

European Migration Network

Small Scale Study IV

Family Reunification

Sweden

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Table of content

1.	Executive summary.....	3
2.	Introduction: Family Reunification in Sweden.....	5
2.1	Background information.....	5
2.2	Definitions	6
2.3	Methodology.....	6
3.	National Family Reunification Policy in Sweden.....	7
3.1	Overview of national family reunification policy at the end of 2006	7
3.2	Development of family reunification policy between 2002 and 2006	13
3.3	Conclusions regarding family reunification policy and its development	15
4.	Size and composition of Family Reunification in Sweden.....	16
4.1	Size regarding family reunification	16
4.2	Composition regarding family reunification migration.	19
4.3	Conclusions regarding family reunification size and composition and their development.....	22
5.	Conclusions.....	23
	Annex 1.....	25
	Annex 2.....	27
	Annex 3.....	29

1. Executive summary

Government Bill 2005/06:72 proposed changes in the Swedish Aliens Act, as a consequence of Council Directive 2003/86/EC on the right to family reunification. The legal changes entered into force in April 2006. After these changes, the Aliens Act states the following (Chapter 5):

Section 3 (here shortened):

A residence permit *shall* be given to

1. an alien who is a spouse or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden,
2. a child who is an alien, is unmarried and
 - a) has a parent who is resident in or has been granted a residence permit to settle in Sweden or
 - b) has a parent who is married to or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden,
3. a child who is an alien, is unmarried and has been adopted or is intended for adoption by someone who still is resident in or has been granted a residence permit to settle in Sweden.
4. an alien who is a parent of an unmarried alien child who is a refugee or a person otherwise in need of protection, if the child arrived in Sweden separately from both parents.

Section 3a (here shortened):

A residence permit *may* be given to

1. an alien who intends to marry or enter into a cohabitee relationship with a person who is resident in or who has been granted a residence permit to settle in Sweden, if the relationship appears to be serious and there are no special grounds not to give a permit,
2. an alien who in some way other than those referred to in Section 3 or in this Section is a close relative of someone who is resident in or who has been granted a residence permit to settle in Sweden, if he or she has been a member of the same household as that person and there exists a special relationship of dependence between the relatives that already existed in the country of origin,
3. an alien who is to exercise access rights that are not of limited scope to a child that is resident in Sweden and
4. an alien who is of Swedish origin or has lived in Sweden on a residence permit for a long time.

If an alien has been given a residence permit under the first paragraph, point 1, a residence permit for the same period shall be given to unmarried children of the alien.

Accordingly, the spouse/ registered partner, cohabiting partner and underage unmarried children of a person living in Sweden were given the *right* to a residence permit. In Sweden, registered partners correspond to married or cohabiting persons. The right for family reunification applies for children aged less than 18 years.

For cases covered by the right (referred to under Section 3 above), a residence permit may be refused only for specific reasons (Aliens Act Chapter 5).

Section 17a (here shortened):

1. incorrect information has knowingly been supplied or circumstances have knowingly been suppressed that are of importance for obtaining the residence permit;
2. an alien has been adopted or a marriage entered into or a cohabitee relationship begun exclusively in order to give the alien a right to a residence permit or;
3. if the alien constitutes a threat to public order and security.

A residence permit may also be refused in such cases as are referred to in Section 3, first paragraph, point 1 or point 2b, if:

1. the spouses or cohabiting partners do not live together or do not intend to live together;
2. the person to whom ties are cited or the alien who has applied for a residence permit is married to or cohabiting with someone else or
3. either of the spouses or cohabiting partners is under 18 years of age.

Section 17b

A residence permit shall be refused in the cases referred to in Section 3, first paragraph, point 1 or point 2b if the person to whom ties are cited is married to another person and is living with that person in Sweden.

Hence, after the implementation of the Directive, certain rules apply for spouse/registered partner, cohabiting partner and underage unmarried children (under Section 3) and certain rules apply for those who intend to marry or enter into cohabite relationship (section 3a). The latter categories are not embraced by the compulsory provisions in the Directive and a residence permit can be denied if the applicant has been guilty of any criminal activity or if there is an assumption that the applicant or the applicant's child will be subjected to violence or serious violation of their liberty, if a permit was granted. For persons covered by the Directive, the right to reunification has priority over such concerns and their cases can not be scrutinized to the same extent as non-directive cases.

Further, in Swedish legislation, there are currently no requirements regarding capacity to offer financial support, housing or a certain level of integration of

the sponsor, in connection with immigration of family members for reunification.

Immigration based on family ties (statistics including reunification, family formation, adoption etc.) corresponded to 56 percent of all immigration from third countries during the five-year period 2002-2006, amounting to nearly 100 000 dependants. Not surprisingly, there were more women than men who immigrated for these reasons, with 60 percent being women and girls.

Iraq and Thailand were by far the most common countries of origin among the dependants. Among the immigrants with Thai citizenship, 82 percent were women. Children below 12 make up for 18 percent of the total immigration based on family ties.

