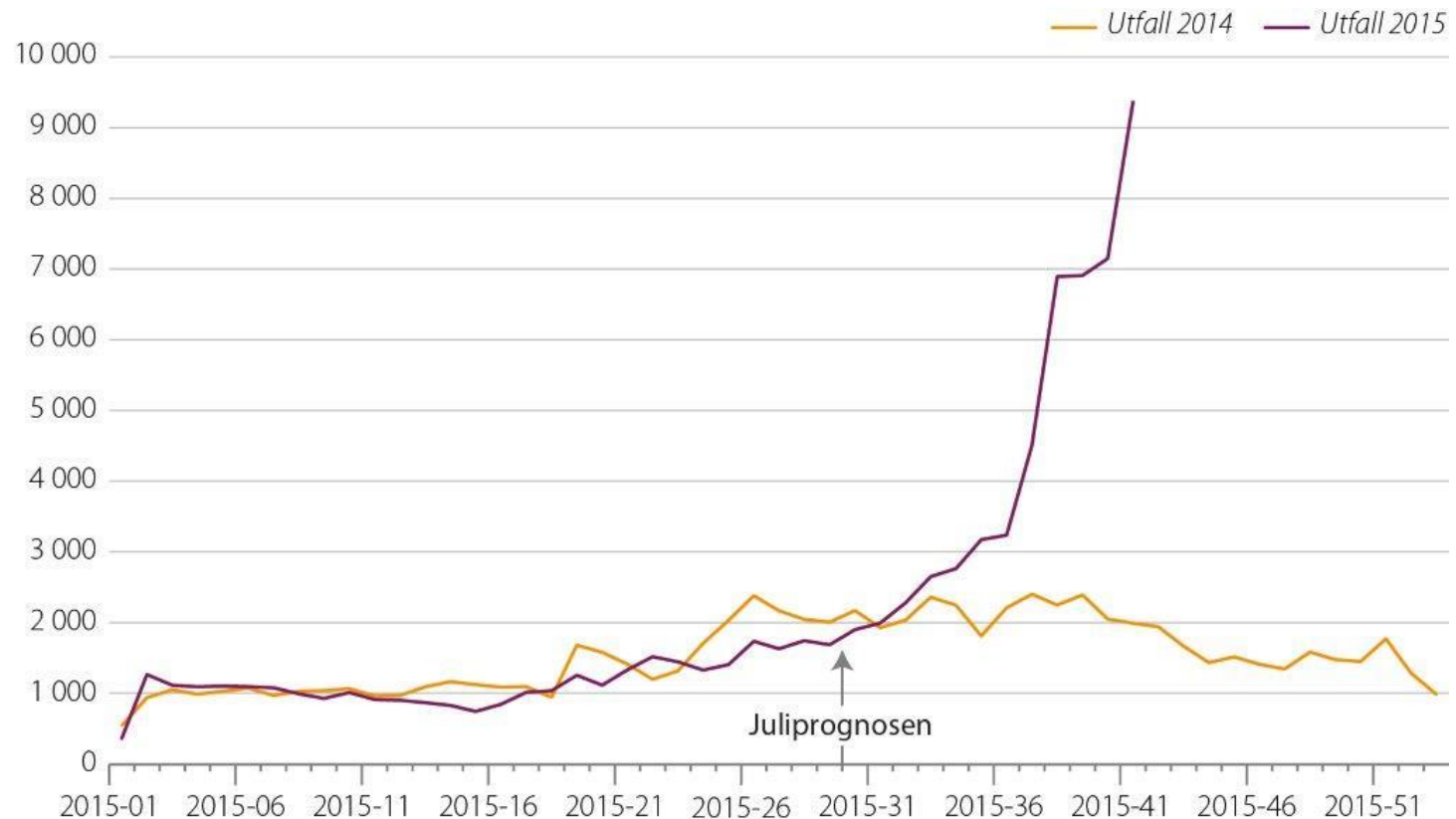
*AIDA report, May 2015 (Asylum Information Database)  
<http://www.asylumineurope.org/reports/country/sweden>*

