



Legal Migration Fitness Check

Evidence base for practical
implementation

Member State summary

Sweden

Annex 2 SE

Written by ICF Consulting Services
Limited

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LEGAL NOTICE

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More information on the European Union is available on the Internet (<http://www.europa.eu>).

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Introduction

This document provides an overview of the legal and practical implementation of EU legal migration acquis in **Sweden**. The legal and practical implementation study is structured according to the eight steps – ‘phases’ of the migration process from the perspective of the migrant¹ for the following Directives:

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Researchers Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
National parallel scheme		Residence permit (Uppehållstillstånd) (<i>Aliens Act Chapter 5</i>)**			Bill 2007/08:14 7 Nya regler för arbetskrafts invandring (New law on labour migration). Changes in the Aliens Act 2005:716	Certain categories exempted from the work permit requirement are covered by the SPD
Options implemented?			Pupils Trainees		Aliens Act. 2005:716, chapter 5, 6, 7 and 12 See also SPD for parallel scheme..	

¹ . See ref document (EU summary) Under each phase, the following aspects are examined : :
Legal transposition of the EU legal migration acquis: including whether the MS has overall complied with the transposition of the relevant EU acquis in the respective phase and whether these non-compliance issues affect the practical application of the Directive;
Practical application of the EU legal migration acquis: overview of the main application issues/problems arising in the MS per each of the migration phases;
Differences between national statuses and the EU legal migration acquis: substantial differences at the level of legislation and practical implementation between the EU legal migration Directives and their national equivalents (where these exist).

Explanation of general legislative framework

The national legislation created one single legislation for all forms of labour migration for non-EU/EES citizens, irrespective of the skills (Chapter 6 Work Permit, UtL). All that is needed for a work permit is an employment offer in line with the collective agreements on the labour market. A 2+2 years temporary residence permit is given before a permanent residence permit is given. This status covers the SPD as well as the national parallel scheme for the BCD.

Aliens granted a "work permit" are entitled to reside, and those granted a "residence permit" are entitled to work, and this is stated on the permit, although they are listed as "categories that do not need a work permit". The principle of a single permit is therefore applied. Some categories of third-country workers staying for a shorter period are excluded from requirements.

Main laws of relevance are the Aliens Act (Utlänningslagen) and the Alien's regulation (Utlänningsförrordningen).

Main differences between EU statuses and the respective national parallel schemes

With regard to the parallel national scheme to the BCD, in Sweden, although there is no exact equivalent for highly skilled only, the national legislation created one single legislation for all forms of labour migration for non-EU/EES citizens, irrespective of the skills. All that is needed for a work permit is an employment offer in line with the collective agreements on the labour market. A 2+2 years temporary residence permit is given before a permanent residence permit is given. This status is also the status covered by the SPD.

In Sweden it is possible for certain categories of TCN (mainly beneficiaries of international protection) to get permanent residence status several years (between 1-3 years earlier, depending on the category) before they are eligible under the EU LTR. The Residence permit (Chapter 5) can be offered as a permanent residence permit or temporary residence permit. Following temporary work permits for a duration of 4 years, permanent residence can be granted. Previously those granted asylum and national protection status got permanent residence. A temporary law was adopted in 2016 and coming into force in 2019 will issue temporary rather than permanent residence status to those granted asylum.

1 Pre-application phase

1.1 Legal transposition of the EU legal migration acquis

No conformity issues identified.

1.2 Practical application of the EU legal migration acquis

In general, information on migration is easy to find and understand, with official websites such as those of the Swedish Institute (workinginsweden and studyinsweden), Swedish Embassies and through the main 'official' state agency, the Migration Agency (Migrationsverket): www.migrationsverket.se/English/Startpage.html

In general, the information is easy to find and well presented. But the information is focusing on the national legislation based on the Aliens Act and not the EU-directives (that for most directives are transposed into the general Aliens Act). The statuses more directly related to the EU-directives – LTR, SD, RD and BCD – are a bit more difficult to access since it takes a few more clicks to find.

