

# **European Migration Network**

## **Programmes and Strategies in the EU Member States Fostering Assisted Return to and Re-integration in Third Countries**

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Executive Summary .....	4
<b>1 INTRODUCTION.....</b>	<b>7</b>
<b>1.1 Purpose.....</b>	<b>8</b>
<b>1.2 Methodology .....</b>	<b>8</b>
<b>1.3 Significance of the study to Sweden and Swedish conditions...9</b>	
<b>2 DEFINITIONS, CATEGORIES OF RETURNEES AND AVAILABLE DATA.....</b>	<b>10</b>
<b>2.1 Definitions of Assisted Return .....</b>	<b>10</b>
<b>2.2 Categorisation of returning migrants .....</b>	<b>12</b>
2.2.1 Return Migration.....	12
2.2.2 Assisted Return .....	13
<b>2.3 Data on Assisted Return .....</b>	<b>15</b>
Dublin cases .....	17
<b>3 POLITICAL AND LEGAL FRAMEWORK.....</b>	<b>18</b>
<b>3.1 The political and legal framework for Assisted Return in Sweden.....</b>	<b>18</b>
3.1.1 Legal framework .....	18
<b>3.2 The influence of European policy, legislation and funding....</b>	<b>19</b>
3.2.1 Council Directive 2001/40/EC and Council Directive 2004/191/EC .....	21
3.2.2 The Transit Directive (2003/110/EC) .....	21
3.2.3 The Joint Flights Directive (2004/573/EC).....	22
3.2.4 The European Return Fund Directive (CD 575/2007/EC)...	22
3.2.4.1 <i>Focus on Assisted Return</i> .....	22
3.2.4.2 <i>Enhancing Knowledge and Interagency Cooperation in Assisted Return</i> .....	22
3.2.4.3 <i>Assisted Return and Re-integration – Somalia Return</i>	22
3.2.4.4 <i>Reunification</i> .....	22
3.2.4.5 <i>Bright Future</i> .....	23
3.2.5 Earmarked government funding.....	23
3.2.6 Re-establishment support .....	24
3.2.7 Re-admission agreements .....	24
<b>4 OVERVIEW OF ASSISTED RETURN MEASURES .....</b>	<b>26</b>
<b>4.1 Motives for (and Perceptions of) Assisted Return .....</b>	<b>27</b>
<b>4.2 Obstacles to Assisted Return.....</b>	<b>27</b>
<b>4.3 Organisation of Assisted Return measures.....</b>	<b>28</b>
<b>5 RE-INTEGRATION AND SUSTAINABILITY OF RETURN.....</b>	<b>29</b>
<b>5.1 Re-integration of legal migrants .....</b>	<b>29</b>

<b>6</b>	<b>CONCLUSIONS .....</b>	<b>31</b>
6.1	Return Migration .....	31
6.1	Assisted Return .....	31
	Sources .....	33

## **Executive Summary**

In 2006, new jurisdictional and procedural rules were instituted in Sweden and the amended Aliens Act was enacted. The purpose of this major reform was to strengthen legal security in relation to migration. An express objective was that the asylum process should come to a definitive end when the applicant was either granted a residence permit or given a return decision. Thus, the effort to facilitate efficient return for people who do not meet the criteria for resident status has been a priority for the Swedish government in recent years. The Government has allocated additional budget funds for Assisted Return initiatives this year and next, and the relevant agencies have been asked to improve interagency cooperation with a view to facilitating smooth and efficient Assisted Return. The goals are for more people to return within the time limit fixed by law, and for as many people as possible to return voluntarily.

Under the Swedish Aliens Act, aliens whose applications for a residence permit have been rejected must leave the country within two to four weeks after the decision takes legal force. The police authorities were responsible for enforcement until 1999, but the Migration Board has had main responsibility for enforcing return/removal decisions for the past ten years. One objective for transferring responsibility to the Migration Board was to reduce the need for forced returns. Instead, the primary aim of the process is to motivate the individual to leave the country voluntarily. It is a fundamental principle that return procedures must be humane and dignified.

The Migration Board is tasked with motivating people who are amenable to Assisted Return and with providing practical assistance with tickets and obtaining travel documents. If the person avoids cooperation or coercive measures are required for removal, the Migration Board may transfer the case to the police. When forced return is required, the Swedish Prison and Probation Service normally handles the outward journey. This describes the division of responsibility among the concerned agencies. Other parties, such as NGOs and multinational bodies, also participate in Assisted Return programmes. The Migration Board is actively seeking additional partners in fostering Assisted Return and is working with these partners to develop platforms for cooperation in this area.

The division of responsibility among public agencies means that, by definition, all Assisted Return activities carried out by the Migration Board fit into confines of the framework of that defined as Assisted Return. This term has broad meaning; the Migration Board may, for instance, detain individuals or put them under a supervision order as part of the process called Assisted Return.

The numbers made subject to return/removal decisions have recently increased, which has imposed higher demands on public agencies. The Migration Board handled more than 15,000 return cases in 2008, about 40 percent of which were Assisted (voluntary) Returns. Since 2004, between

36 and 46 percent of returns have been voluntary. The variations from year to year are related to factors including changes in the composition of applicants over time and greater obstacles to returning migrants to certain countries than to others. Initiatives to foster Assisted Return also have an impact on outcomes. This study reports the salient features of the Migration Board's cooperative efforts with other Swedish agencies in this area.

The effort to persuade people subject to a return/removal decision to return voluntarily within the time limit fixed by law is carried out in various ways. The Migration Board invites all asylum applicants to participate in organised activities while awaiting a decision on their applications. Applicants may, for instance, study Swedish or be assigned a trainee position to prepare for life in Sweden, but organised activities may also involve preparations for return. Unsuccessful asylum applicants are offered a comprehensive motivational programme, which includes providing information and counselling to the applicant. Focus is on individualised measures, which are carried out as far as possible in cooperation with the individual.

The Migration Board is committed to continuous initiatives to develop and reinforce Assisted Return. Among else, the Board has provided skills-enhancement training for relevant members of staff; developed an Assisted Return programme; established special Assisted Return units and initiated several EU-funded projects.

The Migration Board adopted an Assisted Return Action Plan in 2008 and established a Coordination Group within the agency. The outcomes include more case officers working with Assisted Return; more structured procedures for establishing identity; established procedures for following up individual cases and further development of internal and external cooperation platforms. Among else, the Migration Board has intensified cooperation with the National Police Board and the Prison and Probation Service. At the request of the Government, the Migration Board is also fostering stronger partnerships with a variety of non-governmental organisations.

The Board's mandate includes facilitating agreements with Swedish, foreign and multinational organisations on measures to foster Assisted Return, including an agreement with the International Organisation for Migration (IOM) concerning reception and re-integration in Afghanistan.

Re-admission agreements have become more important in recent years in cooperative efforts related to migration, and are in some cases a vital condition for Assisted Return. Sweden has systematically entered into re-admission agreements with all major asylum countries of origin and currently has 17 bilateral re-admission agreements which regulate procedures and criteria for re-admission of persons who do not have the right to remain in Sweden. Sweden also has an agreement with Iraq, which

is the predominant country of origin of applicants for asylum in Sweden in recent years. The Migration Board also applies 11 EC agreements.

The Swedish Government instituted a re-establishment support scheme on 1 August 2007 to promote Assisted Return to countries where conditions for re-establishment are very limited. Re-establishment support is intended to make it easier for the individual to be able to once again live and work in the country of origin. Thus far, support has been granted to returnees to Iraq, Somalia, Afghanistan and the Gaza Strip. The Migration Board is considering the possibility of making additional nationalities eligible for support. In its current incarnation, the re-establishment support scheme will expire at the end of 2010.