2. Introduction: Family Reunification in Sweden

Background information

Through the Treaty of Amsterdam, asylum and migration issues became part of EU Community law. A programme for European migration and asylum policy was adopted in Tampere in 1999. Since then, several regulations and directives have been implemented in Swedish legislation. Among these is the Directive on the right to family reunification, which establishes norms for reuniting families, where one family member has a residence permit in an EU-state, granted for at least one year and has well-founded prospects of obtaining a permanent residence permit.

In Sweden, as in many other EU member states today, reunification and other family ties account for a large share of the total immigration. On a political level, there have been a number of policy changes in these countries regulating the possibilities of reunification with family members already residing legally in the EU. Discussions on how this immigrant group can be 'absorbed' into today's society are frequently on the agenda.

This report aims to illustrate how national laws and regulations have been amended and the EU Directive 2003/86/EC has been implemented in Swedish legislation. It will also provide a description of the size and composition of immigration based on family grounds. The aim is to be able to draw conclusions about the structure of immigration on family grounds compared to other immigration, taking into account changes in national policy compared to actual national and EU policy.

The European Commission will draft a compilation report of all national reports to identify similarities and differences in the way member states have implemented the Directive in their national legislation.

Definitions

The nuclear family refers to spouse, cohabitee or registered partner and children (children refers to persons under the age of 18 years). In addition, children who have a parent who is married or cohabiting with someone who has a residence permit in Sweden or who is resident in Sweden are also included. The nuclear family also includes foreign children who are unmarried and who are adopted by someone who is resident or has a residence permit in Sweden. Parents of children arriving alone are also included in the concept of nuclear family (but only parents of children who have been allowed to stay in Sweden as refugees have the right to reunification).

Citizens of Norway, Iceland, Liechtenstein and Switzerland, countries that are included in the Directive's definition of a third country, are not considered in Sweden as third country citizens.

In order to be covered by the Directive on family reunification, the person to which a relationship is claimed (sponsor) must have been granted a residence permit for at least one year and have good prospects of receiving a permanent residence permit.

Methodology

The study was prepared according to a set template provided by the Commission. The template was developed with a view to promote comparability between different national reports and to facilitate the drawing up of a synthesis based on the country reports. The Swedish report was compiled by the Swedish EMN National Contact Point (Statistics Sweden in collaboration with the Migration Board). The content has been drawn from official reports, like the Government's annual account to Parliament of last year's migration policy. From 1996 to 2006, responsibility for migration and asylum policy lay with the Ministry of Foreign Affairs; since 2007 with the Ministry of Justice.

Details of how Sweden has implemented the provisions in Directive 2003/86/EC were found in Government Bill 2005/06:72 "Implementation of the EC Directive on the right for family reunification and some questions on the handling procedure and DNA analyses related to family reunification"

Important information and clarifications were obtained through discussion with officials of the Migration Board, responsible for issuing of residence permits for family reunification, and with the Ministry of Justice.

Statistics picturing the size and composition of immigration based on family ties were obtained from Statistics Sweden while data on decisions relating to

permits were acquired from the Migration Board. The difference between the figures produced by the two authorities should be kept in mind. Statistics from the Migration Board give the number of permits granted. Immigration statistics from Statistics Sweden refer to those having obtained a residence permit and been incorporated in the population registration system (folkbokföring). The number of permits issued for family ties a certain year will thereby differ from the number of persons immigrating due to family ties the same year.

Currently, statistics on immigration due to family ties can be broken down in three categories; *family*, with the subcategory of *family to refugees*, and *adoptions*. A more detailed description of nature of various family ties (such as reunification, family formation with person who previously immigrated or family formation with a person born in Sweden) can not yet be made. However, there are plans to develop the migration statistics in this direction.

3. National Family Reunification Policy in Sweden

Overview of national family reunification policy at the end of 2006

a) Practice followed for optional "may" clauses

In Sweden, registered partners are considered as close family in the same way as married or cohabiting people.

When examining an application for a residence permit according to the national legislation, for those not covered by the Directive, attention should be paid to whether the applicant has committed a crime of any kind. It should also be considered whether there is an assumption that the foreigner or his/her children can be exposed to abuse or other serious infringement of their freedom, if a residence permit would be granted. This however does not apply if the application comes from persons who are covered by the Directive, where the right to reunification has priority over such considerations.

A residence permit may be refused if the applicant represents a threat to public order and safety.

b) Conditions for granting entry and residence.

Does your Member State, in accordance to 2003/86/EC, grant entry and residence to the following third country nationals:

-The child between 12 and below the age of majority set by law in your Member State: The right for family reunification applies for children aged under 18 years; there are no special regulations concerning children aged between 12 and 18 years. Children must be unmarried.