It is striking is that there is little information about the EU dimension and the extent to which the laws and regulations are based on EU Directives. Only the BCD is clearly understood as being part of the EU-migration framework, and the latter is less visible than the national labour migration status.

A specific problem is the information about the EU LTR status, which is only presented on the Migration Agency's webpage as something applicable for EU LTRs who have that status in another MS, and want to migrate to Sweden. It is possible, but requires a determined search, to find out that also those who have only resided continuously and legally in Sweden for the required 5 years, are entitled to apply.

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Researchers Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
Language	English	Arabic	Other			
The information is easy to find*	1	3	1	3	3	5

* 1: Strongly agree; 2: Agree; 3: Neither agree/nor disagree; 4: Disagree; 5: Strongly disagree

Information can be found on the following aspects of the application procedure:

Application procedure	Conditions for admission	Entry requirements (e.g. visa etc.)	Cost of application	Applicable deadlines	Rights upon admission	Any differences between the Directives
Yes	Yes	Yes / No	Yes / No	Yes / No	Yes / No	No information for SPD on any of the aspects of the application procedure

Information upon request

Information upon request is available. Applicants can send in questions about studying in Sweden and working in Sweden at [Sweden.se](https://sweden.se/contact-us/) (Swedish Institute) to <https://sweden.se/contact-us/>

At the Migration Agency applicants can ask all kinds of questions, according to different kinds of needs: <https://www.migrationsverket.se/English/Contact-us/Write-to-us.html>

For students, there is a Facebook page that is updated regularly: <https://www.facebook.com/studyinsweden/>

The question sent by the national researcher to the Migration Agency, asking whether the 2004 Student Directive and the 2005 Researchers Directive were applied in Sweden, and where a researcher friend should apply, received a swift although not exhaustive response.

1.3 Differences between national statuses and the EU legal migration acquis

There are two relevant equivalent national statuses (or rather national labour migration law), relating to employment in general "work permit" (thus covering also highly skilled), and the "residence permit, that can be temporary or permanent. Both are reported (to Eurostat) as being permits issued for SPD. This status is more visible than the BCD.

2 Preparation phase

2.1 Legal transposition of the EU legal migration acquis

There is one conformity issue, related to article 7 in the LTR, which also affects conformity with other provisions in the EU legal migration acquis. National law does not specifically set out the application requirements, which has given rise to conformity concerns as it creates legal uncertainty for aliens regarding their obligations. However, the application forms for any migration status clearly states the requirements for LTR, and information can also be found on the website of the Migration agency, hence in practice this is not a problem.

In Sweden, there is an overall reluctance to use detailed laws, and policies are often implemented through ordinances, or by state agencies. This is called the ex officio enquiry principle ('officialprincipen'), which is a general principle under Swedish administrative law. This principle requires authorities to examine a case to the extent necessary in the particular situation and to collect all information and documents needed in order to be able to examine the case properly. This is thus the legal basis for collecting the application information listed in the various Directive provisions

2.2 Practical application of the EU legal migration acquis

The submission of an application is done in a single step with a single authority, although depending on the status, some additional requirements will have to be fulfilled. With the exception of the LTR, which can only be done by letter, the applications can be lodged online, by letter, to the Migration Agency or, where relevant, with an Embassy. Decisions are sent to the Embassy, where the applicant can pick up their decision. After the permit is granted an application for a visa, if needed, must be done at an Embassy.

The national employment status involves a two-step process, requiring the employer to first apply for a general authorisation to employ a third-country national, followed by the application of the third-country national to be granted the status. However, the application for the migration status is a single process for both the employer and the individual wishing to migrate it is a one step process taking place after the employer lodges a successful application.

The on-line portal is very helpful and guides users to the right application, by asking the user to state the reason for migration and where they are from. This application service is offered in Swedish and English and should take an hour or so to complete. What can take longer is obtaining the supporting documents, but that is something that involves services from the countries of origin for which Swedish authorities can do little to speed up the process.