This study draws no conclusions as to which initiatives are most significant to successful Assisted Return. We know that the Migration Board's motivational initiative can be further developed to produce even better outcomes. The Board could also further enhance cooperation with NGOs and efforts to establish re-integration agreements.

The individual's involvement in the process is highly significant to successful Assisted Return. Naturally enough, Assisted Return is characterised by an integral conflict of interest, in that individuals are unwilling to return to the country of origin they have felt compelled to leave for a variety of reasons. For many people, Sweden offers greater security, better economic opportunities and brighter prospects for the future. Thus, taking steps to return are perceived as a serious endeavour.

As well, there are practical difficulties from the agency perspective. The existence of identification documents is an important factor. In 2008, only four percent of applicants for asylum in Sweden showed a passport when they applied. The lack of identification documents presents an obstacle to enforcing a return decision, since the stated country of origin may refuse to admit the individual. It is also important that the applicant can make his or her identity likely when the need for protection is examined. The Migration Board is working towards making the necessary identification particulars available as early as possible in the asylum process. Efforts related to the establishment of identity include information initiatives, embassy queries, language analysis, and authentication of identification documents.

Sweden is also working with voluntary return migration. These activities are aimed at refugees and other people in need of protection who have permanent resident status and wish to return to their countries of origin on their own free will. The goal is to support individuals in their personal decision as to if and when they wish to return to their countries of origin. Those who wish to return may apply for financial assistance for the journey and the initial period in the country of origin.

# 1 INTRODUCTION<sup>1</sup>

The mandate of the Swedish Government and the Riksdag (the parliament) to the Migration Board is expressed in the annual budget and policy specifications. Effective 2009, the overarching objective of Swedish migration policy is to “ensure a sustainable migration policy which, within the framework of regulated immigration, facilitates movement across borders, promotes needs-governed labour immigration, utilises and takes into consideration the effects of migration on development and enhances European and international cooperation.”<sup>2</sup>

Examination of asylum applications and Assisted Return are especially important challenges, even as affording protection to people whose human rights are at risk is one of our most important tasks. Focus is on achieving a balanced asylum process in which people who have the right to a residence permit can quickly begin their new lives in Sweden, while those who do not meet the criteria return to the country of origin without delay.

The Migration Board is responsible for asylum and permit cases across the board, from application to enforcement/removal. The Board handles asylum cases in respect to both the actual examination of cases and reception. When an application has been approved, the Migration Board arranges and administers the person’s settlement/placement in a municipality in partnership with the relevant county administrative board and assigned municipality. When a removal/return decision is enforceable (has taken legal force) and the person has made a declaration of acceptance,<sup>3</sup> or the decision can be enforced without having taken legal force,<sup>4</sup> the Migration Board handles the Assisted Return to the country of origin. The process includes dialoguing with the returnee to provide information, obtaining travel documents, arranging travel tickets and, if necessary, providing transportation to the airport.

Two public agencies process and enforce return/removal decisions in Sweden: the Migration Board and the Police Authorities. The goal of the Migration Board’s work with Assisted Return is to enforce return/removal decisions in a humane and dignified manner, and as far as possible in cooperation with the third-country national. The work must be characterised by a holistic view and be an integrated component of the entire asylum and permit process. Assisted Return is focused on individualised measures, which are carried out as far as possible in cooperation with the people concerned.

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<sup>1</sup> Government Bill 1997/98:137 “Enforcement and return – part of the asylum process”; The Migration Board’s Vision, Guiding the way, March 2009; Manual for Processing Migration Cases; Swedish Aliens Act (2005:716); Targets for the Migration Board Division for Reception 2009 – 2012, Mandate for the Migration Board Division for Reception 2009 – 2012 and the Migration Board Operations Plan 2009 – 2012. For case law, refer to [www.domstol.se](http://www.domstol.se); for applicant information, see the Migration Board website, [www.migrationsverket.se](http://www.migrationsverket.se), under the headings “Protection and asylum in Sweden” and “Repatriation”.

<sup>2</sup> Budget and policy specifications for fiscal 2009 for the Migration Board, p 1.

<sup>3</sup> Aliens Act (2005:716) ch 8 §6.

<sup>4</sup> Aliens Act (2005:716) ch 12 §7.

In this context, it is important to stress that Sweden applies a very broad interpretation of the term “Voluntary Return.” The Migration Board’s approach to Assisted Return is, according to the EMN glossary, characterised as “Assisted Voluntary Return” and thus does not mean “Voluntary Return” as defined in the EMN glossary. An alien subject to a return/removal decision is expected to comply with the decision and depart the territory voluntarily. The obligation to leave the country rests primarily on the alien who is subject to the return/removal decision.

If an alien subject to a return/removal decision that has taken legal force absconds, or has made it clear that he or she does not intend to cooperate in returning to the country of origin, the Migration Board may transfer the case to the Police Authority. The police handle forced returns/removals in migration cases. The Prison and Probation Service Transport Service (TPT) handles transportation of persons who are removed under a return/removal decision.

## 1.1 Purpose

This comparative study on the theme of “Programmes and Strategies in the EU Member States Fostering Assisted Return” was implemented within the framework of European Migration Network (EMN) efforts in 2009. The aim of the study is to share current knowledge across the Member States and thus assist with the development of policy and programmes to facilitate the Assisted Return of *inter alia* asylum applicants whose claims have failed and migrants with other status who have chosen to return. In accordance with the study specifications,<sup>5</sup> the study will include:

- a comprehensive overview of programmes and strategies for Assisted Return in EU Member States;
- analysis of strategies on how Assisted Return is promoted and barriers to return are overcome in EU Member States, as well as ways and experiences about fostering the sustainability of Assisted Return;
- analysis of incentives and motivations to participate in Assisted Return and re-integration programmes
- a review of developments and evaluation of Assisted Return programmes and their effectiveness/sustainability.

## 1.2 Methodology

The Swedish contribution to the study was produced by Migration Board specialists in cooperation with the EMN National Contact Point. The methodology followed was to collect current information available regarding

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<sup>5</sup> “Specifications for EMN Study – Programmes and Strategies in the EU Member States Fostering Assisted Return to and Re-integration in Third Countries”, MIGRAPOL Doc 164.

return. The study was based partly on sources of factual information in the public domain, such as laws, bills, and written communications from the Swedish Government. Information was also obtained from internal Migration Board reports and material posted on the websites of the Migration Board, the Riksdag and the Swedish Government Offices. Several subject area specialists at the Migration Board contributed knowledge, monographs of mandates and guidelines, official statistics, internal reports, synthesis reports and interpretations of basis material. Information was also obtained from the offices of the European Refugee Fund (ERF). Information was obtained about projects implemented during the relevant time period by public agencies and non-governmental organisations that have been awarded grants, mainly from the European Return Fund.<sup>6</sup>

The report outlines difficulties encountered in the process regarding the interpretation of EMN definitions of various categories of returnees. The report details the Swedish interpretation of “Voluntary Return.” In addition, we provide statistics on Assisted Return in accordance with Sweden’s broader interpretation of the term.

### **1.3 Significance of the study to Sweden and Swedish conditions**

The Swedish study provides a comprehensive overview of Assisted Return/Return Migration with respect to productivity development and relevant, qualitative lessons learnt. The study may be useful to committees of inquiry and decision-makers responsible for policy and strategic decisions, as well as practitioners whose day-to-day work involves motivating individuals to participate in Assisted Return. The Synthesis Report may also provide valuable knowledge of lessons learnt and best practices in other Member States, which may benefit future development efforts in Sweden related to Assisted Return.

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<sup>6</sup> [www.migrationsverket.se](http://www.migrationsverket.se) See under EU/International, Funds, European Refugee Fund and European Return Fund.

