

Report from
EMN Sweden
2017:3

The changing influx of asylum seekers in 2014- 2016: Member States' responses

Country Report Sweden



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Executive summary

From 2011 to 2014, Sweden experienced a gradual and strong increase in the number of asylum applicants, with seasonal peaks during the summer months. The reception system for asylum seekers was often under pressure, as the procurement of additional accommodation was a challenge for the Swedish Migration Agency due to growing demand and limited supply. In autumn 2015, the entry of asylum seekers reached a previously unseen record level, with around 100,000 individuals requesting asylum within just three months (September, October and November 2015). In total, 163,000 asylum applicants came to Sweden that year. This extraordinary inflow of people unfolded in a situation where the capacities of the Migration Agency and other authorities, not least many municipalities, were already under considerable stress.

The main nationalities of those arriving were Syrians, Eritreans and stateless applicants in 2014; Syrians, Afghans and Iraqis in 2015 and 2016; and Syrians, Iraqis, Eritreans and Afghans in 2017. A particularly issue was an enormous increase in the number of unaccompanied minors coming to Sweden. 7,049 applied for asylum in 2014, and 35,369 in 2015.

The responses by the various actors to the situation in late 2015 were manifold, and some of them drastic, and this is what this study focuses on. The study does not give a full picture of exactly all measures that were taken at all levels of public administration and within civil society, but aims at providing a systematic overview, with several examples explained and analysed in more detail. The study also asks about what measures have worked, and how, and how preparedness for future fluctuations could be improved.

In 2016, the number of incoming asylum seekers dropped dramatically, to roughly 29,000. In 2017, this number was less than 26,000. The number of unaccompanied minors decreased to 2,199 individuals in 2016 and 1,336 in 2017. However, several institutions and authorities were still under pressure, dealing with the many asylum cases of 2015, or addressing the social welfare needs and the integration of those asylum seekers that were granted a residence permit.

The various actions and measures that this study elaborates on are quite different from each other, and they were taken at different levels of politics and administration. There have been ad-hoc measures within the Swedish Migration Agency, for example, aiming at improving the capacity to register incoming applicants and providing them accommodation. Opening hours at asylum application units were extended and interim solutions for accommodation as well as emergency facilities were used. Despite a strong commitment, adequate reception could not be ensured at all times. As a consequence of the crisis, the number of employees at the Migration Agency increased drastically, from 5,351 at the end of the year 2014, to 7,623 at the end of 2015, and 8,432 at the end of 2016. In parallel, the Agency's spending grew as well, from SEK 18,610 million (SEK 18.6 billion, which is roughly 1.9 billion EUR) in 2014 to SEK 26,787 million (SEK 26.8 billion, roughly 2.7 billion EUR) in 2015, and SEK 52,249 million (SEK 52.2 billion, roughly 5.3 billion EUR) in 2016. In 2017, a process of downscaling started; the number of staff was reduced again and reception facilities closed as they were no longer needed.

At the Government Offices, different types of emergency measures were coordinated, and the Government as well as the main opposition parties also worked intensely on developing measures to reduce the inflow of asylum seekers to Sweden. In part, this was done by introducing temporary border controls at Sweden's southern intra-Schengen borders, alongside id-checks on cross-border travellers, and in part by amending several provisions in the Aliens Act to limit the possibilities of asylum seekers to receive a residence permit in Sweden as well as to restrict family reunification rights. Much more attention than before was also devoted to improve the integration of those asylum seekers that were found to be in need of protection and granted a residence permit in Sweden, and to share the responsibilities for the settlement and integration of new arrivals more evenly between the Swedish municipalities. While some of the legal restrictions to the granting of protection and family reunification are so far temporary, other measures (concerning integration and return) are of a more permanent nature. Hence, the refugee situation in 2015 has not only triggered temporary adjustment measures but also longer-term policy shifts.

The study also elaborates on official evaluations of the Government's and authorities' handling of the refugee situation. The picture that arises from these evaluations is mixed. On the one hand, evaluations have found that many actors proved to be flexible and ready to step up their efforts to meet the challenges that arose from the record inflow of asylum seekers in 2015. On the other hand, deficits were found regarding the co-ordination between different levels of public administration and mutual, inter-agency assistance, as well as early warning and preparedness.

As regards challenges and good practices, the study makes some observations on the handling of the extraordinary refugee situation in Sweden in 2015.

- As there is no fixed minimum or maximum capacity in the Swedish reception system for asylum seekers, the Migration Agency can procure additional space by renting facilities from different public and private landlords, if needed. While this guarantees a considerable degree of flexibility, there are also limits to arranging additional accommodation due to structural shortages of housing in many parts of the country.
- As the Migration Agency is one of the biggest public authorities in Sweden (e.g., in terms of the number of employees), it can re-prioritise different tasks and re-assign staff internally to those operational areas where the need is most pressing. (This can, however, lead to longer processing times in other operational flows at the Agency.)
- The Swedish Government and the Parliament were able, and willing, to make additional financing available for various actors, especially the Migration Agency, to mitigate the challenges at hand on short notice. When called upon, other public authorities also (national and regional/local ones) provided practical support to the Migration Agency.
- To a much greater degree than in earlier times, civil society was mobilised and contributed to resolving the challenges that arose from the mass arrival of asylum seekers in 2015.
- At the political level, when it became clear that the reception situation would get out of hand, the governing parties as well as the main opposition parties were able to quickly agree on a number of measures to reduce the inflow of asylum seekers to Sweden and to create more space in the reception system.

An interesting question to look into is whether the official reactions to the refugee situation in 2015 were similar to, or different from, the handling of earlier crises, notably the refugee flows in the early 1990s, when Sweden was a main destination of people fleeing from war in former Yugoslavia. This study only makes a sketchy comparison, but it does find similarities. It turns out, for example, that the provision of

accommodation was a main challenge already in the 1990s, and that the Government reacted by trying to reduce the inflow of people.

Finally, when analysing the changing influx of asylum seekers over the period 2014-2016, it becomes clear that Sweden to a great extent depends on how other EU Member States, and the EU as a whole, act with regard to asylum-related inflows. The emergency-like situation in autumn 2015 could have – at least to a certain degree – been avoided if the EU Member States had agreed to establish a system of sharing the responsibility for receiving asylum seekers in a more equitable manner. It is also reasonable to assume that policy measures outside Sweden, such as the EU-Turkey statement and the closure of borders further south in Europe have had a stronger effect on the number of asylum seekers coming to Sweden in 2016 and 2017 than domestic measures.

Sammanfattning på svenska

Från 2011 till 2014 upplevde Sverige ett gradvis och starkt ökande antal asylsökande, med säsongsvisa toppar under sommarmånaderna. Mottagningssystemet för asylsökande var ofta under press eftersom upphandlingen av ytterligare boende var en utmaning för Migrationsverket då efterfrågan var hög men tillgången begränsat. Under hösten 2015 uppgick antalet nya asylsökande till en helt ny rekordnivå med cirka 100 000 personer som sökte asyl under bara tre månader (september, oktober och november 2015). Totalt kom 163 000 asylsökande till Sverige det året. Denna utomordentliga inströmning av människor på flykt kom i ett skede då resurserna hos Migrationsverket och andra myndigheter, inte minst många kommuner, redan var väldigt ansträngda.

De huvudsakliga nationaliteterna för de som kom till Sverige var syrier, eritreaner och statslösa asylsökande under 2014, syrier, afghaner och irakier under 2015 och 2016 och syrier, irakier, eritreaner och afghaner under 2017. En särskild omständighet var den enorma ökningen av antalet barn utan vårdnadshavare som kom till Sverige – under 2014 ansökte 7 049 om asyl och under 2015 var antalet 35 369.

Reaktionerna från olika aktörer på situationen under slutet av 2015 var varierande, i vissa fall drastiska, och det är dessa reaktioner som är i fokus för den här studien. Studien ger inte en fullständig överblick av alla åtgärder som vidtogs på alla nivåer inom den offentliga förvaltningen och inom civilsamhället utan målet är att ge en systematisk översikt med ett antal exempel som förklaras och analyseras mer i detalj. Studien ställer sig också frågan vilka åtgärder som har fungerat och om, och i så fall hur, man kan vara bättre förberedd inför framtida upp- och nergångar.

Under 2016 minskade antalet nya asylsökande dramatiskt, till ungefär 29 000. Under 2017 var denna siffra mindre än 26 000. Antalet barn utan vårdnadshavare minskade till 2 199 personer under 2016 och 1 336 under 2017. Trots detta var flera institutioner och myndigheter fortfarande under press med handläggning av alla de ärenden som kommit in under 2015 eller med att tillgodose de sociala behov och behov av integration som fanns hos de tidigare asylsökande som fått uppehållstillstånd.

De olika handlingar och åtgärder som beskrivs i denna studie är av väldigt olika slag och vidtogs på olika politiska och administrativa nivåer. Det har till exempel funnits ad-hoc åtgärder inom Migrationsverket som syftat till att öka kapaciteten för att registrera asylansökningar och se till att de sökande fick boende. Öppettiderna utökades och korttidslösningar för boende och även beredskapsplatser användes. Trots stora ansträngningar kunde ett tillfredsställande mottagande inte alltid garanteras. Som en följd av krisen ökade också antalet anställda på Migrationsverket drastiskt, från 5 351 vid slutet av 2014 till 7 623 vid slutet av 2015 och 8 432 vid slutet av 2016. Parallellt med detta ökade Migrationsverkets kostnader från 18 610 miljoner kronor under 2014 till 26 787 miljoner under 2015 och 52 249 miljoner under 2016. Under 2017 startade en process med nedskärningar inom Migrationsverket, antalet anställda minskade och vissa mottagningsenheter stängdes då de inte längre behövdes.

Inom regeringskansliet koordinerades olika typer av akuta åtgärder och inom regeringen såväl som inom de största oppositionspartierna arbetades det intensivt med att utveckla åtgärder som skulle minska inflödet av asylsökande till Sverige. Delvis åstadkoms detta genom att införa tillfälliga gränskontroller vid Sveriges södra Schen-

gen-gränser, tillsammans med identitetskontroller av alla som passerade gränsen, och delvis genom flera ändringar i Utlänningslagen för att begränsa möjligheten för asylsökande att få uppehållstillstånd i Sverige såväl som att begränsa möjligheterna till familjeåterförening. Mycket mer uppmärksamhet än tidigare riktades också mot att förbättra integrationen för de asylsökande som bedömdes ha ett skyddsbehov och som fick uppehållstillstånd i Sverige, och för att fördela ansvaret för bosättning och integration av nyanlända mer jämt mellan svenska kommuner. Medan vissa av de rättsliga begränsningarna rörande skyddsskäl och familjeåterförening än så länge är tidsbegränsade är vissa av de andra åtgärderna (rörande integration och återvändande) av mer permanent natur. Således kan man säga att flyktingsituationen 2015 inte bara har satt igång en temporär anpassning till situationen utan också en policyförändring på längre sikt.

Studien har tagits fram utifrån officiella utvärderingar av regeringens och myndigheternas hanterande av flyktingsituationen. Bilden som ges i dessa utvärderingar är blandad. Å ena sidan visar de att många aktörer var flexibla och beredda att öka sina ansträngningar för att möta de utmaningar som följde av det rekordhöga inflödet av asylsökande 2015. Å andra sidan visar det sig att det fanns problem rörande koordination mellan olika nivåer inom den offentliga administrationen och ömsesidigt samarbete mellan myndigheter såväl som gällande tidiga varningssignaler och förberedelsearbete.