Ease of the application procedure:

Step	FRD	LTR	SD	RD	BCD	SPD
The information that applicants need to complete is not	2	1	2	1	2	NA

extensive						
The application form is user-friendly	2	2	2	2	2	2

* 1: Strongly agree; 2: Agree; 3: Neither agree/nor disagree; 4. Disagree; 5. Strongly disagree

Key information/ documents required:

Type of information	FRD	LTR	SD	RD	BCD
Family ties	Yes, T, C, R				
Continuous legal residence		No			
Sufficient resources	Yes, T, C, R	Yes, T, R	Yes, T, R (students)	Yes	
Accommodation/Address in territory	Yes, T, C, R				No
Sickness insurance	No	No	Yes, T, C, R	Yes	Yes
Work contract (for RD host agreement)				Yes, R	Yes, T, C, R
Minimum salary threshold					
Professional qualifications				No	
(Pre-) Integration measures	No	No			
Pre-departure conditions			Yes, T, R (students)		
Proof no threat to public	Yes, T, C, R	No	No	No	No
Medical examination certificate	No		No	No	No
Valid travel document			Yes, T, C, R	Yes, R	Yes
Entry visa					Yes
Other	Yes, T, C, R	No	Yes, T, C, R	No	Yes

Note: T = Translation; C = Certified, R = Requirement, i.e. without this proof the application cannot be lodged.

2.3 Differences between national statuses and the EU legal migration acquis

The requirements differ between the BCD and the national legislation. In national legislation, the minimum income requirements are much lower, making no difference

between the skills level of the applicant. In addition, the national status offers the same rights as the BCD. In practice, given that the national provisions are more favourable, this is resulting in the majority of labour migrants, including highly skilled, applying under the national status.

3 Application phase

Under all Directives, third-country nationals can lodge their application on line, by post, or in person at Swedish embassies (except the LTR status for which it is not possible to apply via the online portal).

3.1 Legal transposition of the EU legal migration acquis

Two possible concerns were identified:

- FRD, Art 5(3): The Swedish transposing legislation does not provide details of what an application for residence permit for family reunification shall contain (see 2.2). Also, the information requirements in the application forms do not appear to focus on the Article 6 requirements regarding threats against public policy and security.
- SPD, Art. 5(4):. The fact that the obligations of the Migration Board to inform the applicant of the required supplements, and to set a deadline for their submission, have not been set out in law, creates conformity concerns. The reason for this conformity issue is the same as for other conformity issues (see 2.2 above), but also because Sweden does not apply deadlines for applications or for supplying additional information.

The conformity issues may not represent a problem in practice, nor do they affect the rights of applicants. In practice, the Migration Agency does provide information on what an application should contain and it also informs the applicant when their application is incomplete. The fact that it does not set a deadline for receiving the complete application / the missing documentation may be more favourable provision than what is set out in Article 5(4) of the SPD.

3.2 Practical application of the EU legal migration acquis

Applications for all Directives (except the LTR that has no on-line portal) can be lodged online; by post (after downloading all documents) or be delivered in person (handing it in at a Swedish foreign embassy). The application for first permits must be done from outside Sweden, unless there are specific circumstances (for example, if a position belongs to a shortage occupation, if a family member already has a permit to stay for other reasons, etc.).

One main authority receives the application (Migration Agency), but also Embassy (when submitted by letter or in person abroad). Other authorities included are for SD (the responsible university), for LTR the Tax authority.

Directive	General	FRD	LTR	SD	RD	BCD	SPD
Application from third country (Q3a)	All directives (except the Long term residence permit that has no on-line portal) can be		Applica tion by post only.				