- *The first degree relative in the direct ascending line and the adult unmarried child:* According to the Aliens Act, family members other than those in the nuclear family may be granted a residence permit in Sweden if they belong to the same household as the sponsor and if there is a dependency relationship between relatives which already existed in the home country.
- *The partner:* An unmarried partner who has lived with the sponsor in the home country, and can prove this, has the same right as a spouse to be granted a residence permit. Registered partners have the same rights as married or cohabiting partners.
- *The minor child of a further spouse and the sponsor:* Swedish legislation does not stipulate any limitations for children in polygamous households to receive resident permit based on family reunification. Although this could result in the other parent applying for a residence permit in Sweden, which in turn could be interpreted as sanctioning polygamy, the interests of the children in being reunited with their parents are considered the most important aspect and limitations for these children have therefore not been introduced.
- *The spouse with a set minimum age:* A residence permit may be refused for a spouse who has not yet turned 18 years of age.
- *The child over the age of 15, as referred to in Article 4.6:* Swedish legislation states that children under the age of 18 years, with a parent who is resident in Sweden, have the right to receive a residence permit on the grounds of that relationship. The cut-off age of 15 years for applications from children is not applied.
- *The refugee whose family relationship does not predate his or her entry:* The rules for the granting of residence permits for refugees on family grounds are the same as for other third country citizens. They do not therefore need to have been cohabiting or married before coming to Sweden. If a foreign person has the intention of entering into a marriage or cohabiting relationship with someone who is living in Sweden or who has a residence permit, this is sufficient grounds. One condition is however that the relationship is considered serious and that there are no specific reasons against the granting of a residence permit. Here the rules differ from those that apply to persons who are married, cohabiting or a registered partner where no examination of sincerity is done.
- *The family member of a refugee and depending on him/her / The legal guardian or any other family member of the unaccompanied minor:* In regard to articles 10.2 and 10.3 of the Directive, family members outside of the nuclear family may be granted residence permit, if they were part of the

household since earlier and dependent on the sponsor for their living, regardless of if the sponsor was a refugee or not.

c) Policy/Practice with regard to specific Articles

Article 5:

A residence permit should be applied for in the home country, or in the country in which the applicant is living permanently, at a Swedish embassy or consulate. Exceptions to this rule are when the foreign person has the right to a residence permit in Sweden as a refugee or on protection grounds in general or particularly distressing circumstances. It also does not apply if the application relates to an extension of a residence permit of limited duration granted on grounds of family reunification, nor if a residence permit of limited duration can be granted to enable a preliminary or full investigation of criminal record to be carried out. It is also not requested of a foreigner who has strong ties to a person in Sweden, and when it cannot reasonably be required to travel to another country to submit the application.

It is always the applicant who should submit the application. The sponsor cannot submit the application. This is the case regardless of whether the persons in question are married, cohabiting or registered partners. Once the embassy has received an application, the applicant is usually called in for a personal interview. After this, the case is sent onto the Migration Board in Sweden.

The Migration Board supplements the inquiry either with an oral interview with the relative in Sweden or by sending a written questionnaire to be filled in and sent back to the Migration Board. It is the Migration Board which then decides on the residence permit and notifies the embassy which, in turn, notifies the applicant.

Together with the application, the applicant should provide identification papers (passport) and two photographs that are no more than six months old. If the applicant is the spouse or registered partner, the marriage certificate, wedding ceremony certificate or certificate of partnership should also be provided. If the applicant has children under the age of 18, a birth certificate and a written consent from the child's guardian should also be included. In cases where it is not possible to establish a relationship between a parent and an underage child, the Migration Board shall offer a DNA analysis paid for by the state. It is considered important that children do not end up with people who are not their parents and thereby come to any harm or be abandoned. A DNA analysis may also be offered in some other family relationship cases. Such an analysis should not be carried out if it is clear that no relationship exists.

A residence permit shall be refused if the sponsor or the applicant is married to another person and is also living together with that person. Polygamous relationships are not acceptable in other cases either but exceptions could be made, for example if there are difficulties in receiving dissolution of marriage.

An application for family reunification may also be rejected if the application for a residence permit is based on false information. One example could be if the information itself is false; another is if a marriage or adoption has taken place only to give the person in question the possibility to travel into and stay in a member state.

For persons who have already lived together permanently (for a period of longer than two years) in their home country, a permanent residence permit is usually granted immediately. In newly-established relationships, a permanent residence permit can be granted if the relationship is still ongoing after two years. If however a newly-established relationship does not last two years, the residence permit can be recalled/rejected. There are exceptions however in cases where the person has special ties to Sweden or if the relationship ceased because the foreign person or the foreign person's children were exposed to abuse or the threat of abuse. There may also be other significant reasons for granting a permanent residence permit.

Article 7:

No requirement regarding the capacity to offer financial support exist in Swedish legislation for family immigration, either for the nuclear family or other close family members. There is neither any requirement regarding integration measures. However, in a current political debate a proposal to impose certain demands (financial, housing) on the sponsor has been put forth.

Article 8:

There is no requirement in Swedish legislation that the sponsor should have lived in Sweden for a specific time in order for the family member to be granted a residence permit.

Article 9:

Sweden has not implemented other rules on reunification immigration for refugees in cases where the relationship has not existed before moving to Sweden. The same rules apply as for other third country citizens.