Vad gäller utmaningar och goda exempel finns det i studien några reflektioner kring av hanterandet av den extraordinära flyktingsituationen i Sverige under 2015:

- Då det inte finns någon bestämd minimi- eller maximikapacitet för det svenska mottagningssystemet för asylsökande kan Migrationsverket upphandla ytterligare platser genom att hyra anläggningar från olika offentliga och privata fastighetsägare om så behövs. Medan detta ger en betydande flexibilitet så finns det också begränsningar för att ordna ytterligare boenden på grund av strukturell bostadsbrist i många delar av landet.
- Då Migrationsverket är en av de största myndigheterna i Sverige (mätt som antalet anställda) kan verket omprioritera vissa uppgifter och flytta personal internt till de operationella områden där behoven är störst. (Detta kan dock samtidigt leda till längre handläggningstider i andra operationella flöden inom verket).
- Regeringen och Riksdagen kunde, och var villiga att tilldela olika aktörer extra finansiering, särskilt Migrationsverket, för att dessa skulle kunna möta utmaningarna man stod inför med kort framförhållning. När det behövdes kunde också andra myndigheter (på nationell och regional/lokal nivå) ge praktiskt stöd till Migrationsverket.
- Till mycket större del än tidigare mobiliserades civilsamhället och bidrog till att lösa utmaningarna som uppstod genom det höga antalet inresande asylsökande under 2015.
- På den politiska nivån, när det stod klart att mottagningssituationen var utom kontroll, kunde partierna i regeringen tillsammans med de största oppositionspartierna snabbt komma överens om ett antal åtgärder för att minska inflödet av asylsökande till Sverige och för att skapa fler platser i mottagningssystemet.

En intressant fråga att titta på är huruvida de officiella reaktionerna på flyktingsituationen 2015 är liknande, eller skiljer sig från, hur tidigare kriser har hanterats, framförallt flyktinginströmningen i början av 1990-talet när Sverige var ett av de stora destinationsländerna för personer som flydde från f.d. Jugoslavien. Denna studie ger bara en översiktlig jämförelse men hittar ändå vissa likheter. Det visar sig, till exempel, att upphandling av boenden var en stor utmaning redan på 90-talet och att regeringen reagerade genom att försöka minska inflödet av människor.

Slutligen när man analyserar det förändrade inflödet av asylsökande under perioden 2014-2016 står det klart att Sverige till stor del är beroende av hur andra EU-medlemsländer, och EU som helhet, agerar rörande asylrelaterade inflöden. Den akutliknande situationen under hösten 2015 kunde – i alla fall till en viss del – ha undvikits om EU:s medlemsländer hade kommit överens om att etablera ett system med ansvarsfördelning för asylsökande på ett mer rättvist sätt. Det är också rimligt att anta att policyåtgärder utanför Sverige, såsom överenskommelsen mellan EU och Turkiet och stängningen av gränserna längre söderut i Europa hade en starkare effekt på antalet asylsökande som kom till Sverige under 2016 och 2017 än nationella åtgärder.

1 Introduction

The aim of this EMN study is to offer an overview of the changes to national strategies, approaches and measures in response to increases or decreases to the influx of asylum seekers over the period 2014-2016. The study attempts to answer any questions on policies and measures at national level concerning, e.g., the processing of asylum applications; the accommodation and reception of asylum seekers; the content and legal consequences of the protection granted; border control; integration arrangements for beneficiaries of protection; and other asylum-related topics. It shall make it possible for the target audiences of the EMN to learn about the ways in which EU Member States and Norway were able to respond to sudden or gradual changes to the number of asylum seekers arriving in their country, and the consequences thereof.

According to Eurostat, roughly 560,000 asylum-seekers applied for asylum in the EU in 2014, as opposed to 1.32 million in 2015, and again 1.26 million in 2016. At the end of 2014, the number of refugees, asylum-seekers and internally displaced people worldwide had, for the first time in the post-World War II era, exceeded 60 million people.¹ 1.8 million were asylum seekers, with the vast majority being internally displaced refugees.

In the context of increased migratory movements, the border and mobility rules of the Schengen area and the Dublin regulation came under significant pressures, and for many refugees, the journey to Europe meant extreme uncertainty, risks and dangers. It also became obvious that for many EU Member States it was challenging to cope with the significant numbers of asylum seekers onto their territory, especially with large variations in monthly arrivals.

The aim of this EMN study is to compare policies set up to manage these fluctuations in numbers of asylum seekers across the EU, to better understand improve understanding of the variations in responses and highlight how these policies are interlinked. This study contributes, therefore, to the harmonisation of European cooperation regarding asylum-related migration and gives an overall picture of the preparedness of Member States and Norway to face similar situations in the future.

The main questions the study addresses are the following:

- Which asylum policies, structural and ad-hoc measures were introduced or amended by the Member States to manage any fluctuations in numbers of asylum applicants between January 2014 and December 2016?
- Which policies and measures aimed at managing the flow of asylum applications were introduced or amended? For example, border control, information campaigns, structuring of reception facilities, and the rights granted to asylum applicants.
- Which policies and measures were introduced or amended to reduce the numbers of asylum applications?
- Were such measures of a structural or ad-hoc nature?

- How were these measures monitored or evaluated prior to or after their introduction or amendment?
- What were the impacts of the measures introduced or amended, and how were they financed?

This report is the Swedish contribution to this comparative study. As with all EMN studies, it is primarily based on secondary sources. The necessary information has been gathered mainly through desk research.

¹ <http://www.unhcr.org/558193896.html>.

2 Overview of developments and measures in Sweden

2.1 Overview of legislative changes and policies to address fluctuations in the number of asylum applications

Over the period 2009-2016, Sweden witnessed a strongly and dynamically increasing number of asylum applicants, and then a strong reduction in 2016. 24,194 new applicants were registered in 2009, 31,819 in 2010, 29,648 in 2011, 43,887 in 2012, 54,259 in 2013, 81,301 in 2014, and finally 162,877 in 2015. In 2016, the number of new applicants dramatically dropped to 28,939 – probably as a result of legal and policy changes in Sweden, but also developments in other EU Member States as well as at EU level. The decrease continued in 2017, where less than 26,000 new applicants arrived. The number of unaccompanied minors decreased from the record number of 35,369 applicants in 2015 to 2,199 in 2016 and 1,336 in 2017.

The extraordinarily high number of applicants that came to Sweden in 2015 was not evenly distributed over the entire year; rather, it was much concentrated towards the months of September, October and November 2015. In October 2015, for example, Sweden received almost 40,000 asylum seekers, whereas in April, their number had been below 4,000. For the first time, Sweden also became a transit country during the autumn months of 2015, as several thousand asylum seekers passed through Sweden to reach Finland or Norway.

Three distinct phases can be seen in the Government's handling of the migration situation during the fall of 2015:

(1) Already in September 2015, preparations were made within the Government Offices to address the increased influx, which had started to cause, among other problems, severe shortages of accommodation for asylum seekers. At this point in time, however, there were no specific decisions on how to handle the high influx, and the Government's working methods were not changed.

(2) Starting on 1 October 2015, the Government made a number of decisions mostly concerning accommodation for asylum seekers, including unaccompanied minors (UAM). The Swedish Civil Contingencies Agency was given the assignment to coordinate this work.

(3) A third phase started with the multiparty agreement reached on 23 October 2015, which i.a. aimed at reducing the number of incoming asylum applicants. Related activities, which also included a number of changes to Swedish laws regarding immigration and asylum, continued during the remaining months of 2015 and well into 2016.

A multiparty agreement on migration and asylum was decided on the 23 of October by the Government (consisting of the Social Democratic Party and the Green party) and the Moderate party, the Centre Party, the Liberal party and Christian Democratic party. Some of the actions foreseen by this agreement were:

- A temporary law **introducing temporary residence permits** for refugees (not resettled refugees, UAM and families with children) and other persons in need of protection;
- **Stricter rules for family reunification** (e.g. regarding exemptions from maintenance requirements);
- An assignment to the Swedish Migration Agency to elaborate a plan of action to **shorten handling times within the asylum process**;
- Measures to reduce the possibilities for people who have been granted a residence permit and rejected asylum seekers to stay in the reception system for asylum seekers;
- Appointment of an **enquiry committee on legal pathways** to apply for asylum in the EU;
- Analysis of the reasons behind the increased number of UAM coming to Sweden, and revision of the situation regarding reception and other proceedings for this group;
- A request to the EU to make it possible for Sweden to **relocate** asylum seekers to other EU Member States under the emergency relocation scheme;
- Introduction of **early integration-related activities** while asylum seekers are still enrolled in the asylum reception system, such as Swedish language tuition and societal orientation;
- Temporary relaxation of some rules in the Swedish plan and building regulations in order to **facilitate the provision of accommodation** to asylum seekers;
- Increased possibilities for private schools to accept students who are asylum seekers and for the municipalities to place asylum seekers in more distant schools;
- **Application for temporary EU funding** in order to ease the refugee situation;
- **Ad-hoc funding to municipalities and civil society** in order to handle the asylum situation and ease pressures on municipal budgets.

The agreement also contained measures concerning the **integration of new arrivals**.

The most pressing issue during the strong increase in the number of incoming asylum applicants was the need to quickly find **accommodation**. This prompted a number of different measures, including the use of evacuation places (municipal shelters), military facilities and tents. At one point in November 2015, all accommodation options were exhausted so that, as a consequence, around 30 asylum seekers spent the night outside the Migration Agency's offices.³

Civil society (both well-established organisations and new ones) was also involved in handling the refugee situation in autumn 2015. There were broadly speaking two different kinds of civil society engagement. The first concerned acute relief such as help and support at railway stations with food, clothes and guidance. Civil society

² Utredningen om Migrationsmottagandet (2015): Att ta emot människor på flykt – Sverige hösten 2015 (SOU 2017:12), 100-101.

³ SOU 2017:12, 139.

organisations and volunteers also gave practical and legal advice.⁴ The second concerned more long term engagement in integration such as the organisation of meeting places, social activities, language cafés, legal counselling, etc.⁵

On 24 November 2015, the Government followed up on the multiparty agreement of 23 October by proposing a number of concrete measures. Their aim was to "create a respite for Swedish refugee reception" by achieving a **"dramatic reduction in the number of people who seek asylum and are granted a residence permit in Sweden"**. As a general principle, the Government expressed its ambition to "temporarily adjust the [Swedish] asylum regulations to the minimum level in the EU so that more people choose to seek asylum in other EU countries".⁶

In addition to the measures announced in October, the proposals of 24 November also included the following:

- Persons in the category **"otherwise in need of protection"** would in the future **not be entitled to a residence permit**. (This ground for protection is a national type of subsidiary protection that goes beyond international and EU refugee and asylum law.)
- The existing provision on residence permits on grounds of **exceptionally/particularly distressing circumstances** would be replaced by a provision allowing a residence permit to be granted on humanitarian grounds in certain very limited exceptional cases.
- Systematic re-introduction and mainstreaming of **medical age assessments** for asylum seekers who claim to be unaccompanied minors.
- Introduction of **identity checks** on all modes of public transport to Sweden.

Regarding identity checks, a new regulation according to which identity controls must be carried out of all persons crossing the Swedish-Danish border by bus, train or boat, entered into force on 4 January 2016. These id-checks were carried out throughout the year 2016, until they were abandoned again in May 2017. Ferry operators on routes from Germany to Sweden have also been required to check their passengers' identities. In addition to these id-checks, the Government also introduced temporary border controls at Sweden's intra-Schengen borders, e.g. towards Denmark. These border controls were prolonged several times during 2016 and were still in place in 2017 and at the time of writing this report.

Towards the end of the year 2015, the number of asylum seekers started to decline rather drastically. This decrease cannot be linked to one isolated action that the Swedish Government took, however. It is more likely that it was the result of a combination of several factors, not only domestic ones. Border closures in Southern, South-Eastern and Central Europe, the agreement between the EU and Turkey to stop irregular migration flows from Turkey to Greece, restrictive policy turns in various EU Member States may have contributed to this development, alongside the various

⁴ SOU 2017:12, 283.

⁵ SOU 2017:12, 279.

⁶ Government Offices of Sweden, „[Government proposes measures to create respite for Swedish refugee reception](#)“, 24 November 2015.