# Access to territory

- 2015: Arrivals at internal border controls can apply for asylum by saying 'asylum'
  - Regardless of ID docs, visa etc
  - Requesting asylum means a legal entry
- In 1980's a majority applied at the border (60 %+)
- Since 1990's and until today vast majority apply from within country
- Issues of lack of ID documents dealt with in the asylum procedure
  - cannot obtain temporary work permit if no ID docs
  - less possible to change 'track' if rejected

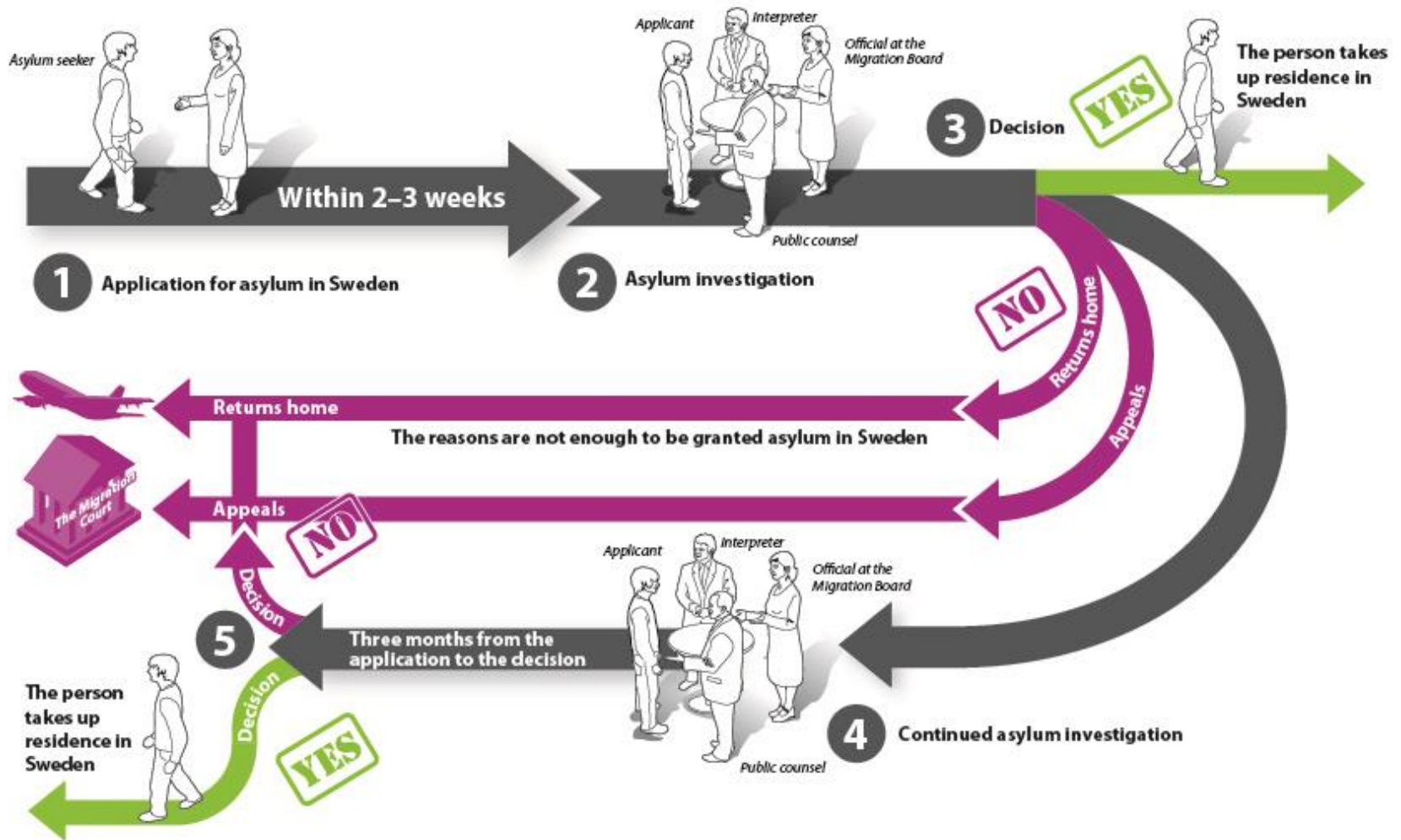
# Current situation

Number of asylum applicants in Sweden per week, 2015 and 2014



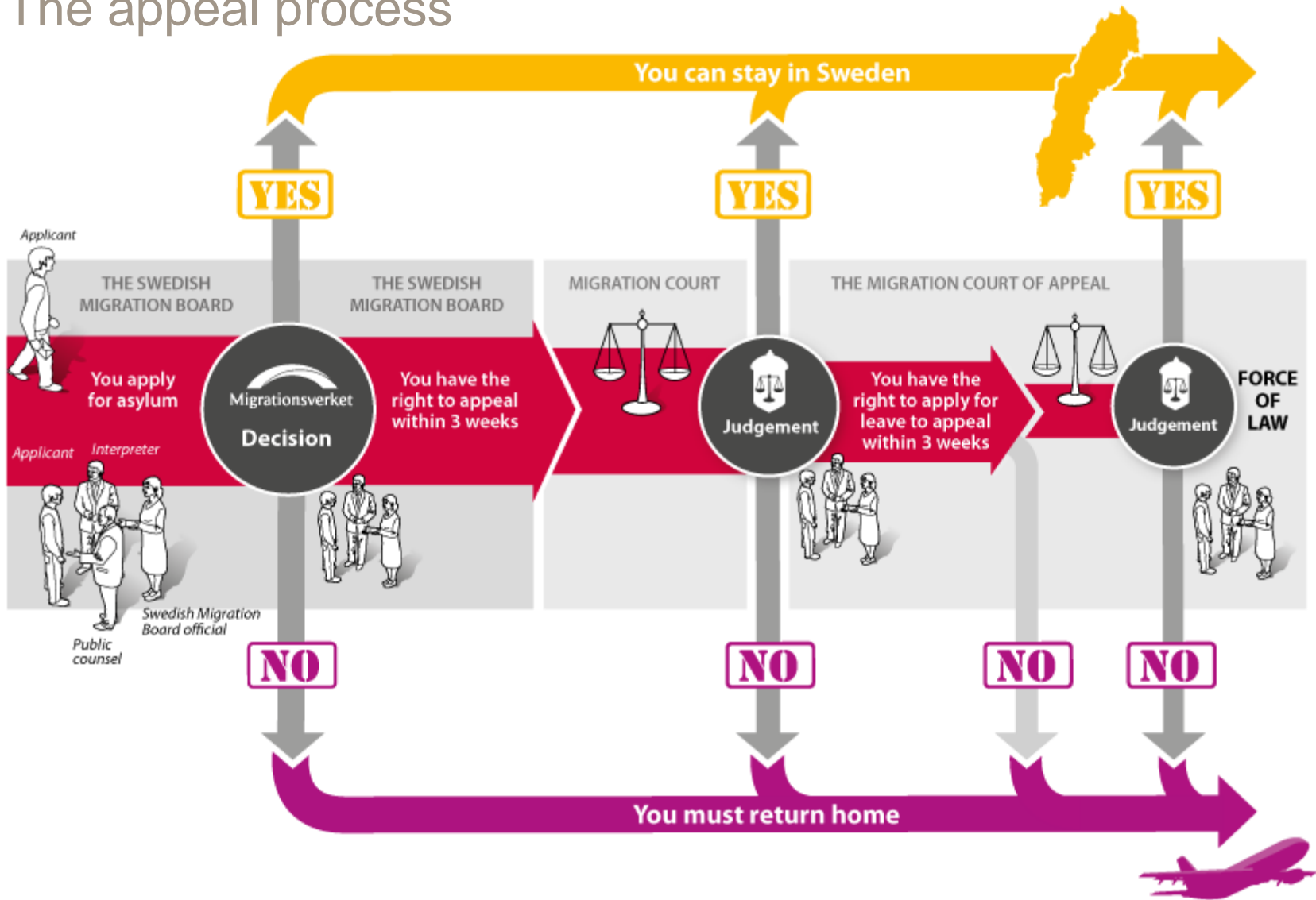


# The process of an asylum application





# The appeal process



# Refugee Status Determination

- Two staff on each case:
  - One decision maker + one case worker, or
  - Two decision makers
  - If LGBT case sometimes also a third person (an Expert on these issues)
- If possibly a negative decision: public counsel appointed early on process (before interview)
- Asylum interview obligatory (counsel present)
- COI (Country of Origin Information; special unit, also on demand eg questions in individual case; 3 days)

# Handling times (*Lean journey*)

- Project launched in 2009 . 'Shorter Wait' (*Kortare väntan*)
  - External actor: auditor firm McKinsey
- Looked through all parts of process
- Result: reduced processing time **from 13 months to 3 months**
- Example: Front loading of Expertise (today also: **Do Right From Start**)