	<p>lodged:</p> <p>On line</p> <p>By post (after download ing all documen ts)</p> <p>Delivered in person (handing it in at a Swedish foreign embassy)</p>
Permit received in third country	Yes
Number of authorities involved in the application	<p>All applications involve the Migration Agency</p> <p>Different Member State authorities are involved (if you count embassy contacts for VISA)</p> <p>SD and RD: Here, the student must be in contact with a University (that in Sweden often is a</p>

	state authority) LTR: The Tax Agency.						
Number of authorities involved in the issuance of the residence permit	1-2						
Application modalities	Post Online submission In person						
Existence of a standard application form for all statuses	No						
Language of the application form	National language (s) English						
Fees charged		SEK 1500	SEK 1000	SEK 1000	SEK 1000	SEK 2000	SEK 2000
Other fees charged?	No						
Fees charged for permit issuance	No						
Fees charged for renewal / replacement of the permit		SEK 1500	NI	SEK 1000	SEK 1000	SEK 2000 SEK 1000 if the same occupation and employer	SEK 2000

The processing times are as follows:

Directive	FRD	LTR	SD	RD	BCD	SPD
Processing time	9 months	NI	NI	NI	90 days	NI

/deadlines (according to law) (SQ3e(i))	(UtIF , Chapter 4, art 21b)				(UtIF Chapter 5a, Art 2)	
Processing time (in practice) (SQ3e(i))	427-518.5 days	NI	30.5-61 days	30.5-91.5 days	90 days	NI

The Migration Agency and Embassies are involved in the processing of both applications and requests for renewal of all Directives (except the long-term residence permit where only the Migration Agency is involved). With the exception of the BCD, no deadlines have been set in law.

Processing times are regulated in the Aliens Ordinance (2006:97: 21a §, 21b §), which states that, if there are no special reasons, a decision should be delivered no later than nine months after the application was submitted for FRD. This is for all categories and statuses except for BCD and residence permits for work, where the ordinance says four months. In practice, deadlines are rather set as 'internal goals' and significantly vary between the type of application and the work load of the Migration Agency at a given moment.

A main practical issue constitutes the long processing times of the FRD status, currently estimated between 14-17 months. The maximum processing time allowed for by the Directive is 9 months, hence the current time taken in Sweden may constitute a de facto infringement. In Sweden, waiting times are not regulated by law, but in the Aliens Ordinance (2006:97 21a §) it is said that, if there are no special reasons, a decision should be delivered no later than nine months after the application was submitted. Current waiting times are not 'normal practice' according to the authorities and can primarily be attributed to the high number of asylum applications in 2015. The waiting times ranged from 5 months in 2012, 6 months in 2013, and 8 months in 2014.

An additional practical problem may be the difficulty for family members to access an embassy for the required interview. For example, there is no embassy in Syria and it is hard for Syrians to get a visa to travel to embassies in neighbouring countries

3.3 Differences between national statuses and the EU legal migration acquis

No legally set processing times for national work permits.

4 Entry and travel phase

4.1 Legal transposition of the EU legal migration acquis

No conformity issues.

4.2 Practical application of the EU legal migration acquis

No practical problems related to travel and entry have been identified. After a decision, the permit is collected at an Embassy and, if necessary, a visa application is initiated at this point.

The employer is the main applicant but the third-country national needs to request the visa.

The Member State allows third country nationals who hold a valid permit and valid travel document to enter and re-enter their national territory only on the basis of the permit.

The third-country national is allowed to travel to other Schengen Member States only on the basis of the permit and valid travel document.

The Member State does not impose specific entry requirements to third-country nationals of a visa free country.

Third-country nationals do not encounter any obstacles in practice to leave the third country, transit and/or enter the Member State.

Upon arrival, third-country nationals are required to register with the local authority.

4.3 Differences between national statuses and the EU legal migration acquis

No differences identified.

5 Post-application phase

The application and post-application phases are streamlined and similar for most Directives.

5.1 Legal transposition of the EU legal migration acquis

Two conformity issues have been identified:

FRD, Article 13(2): The fact that cohabitees, who have been living together for less than two years in the country of origin, who are granted residence permit in Sweden, are not guaranteed a residence permit with a validity of a minimum of one year and the fact that renewal of their temporary residence permit to a new temporary residence permit may be refused if the relationship has ended, may be of concern in relation to this Directive provision.

LTR, Article 8(2) The fact that the procedures for renewals have not been clarified in the Swedish transposing legislation may give rise to concerns.