Article 12:

In Swedish legislation, there is no difference regarding refugees and other third country nationals in the application of regulations. There is no requirement of capacity to provide financial support, neither for refugees nor for other third country citizens. For refugees, documents supporting the claim of family relationship are not the only factor in the decision regarding

reunification. A residence permit may not be rejected only because of the lack of such documentation.

Article 13:

A residence permit granted to a dependant shall apply for at least one year. An unmarried child with parents who are married or cohabiting with someone who is resident in Sweden or who has a residence permit for residence in Sweden, should receive a residence permit for the same period as their parent. After having had a residence permit of limited duration for two years, a permanent residence permit is granted. In some cases, a residence permit may be granted before two years have passed.

If a married couple lived together in their home country for at least two years, the Migration Board usually grants a permanent residence permit.

Article 14:

All those receiving a residence permit based on reunification also automatically receive a work permit. The right to benefits is based on residency or gainful employment in Sweden. Persons who have spent or are assumed to be spending at least 12 months in Sweden are considered to be resident in the country. Persons who are resident in Sweden are guaranteed the following benefits:

- Reimbursement for healthcare
- Parental benefits at lowest and basic level
- Sickness benefit and compensation for reduced activity in the form of guarantee payments
- Rehabilitation and special allowances

In addition, persons who are resident in Sweden may receive child benefit, housing benefit, maintenance support, disability benefit, pension, survivor support for children, survivors' pension and others.

Persons who are working in Sweden are also required to receive the following benefits, among other:

- Sickness pay and pregnancy benefit
- Parental benefits over the lowest level and temporary parental benefit
- Income-related sickness pay
- Rehabilitation and rehabilitation allowance
- Work injury allowance

The requirement for a work permit does not apply for a foreign person with a permanent residence permit.

Article 15:

For those who have already lived together permanently, a permanent residence permit is usually granted immediately. With newly-established relationships, a permanent residence permit that is independent of the sponsor is granted after two years. If the relationship has ceased, a permanent residence permit can still be granted if the foreign person has ties to Sweden or if the relationship has ceased primarily because the foreign person or their children have been exposed to abuse or the threat of abuse.

Article 16:

A residence permit is not granted if the spouses or cohabitants are not living together or have no intention of living together.

Children who are applying and who have one parent still in their home country must, when the parents have joint custody, have the consent of the parent who remains in the home country. In addition, a residence permit is not granted if false information has been provided or information has been withheld. A residence permit is also not granted if the marriage or cohabiting relationship has only been entered into to provide the foreign person with the right to such a permit, or if an adoption has been carried out for this purpose.

Article 17:

When a residence permit is to be recalled or not renewed, or an application for reunification is rejected, consideration must be taken under Swedish legislation to the ties that the foreign person has to the community in Sweden. Consideration should always be taken here to the living conditions of the foreign person, to whether he/she has children in Sweden. If the foreign person has children, the needs of those children should be considered, the contacts between the parent and child should be examined and how this relationship would be affected if the residence permit was recalled. Attention should also be paid to the foreign person's other family relationships and how long they have been living in Sweden.

Article 18:

The application for family reunification is examined in the first instance by the Migration Board. The Migration Board can also recall a residence permit. The decision of the Migration Board can be appealed to a migration tribunal and the tribunal's decision can be appealed to the high tribunal for migration. Special rules apply for cases of public safety. Cases in which the safety police, for reasons related to the security of the country or with significance for public safety, can order an application for a residence permit be rejected or a residence permit to be recalled can be appealed to the government.

d) Application to certain groups

If the dependant is seeking asylum or awaiting decision on an application for residence based on other grounds, residence permit can not be granted as long as the application remains open.

If a residence permit for temporary protection has been granted to a person, such a permit may also be granted to the person's spouse or cohabiting partner. A residence permit may also be granted to unmarried children of the person who has received a residence permit or children of the person's spouse or cohabiting partner.

If a person has been granted a residence permit based on need for protection, their close family can also be granted a residence permit according to the regulations in place for third country nationals covered by the Directive.

For family members of EEA citizens, their right to residence is regulated primarily through Directive 2004/38/EC. An EEA citizen can however, in certain cases, also be a sponsor in accordance with national legislation, for example if the EEA citizen has a permanent residence permit or is a Nordic citizen. In these cases, the rules valid for other third country nationals covered by the Directive, are applied.

Development of family reunification policy between 2002 and 2006

Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification was adopted by Sweden in March 2006, and the legal changes entered into force in April 2006.

On 11 December 2003, the government decided to appoint a special investigator with the task of drawing up a position on how the family reunification Directive should be implemented in Swedish legislation. The investigator was to put forward proposals for the statutory changes in the Aliens Act and in other related legislation as well as make an assessment of which costs the proposed changes would imply.

The inquiry reported some preliminary thoughts in March 2005, with proposals for how to implement the parts of the directive on family reunification which were mandatory to incorporate. The final report, *Family reunification, SOU 2005:103*, was submitted in December 2005.

In March 2006, the Swedish Parliament approved the government bill "Implementation of the EC Directive on the right for family reunification and some questions on the handling procedure and DNA analyses related to family reunification". Legislative changes came into force on 30 April 2006 and the provisions related to DNA analyses came into force on 1 July 2006.