## 2 DEFINITIONS, CATEGORIES OF RETURNEES AND AVAILABLE DATA

Sweden differentiates between Return Migration and Assisted Return. *Return Migration* is the term used when people who have been legal residents of Sweden for any length of time or have even become naturalised citizens, choose to return to their countries of origin. The Migration Board's mandate in relation to this group is to facilitate Return Migration of these individuals to their countries of origin. *Assisted Return* refers to situations when a person who has applied for a residence permit in Sweden either withdraws the application or becomes subject to a return/removal decision and chooses to return to the country of origin.

The Migration Board has main responsibility for enforcing the return/removal decisions it issues or which have been upheld by a Migration Court or the Migration Court of Appeal. However, under the Swedish Aliens Act<sup>7</sup> (ch 12 §14), the Migration Board may transfer enforcement to the police if:

- the person subject to a return/removal decision evades enforcement and cannot be traced without police involvement;
- coercive measures may be presumed necessary to enforce the decision.

Only the Migration Board can decide whether to transfer enforcement to the police. The Migration Board can transfer a case only if the criteria set out in the Aliens Act (ch 12 §14) are met, that is, when the case is enforceable. The Migration Board may transfer an enforceable case only after it has exhausted every possible avenue of tracing the alien and police search and investigation procedures may be required.<sup>8</sup> Likewise, a case may be transferred if the Migration Board has exhausted its resources and avenues to persuade the alien to leave the country and it may be presumed on solid grounds that some form of coercive measures will be required. Cases that have been written off, which may occur when an application is withdrawn, for instance, may not be transferred to the police.

### 2.1 Definitions of Assisted Return

The terminology used by different actors in the context of “Voluntary” and/or “Assisted Return” is not always clear and misunderstandings about what is “voluntary” are frequent. In accordance with the study specifications<sup>9</sup>, four scenarios are presented that can be distinguished in the discussions. In parallel, we have made an attempt to describe the conceptual arena used in Sweden in relation to Assisted Return.

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<sup>7</sup> Aliens Act (2005:716).

<sup>8</sup> Government Bill 1997/98:173 “Enforcement and return – part of the asylum process”; Migration Board Manual for Processing Aliens Cases.

<sup>9</sup> “Specifications for EMN Study, Programmes and Strategies in the EU Member States Fostering Assisted Return to and Re-integration in Third Countries, EMN May 2009”, p. 2.

*“Scenario 1: A third-country national who has a valid permit or authorisation to stay in a Member State returns to a third country on their own free will and there is no obligation for them to leave (“Voluntary Return” as defined in the EMN Glossary)”<sup>10</sup>*

As presented in the foregoing quotation, Scenario 1 describes a third-country national who has a valid permit and who returns to a country of origin (voluntary return, or *return migration*). This is entirely voluntary and in the context there is nothing to compel this person to leave. Some of these emigrations occur in cooperation with Swedish authorities in Return Migration programmes (see section 2). There is no formal or informal term used to refer to these individuals in Sweden. Third-country nationals who return independently are recorded in the population registry. Registry data are compiled in a statistical database kept by Statistics Sweden (SCB). The number of people who return independently is many times higher than the number who return with the assistance of the authorities.<sup>11</sup>

*“Scenario 2: A third-country national who does not have a valid permit or authorisation to stay in a Member State but goes back to a third country before being apprehended/detected by the authorities”<sup>12</sup>*

With respect to Scenario 2, there is no Swedish term for this phenomenon. Swedish authorities either do not know that the person in question has entered or left the country, or else the entire phenomenon is hidden from the view of society and the authorities. If one were forced to put a name to the phenomenon, it should probably be categorised as “illegal immigration.”

*“Scenario 3: A third-country national who does not have a valid permit or authorisation to stay in a Member State and who is already subject to a return decision, decides to comply voluntarily with the obligation to return (Voluntary Departure under the “Return Directive”)<sup>13</sup>*

With regard to Scenario 3, when an asylum applicant whose claim has failed voluntarily chooses to go back to the country of origin, this situation is referred to by a Swedish term (*självmant återvändande*) that is most closely translated as “Voluntary Return” and differs from the Swedish translation of “voluntary departure” (*frivillig avresa*) as defined in the EMN glossary, but the terms are not entirely compatible. The Swedish term (*självmant återvändande*) has a wider meaning. What is called voluntary return in Sweden is most likely not called that in other Member States. In theory, one might judge that Sweden’s use of the term reflects a Swedish view that all returns are voluntary unless coercive measures must be used to enforce a return/removal decision. The general term in the EMN

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<sup>10</sup> “Specifications for EMN Study, Programmes and Strategies in the EU Member States Fostering Assisted Return to and Re-integration in Third Countries, EMN May 2009”, p 2.

<sup>11</sup> According to information provided by Andres Parts, Migration Board.

<sup>12</sup> “Specifications for EMN Study, Programmes and Strategies in the EU Member States Fostering Assisted Return to and Re-integration in Third Countries, EMN May 2009”, p 2.

<sup>13</sup> “Specifications for EMN Study, Programmes and Strategies in the EU Member States Fostering Assisted Return to and Re-integration in Third Countries, EMN May 2009”, p 2.

glossary that is most closely aligned with the approach taken by Sweden and the Migration Board is Assisted Voluntary Return (AVR). Consequently, the Migration Board may in connection with voluntary return – no matter what the grounds – assist the returnee with airline tickets, obtaining travel documents, medical assistance, assistance at the final destination, and escorts for minors.

*“Scenario 4: The same as Scenario 3, but the obligation to return must be enforced by means of physical transportation out of the Member State (“Forced Return” as defined in the EMN Glossary )”<sup>14</sup>*

Scenario 4, which will not otherwise be covered in this study, refers to people who are forcibly removed from Sweden. The terms “forced return” and “forced removal” are used in this context and apply to people whose cases have been turned over by the Migration Board to the police for enforcement of the return/removal decision.

## **2.2 Categorisation of returning migrants**

As mentioned, Sweden differentiates between *Return Migration* and Assisted Return. The presentation under this heading is thus divided into separate sections on Return Migration and Assisted Return.

It should also be noted, as mentioned in 2.1, that “illegal immigrants” (immigrants who have entered the country illegally and/or are illegally staying) are a phenomenon hidden to society and the authorities in Sweden. Accordingly, this presentation does not include an overview of this category.

It should also be noted that overstayers may be found in three categories: students, tourists, and asylum applicants whose temporary permits have expired. Cases involving tourists whose applications for extensions are rejected are handled by Migration Board reception units. The procedures are the same as for ordinary return cases, as described in section 2.2.2. There are probably some people in these categories who overstay in the country without the authorities’ knowledge.

### **2.2.1 Return Migration**

The Migration Board’s mandate with respect to Return Migration is to assist refugees and other persons in need of protection who have permanent residence status and wish to return to their countries of origin. This work is aimed at supporting individuals as they independently decide if and when they want to return to their countries of origin.

Information initiatives regarding options for Return Migration are the most important part of Swedish assisted return efforts. These initiatives are aimed at providing support to individuals as they independently decide if and when they

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<sup>14</sup> “Specifications for EMN Study, Programmes and Strategies in the EU Member States Fostering Assisted Return to and Re-integration in Third Countries, EMN May 2009”, p 2.

want to return. The informational materials have been produced through prestudies, scouting trips and fact-finding, among else. Information initiatives may be directed at individuals, but may also be aimed at informing other actors which, in various ways, interact with foreign citizens who have permanent resident status in Sweden. These stakeholders include municipalities, county councils and NGOs.

There are special Return Migration programmes and projects in Sweden run by the Migration Board, certain municipalities and NGOs (such as the Swedish Red Cross). A special budget appropriation enables the Migration Board to grant funding for Return Migration projects to municipalities, county councils, foundations, NGOs, associations and even private companies, provided that the project is non-commercial. Project activities constitute a large part of the Migration Board's work with Return Migration. The projects involve fact-finding trips to gather information for the target groups, processing Return Migration cases, advisory services, training, or help starting a small business. In addition, prestudies are performed in the country of origin to identify and analyse prerequisites for Return Migration.