The first concern, concerning FRD, Article 13(2), does not constitute a practical problem, as current praxis of the Migration Agency is to grant a two-year or even permanent residence permit if a person has lived with a spouse, partner or cohabitating partner in a country other than Sweden for at least two years. This is another example of Swedish transposing legislation not detailing something with which the state however complies in practice. However, if the relationship ends while the cohabitee has a temporary residence permit, the latter can only be extended in 'special' cases, which is not in compliance with the FRD.

The practical implications of the second issue, in Article 8(2) of the LTR is insignificant. When a person is granted a LTR, the person is always also granted a permanent residence permit that does not need to be renewed. There is also a tendency for long-term residents to request naturalisation, which is also a possibility after five years of residence. LTR is never renewed, due to the fact that Sweden grant a permanent residence permit simultaneously.

5.2 Practical application of the EU legal migration acquis

No practical problems have been identified. The post-application phase is streamlined and similar for all statuses. After a decision, the permit is collected at an Embassy and, if necessary, a VISA application is initiated at this point.

Directive	FRD	LTR	SD	RD	BCD	SPD
Minimum validity of the first permit	The same period as the sponsor was granted	Unlimited	For the time required for their studies	The period during which the agreement with the	12 months	NI

	the right to stay			research principal is in force		
Maximum validity of first permit	The same period for which the sponsor was granted the right to stay	Unlimited	For the time required for their studies	The period during which the agreement with the research principal is in force	24 months	24 months
Minimum validity of permit renewal	12 months	12 months	6 months	NI	NI	NI
Maximum validity of permit renewal	24 months	Permanent	13 months	4 month – not specified (as long as the agreement between employer and employee specify)	24 months	24 months , unless specific circumstances.

The Member State does not have a set timeframe to deliver the permit following the notification of the decision.

The employer is the main applicant but is not involved in the delivery of the permit.

5.3 Differences between national statuses and the EU legal migration acquis

There are a few minor differences between the BCD and the national labour migration legislation. In the national legislation the work permit can be for a 'maximum of 24 month', whereas the BCD is for a 12-24 month period.

6 Residency phase

6.1 Legal transposition of the EU legal migration acquis

No transposition problems identified in relation to (a) Use of the permit, (c) Change of status and naturalisation, (d) Employment rights on the basis of the permit.

In terms of (b) Validity of the permit and renewals, one issue has been identified: FRD, Article 6 (2): Renewal of the residence permit under that provision may be refused if the family member has been engaged in any type of criminal activity. This goes beyond the possibility of refusing residence permit on the basis of public order and security and gives rise to conformity concerns. Also, UtIL, Chapter 5, Section 17 a, third paragraph ensures that if, in connection with renewal, a new residence permit is to be refused on grounds of public policy and security, account must be taken of the alien's other personal circumstances and family situation. This does not cover all of the requirements under Article 17 of the Directive. In particular the Swedish provision does not specifically mention the duration of the alien's residence in Sweden or his or her ties with the country of origin.

The issue represents also a practical problem as lower standards are applied by the increased possibility to refuse renewals. However, considerations of criminal activity only affect a small minority of those covered in FRD because in most cases residence permits granted on grounds of family reunion is a permanent residence permit that does not have to be renewed. Only those cases where the sponsor and the applicant have been partners less than two years get temporary permits that have to be renewed.

In the Bill 2004/05:170, p 201-202, they discuss what kind of criminality that can affect a residence permit or a renewal of a residence permit. Their main rule is that it should be a statutory verdict relating to "prison sentences of not too short duration".

In terms of (e) Equal treatment, one conformity issue has been identified: in Sweden, it is only possible for a third-country national with a residence permit of more than 12 months to register with the tax office and be included in the population register, thus receiving a personal identity number. Many of the rights and obligations are linked to this registration, including the right to child benefits and a housing allowance. It is also not possible to obtain an ID card which is often required in practice for example in banking matters. Finally, the registration also means that the person becomes part of the social insurance system, which gives access to public services such as healthcare.