Swedish policy changes. Among the Swedish factors, it is likely that the identity checks on travellers from Denmark had a considerable effect in terms of deterring protection seekers from attempting to travel to Sweden.

The decline meant that some of the emergency resources that had been made available eventually turned out not to be needed. For example, several municipalities had made arrangements for a continued reception of many asylum seekers by making additional accommodation facilities available. Some of these facilities were in the end never used.⁷

In 2016, several of the above-listed measures to reduce the inflow of asylum seekers were elaborated as Government bills and eventually adopted by the Swedish Parliament (Riksdag). These legal changes are discussed more in detail in Section 3 of this study.

2.2 The concept of a "change in asylum applications" and of a "significant influx"

The concept of a "change in asylum applications" is not defined in Swedish law, or in any official policies. Changes over time in the number of people who come to Sweden to apply for asylum are considered normal, at least to a certain degree. If the number of incoming applicants did not change over time, this would be unnatural and surprising, given the often unforeseeable quantitative development of migratory flows in general, and forced migration in particular.

The Swedish Migration Agency has a contingency plan for situations in which the number of asylum applicants strongly increases.⁸ This plan does not quantify what a strong increase is, but defines – on the basis of indicators – four different contingency levels:

- (1) In a **"normal situation"** (normalt läge), the Agency's operations can be carried out in accordance with standard procedures and standard resources.
- (2) In **"strained situations"** (ansträngt läge), the Agency finds certain difficulties in carrying out its operations in accordance with standard procedures and standard resources.
- (3) In **"very strained situations"** (mycket ansträngt läge), the Agency's need of resources is greater than its existing resources.
- (4) Finally, in an **"extraordinary situation"** (extraordinärt läge), the number of new asylum seekers has a strong impact on the entire Agency and/or to society as a whole.

⁷ SOU 2017:12, 263.

⁸ Migrationsverket (2017): *Generaldirektörens instruktion om beredskapsplan vid kraftigt ökat antal asylsökande (I-09/2017)*, 8 September 2017.

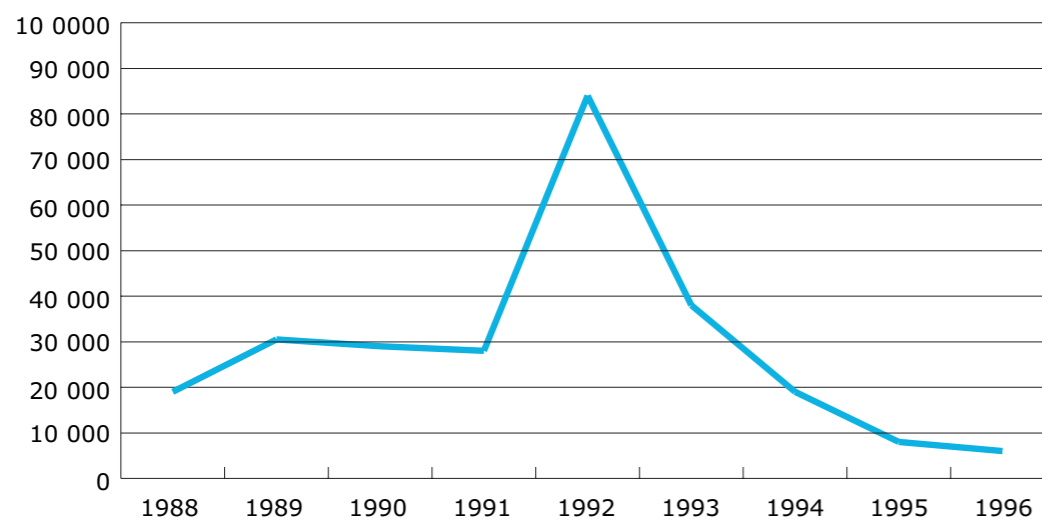
To determine that the Agency enters into a new contingency level, an administrative decision is needed. This decision is to be based on a holistic assessment of the situation at hand, either at regional or at national level, or at both levels.

As experiences over recent years show, changes in numbers indeed often occur, and they can be more or less significant, abrupt or sudden. For the purpose of this study, a significant change can be understood as an increase or decrease in the number of new asylum seekers that is either unforeseen in its magnitude, that occurs suddenly within a short period of time, that affects the normal processes of receiving asylum applicants and examining their claims, and that – in addition to the Swedish Migration Agency – also affects the operations of other public institutions in the country, such as the municipalities, the Police Authority, welfare and health care services, schools and other education institutions, and – not least – political bodies such as the Government, the Parliament and the political parties. In addition, a significant change will most likely also be reflected in public and media discourses.

2.3 Earlier historical examples of significant changes in the influx of asylum applicants

The strong and rapid increase of asylum applicants coming to Sweden in 2015 was unprecedented in its magnitude. However, there are earlier examples of significantly changing inflows as well. During the early 1990s, Sweden experienced a great increase in the number of asylum seekers as a consequence of the war in former Yugoslavia, and then a sudden decrease again (see Figure 1 below for details). The increase was unpredicted and unprecedented. In 1991, a total of 27,351 people applied for asylum in Sweden. In 1992, some 84,018 were registered, and in 1993, the number of new applicants was down to 37,581 again. During 1994, 1995 and 1996, the numbers decreased further, down to a level that was considerable lower than before the increase.

Figure 1: Number of people applying for asylum in Sweden, 1988-1996



Source: Swedish Migration Agency

To compare the Swedish Government's response to the situation in the early 1990s to the refugee situation in 2014-2016 is difficult and methodologically problematic as Sweden was, in the early 1990s, neither a Member State of the EU nor part of the Schengen area. The asylum crisis in 1992 also coincided with an economic crisis and rising levels of unemployment, which was not the case in 2015.⁹ The organisation of the Swedish asylum system was also different at the time, compared to the situation today. Asylum seekers were generally placed in collective reception centres, whereas today, accommodation is largely decentralised over small-scale units in many parts of the country. Asylum cases were examined by the Swedish Police until June 1992, when this task was transferred to the immigration service ("Statens invandrarverk"), the predecessor of today's Swedish Migration Agency ("Migrationsverket").¹⁰

What can be said, however, is that a lack of accommodation was a problem in 1992, in a similar way as in 2015. As the need for accommodation for asylum seekers increased very quickly in the course of the year 1992, there was a lack of reception facilities, and the immigration service was forced to open emergency reception centres, such as military facilities and tents.¹¹ This happened again in 2015. Another similarity is that the processing times for asylum applications increased considerably as the number of incoming applicants rose. As it did in 2015, the Swedish Government tried to reduce the number of incoming applicants even back in 1992. The most important measure was the introduction of a visa requirement for citizens of the former Yugoslav republic. This happened in October 1992 for citizens of Serbia and Montenegro as well as Macedonia, and in spring 1993 for citizens of Bosnia and Hercegovina.¹² At the same time, Sweden responded pragmatically to the increased inflow by putting return obligations for rejected applicants on hold and carrying out regularisations.¹³

As the processing times for asylum cases stretched longer and longer in 1991-1992, the immigration service invested into offering asylum seekers organised activities while they were accommodated in reception facilities, such as language courses and practical work opportunities concerning the maintenance of the reception facilities where they lived. This was called "meaningful stay" (meningsfull vistelse).¹⁴ Again, similar measures were also offered to asylum seekers in 2015-2016.

As stated in the answer to question 1, Sweden is to some degree used to fluctuations in the number of asylum seekers. There is therefore no exact "baseline". The number of asylum seekers has been going up and down for many years. It is obvious, however, that earlier increases or decreases have not been as dramatic or concentrated on a rather short period of time as in the autumn of 2015.

2.4 The fluctuation in the number of asylum applications in 2014, 2015 and 2016

Sweden experienced a drastic increase in the number of asylum seekers in 2015, especially in autumn. The number of asylum seekers started to increase in May 2015.

⁹ Regeringen (1993): *Skrivelse om invandrar- och flyktingpolitiken* (Skr. 1992/93:157), 20.

¹⁰ Skr. 1992/93:157, 39.

¹¹ Skr. 1992/93:157, 41.

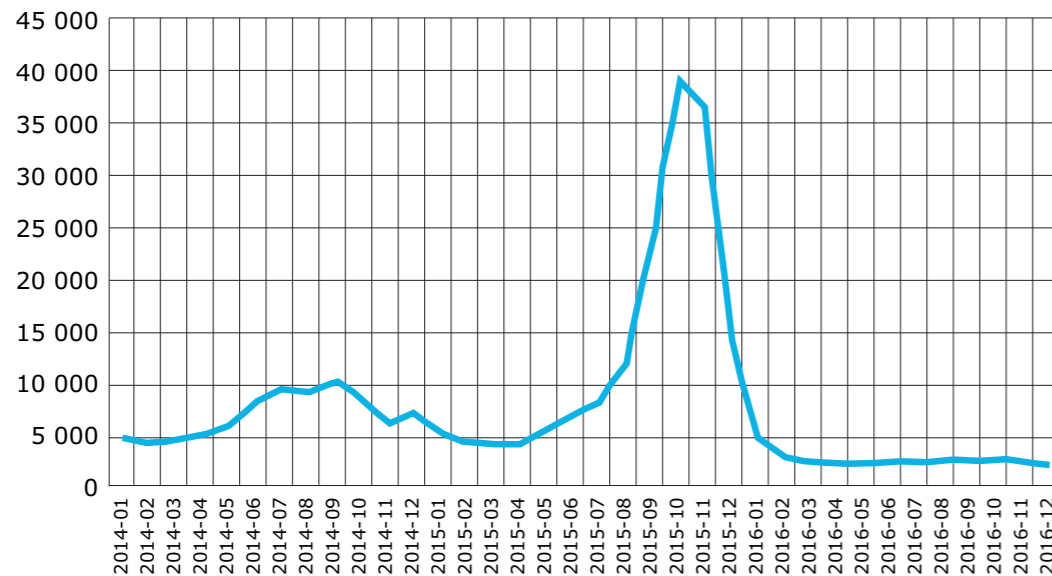
¹² Skr. 1992/93:157, 38-39.

¹³ Riksrevisionen (2017): *Lärdomar av flyktingsituationen hösten 2015* (RIR 2017:4), 112.

¹⁴ Skr. 1992/93:157, 42.

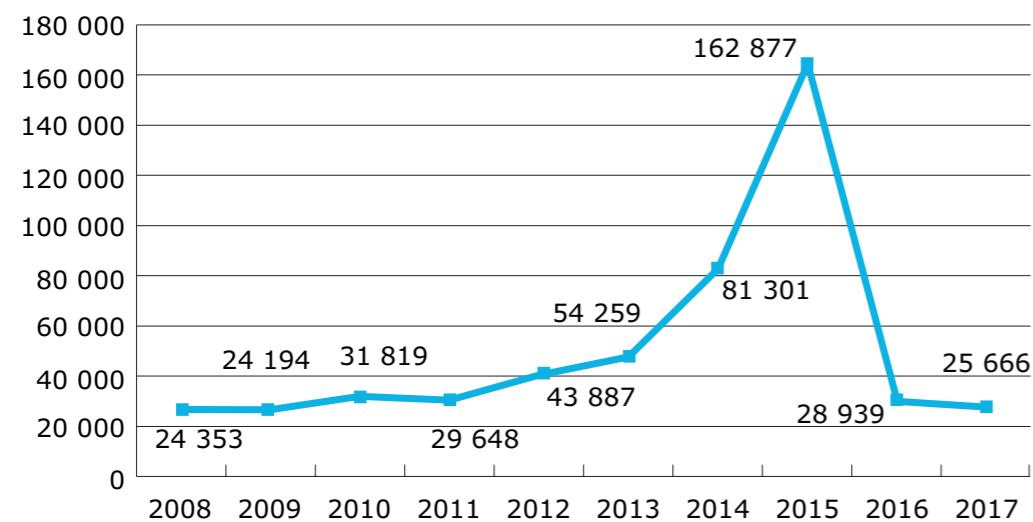
In August, the increase became even stronger. The increasing trend culminated in October, when ten times as many asylum seekers arrived than in April of the same year. In December 2015, the numbers started to significantly decrease again, and in January 2016, the number of applicants was at roughly the same level again as during spring 2015. From February 2016 onwards, the monthly numbers were considerably lower than in 2015 and 2014. Figure 2 below displays monthly asylum data for Sweden for the period 2014-2016. Figure 3 shows annual data for the ten-year period 2008-2017.