Countries in which special initiatives have been carried out (or are in progress) in 2008-2009 are Bosnia and Herzegovina, Burundi, Iraq, Iran, Lebanon, Peru, Serbia, Somalia and Sudan. Several of these initiatives were implemented in project form with grants from the European Refugee Fund (ERF). One example is the Morningstar Project, which is oriented towards Return Migration to Burundi.<sup>15</sup> The main purpose of the project is to help returning migrants start a business as part of the return migration process, either independently or with a partner in Burundi.

However, Sweden has no special, targeted initiatives for third-country nationals with residence permits who have retired or for second or third generation third-country nationals. Swedish measures and initiatives in this context are of a general nature and apply to all citizens who wish to return.

Returning migrants may also apply for subsidised travel and cash grants to cover the initial period back in the country of origin. In 2008, 91 people applied for subsidised travel and cash grants and 59 applications were granted.<sup>16</sup> Grants have been awarded for Return Migration to Bosnia and Herzegovina, Chile, Colombia, Iraq, Iran, Jordan, Rwanda, Serbia and Somalia. However, a considerably greater number of legal residents of Sweden return to their countries of origin independently.

### **2.2.2 Assisted Return**

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<sup>15</sup> [www.migrationsverket.se](http://www.migrationsverket.se) see information under the heading "Leaving Sweden".

<sup>16</sup> [www.migrationsverket.se](http://www.migrationsverket.se) see information under the heading "Leaving Sweden". See also the Migration Board's annual and interim reports to the Government.

The Migration Board's *Manual for Processing Migration Cases* contains the legal rules and guidelines for handling Assisted Return, contacts with embassies, travel coordination and related matters. The fundamental statutes related to enforcement of return/removal decisions are found in chapter 12 of the Aliens Act and in Government Bill 1997/98:173.

Under the provisions of the Aliens Act (ch 12 §15), an alien subject to a legally binding return decision is obliged to leave the country. The Migration Board's objective for Assisted Return is to enforce return/removal decisions in a humane and dignified manner. The work should be characterised by a holistic view and be an integrated component of the asylum and permit process.<sup>17</sup> The Assisted Return process is focused on individualised measures and should be carried out as far as possible in cooperation with the alien. The alien's identity and travel documents are key components of the Assisted Return process. The Migration Board must presume that the applicant is personally liable for proving his or her identity and for providing true and complete particulars on the application. Thus, Migration Board staff must clearly inform applicants about these conditions when the process begins. The applicant is informed about the asylum process immediately upon arrival and is thus afforded opportunity to prepare for possible return.

Asylum applicants who are denied a residence permit are covered by a comprehensive motivational programme that includes counselling related to the situations of the individual and any children involved in the case, conditions in the country of origin including opportunities for assistance from NGOs, etc. The applicant is also informed of which documents he or she must show and have access to in order to leave Sweden. The intended outcome of these dialogues and measures is for the applicant to return to the country of origin within two months of the date a return decision takes legal force. The decision to emigrate is a momentous step for an individual, but returning has proven to be an equally momentous step. Assisted Voluntary Return to the country of origin is in many respects even more complex, not least from the human and financial perspectives.<sup>18</sup>

If the applicant absconds and avoids cooperation and counselling, the case is transferred to the police for forced removal (see also section 2.3).<sup>19</sup> If the case officer believes the applicant intends to abscond, but this is not obvious, the Migration Board may put the applicant under a supervision order, which requires the applicant to report to a Reception Centre at specified and frequent intervals. Supervision orders are relatively unusual. The case may also be transferred to the police if the applicant fails to cooperate in Assisted Return by, for instance, helping with obtaining a passport and other necessary documents.

People who fail to appear for return counselling after receiving a return or removal decision are shortly thereafter deregistered from the Migration Board's

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<sup>17</sup> Manual for Processing Migration Cases; see also Manual for Migration Cases.

<sup>18</sup> Manual for Processing Migration Cases; Manual for Migration Cases; Mandate for Migration Board Division for Reception; Government Bill 1997/98:137; Aliens Act (2005:716) ch 12 §15.

<sup>19</sup> Aliens Act (2005:716) and Manual for Migration Cases, ch 33.

reception system and the case is transferred to the police as “absconded.” Cases involving absconded persons who are detected and apprehended in various contexts are handled by the police. In this context, the police commonly issue a detention order. The alien is normally transferred from police custody to a Migration Board detention facility. In some cases, the alien may be placed in remand prison, for instance if the person is deemed a danger to himself or others or demonstrates extremely agitated behaviour.

When someone does appear for return counselling but makes no attempt to cooperate in the enforcement of a return/removal decision, or openly and demonstratively refuses to voluntarily comply with the removal decision, the Migration Board transfers the case to the police for enforcement.

With regard to cases received by the Migration Board in 2008 and thereafter, if the person does not return voluntarily (Assisted Voluntary Return) within two months, the main rule is that the case is transferred to the police for enforcement (see also section 2.3). There are exclusions from the main rule, however. For instance, it may take more than two months to prepare the case for enforcement.

Cases involving irregular migrants apprehended at the border or inside the country after having stayed for less than three months, are handled by the police unless the person applies for asylum. If the person applies for asylum, the case is transferred to the Migration Board.

Aliens cases assessed as matters of national security are a police matter.<sup>20</sup> However, the case may be initiated by the Migration Board. This type of case is relatively unusual.

### **2.3 Data on Assisted Return<sup>21</sup>**

As previously presented in this study, Sweden applies essentially only two types of return status – Assisted Return and Return Migration. Generally speaking the percentage of Assisted Returns of total returns (“Assisted Voluntary Return”) is relatively constant over the period covered by the study (2004-2008), other than for 2006, when temporary legislation that permitted greater latitude to grant residence permits was applied.<sup>22</sup> The main thrust of this temporary legislation, which was in force between 15 November 2005 and 30 March 2006, was that families with children who had applied for asylum and had been in the country for long periods after having lodged a renewed application, or an application *ex officio*, could be granted resident status provided that the conditions set out in the law were met. The amendment to the Aliens Act provided an opportunity to obtain leave to re-examine applications for certain groups who had been in Sweden for an extended period and whose return/removal decisions had not been enforced for various reasons. The consequence of the temporary legislation was

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<sup>20</sup> Act (1991:572) on Special Control in Respect to Aliens.

<sup>21</sup> Migration Board internal statistics, 2004-2008.

<sup>22</sup> Act (2005:762) Amending the Aliens Act (1989:529).

that more families with children were allowed to remain in Sweden and were placed in municipalities. Efforts related to the temporary legislation affected the Migration Board's work in other respects. One effect was that essentially all Assisted Return was suspended while the law was in force and the Board suspended all detention decisions.<sup>23</sup>

Assisted Return cases, excluding Dublin cases, have varied in number during the period of 2004–2008 from 8,200 in 2004 to 2,800 in 2007, with nearly 5,000 Assisted Returns in 2008. Average processing time for an Assisted Return case was 82 days in 2008. The Migration Board transferred 11,800 return cases to the police in 2008, nearly 60 percent of all return cases. The police enforced 3,100 cases that same year. About 3,800 cases were concluded by other means and the rest remained as open cases of wanted persons or other, more complicated cases. See the table below for more detailed information.