- Focus on Quality as a driver for continuous improvement; no 'bad individual work', it is unit that is responsible, encourage suggestions and learning

# Handling times going up

Asylum unit dimensioned to handle 21 000 cases in 3-4 months

Now case load of 100 000++

- Very basic initial registration (in 1-3 days)
  - Minors full interview
- Interview in 9 months ( up to 24 mts??)
- Syrian ID docs checked (passport, ID card)

Syrians, Eritreans no public counsel/lawyer appointed

- Presumed in need of international protection

# Quality Unit and new procedure

- Constant work on evaluating the asylum process
- Closing 'wasteful' procedures
- Frontloading on expertise, do the Right Thing From Start (Director General AD)
- Pilot projects in several asylum units (in different regions)
- Very challenging in situation of several 100% increase
- Minimum asylum process? Sharing of best practices (that produce decisions that are upheld)

# Legislation

## **Aliens Act (2005:716)**

### **Chapter 4: Refugees and others in need of protection**

- to be temporarily amended in April 2016
- no draft legislative proposal yet



# Swedish law on International Protection

- Chapter 4 § 1: 1951 Convention relating to the Status of Refugees; same criteria (sexual orientation and gender is specified as PSG)
- Chapter 4 § 2: Subsidiary protection; same criteria as in EU Qualification Directive art 15
- Chapter 4 § 2 a: National additional: Otherwise in Need of International Protection (since 1997)