Figure 2: Number of people applying for asylum in Sweden, **monthly** data, **2014-2016**



Source: Swedish Migration Agency

Figure 3: Number of people applying for asylum in Sweden, **annual** data, **2008-2017**



Source: Swedish Migration Agency

2.5 Cooperation between the government, national organisations and authorities at national level

Within the Government Offices the coordination within and between ministries was strengthened during autumn of 2015, both on the political and on administrative levels.¹⁵ However, the standard structure for dealing with crises was used. This means that in crisis situations, the various Government ministries remain responsible for their respective areas of responsibility, while the "Crisis Management Coordination Secretariat" assumes responsibility for coordination and support, assesses the situation at hand, and makes a joint overall analysis.¹⁶

During autumn 2015, a number of coordination meetings were held both at political and administrative levels between different Government ministries. These meetings were to a large extent prepared and co-ordinated by the Crisis Management Coordination Secretariat.¹⁷ Furthermore, a group for strategic coordination was established on 9 September 2015. Within the framework of this group, the state secretaries from all ministries (except the Ministry of the Environment and Energy) met several times a week until December 2015. The aim of the group was to coordinate the different measures taken by the Government Offices.

In December 2015, a new "Secretariat for coordination and alignment of the work of the Government and the Government offices for people seeking refuge" (Sekretariatet för samordning och inriktning av regeringens och Regeringskansliets arbete rörande människor på flykt - SIRF) was established within the Ministry of Employment. This secretariat was created to support the Government offices at a point in time where the most acute phase of the refugee situation in 2015 was over. Its aim was to coordinate and make proposals for the continued work regarding the many asylum seekers that had arrived. The secretariat was terminated in autumn 2016, and its assignments were transferred to a standard structure, the Division for integration within the Ministry of Employment.¹⁸

In general, the quick acquisition and flow of information between the various actors was of crucial importance during the crisis situation in autumn 2015, and it was the Crisis Management Coordination Secretariat that gathered and compiled information on the current situation on a weekly basis. The different Government agencies provided the various ministries with information regarding the situation. Some of this information flow was coordinated by the Swedish Civil Contingencies Agency (Myn-digheten för samhällsskydd och beredskap, MSB). This Government agency was on 1 October 2015 given the assignment to coordinate different responsible actors' handling of the refugee situation.¹⁹

The Swedish Migration Agency provided information on a weekly basis to the Government Offices. There were regular contacts between the Director General of the Migration Agency and the State Secretary of the Ministry of Justice. Much of this information concerned real-time statistics, such as the increasing number of asylum

¹⁵ SOU 2017:12, 91.

¹⁶ <http://www.government.se/government-policy/emergency-preparedness/crisis-management-in-the-government-offices/>.

¹⁷ SOU 2017:12, 92-93.

¹⁸ SOU 2017:12, 94.

¹⁹ SOU 2017:12, 96.

seekers, and it was related to the lack of capacity within the agency concerning, e.g. the registration of asylum applicants and the procurement of accommodation.²⁰

The Swedish Civil Contingencies Agency also had coordinators present at the head office of the Swedish Migration Agency in Norrköping from 1 October 2015 until January 2016 in order to facilitate the coordination between the agencies.²¹

2.6 Consultations and cooperation between Sweden and other Member States

Consultations and cooperation between Sweden and other EU Member States regarding the asylum situation in 2014-2016 mainly took place in the framework of the ordinary structures of the Council of the European Union, at various levels. In the autumn of 2015, the Ministers of Interior and Justice met more often than usual due to the refugee situation in Europe at the time. The Council was thus the most important arena for cooperation between Sweden and other Member States. This cooperation enabled, for example, the decision to relocate 160,000 asylum seekers from "Hot spots" in Greece and Italy to other Member States. Another example is the EU-Turkey statement, which was also reached through cooperation within the Council. This arrangement made it possible to reduce the number of irregular crossings from Turkey to Greek islands, and it also provided a basis for resettling Syrian refugees from Turkey to the EU.

Further to cooperation within the Council, Sweden also consulted with other Member States (as well as Norway and Iceland) in the framework of the Nordic Council of Ministers. Not least, there is an informal Nordic cooperation forum, where Government officials and ministers meet to discuss topical asylum and migration issues. Discussions within this forum concerned, among other measures, the introduction of internal border controls.

2.7 Effects on Sweden of measures taken in other Member States

Sweden does not have land borders with states that are not members of the Schengen area. In fact, Sweden's only external borders are in those sections of Sweden's international airports where flights from non-Schengen countries start and land. This relative openness means that migratory events in other Schengen countries and those countries' policies to deal with migration can have an impact on Sweden. While it is methodologically impossible to exactly quantify the degree to which the situation and policies in other EU Member States in the period 2014-2016 have affected Sweden, certain observations can certainly be made.

In 2015, the increased arrivals in Greece of people seeking protection affected Sweden as well, as many chose to travel onwards from Greece through the Western Balkan countries and Hungary (or Croatia and Slovenia) to Austria and Germany, and from there further on to Sweden and other Nordic countries. It is widely assumed that the German decision in summer 2015 to (via Austria) admit asylum seekers that risked to get stuck in Hungary affected Sweden as well, as an unknown share of

these asylum seekers took the opportunity to travel further on to Sweden.²² Restrictive policies in Denmark might also have contributed to making Sweden a relatively attractive destination for many protection seekers. A political consequence of all these factors were the announcements of the Swedish Government in October and November 2015 to implement a number of measures to make Sweden a less popular destination.

Later in 2015, and in early 2016, restrictive measures taken by other countries have certainly also contributed to the decline in the number of asylum seekers that Sweden experienced since December 2015. Countries along the Western Balkan irregular migration route closed their borders, as did Hungary. Germany and Austria introduced temporary border controls. By consequence, it became much more difficult, if not almost impossible, for protection seekers to travel onwards from Greece, including to Sweden. Border controls at the German-Danish border have likely also reduced the flow to Sweden. Last but not least, the EU-Turkey statement, which reduced irregular sea crossings to Greece, also had an effect on Sweden, at least indirectly.

²⁰ SOU 2017:12, 96.
²¹ SOU 2017:12, 172.

²² SOU 2017: 12, 292; *Migrationsverket (2015): Verksamhets- och kostnadsprognos oktober 2015, 15-16.*

3 National responses to the refugee situation in 2014-2016

3.1 Measures taken, their impact and responses

Border control and identity checks

Starting in November 2015, temporary internal border controls were carried out by the Swedish Police Authority at the Swedish-Danish (Öresund bridge and ferry terminals) and Swedish-German (ferry terminals) borders. This measure was introduced by the Government in response to the extraordinary refugee situation at the time (strong increase in the number of asylum seekers during the months preceding this measure), which according to the Swedish Government posed acute challenges to vital functions of society. Asylum seekers could however apply for asylum at the border. At the time of writing, the border controls were still carried out. The border control measures were decided by the Government after consultation with the Swedish Migration Agency and the Police Authority.

In addition, a temporary ordinance (effective as of 4 January 2016), issued by the Government, introduced extraterritorial ID-checks on travellers on public transportation (busses, trains and boats) from Denmark to Sweden. This measure means that persons without ID-documents were prevented from travelling to Sweden from Denmark using public transport.²³ This measure was originally initiated on 24 November 2015. A formal legislative proposal was presented on 9 December 2015, and the measure entered into force on 21 December 2015. The checks on travellers were performed by the respective carriers. In May 2017, this measure was ended as the number of incoming asylum applicants had decreased.

Registration of asylum applicants

The strongly increasing number of asylum seekers during the period September – December 2015 put the process of registering incoming asylum applicants under considerable pressure. A person who wants to apply for asylum in Sweden can do so directly at an application unit of the Swedish Migration Agency. It is also possible to apply for asylum at the border, if a border is controlled by the Police. In this case, the person is referred to the Migration Agency.

To handle the high number of asylum seekers, the Swedish Migration Agency put temporary simplified operation modes into practice during the months of October, November and December 2015. The aim was to quickly register all asylum applications and include them into the reception system. The temporary simplified operation modes were primarily used for Syrian citizens, stateless persons from Syria and Eritrean citizens and meant that no initial interviews were held with adult asylum seekers or families. However, the asylum seekers had to leave their fingerprints and have their photographs taken. Also, no appointments for asylum interviews were scheduled at the time of registration. Instead, all asylum cases were stored to be scheduled for appointments/interviews at a later point in time. The Swedish Migration Agency also channelled more staff to registration units, extended the opening hours of these

²³ SOU 2017:12, 113.

units, and opened new units. For several weeks, the registration unit at the Malmö branch office of the Migration Agency was open around the clock. Despite this, the situation was extremely difficult, and several thousand asylum seekers were unable to register their applications at the Migration Agency for around three-four weeks.

Reception, accommodation arrangements and other housing issues

On 8 October 2015, the Government tasked the Swedish county administrative boards to make an inventory of buildings that could be used as temporary accommodation for asylum seekers.²⁴ The county administrative boards reported back to the Government on 22 October 2015, indicating 66,000 accommodation places. The Swedish Migration Agency considered that 20,000 of these spots could be used.

To make more reception places available for asylum seekers, the Swedish Migration Agency took a number of measures such as densifying already existing reception centres, using temporary reception centres, using municipal evacuation places (such as for example sports arenas) and temporary reception places with lower standards (mobility homes, dormitories, and so on).²⁵ At the most, 8,000 persons were accommodated in municipal evacuation shelters in December 2015. The municipalities were reimbursed by the state for the costs associated with the use of these shelters as accommodation for asylum applicants.²⁶

For a short period of time in December 2015, tents were used in the south of Sweden as all other available accommodation opportunities were exhausted. In 2016, following a decrease in the number of new asylum applicants coming to Sweden and the finalization of the asylum procedures of many asylum seekers that had arrived in 2015, the reception and accommodation situation gradually became more relaxed, and the Migration Agency started to close down some reception facilities that had been used as emergency reception centres.

On 10 December 2015, the Swedish Plan and building regulation was amended in order to ease the establishment of asylum reception centres.²⁷ Some requirements concerning energy and water supplies, elevators and other technical standards were softened. The National Board of Housing, Building and Planning was involved in the drafting of the measure.

As a follow-up on the cross-party agreement of October 2015, which included a commitment to reduce the possibilities for people who have been granted a residence permit and rejected asylum seekers to stay in the reception system for asylum seekers, amendments to the Reception of Asylum Seekers Act came into force on 1 June 2016. A person who has applied for asylum and received a refusal of entry or expulsion order is now no longer entitled to accommodation or daily allowances provided by the Swedish Migration Agency when the deadline for voluntary departure has expired. The amendment does not apply to unaccompanied minors and to adults living with their children under the age of 18, however.²⁸

As regards longer-term needs for housing for those asylum seekers that are eventu-

²⁴ SOU 2017:12, 103-104.

²⁵ SOU 2017:12, 119-120, 137-138.

²⁶ SOU 2017:12, 254.

²⁷ SOU 2017:12, 104.

²⁸ Migrationsverket (2017): EMN Annual Report on Migration and Asylum 2016 – Sweden, 15.

ally found to be in need of protection and entitled to stay, Sweden has had shortages as well. Especially in the larger cities, shortages have existed for many years. The increased numbers of asylum seekers in 2014 and 2015, and the subsequent need for additional housing for those who were found to be in need of protection, has aggravated this problem.