#### Return cases/Migration Board

Year	Assisted Return	Processing Time	TRANSFERRED TO POLICE, ABSCONDED	Processing Time	TRANSFERRED TO POLICE, FORCED RETURN	Processing Time
2004	8,287	85	6,206	111	1,756	164
2005	5,775	96	5,767	117	1,248	760
2006	3,271	110	2,370	239	866	259
2007	2,827	134	1,544	311	2,511	593
2008	4,896	82	3,323	131	3,420	284

The Migration Board had 4,200 open cases at the end of 2008 and the police had about 12,300 open cases.

The number of cases transferred to the police has increased successively over the period of 2004–2008. One reason for this is that the Migration Board has worked actively to shorten processing times, while motivational programmes have been developed and instituted at an earlier stage. The Migration Board has also streamlined Assisted Return procedures, carried out skills-enhancement training for staff, developed a Return Migration programme, established special Assisted Return units, established cooperation teams, and implemented several development projects funded by grants from the European Return Fund and the Swedish Government. See also section 3.2 concerning ongoing Assisted Return projects.

The nationalities involved in Assisted Return have changed over the years. In 2004, the majority of Assisted Returns were to the Balkan countries. Presently, most Assisted Returns involve cases in which the person must return to Iraq,

<sup>23</sup> Act (2005:762) Amending the Aliens Act (1989:529); see also the “New system for appeals in aliens and citizenship cases” project, which was established by the Migration Board to examine cases under the temporary legislation; see appendix to the Annual Report 2006.

Serbia (minorities), Somalia and Lebanon, as well as Stateless persons (primarily from the Middle East). There are complications surrounding the establishment of identity in many of these cases. In addition, many of the people involved believe they have no future in these countries and thus lack motivation to return.

The Migration Board was previously unable to develop any reliable data on the destination countries for Assisted Return, but the problem has been rectified and “destination country” was added as a mandatory record in Assisted Return cases as of April 2009. For the reasons given, no data can be presented for 2004-2008, the period covered by this study.

### Dublin cases

The Migration Board’s average processing time for Dublin-related Assisted Return was 36 days in 2008. Processing time has remained relatively stable over the years, but there is a very large number of absconded persons in Dublin cases. In 2008, more people absconded than returned voluntarily. The large number of absconded persons may be due to several causes, including that the people involved do not wish to return to the required destination country according to the return decision.<sup>24</sup>

Cases in which people have absconded are transferred to the police for tracing and removal. These cases are included in the total number of open cases for the police reported above. See the table below for more detailed information.

### Return cases/Dublin

Year	Assisted Return, Dublin	Processing Time	TRANS TO POLICE, ABSCONDED	Processing Time	TRANSFERRED TO POLICE, FORCED RETURN	Processing Time
2004	1,735	38	1,634	36	268	29
2005	1,219	36	1,126	43	239	27
2006	680	38	1,013	50	161	31
2007	1,204	30	1,695	35	265	24
2008	1,185	36	1,648	35	272	26

<sup>24</sup> Migration Board Annual Report 2008.

## 3 POLITICAL AND LEGAL FRAMEWORK

### 3.1 The political and legal framework for Assisted Return in Sweden<sup>25</sup>

The Government and the Riksdag determine the direction of national migration policy. The Migration Board is the central administrative authority in the migration area. Legal provisions pertaining to the Migration Board are found primarily in the Aliens Act<sup>26</sup> and the Ordinance<sup>27</sup> with Instructions for the Migration Board.<sup>28</sup> The Government also manages the Migration Board through annual budget and policy specifications.<sup>29</sup>

The Government's budget and policy specifications for the Migration Board for fiscal 2009 direct the Migration Board to prioritise examination of asylum applications, return, and implementation of the new rules for labour immigration. The stated goal for return is to increase the percentage of Assisted Voluntary Return within the time limit fixed by law. The specifications further state that people who remain in the country after that date should be subject to Assisted Return within two months. The time that elapses between a legally binding return/removal decision and the date of departure must be significantly reduced compared to 2008. The Migration Board must also intensify cooperation with other relevant agencies (the Migration Board, National Police Board and the Prison and Probation Service) in order to improve operational efficiency. In 2009, the Migration Board was given a special mandate in relation to the latter objective: The Migration Board, the National Police Board and the Prison and Probation Service have been ordered to perform a joint review of enforcement of return/removal decisions.

#### 3.1.1 Legal framework

As mentioned above, the migration system in Sweden is governed by the Aliens Act, which was enacted by the Riksdag, and emanating from that law, the Aliens' Ordinance, which is decided by the Government. The current Aliens Act took effect 31 March 2006.<sup>30</sup> The Administrative Judicial Procedure Act also governs with regard to appeals.<sup>31</sup> The Administrative Procedure Act also contains certain general statutes that govern all administrative agencies.<sup>32</sup>

The Aliens Act is the most important law in the migration area and addresses essentially all aspects of migration. The fundamental statutes related to

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<sup>25</sup> Budget and policy specifications for fiscal 2009 for the Migration Board.

<sup>26</sup> The Aliens Act (2005:716).

<sup>27</sup> Ordinance (2007:996) with Instructions for the Migration Board.

<sup>28</sup> Government Bill 2004/05:170, p. 86.

<sup>29</sup> Budget and policy specifications for fiscal 2009 for the Migration Board.

<sup>30</sup> Aliens Act (2005:716).

<sup>31</sup> Administrative Judicial Procedure Act (1971:291).

<sup>32</sup> Administrative Procedure Act (1986:223).

enforcement of return/removal decisions are set out in chapter 12 of the Aliens Act and in Government Bill 1997/98:173. The Migration Board's *Manual for Migration Cases* contains the legal rules and guidelines for processing Assisted Return cases, contacts with embassies, travel coordination and related matters.

Under the Aliens Act (ch 12 §15), an alien subject to a return/removal decision that has taken legal force is obliged to leave the country. According to Government Bill 1997/98:137, an alien who is subject to a return/removal decision is expected to comply with the decision. The obligation to leave the country is primarily incumbent upon the alien who has been refused entry or made subject to a removal decision, as established in case law from the Migration Court of Appeals.<sup>33</sup> The Aliens Act (ch 12 §15) also states fixed time limits for when the alien must leave the country – the stipulated limits are two weeks for persons subject to return decisions and four weeks for persons subject to removal decisions.

The Migration Board's objective for Assisted Return is to enforce return/removal decisions in a humane and dignified manner. Efforts should be characterised by a holistic view and be an integrated component of the asylum process. As mentioned in section 2.2.2, Assisted Return should focus on individualised measures, carried out as far as possible in cooperation with the alien. The alien's identity and travel documents are key components of the return process. The applicant is personally liable for proving his or her identity and for providing true and complete particulars on the application. The applicant must be informed upon arrival about the asylum process itself, and that the grounds for asylum set out in the Aliens Act must exist for asylum to be granted; that is, if grounds are insufficient under the Aliens Act, the Migration Board will refuse the application.

People whose applications are rejected can either accept the decision and go back to the country of origin or appeal the decision to the Migration Court. While an appeal against the removal decision is under review by the Migration Court, the applicant should be counselled to enable him or her to prepare for the possible denial of the appeal.<sup>34</sup>

### **3.2 The influence of European policy, legislation and funding**

Generally speaking, Swedish law is harmonised with the rules set out in Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (the "Return Directive"). The Government decided on 5 February 2009 to appoint a special committee of inquiry, whose tasks include determining how the Return Directive should be implemented in Swedish law. The committee found that implementation of the

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<sup>33</sup> Judgment of 27 August 2007 in case no. UM 1202-06.

<sup>34</sup> [www.migrationsverket.se](http://www.migrationsverket.se), see the fact sheet on asylum regulations in Sweden.