The new Aliens Act which entered into force on 31 March 2006 includes the implementation of the directive on the right to family reunification.

The legislative changes implied, for example, that spouses, registered partners, cohabiting partners and minor unmarried children to a sponsor, i.e.

the person who is living in Sweden, have a *right* to be granted a residence permit in Sweden. An application can however be rejected on certain grounds, such as if false information has been given or if the relationship is not genuine.

Through the bill, also a new provision relating to the possibility of carrying out a voluntary DNA analysis was implemented. The analysis should be paid for by the government, in cases of residency relating to family reunification between minors and their parents. In these cases, the Migration Board is obliged to offer a DNA analysis if the other points in the case are not sufficient for a residence permit to be granted. In certain other family reunification cases in which a biological relationship is cited, the Migration Board should also under certain conditions make such an offer.

The bill concerns family reunification for the nuclear family. With regard to immigration of family members outside of the nuclear family, a special investigator has had the task of presenting different alternatives for revised regulations and to investigate the possibilities of implementing a requirement of financial support. The final report *Family reunification, SOU 2005:103*, was submitted in December 2005 and has been undergoing consultation during the spring 2006. However, no legal changes are foreseen at the moment.

Further on policy development, a temporary asylum law was in force from 15 November 2005 to 30 March 2006, allowing re-processing of applications for asylum/residence permits that had previously been rejected, especially among families with small children who had been waiting for a decision for a certain period of time. The temporary law gave an important increase in the number of permits issued due to distressing circumstances (replacing the concept of humanitarian grounds in the new Aliens Act). Also the number of permits due to family ties increased, partly as a result of the temporary law.

Political and public debate on family reunification.

The proposed legislative measures, in order to implement the family reunification directive, were referred to different bodies for consideration.

Several of the Swedish bodies consulted were of the opinion that the Directive possibly could lead to less favourable rules for Swedish citizens and foreign citizens other than third country nationals and for stateless persons.

The Integration Board meant that foreign citizens other than third country nationals (exempt from Nordic citizens) should have a permanent residence permit in order to be covered by the right to family reunification according to national legislation, even if this meant a stricter application than that in the Directive. The Integration Board felt that, from an integration perspective, it

was important that the sponsor's status in Sweden was of a permanent nature before family reunification could take place.

The Children's Ombudsman (BO) pointed out that one shortcoming in the Directive was that it assumed that the sponsor should be an adult person which means that children entering alone into the EU do not have the same rights to be reunited with their parents as parents entering alone into the EU to be reunited with their children. BO called into question whether the family reunification directive was in accordance with the prohibition of age discrimination in the basic provisions of the EU. In Swedish legislation, however, children who are refugees or otherwise in need of protection in general have the right to be reunited with their parents.

There were some differences of opinion regarding the examination of sincerity of relationships that have developed quickly. Some considered that the presumption that a relationship is sincere should be emphasised. However the Red Cross felt that, despite the fact that the majority of quickly-developed relationships are sincere, it is necessary to carry out an examination of sincerity to prevent abuse, oppression and forced marriages.

Conclusions regarding family reunification policy and its development

Council directive 2003/86/EC on the right to family reunification was adopted at the same time as Council directive 2003/109/EC on the status of third country nationals who are long term residents and Council directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. No major changes in family reunification policy have occurred during the reference period, apart from the implementation of the directive on reunification.

A new Aliens Act entered into force on 31 March 2006. The Act establishes a new system for appeals and procedures in aliens and citizenship cases. It also distinguishes more clearly the various grounds for obtaining residence permits and grounds for protection are given greater prominence. The new Aliens Act includes the implementation of the directive on the right to family reunification. The main change being that the spouse/ registered partner, cohabiting partner and underage unmarried children of a person living in Sweden now have the *right* to a residence permit.

Concerning stringency of examinations of family reunification cases, considerations previously applied can not be applied in cases covered by the Directive. The right to residency overrides considerations such as whether there is a risk of violence towards the applicant or his/her children. The implementation of the Directive can therefore be interpreted as a lowering of

requirements in the examination of applications from certain groups of family members.

The temporary asylum law in force from 15 November 2005 to 30 March 2006, with re-processing of applications that had previously been rejected, led to an increase in the number of permits issued based on distressing circumstances (previously humanitarian grounds). Also the number of permits due to family ties increased, partly as a result of the temporary law.

4. Size and composition of Family Reunification¹ in Sweden

Size regarding family reunification

Table 1 to 4 in section 4.1 deal with permits for family reunification while table 5 shows no. of persons immigrated, i.e. those who after having obtained permits were registered with the civil population registration (folkbokförda).

Table 1. Applications for family reunification, 2002-2006

2002	2003	2004	2005	2006	Total
28 239	27 909	26 820	24 415	29 420	136 803

The number of applications based on family ties showed a downwards trend from 2002 to 2005. Between 2005 and 2006, the number of applications instead increased with roughly 5000.