6.2 Practical application of the EU legal migration acquis

As mentioned above, residence permits of less than one year give the permit holders no rights to social benefits as they will not be registered in the Swedish population register. For this reason, they have to arrange their own insurance to cover any costs that may arise in the event of illness or an accident. Shorter permits than one year are possible under the national labour migration scheme. The national scheme includes, for example, seasonal labour migrants and intra-corporate transfers in the same legislation as more long-term labour migrants. This may form a serious application issue.

Information about the procedures of status changes can be found at the Migration Agency website, but it is not easy to find. Often it takes some time to find the information needed, because the information is primarily organized according to the needs of first time applicants. The information about naturalization is much better and easier to understand, which partly has to do with the fact that there are few requirements to become a Swedish citizen.

a. Use of the permit:

The residence permit is issued using the format as set out in Regulation (EC) No 1030/2002 for residence permits. The permit has a constitutive value. It gives third-country nationals the right to move freely on the Member State's territory.

The Member State allows third-country nationals holding residence permits from other Member States applying the Schengen acquis (together with a valid travel document) to enter and move freely within its territory.

The registration with the tax offices and subsequent entry into the population register give access to healthcare and social security while the ID card, which can only be obtained following registration, is needed to open a bank account and register with other services. As mentioned above, only third-country nationals with a residence permit of more than 12 months can be registered / obtain an ID card.

b. Renewals of the permit:

National or EU law does not impose a direct or indirect requirement to renew a valid residence document.

The renewal process follows a single procedure, involving one than one authority. The same authority is involved as in the first application procedure.

c. Change of status and naturalisation

Status changes are possible for most statuses. The procedure for requesting a status change is different from the first application procedure.

Information about the procedures of status changes can be found on the Migration Agency website, but it is not easy to find. Often it takes some time to find the information needed, because the information is primarily organized according to the needs of first time applicants.

The information on how to acquire LTR status for TCN residing in Sweden is very difficult to find, as opposed to the information provided very visibly for persons with LTR status in other EU Member States who wish to move to Sweden.

The information about naturalisation is much better and easier to understand, which partly has to do with the fact that there are few requirements to become a Swedish citizen.

d. Employment rights on the basis of the permit

In general, a work-related permit is linked to a certain employer. The Temporary workpermit (UTL chapter 5), SPD is valid for maximum two years and is closely linked to one specific job with specific conditions.

During the first 24 months, the work permit is limited to the specific employer and occupation indicated in the decision, which means that when changing employer within this period, the third-country national needs to apply for a new permit.

e. Equal treatment

Swedish integration policy is based on the idea of equal rights for all legal residents (Jus Domicili). Therefore, all migrants independent of status have the same rights to employment, education, healthcare and welfare as Swedish citizens.

As a general point, after entry in Sweden, all migrants who are expected to stay more than one year in the Member States have the same rights after registering with the local tax office (which is a requirement).

It is not the residence permit itself that gives equal rights, but registration in the Population registry that also provides a person with a Swedish personal number. As mentioned earlier, all third-country nationals who have an expected stay of minimum one year are required to register.

Residence permits of less than one year do not give the permit holders equal treatment rights to all social security branches as they will not be registered in the Swedish population register. For this reason, they have to arrange their own insurance to cover any costs that may arise in the event of illness or an accident.

Shorter permits than one year are possible in the national labour migration scheme. The national scheme includes, for example, seasonal labour migrants and intra-corporate transfers in the same legislation as more long-term labour migrants. Given that the national scheme falls under the SPD, this can be a serious conformity and application issue.

With regard to identifying labour exploitation, the Member State does have a mechanism in place to monitor the exploitation of third-country nationals.

f. Integration:

Specific integration procedures and conditions do not apply to third-country nationals once established on the territory of the Member State.

6.3 Differences between national statuses and the EU legal migration acquis

There are no major differences between the national and EU employment statuses.