Return Directive will require certain legislative changes. The most noteworthy changes are the following:

- A return or removal decision must provide for an appropriate period for the alien's voluntary departure from the country. The time period fixed for voluntary departure should be determined based on the specific circumstances of the individual case, but should be within seven and thirty days. However, the time period may be extended where necessary, taking into account the specific circumstances of the case.
- Rules pertaining to detention must be clarified. Detention for the purpose of enforcing a return or removal decision is permitted only when necessary to prepare the return and/or carry out the return or removal process. Detention pursuant to the Aliens Act (ch 10 §1 para 2 subsections 2-3) may be ordered only if there is a risk of absconding or if an alien avoids or otherwise hampers the preparations of return or the removal process.
- If a police authority or the Migration Board is the administrative authority for a detention order, judicial review of the decision must be carried out by the Migration Court. Judicial review in a Migration Court must be performed at the request of the administrative authority in the case. The administrative authority must request judicial review no later than seven weeks from the beginning of detention or from the most recent date the order was reviewed by the Migration Court. If the administrative authority does not request a review within this period, the order will become null and void. However, if special grounds exist, the Migration Court may, after the matter has been referred to the court, order that a detention order will remain in effect until it has undergone judicial review.
- Two exclusion clauses will be implemented in relation to conditions of detention: The first exclusion clause provides that in situations where an exceptionally large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of the detention facilities or its staff, the Migration Board may decide to allow a third country national in detention under the Aliens Act to be held in facilities other than specialised detention facilities. The same provision stipulates that the Migration Board may decide that a third country national in detention may be placed in prison accommodation, remand prison, or police arrest, even though the conditions set out in the Aliens Act (ch 10 §20 para 1) do not exist. The second exclusion clause provides that in situations as described above, families in detention may be placed together with other detainees.
- Provisions on time limits for detention for the purpose of removal are implemented. The main rule is that the period of detention may not exceed six months. However, the Directive permits the extension of the period of detention beyond six months in certain cases. For instance, a third-country national may be held in extended detention when the removal operation is likely to last longer owing to a lack of cooperation by the third-country

national concerned, or delays in obtaining the necessary documentation, but the extended detention may not exceed twelve months. Third-country nationals subject to return as a criminal law sanction are excluded from the proposed regulations.

In June 2009, the committee of inquiry submitted its partial report "The Return Directive and Swedish Law (Swedish Government Report SOU 2009:60) to the Government for decision.

### **3.2.1 Council Directive 2001/40/EC and Council Directive 2004/191/EC**

The purpose of the Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals is to make possible the recognition of an expulsion decision issued by a competent authority in one Member State against a third-country national present within the territory of another Member State. However, the Directive is very difficult to apply in practice. There is currently no well-developed system for one Member State to inform other Member States about expulsion decisions. Sweden is not routinely made aware that a certain individual has been made subject to an expulsion decision in another Member State. In addition, it must be easy to implement the outward journey and the third-country national must have a valid passport. It is not unusual, for instance, for a third-country national to lack a valid passport and for a copy or the original of a valid passport to be in the Member State of origin. Thus, a great many administrative measures are required before Sweden can send the third-country national back to the country of origin. It is considerably easier, after a EURODAC meeting within the framework of the Dublin Regulation, to request another Member State to resume responsibility for the third-country national.

In accordance with Council Directive 2004/191/EC, Member States must compensate each other for financial imbalances that arise in connection with application of the foregoing Directive 2001/40/EC. This becomes quite complicated in administrative terms and entails substantial additional work. It is doubtful that Sweden has ever fully applied this Directive.

### **3.2.2 The Transit Directive (2003/110/EC)**

The purpose of the Transit Directive is to define measures on assistance between the competent authorities at Member State airports of transit with regard to unescorted and escorted removals by air. Thus, Sweden may request that Germany meet the transit flight at the aircraft. Under the Directive, Sweden may also request the relevant Member State to provide emergency medical care and sustenance to the third-country national and to receive, keep, and forward travel documents.

The Directive is applied in Sweden and by the Migration Board. Thus far, the Migration Board has mainly requested the corresponding Member State to meet

the third-country national at the aircraft and escort him or her to a connecting flight and ensure that travel documents or the equivalent are handed over to the next aircraft. The main advantage for Sweden is that Sweden does not have to escort third country nationals to the transit country and the third-country national can travel DEPU (DEPortee Unaccompanied) the entire way.

### **3.2.3 The Joint Flights Directive (2004/573/EC)**

The Swedish police apply the Council Decision of April 2004 on the organisation of joint flights in respect of forced removals. Sweden has thus far not participated in any joint flights in respect to voluntary return. The joint flights in which Sweden has been involved were organised and mainly paid for by FRONTEX. Sweden was the organiser in one case – albeit in cooperation with FRONTEX – which involved a charter flight to Mongolia.

### **3.2.4 The European Return Fund Directive (CD 575/2007/EC)**

A list of past and current projects run by the Migration Board towards increasing the numbers of Assisted Returns follows. The projects were co-financed by the European Return Fund.

#### **3.2.4.1 *Focus on Assisted Return***

The project focuses on increasing the number of Assisted Returns by means of motivational counselling and solution-oriented counselling techniques. The project is being run at three Migration Board units.

#### **3.2.4.2 *Enhancing Knowledge and Interagency Cooperation in Assisted Return***

The project focuses on increasing the number of people subject to a legally binding return decision who are returned in a humane and dignified manner. The goal is being achieved through improved cooperation among all parties involved in Assisted Return, by means of training initiatives and knowledge transfer among staff at the Migration Board, the Swedish Police and NGOs.

#### **3.2.4.3 *Assisted Return and Re-integration – Somalia Return***

The project focuses on counselling and re-integration measures for returning Somalis, including academic and vocational training, traineeships, and employment services in 17 locations all over Somalia/Somaliland.

#### **3.2.4.4 *Reunification***

The goal of the project is to reunite unaccompanied minor applicants for asylum with their customary guardians and to provide the Migration Board with clear and comprehensive methods for tracing parents of unaccompanied minor applicants for asylum.

#### **3.2.4.5 Bright Future**

The project focus is on method development related to Assisted Return and to enhance the skills of applicants in preparation for the journey home.

#### **3.2.5 Earmarked government funding**

In addition to the projects above, whose general purpose is to further develop Assisted Return actions in Sweden, the Government has granted direct funding to promote Assisted Return efforts. For instance, the Swedish Red Cross has been awarded a grant for its work with Assisted Return, specifically for a project aimed at increasing Assisted Return through counselling related to return and the associated problems and opportunities. The project is aimed at returnees to Serbia, Kosovo and northern Iraq.

In addition, the Government allocates funds every year to the Migration Board that may be used to finance actions in connection with Assisted Return of aliens pursuant to agreements with Swedish, foreign and multinational organisations. These funds have so far enabled the Migration Board to enter into the following agreements:

- The Migration Board and Praxis, a non-governmental organisation in Serbia, have entered into a partnership agreement related to advisory services. According to the agreement, the Migration Board is, among else, funding an advisory service at Praxis for the period of 1 December 2008 through 30 November 2009.
- The Migration Board has entered into an agreement with the International Organisation for Migration (IOM) in respect to a project in Kabul pertaining to returning Afghans. The project period runs from 1 January 2009 through 30 June 2010 and covers 100 people. The IOM will work with reception and re-integration of returning Afghans within the framework of the project.
- The Migration Board and IOM Finland entered into an agreement in December 2008 regarding a project to provide a helpline for returning Afghans. The project will run between 1 January 2009 and 30 June 2010. The agreement is linked to the earlier agreement with IOM Kabul concerning reception and re-integration of Afghans.
- The Migration Board has a further agreement with IOM Finland concerning disbursement of re-establishment grants. The cost to the Migration Board of having grants disbursed in the receiving countries is covered by funds allocated for agreements with NGOs (see also “Re-establishment support” below).
- The Migration Board has an agreement with UNHCR Stockholm, under which the Migration Board has been funding an advisory service at UNHCR (ROBNC) in Stockholm since April 2008. Under the terms of the agreement,

the UNHCR must provide relevant information and advice concerning conditions in Afghanistan, opportunities to apply for re-establishment support, and assistance upon arrival in Kabul.