Generally, the most common nationalities among the applications as well as decisions for family reunification were Iraqi and Thai, followed by Somali, Serb and Montenegro and Turkish origin. These five nationalities constitute 36 percent of all decided family tie cases during the five year period.

Applications refer to different kinds of family ties, of which the "newly established relation" (family formation through marriage or moving together) was the most common reason, corresponding to 64 percentages of all applications during the period. The second most common basis for applying for family reunification was the "already established relation" (family reunion where the couple is already married or have been living together), which made up 16 percent of the applications. The category "common household" was not applicable in 2002 but constituted 10 percent of all applications for family reunification in 2006. The category "others" includes mostly adopted children and unaccompanied children (not asylum seekers) and corresponded to 13 percentages of the applications during the period.

¹ All statistics on "family reunification" refer to reunification in a broad sense, including in addition to reunification also family formation, adoption and common household.

The increase in applications observed between 2005 and 2006 occurred mainly among the "already established relations" and in the "common household" category

Table 2. Decisions for family reunification, 2002-2006

2002	2003	2004	2005	2006	Total
27 057	30 451	26 574	27 295	32 182	143 559

The number of decisions in family reunification cases was high in 2003 and in 2006. This is related to the higher extent of asylum granted to Iraqi citizens in 2002/2003 and 2006, but not 2004 and 2005, with subsequent family reunification as a consequence. In addition, the temporary asylum law contributed to the increase in 2006 of the number of decisions in family reunification cases in general, not only to Iraqi nationals.

Table 3. Rejected applications, 2002-2006

	2002	2003	2004	2005	2006	Totalt
Rejected	7 050	7 890	6 457	8 023	7 370	36 790
Total no decisions	27 057	30 451	26 574	27 295	32 182	143 559
% rejected	0,2606	0,2591	0,243	0,2939	0,229	0,2563

The reason for rejection of an application for family reunification is that the formal requirements are not fulfilled, or that the relationship is not believed to be serious or that there is a case of fake marriage.

The share of rejected applications during the period was relatively high, between 23 and 29 percentages. The trend shows a certain decrease in rejections and in 2006, 23 percentages of all applications for family reunification were rejected. This somewhat lower figure compared to previous years is likely to partly be a result of the application of the Directive on family reunification, giving married couples the right to reunify.

The applications based on "common household" had the highest share of rejections (81 % in 2006) but relatively few of the applications (10 % in 2006) were based on this reason for reunification.

The share of rejected applications differs for different citizenships. Nationalities with a high degree of rejections are for instance Afghani (48%), Lebanese (45 %), Serb and Montenegro (32 %) and Somali (31 %), all figures referring to 2006.

Table 4. Issued permits for family reunification, 2002-2006

	2002	2003	2004	2005	2006	Totalt
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Permits issued	18 404	20 761	18 683	17 983	23 552	99 383
Of which:						
- reunification	4 601	4 848	3 047	1 933	3 296	
- family formation	12 035	13 233	12 893	13 584	17 601	
- com. household	-	329	360	237	255	
- adoptions, other	1 768	2 351	2 383	2 229	2 400	

The number of permits issued went up with 5 569 between 2005 and 2006 (in percentages from 66 % of total decisions to 73 %). Of the permits issued in 2006, approximately 75 percentages referred to newly established relations (family formation) and 14 percentages were based on already established relations (family reunion). The increase between the years consisted of approximately 4 000 permits in the category family formation and 1 350 permits for family reunion. While the Directive applies to the latter category (family reunification) there is a belief that people were motivated by the Directive also to marry. The increase in permits for family formation can further be explained by the situation in for instance Iraq and Lebanon, i.e. the tendency to marry increase during difficult times in the countries of origin.

When comparing the number of persons immigrated due to family ties (see section below) and the number of permits issued, there is a high correspondence between the two sets of statistics. In 2006, the number of permits for family reunification was approximately 4 percentages above the number of persons who immigrated for family ties. For the entire period 2002-2006, the difference is only 3 percentages. Also the trends are similar in the two types of statistics.

Table 5 shows total immigration² to Sweden of third country nationals during the five year period 2002-2006, by reason for residence permit. Family ties were all along the major cause and source of immigration. Before 2006, immigration based on other grounds, including humanitarian reasons, was limited in comparison to family ties.

Table 5. Immigration of third country nationals, 2002-2006, by reason for residence permit.

² Refers to persons having received a residence permit and with the intention to stay at least one year in Sweden, and accordingly been included in the civil population registration.

Reason for permit	2002	2003	2004	2005	2006	Total
Need for protection	2 252	2 098	2 619	3 137	5 628	15 734
Humanitarian	5 971	4 913	2 661	4 156	17 717	35 418
Family ties	17 690	19 527	18 775	17 829	22 624	96 445
Work	1 044	947	946	1 051	1 316	5 304
Studies	1 368	1 952	2 450	3 337	3 543	12 650
Other	58	73	285	149	122	687
Information missing	986	828	887	848	1 531	5 080
Total	29 369	30 338	28 623	30 507	52 481	171 318

In 2006, immigration to Sweden increased sharply, mainly due to a temporary asylum law applicable from 15 November 2005 until 30 March 2006. Total immigration from all countries (not only third country) amounted to 95 750 persons as compared to 65 229 persons during 2005. Fifty five percentages (or 52 481 persons) of the immigrants 2006 were third country nationals.