Wider reception services

During the period from autumn 2015 to spring 2016, it was at times not possible to offer initial health checks to all asylum seekers due to the strongly increased demand. Towards the end of 2015, several municipalities reported themselves to the Government for overburdening of their social services. In 2016, the Government allocated an extra SEK 1.5 billion to the Swedish county councils to increase their capacity for healthcare for asylum seekers and refugees. Additional funding of SEK 10 billion a year have since 2016 been allocated to municipalities and county councils through general Government grants for healthcare and social security.

As regards the impact of the increased inflow of asylum seekers in 2015 on the education system, the Government has announced continued initiatives to alleviate the teacher shortage in Sweden and improve the conditions for highly challenged schools. As the number of pupils has been increasing as a result of the high number of refugee arrivals in Sweden, schools are receiving additional resources. Further to this, the National Agency for Education was tasked with providing support to schools and municipalities to improve the quality of education for newly arrived students. On 1 January 2016, a new regulation entered into force, which foresees an obligatory mapping/assessment of newly arrived students' knowledge and previous education. It also prescribes regulations on the organizational form of 'introductory classes' and on the number of teaching hours for newly arrived students.

Asylum procedures

Through a budget bill in spring 2016, the Swedish Migration Agency received additional funding with the aim of shortening the average length of time during which asylum seekers are enrolled in the Agency's asylum reception system. However, due to the huge backlog of pending cases from 2015, the processing times increased rather than decreased, in 2016. The lack of housing in many municipalities (which delays the settlement process of those applicants that are found to be in need of protection and granted a residence permit) and difficulties to carry out returns also contributed to long enrolment periods. In many cases, recognised beneficiaries of protection and rejected applicants remain in the reception system for asylum seekers longer than needed, as a result of delayed settlement or return. It is reasonable to assume, however, that without extra funding, the asylum processing times as well as the average enrolment times would have increased even more.

During 2016, the Swedish Migration Agency developed and adopted a new asylum process, which became operational in 2017. According to this process, asylum applications are classified and sorted into different tracks, depending on the characteristics of each case. This new process was piloted within several asylum examination teams during 2016. The overall aim is to shorten the duration of procedures by making an early assessment as to whether a case can be subject to quick processing. Quick processing can be used for example, in cases in which an asylum seeker comes from a country whose nationals are normally granted protection. In such cases, there is no need to appoint a legal counsel, which can speed up the procedure. When there are clear indications that an applicant will not receive protection, the process can be accelerated, as well.

Overall, the number of asylum decisions taken as well as the productivity of the asylum process (measured in the number of decision taken per full-time employee) increased substantially in 2016. In 2015, a full-time employee decided, on average, 40 asylum cases. In 2016, this number was 56.²⁹

Infrastructure, personnel and competencies

The rising number of asylum seekers coming to Sweden has made it necessary to increase the number of employees, especially in the operative departments of the Swedish Migration Agency. Over the period 2014-2016, the total number of employees of the Agency grew from 5,351 at the end of the year 2014, to 7,623 at the end of 2015, and 8,432 at the end of 2016. While most of the staff of the Swedish Migration Agency have permanent work contracts, the share of employees with temporary contracts was around 13% in 2016.³⁰ Towards the end of 2016, a process of systematic downsizing was started, as the number of asylum cases decreased. The downsizing is still ongoing at the time of writing, and it will affect many operations of the Migration Agency.

In the course of the changing inflows of asylum seekers, other agencies and authorities also needed to increase their staff, including at municipal level. This cannot be exactly quantified, however, as it is not always clear whether new recruitments of staff are a direct or an indirect consequence of the refugee situation.

The Swedish Police authority also recruited additional staff in 2016. While the overall number of Police officers remained largely the same as during 2015 and 2014 (around 20,000), the number of civilian employees grew significantly. While this growth of course cannot be related to the migration situation alone, the introduction of temporary border controls at Sweden's intra-Schengen borders towards Denmark made it necessary for the Police Authority to re-assign officers from other tasks to the border control activity. It also employed civilian passport controllers, to support the control exercise.³¹

Law enforcement

The introduction of temporary border controls meant that the Swedish Police Authority had to make additional resources available for this task. Even before the introduction of the border checks, the Police had an increased workload, e.g. regarding the monitoring of the inflow of foreign nationals.

Checks on foreigners within the Swedish territory are performed by the Police to detect persons who are not allowed to stay in Sweden. The number of such controls carried out in 2016 decreased in comparison to 2015, from 23,652 to 18,857. The Police increased the effectiveness of internal checks on foreigners, however. The share of detections that led to a refusal of entry or an expulsion increased from 6 to 14 percent.

The strongly increased number of asylum seekers in 2015 also meant that more applicants than before were rejected. This in turn increased the workload of the Swedish Migration Agency regarding the handling of return cases (voluntary return, forced return). Following the allocation of extra funding by the Swedish Parliament, the

²⁹ *Migrationsverket (2017): Årsredovisning 2016, 38.*

³⁰ *Migrationsverket (2017): Årsredovisning 2016, 90.*

³¹ *Polismyndigheten (2017): Polisens årsredovisning 2016, 56 and 66.*

Migration Agency increased the number of available places in detention centres from 257 in 2015 to 357 in 2016. The underlying reason was that the increased number of asylum applicants in 2015 would eventually lead to an increase in return cases during subsequent years (2016, 2017, and especially in 2018).³²

Integration measures

As the number of asylum seekers and the processing times for asylum claims increased in 2014 and 2015, the Swedish Migration Agency stepped up its efforts to offer asylum seekers various kinds of organised activities. The aim was to allow the applicants to use their wait times for early integration-related efforts. In 2015, over 4,300 asylum seekers were enrolled in various kinds of internship, compared to only 1,600 during the year before. Other early integration measures that the Agency offered were Swedish language courses, information about Swedish society, and organised meeting places. In 2017, the organisation of internships and other integration-related activities by the Swedish Migration Agency were phased out, as the responsibility for such activities was transferred to the Swedish county Administrative Boards.

As far as longer-term integration measures are concerned, a new law for an effective and solidarity-based refugee reception system was proposed by the Government in November 2015, and adopted by the Swedish Parliament in January 2016. It entered into force on March 2016. According to this law, all municipalities in Sweden can be required to receive new arrivals for settlement, based on the municipalities' respective situation and capacities, as well as the local labour market, characteristics of the population and other reception services provided. Before, it was voluntary for municipalities to accept beneficiaries of protection for settlement. The purpose of the law was to achieve a more balanced and sustainable settlement policy for those asylum seekers who are granted protection.

As a further consequence of the increasing number of asylum applicants in 2014 and 2015, and the related higher number of people granted protection, the Government launched a number of new initiatives for improved labour-market integration, and stepped up or changes other integration-related services and activities.³³

Beneficiaries of protection who are of working age are entitled to free Swedish language tuition ("Swedish for immigrants"), which is offered by the respective municipality. Due to the increased number of individuals receiving protection in Sweden, several municipalities reported shortages of language teachers, and the wait times for beneficiaries, until they could start their language education, got longer. In April 2017, almost every second municipalities had beneficiaries of protection waiting to start language tuition.³⁴

Changes to laws on migration and asylum

Following-up on the cross-party agreement on asylum and migration of end-October 2015, the Government on 24 November 2017 announced a temporary law, which aimed at restricting the possibility of being granted a residence permit for protec-

³² *Migrationsverket (2017): Årsredovisning 2016, 48.*

³³ *For examples, see Migrationsverket (2017): EMN Annual Report on Migration and Asylum 2016 – Sweden, 36-38; and Migrationsverket (2016): EMN Annual Report on Migration and Asylum 2015 – Sweden, 31-32.*

³⁴ *Skolverket: Varannan kommun har kö till sfi, Pressmeddelande, 19 April 2017.*

tion purposes in Sweden, and the right to family reunification. After consultation with stakeholders, this temporary act was adopted by Parliament and entered into force on 20 July 2016. This measure can be seen as an ad-hoc measure for reducing the number of incoming asylum seekers. Its explicit aim is to bring the Swedish asylum regulations in line with the minimum standards as required by EU and international law, eliminating more generous provisions.³⁵ The Act is temporary and is scheduled to expire on 19 July 2019. The implementation of the law mainly concerns the operations of the Swedish Migration Agency and the Migration Courts (and the Migration Court of Appeal).

In concrete terms, the temporary act means that refugees and persons eligible for subsidiary protection in Sweden are granted temporary residence permits instead of permanent ones, which is the main rule under the Aliens Act. Refugees are now granted permits for three years and beneficiaries of subsidiary ("alternative") protection for 13 months. If a beneficiary of protection still has grounds for protection when their first residence permit expires, they can be granted an extension. If the person can support him/herself, they can be granted a permanent permit. Refugees who are granted temporary residence permits under the temporary law and who are deemed to have well-grounded prospects of obtaining a permanent residence permit continue to have a right to family reunification with their spouse, cohabitant and/or minor children, and children who are refugees have a right to reunification with their parents. By contrast, a beneficiary of subsidiary protection who has submitted his/her asylum application after 24 November 2015 has no right to family reunification under the temporary act.

The temporary act also introduced stricter maintenance requirements as a condition for family reunification by extending them to include both the sponsor him-/herself and support to the family member. There are certain exceptions, however. The maintenance requirement will not apply if the sponsor is a child. Family members of beneficiaries of international protection are also exempt from the maintenance requirement if the family member applies for family reunification within three months of the date when the beneficiary of protection obtained his/her residence permit. These exceptions do not apply to family formation (newly established relationships).

Further to this, the temporary act also limited the possibilities of asylum applicants to be granted a residence permit for humanitarian reasons ("particularly distressing circumstances"). As a result of the temporary law, this national humanitarian status can now only be granted to children and families with children who applied for asylum on or before 24 November 2015, provided that the child in question is still under 18 years old when the decision is made.

In June 2017, an amendment of the temporary act entered into force, making it possible for young people who have applied for asylum to receive, under certain circumstances, a residence permit for high school studies. The new rules are intended to encourage newly arrived young people who have come to Sweden for protection or humanitarian reasons to study, or continue their studies, at upper secondary schools. Third-country nationals in the age group 17-25 years who study at upper secondary schools in Sweden and who have been granted a temporary residence permit for protection (or humanitarian) reasons can now receive a residence permit with a longer

³⁵ *SOU 2017:12, 112-113.*

validity in order to be able to continue and finalise their studies.³⁶ In principle, both unaccompanied minors and young people as well as children who stay in Sweden with their families can benefit from this new possibility to be granted a residence permit. This amendment is to be seen against the background that Sweden had received a record number of unaccompanied minors in 2015. Due to the strong influx, many UAM had to wait a long time for a decision on their asylum application. The long processing times resulted in considerable share of these minors reaching the age of 18 while they were waiting for a decision.

Upon the Swedish Government's request, the Council of the European Union decided on 9 June 2016 to suspend Sweden's obligations to admit asylum seekers from Italy and Greece under the under the decisions (EU) 2015/15232429 and (EU) 2015/16012530. Consequently, Sweden only received very few relocated asylum seekers in 2015, and none in 2016. Relocations from Italy and Greece to Sweden accordance resumed in early June 2017.

3.2 The impact of the refugee situation and on local authorities

The changing influx of asylum seekers to Sweden over the period 2014-2017 had various impacts on local authorities. Most importantly, the Swedish municipalities are involved in the reception of asylum seekers. While the reception system is managed and paid for by the Swedish Migration Agency, a central state agency, municipalities have to ensure social services for those asylum seekers who need them. Municipal schools have to guarantee that asylum seeking children of school age can attend school. The Swedish county councils have to provide initial health checks of asylum seekers, and asylum seekers have a right to urgent, basic health and dental care, which is also a duty of the regional administrations. Overall, this distribution of responsibilities means that an elevated (or reduced) inflow of asylum seekers directly impacts the budgets and operations of municipalities as well as the services they offer to their inhabitants.