### **3.2.6 Re-establishment support<sup>35</sup>**

The Swedish Government implemented a re-establishment support scheme on 1 August 2007 aimed at fostering Assisted Return to countries where conditions for re-establishment are very limited. The Migration Board may thus award re-establishment grants according to the Ordinance on Re-establishment Support for Certain Aliens (statute 2007:640). Re-establishment support is meant to make it easier for the individual to once again live and work in the country of origin. The re-establishment support scheme in its current incarnation will expire at the end of 2010.

There has been some cooperation with the German organisation AGEF in northern Iraq, as well as with IOM in Afghanistan and Iraq.

Thus far, support has been granted to aliens returning to Iraq, Somalia, Afghanistan and the Gaza Strip. Grants are limited to SEK 30,000 per adult, SEK 15,000 per minor and SEK 75,000 per family. Support was granted to 1,071 people in 2008, of whom 1,031 were Iraqis. It is difficult to say with any accuracy how much impact the re-establishment support scheme has had.

Returning migrants to additional countries and regions were made eligible for re-establishment support effective 1 November 2009. Most of the additional countries and regions, about 20, are in Africa, but Yemen, minorities in parts of Kosovo and the Russian Federation Republics of Dagestan, Ingushetia and Chechnya are also covered. The expansion was based on an assessment that the term “severe conflicts” in the Re-establishment Support Ordinance can be more broadly interpreted than before.

### **3.2.7 Re-admission agreements<sup>36</sup>**

Sweden has 17 bilateral re-admission agreements, four of them with countries where EC agreements have also been negotiated and the latter are accordingly applied. Sweden also has a Memorandum of Understanding with Iraq. Further, a total of 11 EC agreements have been negotiated and are in force. The Migration Board employs all of these agreements. The agreements regulate the processing of aliens subject to removal decisions and in the absence of travel documents from Serbia, Montenegro, Bosnia and Herzegovina, Macedonia, Russia and Ukraine, under re-admission agreements negotiated by the European Commission. The agreement with Serbia is the most frequently applied. Other EC agreements (with Albania, Hong Kong, Macao, Sri Lanka and Moldavia) are applied less often. The Community agreements used by the Migration Board work very well, particularly the agreement with Serbia. There are difficulties applying the agreement with

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<sup>35</sup> Migration Board Annual Report 2008.

<sup>36</sup> Information provided by the Migration Board’s operational support unit.

Russia due to the often severe difficulty of establishing identity and citizenship in these cases. Another complication is that Sweden has yet to negotiate an application protocol with Russia that establishes the procedure for undocumented persons.

Generally speaking, the agreements have worked well and have streamlined case handling, e.g. in cases where identity and citizenship have been less clear.

## 4 OVERVIEW OF ASSISTED RETURN MEASURES

The Migration Board adopted an Assisted Return Action Plan in 2008 that describes the overarching objectives and how the Board should proceed in order to attain them. The aim of the plan was to ensure efficient use of allocated resources and to ensure that Assisted Return is carried out in a humane and dignified manner. The plan emerged in dialogue among the various divisions of the Migration Board. In early 2008, the Board also formed an Assisted Return Coordination Group to support the operative units in their efforts towards greater uniformity, cooperation, and development of Assisted Return actions.

Working groups at the Migration Board review and develop procedures for e.g., implementing escorted returns. The Migration Board has made internal efforts to identify successful methods and then worked to spread these methods throughout the organisation. The outcomes of the Action Plan, Coordination and Unit Support include the assignment of more case officers to Assisted Return, a more structured approach to establishing identity and identity documents, and enhanced cooperation with the police and NGOs. The average processing time from the date of a legally binding decision to departure was cut in half between the first quarter of 2008 (268 days) and the same period in 2009 (140 days).<sup>37</sup> The halving of processing time is mainly attributable to ongoing internal development work funded by grants from the European Refugee Fund.<sup>38</sup>

In addition, a Government mandate issued jointly to the Migration Board, the National Police Board and the Prison and Probation Service to review Assisted Return actions has resulted in a revised basis for deciding when and how cases should be transferred to the police. Further suggestions for improvements, including Cooperation Groups comprising case officers from all three agencies, will be implemented in 2010.

When a decision to reject an application for asylum has taken legal force, many asylum applicants are unwilling or unable to accept the decision. A rejected claim triggers a strong emotional response and return often feels like a personal failure to the applicant. The earlier in the process that the applicant can assimilate the information that the outcome of the application *may* be negative, the easier it becomes for him or her to accept the decision and its ramifications. The actual effort towards Assisted Return is initiated as soon as the applicant has been served the initial notice of refusal. The process is initiated by a case officer from the Migration Board Division for Reception. A brief description follows.

Applicants for asylum whose applications are rejected following examination are covered by a comprehensive motivational programme that includes counselling concerning the situations of the individual and any minors involved in the case and conditions in the country of origin, including possible support available

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<sup>37</sup> Migration Board Annual Report 2008 and Interim Report 2009.

<sup>38</sup> See Footnote 1 and the ERF projects: Enhancing Knowledge and Interagency Cooperation in Assisted Return (R-11-001-1), Reunification (R11-002-1, R11-002-2), Assisted Return to Serbia (R11-003-1, R11-003-2) Focus on Assisted Return (R11-004-1).

through NGOs in the country of origin. At the end of the asylum process, when the decision has taken legal force, the applicant is further informed about the documents he or she must show and have access to in order to leave Sweden and be admitted to the country of origin. The intended outcome of counselling and other measures is Assisted Return of the applicant to the country of origin within two weeks of the date the decision takes legal force. If a person absconds and/or avoids counselling or does not wish to cooperate, the case is transferred to the police for enforcement. The Migration Board may also put the applicant under a supervision order, which requires him or her to report to a Migration Board unit at frequent intervals. The case may be transferred to the police if the applicant does not cooperate in obtaining a passport and other necessary documents. (See also section 2.2.2.) However, there is a special unit within the Migration Board that provides support and assistance to other units in obtaining documents and travel documents, maintains embassy contacts and handles embassy queries.

#### **4.1 Motives for (*and Perceptions of*) Assisted Return**

Asylum applicants arrive in Sweden and apply for asylum at the border or at any Migration Board application units. All applications for asylum are examined on their individual merits by the Migration Board. If the applicant has grounds which under the Aliens Act convey a right to protection or a residence permit, the Migration Board is obliged to swiftly grant a residence permit. If the applicant does not have sufficient grounds for protection or a residence permit under the Aliens Act, the application is rejected. The applicant is then liable to voluntarily leave the country (see 2.2.2 and 3.1.1). Sweden expects the applicant to accept and comply with the decision.

However, the Migration Board assists the applicant in the return process. Assistance is available on several levels and support initiatives, previously described in this study, include information, motivational programmes, grants, subsidised travel costs, skills enhancement and re-integration programmes. These varying forms of support are intended to be positive and constructive for the applicant and to provide a strong platform for counselling the applicant in connection with Assisted Return.

#### **4.2 Obstacles to Assisted Return**

The greatest obstacle to undertaking Assisted Return is the reluctance of many asylum applicants to return to the country of origin. In this context, the applicant may perceive Sweden's return decision as deeply unjust, even though they have been informed that a legally binding decision to reject the application means that the applicant must return voluntarily. The applicant may perceive this more as a shattering of hopes for life in an EU Member State. In connection with the journey to Sweden, the applicant may also have incurred heavy debts – financial, social, and emotional – that are very difficult to deal with in face of a negative decision and return. The applicant may feel there is no future for him/her and his/her family in the country of

origin – sometimes based on the applicant's perceptions of living conditions in the country of origin for his or her children. The applicant may also feel there are medical impediments that Sweden has not taken into account when examining the application. There are doubtless other individual reasons that applicants do not accept the decision and return voluntarily to their country of origin.