Following on from the temporary law, there was a considerable increase of permits issued based on distressing circumstances (previously humanitarian grounds). There was also a raise in the number of permits granted to close family members, and immigration based on family ties went up from around 18 000 persons (which approximately had been the level for a number of years) to 22 624 persons in 2006. In total for the five years in focus, nearly 100 000 third country nationals immigrated as dependants to persons residing in Sweden.

Composition regarding family reunification migration

Statistics in this section refer to official immigration figures, i.e. persons having obtained residence permits and subsequently been included in the civil population registration. Further, in the immigration statistics (as well as in statistics on permits), the category "family ties" includes not only reunification but also family formation, adoption etc.

Nationality

The origin of the immigrated dependants is presented in Table 6. In 2006, 46 percent were Asian citizens; the pattern of around 50 percent of the dependants being of Asian origin has been prevailing for the last five years.

Table 6. Immigration based on family ties, 2002 – 2006, by citizenship of dependants (world region).

Region	2006	2002-2006
Europe outside EU 25	5 201	21 986
Africa	3 810	12 853
North Amerika	1 139	5 594
South Amerika	1 474	6 001
Asia	10 338	47 041
Oceania	225	1 101
Stateless	297	1 391
Unknown	140	478
Total	22 624	96 445

Among third country dependants in 2006, approximately 170 countries were represented, with Iraqi and Thai citizenships being the most common origin. (For a detailed list of citizenships of dependants, see Annex 1). If adding up the five year period (2002-2006), the same two countries clearly appear in top of the list, with Iraqi citizenship by far the most frequently occurring.

The statistics on immigration can not be broken down into specific categories of family ties. However, the statistics on permits indicate that among Iraqi dependants granted permit to reside in Sweden in 2006, approximately 50 % came for reunification and 50 % were newly established relations. In the case of dependants from Thailand, Turkey and Serbia and Montenegro, the vast majority (around 90 %) were newly established relations. For Chinese family members, half obtained residence permit for family formation and around 40 % were small children (adoptions).

Table 7. Immigration based on family ties, 2002 - 2006; five most common citizenships among third country nationals.

Citizenship	2006	2002-2006
Iraq	2 500	14 453
Thailand	2 207	9 181
Turkey	1 174	4 786
Serbia and Montenegro	1 440	4 600
China	905	4 332

Different trends through the five year period can be noticed, where for example the number of Thai dependants have increased while the immigration of family members from Iraq went down considerably since 2002. In 2006 however, there was again an increase in the latter group.

Gender

The gender aspect is evident in regard to the different reasons for granting residence permits. Women dominated only in the group of permits granted due to family ties. For all other permits, men were in majority, i.e. among refugees, humanitarian grounds, work and studies. (See Annex 2 for statistics on immigration due to family ties by gender).

During the last five years, the overall share of women in total family related immigration was approximately 60 percent. Among the world regions, Asia stood out with the largest proportion women, 67 percent, among the dependants. Since nearly half of the immigration based on family grounds originates from Asia, the high prevalence of women in that region affects on the overall gender distribution.

For other regions with significant family immigration, the gender disparity was less pronounced (about 56 percentages women for Europe outside the EU and for South America) or non-existing, like for Africa where the shares of male and female dependants were equal.

The most common nationalities among female dependants were Iraqi, Thai and Chinese. Concerning male dependants, the largest group was also from Iraq, followed by Turkey and Serbia and Montenegro. Thailand and China however, were much less frequent countries of origin among men.

In fact, immigration due to family ties from Thailand and China consisted to 80 percent of women (in the case of China, half of the females were small children). Also family immigration from Russia was dominated, to 75 percent, by women

Age-groups

Two thirds of the dependants from third countries were of working age (21-65). A considerable share, 28 percent, was below majority age (18 years). Very few of the third country dependants were aged 65 and over.

Table 8. Immigration based on family ties, 2002 – 2006; third country nationals by age group.

Age group	Total
under 12	17 754
12-17	9 293
18-20	5 490
21-65	63 388
over 65	520
Total	96 445

Comparing men and women, there was a certain difference in the age distribution with a larger proportion below 18 years in the male group (34 percent) than in the female (24 percent). Subsequently, among women, there was a higher percentage in the working ages than in the male group. (See Annex 3 for statistics on immigration due to family ties by age group).

Children aged below 12 made up for 18 percent of the total immigration due to family ties. Within this group, there was a fairly even distribution over the ages, with the exception of the one-year olds who were being double as many as the other ages. This is mainly due to adoptions of small children.