When an asylum seeker receives a positive decision on his/her right to stay in Sweden, the municipalities have to offer Swedish language tuition. As a consequence of a new law for an effective and solidarity-based refugee reception system, all municipalities can be required to accept beneficiaries of international protection for permanent settlement, which means that they have to offer housing. Given that many municipalities have had a shortage of affordable housing, the higher number of protection beneficiaries required many municipalities to accelerate and step-up the construction of new housing structures.

In short, as far as the various dimensions of the arrival of asylum seekers in Sweden is concerned, an increased influx affects the local level as regards reception and accommodation, the provision of wider reception services, personnel and infrastructure, integration arrangements for new arrivals as well as, to some degree, law enforcement. By contrast, the registration of asylum applicants and the examination of their asylum requests is a task of the Swedish Migration Agency. Challenges as regards the registration exercise therefore do not directly impact the local level. In a similar manner, border controls are performed by the Police. It has been argued, however, that

³⁶ Even if the protection-related grounds are no longer fulfilled and a residence permit for protection/humanitarian reasons expires, a permit for studies can under certain circumstances still be granted.

border controls have an indirect negative effect on those municipalities that are close to the Swedish-Danish borders. Many people regularly commute across the border to and from Denmark, and border controls and id-checks by carriers have prolonged such trans-border journeys.

The Swedish municipalities and regions are not involved in operational decisions of the Swedish Migration Agency, nor do they have any immediate influence on the drafting and adopting of new legislation in the area of asylum, immigration and integration. Generally, however, they can give their views on legislative measures elaborated and adopted at central state level. All municipalities, county councils and regions are members of Swedish Association of Local Authorities and Regions (SALAR). SALAR represents and acts on their initiative; the organisation's mission is to provide municipalities, county councils and regions with better conditions for local and regional self-Government.³⁷

3.3 Scaling down or dismantling measures following a decrease in numbers of asylum applications

As mentioned above, Sweden experienced a strong decrease in the influx of asylum seekers from December 2015 onwards. As a result of this decrease, some emergency measures could be gradually reduced or entirely abandoned, such as the use of emergency shelters and other transitory arrangements to accommodate asylum seekers. Sweden gradually returned to its standard structures for receiving and accommodating asylum seekers. The Migration Agency also shifted some of its staff resources back from the registration of new asylum applicants to the processing and examination of their asylum claims. In May 2017, the Swedish Government decided not to prolong the extraterritorial id-checks on travellers crossing the Danish-Swedish border.

As far as legislation is concerned, the temporary act restricting the possibility of being granted a residence permit for protection purposes in Sweden, and the right to family reunification, which entered into force on 20 July 2016, is still in place. It is scheduled to expire in July 2019. One might also anticipate that Sweden will eventually abandon the temporary controls at its intra-Schengen borders, although it is unclear at the time of writing whether, and if so when, this will happen. Other legislation that was adopted as a consequence of the increased influx of asylum seekers in 2015, such as law on a solidarity-based settlement system, is not time-limited and is therefore likely to be kept, even if further fluctuations in the number of new asylum seekers would occur.

3.4 Changing policy priorities due to a decrease of incoming asylum seekers

Both the integration of new arrivals in Sweden and the return of rejected asylum seekers have become highly prioritised policy areas. That this is the case is however not a result of the decrease in the number of new asylum applicants in 2016 and 2017. Rather, both integration and return have become more topical as a result of the high number of people arriving in 2015. The record-high influx in 2015 resulted both in a much higher number of accepted beneficiaries of protection, which shall need to

³⁷ For more information on SALAR, see <https://skl.se/tjanster/englishpages.411.html>.

be integrated into Swedish society, and a higher number of rejected applicants that shall leave the country.

In 2015, 6,896 individuals returned voluntarily from Sweden to their home countries, and another 1,488 were returned to their home countries by the Police (forced return). In 2016, there were 8,409 voluntary and 1,405 forced returns to migrants' home countries. In 2017, voluntary returns decreased to 5,238 individuals, while forced returns increased to 1,831 persons.

The issue of maintaining capacity and preserving gained expertise in times of reduced inflows of asylum applicants is complicated. On the one hand, one explicit aim of the temporary act which was adopted in 2016 to reduce the possibility of being granted a residence permit for protection purposes in Sweden was to improve the Swedish capacity to receive asylum applicants. This can be understood as a commitment to establish systems that can orderly absorb relatively high numbers of new arrivals. On the other hand, of course, it is politically impossible to maintain or even extend reception capacities if these are not used or actually needed as a result of decreased demand. For example, it is unreasonable to maintain excess capacities in reception facilities of asylum seekers if there are no concrete signs of an actual need for them.

In general terms, however, many of the measures that have been adopted and implemented as a result of the increase in 2015 have a longer-term dimension and shall have, according to the lawmaker, positive effects even in times of decreases. Examples for this are the law for a solidarity-based settlement system, which distributed the responsibilities of Swedish municipalities regarding settlement and integration policies more evenly across the country, and measures that were adopted to encourage more rejected asylum seekers to leave the country. It is also worth noting that the cross-party agreement of October 2015 on measures to deal with the refugee situation included a commitment to expand the Swedish resettlement quota from 1,900 resettled refugees per year to 5,000 in 2018. This commitment clearly has a long-term strategic dimension as it promotes the orderly reception of people in need of protection through legal admission (via resettlement), as compared to the more spontaneous, and less orderly, arrival of asylum seekers in the country.

4 Effectiveness of the Swedish measures to deal with the changing influx of asylum seekers

The arrival of an extraordinarily high number of asylum seekers in Sweden within few months in the autumn of 2015 has had a multitude of different impacts and effects on many parts of Swedish society, and so did the measures that the Government and state agencies took to deal with these effects. To provide a full picture of all impacts and effects is an extremely complicated endeavour, if not an entirely impossible task. In addition, several measures were taken more or less simultaneously. Consequently, clear causal relationships between a single measure and its impacts/effects cannot be identified.

According to experts at the Swedish Migration Agency, however, the introduction of temporary border controls at Sweden's intra-Schengen borders, and in particular the introduction of ID-checks (which took effect almost at the same point in time) alongside controls by Danish authorities at the Danish-German land and sea borders might have been the most decisive reasons for the strong decline in new arrivals in Sweden at the turn of the year 2015-2016. In particular, the border controls and ID-checks had a deterring effect on unaccompanied minors. This is indicated by the fact that the number of unaccompanied minors who applied for asylum in Sweden decreased very strongly in 2016, compared to the previous year, while it increased in Germany.

The following paragraphs provide an overview of what is known in Sweden about the effectiveness of some of the measures taken in 2015-2016.

Border control and identity checks on travellers

The introduction of temporary border controls at Swedish intra-Schengen borders, primarily at the Öresund bridge, has made it possible for the Police to get a better picture of the flow of travellers. The introduction of the border controls has coincided with a reduction in the number of asylum seekers coming to Sweden, but it is far from clear whether there is a causal relationship, or – in other words – whether the reduced inflow was a result of the border checks or of other measures. The introduction of mandatory extraterritorial ID-checks on travellers (by carriers) may also have contributed to the decline, perhaps to an even greater degree.

Even in the longer run, it is possible that the introduction of border controls and ID-checks has contributed to a decrease in the number of asylum applicants in Sweden.

As a side effect, however, the border and ID-checks have also increased the time it takes for travellers and commuters to travel from Denmark to Sweden. This effect was certainly considered before the measure was introduced, but it was introduced nevertheless. According to an analysis by the Danish-Swedish knowledge centre Øresundsintitutet, even longer-term settlement patterns have been impacted, as Danish residents in southern Sweden increasingly moved back to Denmark. Øresundsintitutet concluded that the border and ID-checks have slowed down economic growth

in the Öresund region.³⁸ When the id-checks on cross-border travellers from Denmark were abandoned again by the Swedish Government, the number of train passengers increased again.

The temporary intra-Schengen border controls have been evaluated by the Swedish National Audit Office.³⁹ Other public and private bodies have also conducted impact analyses or evaluations, e.g. with a focus on the economic impact of the fact that the border and id checks have made travel between Denmark and Sweden more time-consuming.⁴⁰ The above-mentioned evaluation report by the Swedish National Audit Office concluded that the physical location of the border control activity was adequate, meaning that the controls have been carried out at those entry points which migrants indeed most commonly used to enter Swedish territory. It further stated that they were performed in accordance with their objectives and in regard to the practical conditions on the ground. In its evaluation report, the Audit Office proposed some improvements as regards, for example, a clearer division of responsibilities between the Swedish Migration Agency and the Police regarding the entry of asylum seekers, and Police officers' knowledge of immigration law.⁴¹

Reception arrangements for asylum seekers and accommodation

The possibility of the Swedish Migration Agency to quickly acquire additional accommodation spaces for asylum seekers through public procurement, and to even use emergency facilities when the demand for accommodation peaked, clearly had a positive impact on the Agency's task to provide new asylum seekers with accommodation. If no such flexibility instruments had been available, asylum seekers would have been left without a roof over their head. However, for a few weeks in autumn 2015, even emergency measures could not entirely satisfy the demand. The Migration Agency also reduced the available living space per individual, to be able to place more asylum seekers in existing facilities, and it lowered its standard quality requirements for new facilities. In the longer run, emergency facilities could be dismantled again as the number of asylum seekers decreased. The Swedish Migration Agency gradually returned to using standard accommodation.

The strongly increased demand for accommodation for asylum seekers led to a need to quickly recruit new staff and open new reception facilities. As the number of asylum seekers then decreased, many employees at the Swedish Migration Agency will not get their work contracts extended or lose their jobs. The at times very high demand for housing even led to higher prices for renting accommodation for asylum seekers, which meant a strain on public budgets. Emergency procurement of accommodation also created tensions in some municipalities, especially in smaller towns or villages, where inhabitants were suddenly confronted with the presence of many asylum seekers, without being able to gradually get used to the changing situation. This was also a challenge for municipal administrations, which were required to arrange schooling for children and basic social services on sometimes very short notice and without previous consultation.

³⁸ *Øresundsinstittet (2017): Fakta: Effekterna av gränskontrollerna mellan Skåne och Själland – avskaffade id-kontroller ger förbättringar i tågtrafiken*, 9 August 2017.

³⁹ *Riksrevisionen (2016): Upprättandet av tillfälliga gränskontroller vid inre gräns (RIR 2016:26)*.

⁴⁰ *E.g., Øresundsinstittet (2017)*.

⁴¹ *RIR 2016:26*.

The various measures to quickly increase the reception capacity were evaluated by a Government-appointed enquiry.⁴² Another evaluation was performed by the Swedish National Audit Office.⁴³ According to the Government-appointed committee, the Swedish Migration Agency prioritised the acquisition of accommodation when the number of new asylum applicants rose, and it succeeded in living up to its ambition of organising a roof over the heads of everyone who came at almost all times. The Migration Agency also simplified how it handled the registration of asylum seekers, but it still fell behind with registrations. This meant that asylum seekers had to wait for a long time to have their applications registered. For example, adults and families had to wait at the Malmö Exhibition and Convention Centre, where conditions were very disorderly. Unaccompanied minors had to stay in temporary accommodation in the municipalities where they had arrived. The Migration Agency's decisions on compensation to municipalities were delayed or unclear, leading to uncertainty among the municipalities about what compensation would be disbursed.⁴⁴

The National Audit Office looked into many aspects regarding accommodation for asylum seekers during the crisis, including the extent to which the Swedish Government and other public bodies assisted the Migration Agency in its efforts quickly increase its reception capacity. The results of this inter-agency assistance were characterised as "meagre".⁴⁵

Registration of asylum applicants

As outlined above, the Swedish Migration Agency prioritised the registration of new asylum applicants over some other tasks (e.g., examination of asylum claims) during the most acute phase of the refugee situation in 2015-2016. This made it possible to avoid long delays in the registration of asylum seekers crossing the borders into Sweden. Still, delays could not entirely be avoided, and during certain periods, individuals had to stay in temporary transit facilities while awaiting their registration and accommodation. The prioritisation of resources towards the registration of new applicants and the provision of (emergency) accommodation resulted in longer processing times for asylum requests and the examination of other types of applications for residence permits.