7 Intra-EU mobility phase

7.1 Legal transposition of the EU legal migration acquis

The following conformity issues have been identified:

- SD, Article 8: Article 8 is being partially transposed. Articles 8(1)(b), Article 8(1)(c), and Article 8(2), are not transposed literally. There is no specific reference to having started studies in other member states or community exchange programmes and no requirements of documentary evidence, only basic criteria on sufficient funds, medical insurance and no threat to public order, safety or health is required.
-
- SD, Article 8.3 is being transposed by reference to the Freedom of the Press Act, however the paragraphs in question concerns individuals' right to information, not authorities'. However, when the Directive was transposed into national law the provisions regarding mobility between Member States and the exchange of information between authorities in Member States were estimated not to require any changes in Swedish legislation (Government Bill 2005/06:129 p.67). Swedish legislation does not hinder the Migration Board to provide information to the authorities in another Member State. For reasons of privacy, the consent of the student might be necessary.

The first issue does not have practical implications as Sweden's requirements are less demanding than those of the SD.

7.2 Practical application of the EU legal migration acquis

Unless a third country national has a long-term residence status in another EU member state, there are no major differences in the requirements for third country nationals to move to Sweden depending on where they live (in EU or outside of EU).

For short-term mobility, the Member State:

- Does not require the third-country national to notify
- Does not require the third-country national to ask for authorisation (exception: required for SD)

7.3 Differences between national statuses and the EU legal migration acquis

Not applicable

8 End of legal stay / leaving the EU phase

8.1 Legal transposition of the EU legal migration acquis

No conformity issues.

8.2 Practical application of the EU legal migration acquis

There are no specific policies or rules for leaving Sweden. As a general rule of the population registry act, all persons registered in Sweden are requested, one week before leaving the country, to notify the Swedish Tax Agency. The lack of notification is not sanctioned.

Migrants can export social security benefits on the same terms as Swedish citizens, but information about these possibilities is very difficult to find.

There are no specific procedures in place for third-country nationals who choose to leave the Member State. Information on the portability of social security benefits is not easy to find and not clear.

A third-country national residing in the Member State is allowed to be absent from the territory for a maximum of 365 days (LTR) before s/he loses the residence permit and/or right to stay. No rules for the rest of the directives. The absence of third-country nationals is not monitored by the Member State.

The Member State has measures or a scheme in place to allow circular migration.

8.3 Differences between national statuses and the EU legal migration acquis

Not applicable.

9 Main findings and conclusions – state of practical implementation of EU legal migration legislation in the Member State

Sweden has implemented all EU Directives with few issues. In all cases except one (where criminal activity is considered a reason for not renewing residence (FRD)), the reasons for not being fully conform are due to i) the administrative system in Sweden, where policies are regulated by other means than laws, or to ii) requirements not being specified because they are not needed in order to get a permit.

The implementation of the Directives had little legal or practical consequences in Sweden. Most policies, regulations and rights were already in place before the transposition of the Directives into national legislation. Therefore, very few legal or practical problems have been identified under the migration phases above. In many cases, Sweden has more favourable provisions than the minimum standards set by the Directives. One example is the SPD, where the categories that have been excluded from the application of the single procedure under the Directive are included under the Swedish combined process. Another example is the BCD, where the national legislation is more favourable which has led to only a handful of Blue Card applications.

With the exception of the national labour migration status, which falls under the SPD and is at the same time also the equivalent of the BCD, no other equivalent migration statuses exist. However, Sweden applies rules of permanent residence that in most cases are more favourable than the LTR. The rules for permanent residence are different depending on the reason for migration and can therefore not be considered a specific status.

Possibly, the fact that the EU Directives changed very little and were embedded into previous migration law has made them rather 'invisible' or 'recognisable' as EU statuses.

Annex 1 References

Aliens Act 2005:716

Aliens Ordinance 2006:97

Bill 2007/08:147 Nya regler för arbetskraftsinvandring (New law on labour migration).

Bill 2005/06:129 Genomförande av EG-direktiven om överföring av passageraruppgifter och uppehållstillstånd för studier (Bill on transposition of the student directive)

Statistics Sweden: www.scb.se

The Migration Agency: <https://www.migrationsverket.se/English/Startpage.html>

StudyinSweden, <https://studyinsweden.se/>

Swedish Embassy: <http://www.swedenabroad.com/en-GB/Embassies/New-York/>

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