The question of identity is yet another obstacle and the key to more successful Assisted Return actions. If the identity of more asylum applicants were clearly established, it would significantly facilitate efforts with applicants in general, and with Assisted Return in particular. Some countries refuse to admit their own citizens if the citizens do not personally wish to return, or the country may take a very long time to issue the necessary travel documents.

### **4.3 Organisation of Assisted Return measures**

Labour costs for Assisted Return are integrated in the Migration Board's reception activities and thus cannot be reported separately. The total costs of reception in 2008 were approximately SEK 900 million, including the costs of Assisted Return. Travel costs in connection with Assisted Return were approximately SEK 47 million in 2008 and have been estimated at SEK 56 million for 2009. The cost of re-establishment support provided for Return Migration was SEK 12.4 million in 2008. The estimated cost of re-establishment support in 2009 is SEK 42 million.

The Prison and Probation Service's Transport Service is responsible for carrying out forced returns and removals of asylum applicants. Their costs in 2008 were SEK 141 million. The police authorities, who process removals of asylum applicants subject to forced returns, estimate their costs in fiscal 2008 at SEK 164 million.<sup>39</sup> Costs for forced returns and forced removals incurred by the Prison and Probation Service and the police authorities (the Aliens Police Service) combined totalled approximately SEK 305 million in 2008.<sup>40</sup>

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<sup>39</sup> According to information provided by Hans Rosenkvist, National Police Board.

<sup>40</sup> According to information provided by Hans Rosenkvist, National Police Board.

## **5 RE-INTEGRATION AND SUSTAINABILITY OF RETURN**

Some of the information requested in the specifications under this heading has already been presented in sections 2 and 3. Please also refer to those sections of the study.

Section 3.2 describes re-integration measures financed either through the European Return Fund or direct, targeted support to Assisted Return measures allocated by the Swedish Government. Generally speaking, re-integration activities are carried out within the framework of several projects run by various Migration Board units, which are reported in the Board's annual report. Please refer to section 3.2.5 for a presentation of these projects. Please also refer to section 3.2.6 with respect to re-establishment support in connection with Return Migration to Afghanistan, Iraq, Somalia and the Gaza Strip.

No assessment of the sustainability of return has been made. An active, skills-enhancing stay in Sweden that includes things such as paid work, a trainee position, or organised activities arranged by the Migration Board may be regarded as meaningful preparations for successful re-integration in the destination country following Assisted Return. Successful re-integration also prevents re-entry. Work and trainee placements in Sweden during the asylum processing period supports the applicant in his or her life situation regardless of whether the applicant is allowed to remain or must return to the country of origin.

### **5.1 Re-integration of legal migrants**

People who have been granted permanent residence permits in Sweden are free to decide if and when they want to return to their countries of origin. In many cases, the decision to return is as difficult and momentous as the decision to emigrate from the country of origin. As mentioned, an active, integrated time in Sweden can be a solid foundation for future re-establishment in the country of origin.

Return Migration initiatives in Sweden (see also section 2.2.1) are meant to help provide individuals with a better basis for making a decision to return. Information initiatives comprise a large part of Return Migration actions. These initiatives have been targeted at individuals and stakeholders that interact with foreign citizens in Sweden in various ways, such as public agencies, municipalities and NGOs, as well as immigrant organisations and associations. For instance, informational materials have been compiled after fact-finding on site in the countries of origin. As an example, the Ghana Union travelled to Ghana to gather information about the job market, housing, health care and education, as well as opportunities for starting a business. The Swedish Red Cross has gathered

current country information from Iraq and Afghanistan so that it could provide information to organisation staff and individuals who express interest in returning.

There is a special link for Return Migration (“Repatriation”) on the Migration Board’s website, which is continually updated with reports and information about project grants, travel subsidies, information about projects that have been awarded funding.<sup>41</sup> There are also links to NGOs and to Migration Board liaison officers for voluntary Return Migration.

Several Return Migration projects financed by the Migration Board and/or partially funded by the European Refugee Fund have been implemented since 2000. Project principals have included municipalities, immigrant associations, study associations and NGOs. The projects have focused on Return Migration of legal migrants from Afghanistan, Bosnia and Herzegovina, Burundi, Eritrea, Ethiopia, Ghana, Iraq, DR Congo, Liberia, Macedonia, Serbia, Somalia, Sudan and eastern Turkey.

#### **Examples of return migration projects**

##### **Afghanistan**

*The Information Bank, Swedish Red Cross*

The project aim is to gather and provide country information about Afghanistan.

##### **Iraq**

*Office for Voluntary Return Migration to Iraq, Swedish Red Cross*

The target group are Iraqis who have permanent resident status and are from the Kurdish region of Iraq. The project aim is to provide qualified advice, practical assistance, and psychosocial support to legal residents of Sweden who want to return to Iraq.

##### **Bosnia and Herzegovina**

*Return Migration/Individual Level: Timeline – Building Bridges, Stockholm Return Migration Office*

The project aim is to develop individual action plans for return migration to Bosnia and t implement re-integration activities comprising trainee positions or stays in the country.

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<sup>41</sup> [www.migrationsverket.se](http://www.migrationsverket.se) under the heading “Repatriation.”

## **6 CONCLUSIONS**

### **6.1 Return Migration**

There is reason to believe that a significant number of people circulate between Sweden and their countries of origin without ever appearing in a statistical database. In addition, a large number of people return to their countries of origin with no help from the authorities.

Nevertheless, support and information initiatives aimed at individuals and external actors are a key component of efforts related to voluntary Return Migration. Migration Board Liaison Officers for Return Migration cooperate continuously with municipalities, the business community, NGOs, national immigrants' associations and community-based organisations. Exchange of information and knowledge transfer have been carried out with co-funding and involvement by the Migration Board and Sida.

### **6.1 Assisted Return**

Breaking ties with one's country is a momentous step and it is obviously an equally momentous and difficult step for the individual to return to his or her country of origin. Return migration to one's country of origin, especially voluntarily, is a complex situation in several respects, the purely human and financial aspects not least among them; this involves dealing with one's own shattered dreams and hopes, as well as those of other members of the family.

The question of identity is yet another obstacle and the key to more successful Assisted Return. If the identity of more asylum applicants were clearly established, it would significantly facilitate efforts with applicants in general, and with Assisted Return in particular. However, the greatest obstacle to Assisted Return is the reluctance of many asylum applicants to return to the country of origin.

Great strides have been made, particularly in recent years, towards quantitatively increasing the percentage of Assisted Returns while living up to the qualitative objective of a humane and dignified return process. The Migration Board has made qualitative improvements in case management by improving procedures, which have shortened processing times. In turn, this has reduced the time applicants spend in the asylum system and the related costs for asylum reception. The Migration Board has also carried out major initiatives to provide better motivation for applicants to accept Assisted Return after an application has been rejected. Motivational programmes have been further developed but have not yet attained the expected results. However, these improvements or other measures have so far had no *direct* impact on the Assisted Return percentage, which has

remained in the range of 36-42% throughout the period covered by this study.

The Migration Board and other agencies involved are committed to continual development of interagency cooperation and accomplishment of re-integration agreements with NGOs and other relevant actors in Sweden and the countries of origin. The latter is something the Migration Board will be developing further in the next few years. Migration can promote development in countries of origin in ways including the return of knowledge and money if the individual had an active waiting period.

The total cost for Assisted Return was an estimated SEK 620 million in 2008. This amount includes direct and indirect costs incurred by the Migration Board, Police Authorities and the Prison and Probation Service.

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