The measure was evaluated internally by the Migration Agency and by the above mentioned, Government-appointed committee "Utredningen om migrationsmottagandet 2015",⁴⁶ as well as by the Swedish National Audit Office.⁴⁷ According to the Audit Office, the Migration Agency largely managed to fulfil its duty to register all incoming asylum applicants, both adults and their accompanying children. However, this meant a huge burden on the Agency's staff and a de-prioritisation of other tasks. Asylum seekers had to wait longer to receive a decision, and the standards of reception were lowered. While the registration and reception was prioritised, delays could still not be avoided. In October 2015, about 3,000 unregistered potential asylum seekers were present in the country. Furthermore, the Audit Office found that delays in

⁴² *SOU 2017:12*.

⁴³ *RIR 2017:4*.

⁴⁴ *SOU 2017:12*, 29.

⁴⁵ *RIR 2017:4*, 68.

⁴⁶ *SOU 2017:12*.

⁴⁷ *RIR 2017:4*.

terms of registration of applicants likely also had a negative impact on municipalities' capacities to adequately deal with the situation, especially regarding unaccompanied minors.⁴⁸

Integration of those granted protection

In addition to the measures mentioned above, measures taken with regard to the integration of beneficiaries of protection and the various legal measures to reduce the pressures on the Swedish asylum reception system certainly also had a variety of impacts and effects. These are not easily measurable, but a few effects can be identified.

The introduction of temporary residence permits (instead of permanent ones) in July 2016, which aimed at reducing the attractiveness of Sweden as a receiving country, increased the workload of the Swedish Migration Agency, as it now has to examine numerous applications for residence permit extensions. It also operates under two parallel pieces of law; the Aliens Act, and the temporary Act for the period July 2016-July 2019. For the individuals concerned, the temporary permits certainly have psychological/emotional impacts, as their right to stay in Sweden has become more uncertain. The fact that temporary permits can become permanent if a beneficiary of protection manages to find a job and earn his/her own living also puts significant pressure on the individuals concerned.⁴⁹ At the same time, it is unclear whether this measure has been a contributing factor to the decrease in the number of asylum applicants. Other measures, such as border control measures elsewhere in Europe, the EU-Turkey statement, increased surveillance of the EU's external borders, among other things, may have played a greater role for the decrease in Sweden than the introduction of temporary permits. The same can be true for the restrictions to the right to family reunification, which were introduced via the same law. This measure has negative consequences for beneficiaries of subsidiary protection in Sweden, but whether or not the restrictions have been a decisive factor for the decreasing numbers of new asylum applicants is far from clear.

The fact that rejected asylum seekers, who refuse to leave voluntarily, now lose their right to accommodation provided by the Migration Agency, and to a daily allowance, has certainly contributed to accelerate the flow of people through the Swedish asylum reception system. A number of reception spots that were previously taken up by rejected asylum seekers who refused to return can now be made available to other groups. This effect matches the intention of the law-maker. The measure had other consequences, as well, however. For example, more rejected asylum seekers are now no longer registered in the reception system, and it is unclear whether or how many have left the country or still stay in Sweden on an irregular basis and without public authorities being aware of their whereabouts.⁵⁰

Effects of the refugee situation on other types of migration

The changing influx of asylum seekers did not prompt any change to the existing labour immigration system. Recent changes to this system were triggered by other factors. By contrast, the rules for family reunification have changed, and these changes are linked to the refugee situation.

⁴⁸ RIR 2017:4, 9.

⁴⁹ See, for example, "*Tillfälliga tillstånd stressar nyanlända ut i arbetslivet*", *Arbetet*, 14 September 2017.

⁵⁰ *Migrationsverket (2017): Årsredovisning 2016*, 53.

The above-mentioned temporary act, which aimed at restricting the possibility of being granted a residence permit for protection purposes in Sweden and entered into force on 20 July 2016 also restricted the right of beneficiaries of protection to be joined by family members. Persons who are granted refugee status and who have well-grounded prospects of obtaining permanent residence still have a right to family reunification with their spouse, cohabitant and/or minor children, and children who are refugees still have a right to reunification with their parents. The same applies to resettled refugees. However, a beneficiary of subsidiary protection who submitted his/her asylum application after 24 November 2015 has no right to family reunification any more.⁵¹

In addition, the temporary law also introduced stricter maintenance requirements, not only for beneficiaries of protection but for all residents, including Swedish nationals. The sponsor (i.e. the person already residing in Sweden) must now not only be able to support him-/herself but also his or her family members. The tougher maintenance requirement does not apply, however, if the sponsor is a child, and family members of beneficiaries of international protection are exempt from the maintenance requirement if the family member applies for family reunification within three months of the date when the beneficiary of protection obtained his/her residence permit.

⁵¹ Only if the rejection of an application for family reunification would contravene a Swedish commitment under an international convention (for example the ECHR), a family member can be granted a residence permit.

5 Financing of the implemented measures

5.1 The financing of measures to deal with the changing influx of asylum seekers

Most costs incurred by the reception and processing of asylum applicants in Sweden are administered by the Swedish Migration Agency. The budget of the Migration Agency is determined once a year by the Swedish Parliament, through a general budget bill from the Government, which distributes expenses through different spending posts. If necessary, if for example an Agency required more funding for its operations, changes can be made in the course of a year. For example, extra financing can be arranged by borrowing money from the subsequent year's budget. The Government can also propose amending budgets to the Parliament, which is often done twice a year, in spring and in autumn.

The by far largest part of the budget of the Migration Agency is financed by the Swedish state through tax revenues. Minor budget contributions come from the European Union and from fees that the Migration Agency collects, on behalf of the State, from individuals who apply for residence permits.

As the extraordinary refugee situation in 2015 required a drastic expansion of the operations of the Swedish Migration Agency, the Swedish Parliament (following Government proposals) increased the Agency's budget by increasing the spending posts "Migration" and "Integration and equality" in the annual budgets for these years. In addition, the annual budgets of the Migration Agency were increased twice by amending budgets, both in 2015 and in 2016. In total, the Migration Agency spent 44 percent more money in 2015, compared to 2014. While the total budget the Agency spent in 2013 was SEK 14,480 million, this amount was SEK 18,610 million in 2014, and SEK 26,787 million in 2015. In 2016, the budget spent increased further, to SEK 52,249 million (roughly 5.3 billion EUR), an increase by almost 50 percent.

The budget of the Migration Agency comprises the costs of its own operations (e.g., the registration and processing of applications for asylum and other residence permits) but also payments to asylum seekers (e.g., daily allowances) and the reception system, including connected payments to municipalities, county councils and other actors. Reception-related payments have represented the largest post within the Agency's budgets over the period 2013-2016, with roughly 46 percent in 2015 and 64 percent in 2016. Further relevant budget posts are payments to municipalities for arranging the settlement of asylum seekers who are granted a permit (beneficiaries of protection), payments to asylum seekers' legal counsels, "migration policy measures" (which until 2017 included the costs of the Swedish resettlement system), and costs for returning rejected asylum applicants and other third-country nationals who are not entitled to stay in Sweden. With the exception of migration policy measures, which is a minor budget post, all posts increased substantially in 2016 as compared to 2015 and earlier.

The by far strongest growth occurred within the budget post for payments to asylum seekers and accommodation, which increased from SEK 12,405 million in 2015 to above SEK 33,000 million in 2016. The reasons for this extraordinary increase is

that, as a result of the strong increase in the number of asylum applicants in 2015, a record number of people was enrolled in the Swedish reception throughout 2016.⁵²

In addition to the financing of the Swedish Migration Agency and the operations it administers, the other migration-related spending posts in the Swedish state budget were increased as well in response to the refugee situation in 2015-2016. This includes the costs of the Swedish Migration courts and the Migration Court of Appeal to handle appeals and costs for the legal representation of asylum seekers in court proceedings.

5.2 The evolution of administrative burdens on national authorities responsible of asylum applicants

The operations of the Swedish Migration Agency and other actors needed to be considerably extended due to the fluctuating and growing influx in 2014-2016. Additional personnel and trainings, but also office space and reception facilities had to be acquired. The Police had to make additional resources available for border controls.

As concerns the personnel of the Migration Agency, the equivalent of 1,087 full-time employees was needed to process and decide on asylum cases in 2014. In 2015, the equivalent of 1,456 full-time employees were needed, and 1,986 in 2016. The number of full-time employees managing and operating the reception system for asylum applicants increased from 1,810 full-time employees in 2014 to 2,172 in 2015 and 3,057 in 2016.⁵³ Over the period 2014-2016, the total number of employees of the Agency grew from 5,351 at the end of the year 2014, to 7,623 at the end of 2015, and 8,432 at the end of 2016.

⁵² *Migrationsverket (2017): Årsredovisning 2016, 18-21; Migrationverket (2016): Årsredovisning 2015, 144-147.*

⁵³ *Migrationsverket (2017): Årsredovisning 2016, 24.*

6 The way forward - future preparedness

6.1 Mechanisms to adapt to possible changing influxes of asylum applicants in the future

As described elsewhere in this study, the Swedish Government initiated a number of legislative proposals, which were eventually passed by Parliament. They did not put in place any new emergency planning mechanisms, but they have introduced a number of structural changes to Swedish migration governance.

The overall aim of the Government was on the one hand to reduce the number of asylum applicants coming to Sweden by lowering certain standards (e.g., temporary instead of permanent residence permit for beneficiaries, obstacles to family reunification). On the other hand, new legislation also aims at establishing systems that ensure a better functioning of the migration and integration-related processes and trajectories within Sweden.

One important example is the law for an effective, solidarity-based refugee reception system, which entered into force in March 2016. The purpose of the law is to achieve a more balanced and sustainable settlement policy for those asylum seekers who are granted protection.

Changes that were made regarding the return of rejected asylum seekers point in a similar direction. A person who has applied for asylum and received a refusal of entry or expulsion order is – since June 2016 – no longer entitled to accommodation and daily allowance provided by the Swedish Migration Agency when the deadline for voluntary return has expired. This is thought both to encourage compliance with return orders, and to make space in the reception system for asylum seekers.

Overall, while long processing times regarding asylum requests and difficulties in autumn 2015 to quickly register all applicants have certainly been challenges to the Swedish asylum system, the operation of the reception system (and in particular the provision of accommodation) has been the weakest link in the Swedish asylum chain. When the number of asylum applicants drastically and quickly increases, it is extremely difficult to arrange sufficient housing on short notice, despite the fact that Sweden has no established "maximum capacity" in its reception system and the Migration Agency is entitled to procure accommodation from public and private landlords on the free market. While this is a well-known fact, it is at the same time very difficult to tackle. For example, for budgetary reasons, it would be unreasonable to sustain a large amount of excess capacity (in terms of facilities and staff) that might in reality never be used. For this reason, the Migration Agency puts considerable efforts in early warning and the forecasting of immigration flows to Sweden, so that – ideally – the responsible authorities can prepare for likely fluctuations.

In December 2017, the Swedish Migration Agency adopted a new internal instruction on preparedness for crisis situations. In the event of a similar crisis as in 2015, the Agency is now responsible to take emergency measures, and to participate in measures regarding crisis preparedness, together with the Swedish Armed Forces and the Civil Contingencies Agency. The Migration Agency also introduced the function of an "official for emergency preparedness" (tjänsteman i beredskasp), which means that there is always a person that can receive alerts, and pass these alerts on, in order to

trigger crisis-related measures. These new developments can be seen as the results of lessons learned of the situation in the autumn of 2015.