# National Subsidiary Prot. 4:2a

- Can be granted to a person because he/she is in need of protection due to:
  - external or internal armed conflict, or
  - other severe conflicts in the country of origin and feels a well-founded fear of being subjected to serious abuses, or
- is unable to return to the country of origin because of an environmental disaster.
  - severe conflicts scenario, ‘failed state’
  - (Application of possible internal flight alternative (IFA) when applying this article as the two others)

# Afghan asylum seeker

- Refugee? If not, Subs Protection?
  - Death penalty, Torture, cruel, inhumane treatment; if not
  - Internal armed conflict + civilian (+individualized circumstances)
    - Depending on what province + possible need to further individualize
- Internal Armed Conflict (IAC)
  - What is IAC; Diakité 2014, CJEU Luxemburg)
  - If IAC, what level of conflict, possible need for individualization; Elgafaji CJEU 2009
- National Protection provision 4:2a (to be paused in 2016)
- No state protection available

# Claimed grounds for asylum Syria

- General situation
- Military service
- Demonstrations
- Helped opposition with shelter, medicines etc.
- Risk for military service
- Threats/forced to help the regime
- Threats/forced to help oppositional groups
- Threats etc. both from the regime and oppositional groups

# Claimed grounds for asylum **Afghanistan**

- Threats from the Taliban
- Conversion
- Women without male network

Thank you for listening!

Comments?

Questions?