

# The impact of European legislation on national asylum systems – Sweden

Third National Conference of the European Migration  
Network French Contact Point

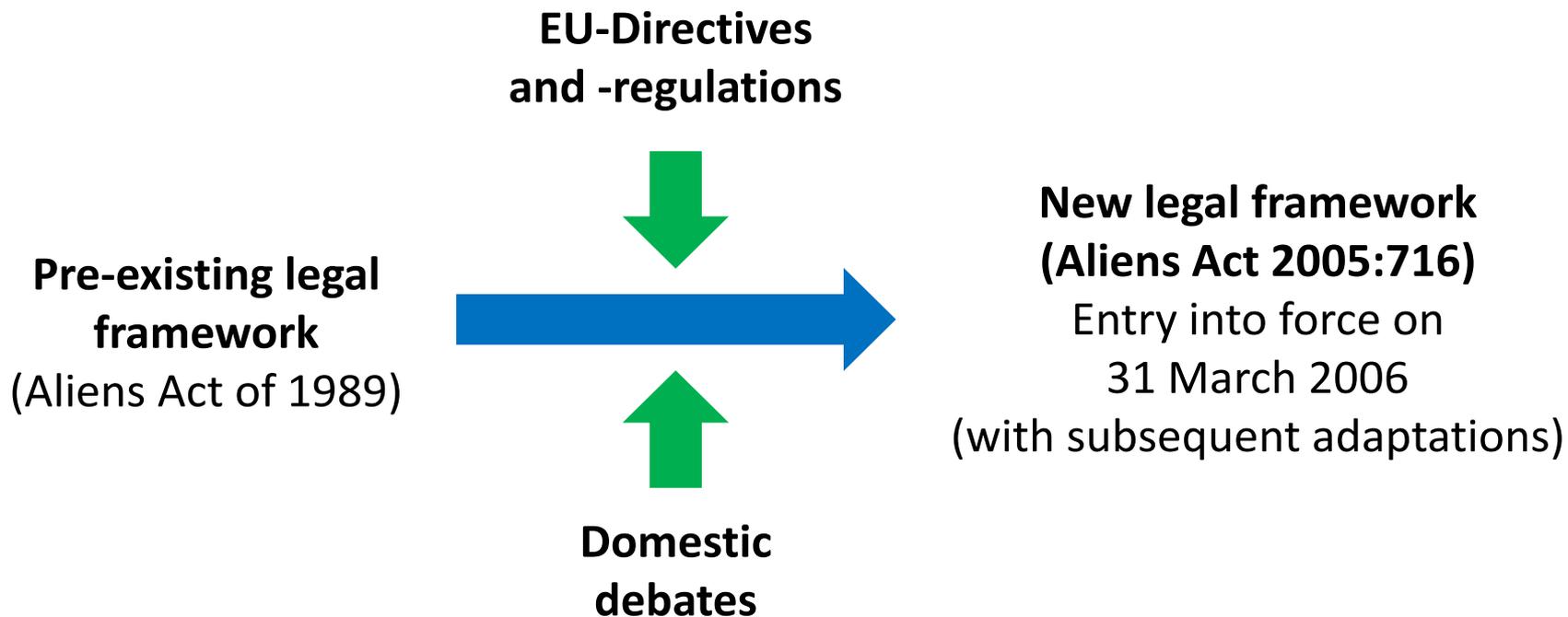
**Towards a Common European Asylum System:  
Challenges and Opportunities**

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# Evolution of asylum legislation in Sweden



The new Aliens Act has been adopted and subsequently amended to prepare for, and implement, EU legislation, but is also a result of domestic reform pressures

# Changes to the Swedish asylum system with the new Aliens Act (1)

- Introduction of an *independent migration court system* (second and third instance decisions); replaced former government appeal body
- More transparent asylum process with greater opportunities for oral hearings
- Grounds for protection were given greater prominence and visibility
- More applicants are being granted a residence permit as refugees in accordance with the Geneva Convention

# Changes to the Swedish asylum system with the new Aliens Act (2)

- The concept of permits for *humanitarian reasons* was abandoned; a permit may now in exceptional cases be granted on the grounds of *exceptionally distressing circumstances*
- Scope of *subsidiary protection* in Sweden goes beyond EU qualification directive; covers protection on the basis of “other severe conflicts” and environmental disasters (although the latter has not been applied in practice)

# Changes in positive decisions taken in Sweden

**Table 1: Positive decisions on asylum applications, % for different grounds for protection**

	Geneva Convention	Subsidiary protection	Exceptionally distressing circumstances	Other grounds, e.g. resettlement	Total	% positive decisions of all decisions
2006	3.8 %	14.9 %	14.6 %	66.7 %	100 %	42.1 %
2009	16.2 %	54.7 %	8.9 %	20.2 %	100 %	27.3 %
2011	22.6 %	48.3 %	10.6 %	18.5 %	100 %	29.9 %
2012 (Jan-Oct)	25.5 %	50.5 %	7.9 %	16.1 %	100 %	32.6 %

**Source:** Swedish Migration Board

**Note:** In 2006, many positive decisions were granted on the basis of a temporary law which equaled to a regularization. Numbers for 2006 are therefore not fully comparable.