Another lesson that the Government has learned from the experiences of 2014-2016 is that the establishment of a more resilient European system to deal with asylum is a priority. The Government is strongly pushing for a solidarity-based responsibility-sharing system for asylum seekers in Europe, which would lead to a more balanced distribution of asylum seekers across the different EU Member States. Sweden has long stood out with particularly high numbers, and it has been exposed to considerable pressures. The general thought is that if there were a more equitable distribution of responsibilities across Europe, the pressures and chocks on Sweden would be less virulent.

Below the level of law-making, some measures were taken within the Migration Agency to improve the flow of people through the asylum system, notably by introducing a scheme for classifying and sorting different types of asylum applications into different tracks, depending on the characteristics of each case. This new process is kept even as the number of asylum seekers decreases.

6.2 Other potential future measures

It is possible that the organisation of the Swedish reception system for asylum seekers will change. A Government-appointed enquiry committee is currently in the process of examining the Swedish reception system for asylum seekers and the provisions to settle recognised beneficiaries of protection in the Swedish municipalities. It is expected to propose changes to the current framework. A stronger role may in the future be given to municipalities, but this is not clear yet.

The above-mentioned temporary act of 2016, which aimed at restricting the possibility of being granted a residence permit for protection purposes in Sweden, and the right to family reunification, is set to expire in July 2019. Before its expiration, it will be evaluated, however. The Swedish Government as well as opposition parties will most likely discuss whether the provisions of this act, or some of them, will be prolonged or made permanent.

On 10 November 2017, the Government decided to prolong the temporary controls on travellers at some of Sweden's intra-Schengen borders. These border controls were originally introduced in reaction to the extraordinary refugee situation in autumn 2015. At the time of writing, these controls are planned to remain in place until 11 May 2018.

At the time of writing, the Swedish Migration Agency was in a process of downscaling – both with regard to the number of employees, the provision of reception facilities for asylum seekers, and the number of branch offices across the country. This is in anticipation of lower numbers of asylum seekers coming to Sweden.

7 Good practices and lessons learnt

7.1 Challenges and obstacles for the design and implementation of policies to adapt to changing influxes of asylum applicants

The main challenge Sweden had to face was that the refugee situation changed very suddenly in the autumn of 2015, and that the magnitude of this change was unforeseen. A Government-appointed enquiry came to the observation that all actors were caught unaware by the large number of refugees who made their way to Sweden. Neither the Government Offices, nor the Swedish Migration Agency, nor any other agency had foreseen the developments that would unfold during autumn 2015. Contrarily to what happened, the Migration Agency had (in July 2015) forecasted that there would be fewer asylum seekers than previously anticipated.

During the latter part of the summer 2015, there were indications that the July forecast would not be accurate, but information about this was not passed on within the Government Offices or to the agencies working on the reception of refugees. It is, according to the enquiry, not unreasonable to assume that contingency planning at the Government Offices and other agencies would have been better at the beginning of the autumn if more people had been privy to the knowledge that the July forecast was inaccurate.⁵⁴

The enquiry also observed that the Swedish Migration Agency had been under great strain even before 2015, with increasing processing times for asylum examinations and uncertain access to accommodation for asylum seekers. The situation was also strained for county councils and municipalities.⁵⁵ This means that the rapid increase in the number of new asylum applicants in Autumn 2015 came at a point in time where various actors already were under pressure. Consequently, serious problems could not entirely be avoided, despite the fact that emergency responses were taken, that various actors had considerable previous experience to manage the reception of asylum seekers, that the Government and the Parliament were willing to quickly make more financial resources available, and that the Swedish Migration Agency made huge efforts to e.g., prioritise the registration of new asylum applicants and procure additional accommodation spaces.

7.2 Lessons learnt from evaluations

A comprehensive evaluation of the Swedish response to the refugee situation in autumn 2015, which was commissioned by the Government, presented its final report in March 2017.⁵⁶ It came to the overall conclusion that taking in as many migrants as Sweden did within a relatively short timeframe in autumn 2015 represented an "immense challenge". Reception had to be organised by an administration system that was already under strain. The enquiry also states that the perceptions that Government agencies or organisations had of their own handling of the challenge vary. They

⁵⁴ SOU 2017:12, 27-28.

⁵⁵ SOU 2017:12, 28.

⁵⁶ SOU 2017:12.

had different views of their own capacities and that of other agencies for cooperation and collaboration.

The situation developed at differing speeds and in different ways in the different parts of Sweden. The refugees who came to Sweden in autumn 2015 were met with a coherent reception system, but at the same time, a complex administration. The Government Offices used their crisis management structure to deal with the situation, which worked well after the first month.⁵⁷ The Government also took a large number of decisions during autumn 2015. Many of these decisions were intended to improve the reception of asylum seekers and facilitate the acquisition of accommodation.

The Swedish Civil Contingencies Agency had a coordinating role. It continuously provided the Government with status reports, which gave an overall picture of how the Agency considered the objectives for our security were affected in various ways. The Agency also organised a large number of meetings to bring together central Government agencies and civil society.

The Swedish Police Authority decided in early autumn 2015 to work within the framework of a "decision on a special event". It worked at central stations and ferry terminals carrying out internal checks on foreigners, dealing with crimes and public disturbances close to or in asylum centres, and – later in autumn – conducting border controls.

A large number of other central Government agencies, such as the National Board of Health and Welfare, the Health and Social Care Inspectorate, the Public Health Agency of Sweden, the National Agency for Education, the Swedish Schools Inspectorate, the National Board of Institutional Care and the Swedish Agency for Youth and Civil Society, dealt with different parts of refugee reception, for example by carrying out various Government assignments.

Municipalities and county councils bore the cost of most of the reception of refugees who arrived in autumn 2015. The situation was particularly strained for the few municipalities in which unaccompanied minors arrived, as it took some time for the Migration Agency to allocate each child to a municipality for the duration of the asylum examination. The municipalities to which children were allocated had difficulties organising accommodation for the children that came, and these children had to move between municipalities until a more permanent solution for each minor could be found. There was also a serious shortage of suitable people who could be recommended as legal representatives.

Against this background, a central finding of the enquiry is that responsibility for different parts of the Swedish refugee reception system is divided between many different agencies at central Government and municipal level. This means that there are strong interdependencies between different agencies, and that the work of one agency affects the work of others. This places great demands when the different activities and services need to be scaled up very quickly. Collaboration, coordination and leadership towards a joint goal are absolutely essential.

Another important lesson is that it is important in a high-pressure situation that clear structures are in place for where municipal, regional and national authorities can find the information and knowledge they need. In a similar way, the enquiry found it essential that asylum seekers are given sufficient and correct information about the

⁵⁷ SOU 2017:12, 28.

process they are involved in.

Another evaluation, which a somewhat narrower remit, was carried out by the Swedish National Audit Office, and published in January 2017. The Audit Office found that the responsible authorities in Sweden were not sufficiently prepared for the "crisis" that the refugee situation in autumn 2015 really was. The authorities' crisis management structures were not adapted to the length and complexity of the situation at hand.⁵⁸

Over recent years, the Migration Agency had admittedly developed its capacity to deal with seasonal fluctuations in the number of asylum applicants, and with increasing numbers. Among other things, it had contingency plans, which were mainly directed towards the initial processes of registering applicants and providing them with accommodation. These contingency plans were, before autumn 2015, adjusted to a maximum number of 4,000 asylum seekers per week, but this threshold was passed in September 2015 and during October and November. Later during the autumn, the action plans were raised to a maximum of 16,000 applicants per week, and this level was not surmounted. The Audit Office criticised, however, that despite the fact that action plans existed, it was impossible for the Migration Agency to actually deal with numbers of this magnitude, especially with regard to the provision of accommodation. The issue of accommodation was at the same time not entirely in the hand of the Migration Agency, as it can only acquire existing facilities (through public procurement). Many municipalities in Sweden have a shortage of housing, and this affected the capacity of the Migration Agency to find sufficient spaces. Furthermore, the Agency was not prepared to co-operate with, and accept the support of other agencies and local/regional authorities.⁵⁹

7.3 Good practices to ensure flexibility and adaptability of the national asylum system

As analysed above, Sweden had great difficulties in dealing with the huge increase of asylum seekers during autumn 2015. But a few instances of "good practices" can certainly be identified in the sense that, in the absence of these practices, the situation would certainly have been much worse.

- There is no maximum capacity in the Swedish reception system for asylum seekers, which means that if the number of ordinary accommodation spaces is not enough, the Migration Agency can procure additional spaces by renting facilities from different public and private landlords. However, there are limits to arranging additional housing as many municipalities have faced shortages of housing for a long time. The Migration Agency's capacity to arrange additional space was therefore limited, despite the flexible system.
- As the Migration Agency is one of the biggest public authorities in Sweden (e.g., in terms of the number of employees), it can re-prioritise different tasks and re-assign staff internally to those operational areas where the need is most pressing. Thus, it was able to extend the opening hours of asylum application units, and prioritise the registration of new applicants as well as the procurement of additional reception spaces. Staff from other regions of Sweden temporarily assisted in reception units in the South of Sweden to ease the situation.
- The Swedish Government and the Parliament were able, and willing, to make

⁵⁸ RIR 2017:4, 6.

⁵⁹ RIR 2017:4, 7.

additional financing available, e.g. for the procurement of additional reception spaces and the recruitment of additional staff to the Migration Agency.

- To a much greater degree than in earlier times, civil society was mobilised and contributed to managing the challenges that arose from the mass arrival of asylum seekers in autumn 2015. Volunteers provided help at railway stations and acted as foster homes for the huge number of unaccompanied minors, for example.
- When called upon, other public authorities (national and regional/local ones) provided support to the Migration Agency in various ways.
- At the political level, when it became clear that the reception situation would get out of hand, the governing parties as well as the main opposition parties were able to quickly agree on a number of measures to reduce the inflow of asylum seekers to Sweden and to create more space in the reception system.

7.4 Key lessons to be learned

The reception of asylum seekers and the subsequent integration of those who are found to be in need of protection affects society as a whole and concerns a variety of public and private actors. It is therefore not possible to specify separate lessons to be learned by different actors. Also, the lessons that different actors should learn depend on political objectives and preferences. If the goal of policy is to reduce the number of incoming asylum applicants, then the lessons to be learned will primarily focus on how this can be achieved, e.g., by measures such as border controls or lowering the standards of reception as well as the rights and entitlement of asylum seekers and beneficiaries of protection. Conversely, if the goal is to be able to absorb as many protection seekers as possible, then the lessons to be learned will focus on how to expand the reception system, increase the capacities and operations of public agencies, mobilise civil society, ensure law-enforcement, and so on.

Overall, the picture that emerges is somewhat contradictory. On the one hand, the extraordinary refugee situation in autumn 2015 showed that Sweden did not have full capacity to quickly absorb a rapidly increasing number of asylum seekers within a short time frame, partly due to structural problems such as shortages of housing in many parts of the country, and partly because the asylum reception situation was already strained when the huge increase in autumn 2015 kicked in. On the other hand, it is fair to say that Sweden managed the situation relatively well, given the fact that it had "overperformed" for several years in the sense that it received more asylum seekers per capita than most other EU Member States.⁶⁰

Further to this, the Swedish responses to the changing influx of asylum seekers shows that early alerts, a capacity to forecast substantial changes in refugee flows, and the passing-on of such information to all actors involved plays an important role. It is also essential to quickly trigger crisis management systems when needed.

In retrospect, it is also clear that Sweden to a great extent depends on how other EU Member States, and the EU as a whole, act with regard to asylum-related inflows. The emergency-like situation in autumn 2015 could have been avoided if the EU had established a system of sharing the responsibility for receiving asylum seekers in a more equitable manner.

⁶⁰ Parusel, B./Schneider, J. (2017): *Reforming the Common European Asylum System - Responsibility-sharing and the harmonisation of asylum outcomes*. Stockholm: Delegationen för migrationsstudier (Rapport 2017:9), 7.

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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