# Towards an approximation of asylum decision-making in the EU?

**Table 2: % of positive decisions among all decisions taken in EU MS in relation to applicants from specific countries of origin, 2008 and 2011**

	Country of origin: Afghanistan			Country of origin: Somalia		
	Min. EU	Max. EU	<i>Sweden</i>	Min. EU	Max. EU	<i>Sweden</i>
2008	0.8 %	64.2 %	<b>44.2 %</b>	2.8 %	100.0 %	<b>57.8 %</b>
2011	11.0 %	69.9 %	<b>67.0 %</b>	39.2 %	97.6 %	<b>71.2 %</b>

**Source:** Eurostat - First instance decisions on applications, annual aggregated data (rounded), update 21-11-2012

**Note:** Only EU Member States with more than 100 decisions in relation to the respective country of origin were considered for this Table

# On the other hand: Differing trends in EU Member States 2012

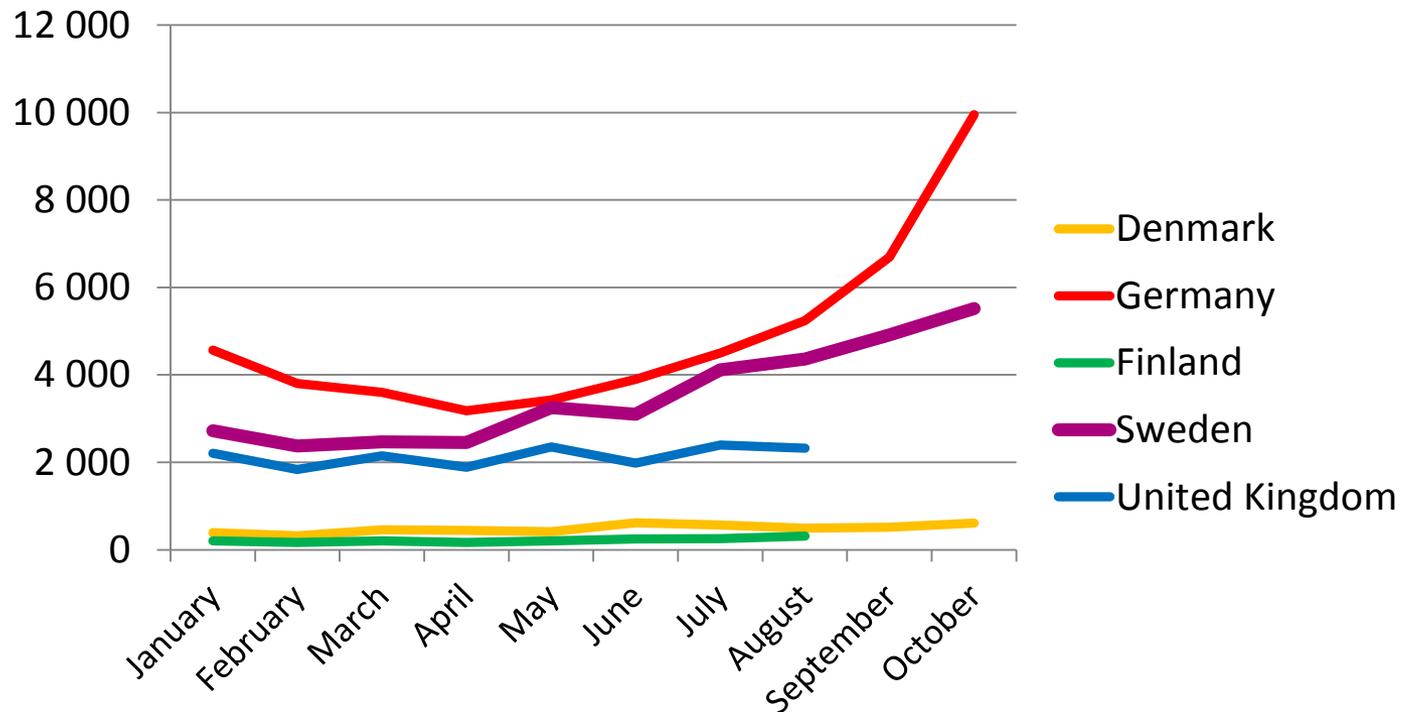
New asylum applications during period **January - July/August 2012:**

- **Total EU-27: Overall increase**
- Different trends in Member States:
  - **Increase** in 11 MS
  - **Stable** levels in 2 MS
  - **Decrease** in 3 MS
  - Virtually no new asylum applicants or **very small numbers** (less or much less than 100 per month in 8 MS)
  - More than 1 000 new asylum applicants per month in 7 MS (Germany, France, Sweden, Italy, Belgium, Austria, Poland)

**Source:** Eurostat, New asylum applicants, monthly data (rounded), update 21-11-2012

# Current situation

## New asylum applications in Sweden and some EU Member States near Sweden 2012, monthly data



**Source:** Eurostat, New asylum applicants, Monthly data (rounded), update 2012-11-21, Swedish Migration Board

# Conclusions and standpoints: Preconditions for a Common European Asylum System

- The number of asylum seekers received by individual EU Member States is unequal; even the overall quantitative trend is not uniform
- Reception conditions, processing of applications and decision-making practice will probably never be fully congruent, but should be further harmonized
- Approximation of reception conditions and decision-making is needed for the Dublin system to be fair
- All Member States should participate in reception of asylum seekers and resettlement activities (UNHCR)

# Thank you for your attention!



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