There were larger proportions of young dependants (below 18 years) from Africa and Asia than from the other world regions. There was a particularly large group of children below 12 among the dependants of Asian origin. Of the 10 950 Asian children who immigrated as family members between 2002 and 2006, 75 percent came from Iraq, China and Thailand. The next most common nationalities among these children were Afghani, Indian and Vietnamese. Apart from children of Asian origin, other noticeable groups came from Somalia and Russia.

Conclusions regarding family reunification size and composition and their development

Close to 100 000 dependants (96 445) from third countries immigrated due to family ties (reunification, family formation, adoptions etc.) during the five-year period 2002-2006. In percentage, this corresponds to 56 percent of the total immigration from third countries.

While the total immigration of third country nationals remained at the same level between 2002 and 2005, the share of dependants fluctuated throughout the reference period. In 2002, family ties accounted for 60 percentages of the immigration in this group, rising to 66 percent in 2004. In 2006, immigration of third country nationals increased and the number of dependants was larger than ever before (22 624). However, the share of dependants corresponded to 43 percentage of total immigration.

For the reference period, some main groups of dependants could be observed. If combining nationality, gender and age, the more important groups emerging were Thai women aged 20-30 and 30-40. An equally large group was Iraqi women aged 20-30, followed by slightly younger Iraqi women (10-20 years) and Iraqi men of the same age. Thereafter, the largest identified groups were Chinese girls below 10 years and Turkish men aged 20-30 years. On average, women and girls accounted for 60 percentages of the total immigration based on family ties.

Iraq and Thailand stand out as the most common countries of origin among dependants. Family immigration from Iraq was much higher during 2002 and 2003 than during the later years. The decrease in numbers occurred among the young people below 20 years, while immigration of dependants from 20 years and up was rather stable.

Regarding dependants from Thailand, more than 80 percent were women. While the number of Thai female dependants doubled between 2002 and 2006, the limited immigration of Thai men remained at the same level through the period.

The increase 2006 of immigration due to family ties among third country nationals is believed to be mainly an effect of a temporary asylum law. Although there was a larger increase from "refugee countries" than from Thailand and Russia for example, there is no pattern of change between 2005 and 2006 in the composition of the group of dependants. The increase of 4 795 dependants was spread on many nationalities and over all ages (except children below 5 years who decreased) and there was an equal distribution between the sexes.

5. Conclusions

Sweden has transposed Directive 2003/86/EC into national legislation and is entirely following the obligatory "shall" clauses.

As a result of the transposition of the Council Directive, the Swedish Aliens Act was amended. The amendments entail that members of nuclear families shall be granted a residence permit on the grounds of family reunification. The difference is that there is now a *right* to reunification whereas it was previously only a right in principle.

Residence permits can only be rejected in cases where the application was based on false information, if the relationship is not genuine or if the applicant presents a threat to the public. A permit for reunification may also be refused if the spouses are living apart or if any of them are married or cohabiting with some one else or, finally, if either of them is under 18 years. Exceptions from the right to reunification can only be made in these explicitly stated circumstances and cases covered by the Directive can therefore not be tried in the same way as non-directive cases.

Further, Sweden has no requirements, as many other countries, regarding capacity to offer financial support, housing or a certain level of integration of the sponsor. As things stand today, the only prerequisite in cases covered by the Directive is that of marriage/cohabite relationship (apart from the specific grounds for rejection explicitly cited in the Directive).

In cases falling outside the Directive, other requirements apply in the assessment and a residence permit can be denied if the applicant has been guilty of crime or if there is an assumption that the applicant or the applicant's child can be exposed to violence or other serious violation by the sponsor.

The implementation of the Directive has therefore evidently led to a lessening of requirements in the examination and assessment of applications from certain categories of dependants, i.e. nuclear family.

In figures, residence permits issued for family ties as well as immigration based on the same reasons, increased between 2005 and 2006 with approximately 30 percentages. Of the 23 552 permits issued to dependants in 2006, approximately 75 percentages referred to *family formation* (newly established) and merely 14 percentages were for *family reunification* in already established relations. Both categories increased between 2005 and 2006.

While the Directive might have had an impact on the number of permits in the latter category (family reunification) there is also a belief that people were motivated by the Directive to marry, explaining the increase in newly established relations.

The increase in permits for family formation can further be explained by the situation in for instance Iraq and Lebanon and the tendency to marry a compatriot, from the country of origin, which increases when situation in the home country is deteriorating.

Generally, there is a connection between permits in the asylum process and subsequent family reunification. It is very common that an asylum seeker brings his/her family to Sweden, after having obtained a permit in the asylum process.

Finally, Sweden introduced a temporary asylum law between November 2005 and March 2006, resulting in a sharp increase in permits and subsequent immigration between the two years, mainly in the category humanitarian grounds. However, also the level of resident permits for reunification could have been affected by the law. It is therefore difficult to single out the effects, in statistical terms, of the transposition of the Directive.

Annex 1.

**Citizenship of dependants; 40 most frequent nationalities 2002-2006
(all citizenships, not limited to third country)**

Women	2002	2003	2004	2005	2006	Total
IRAK	2 473	2 360	1 402	819	1 505	8 559
THAILAND	941	1 549	1 656	1 599	1 817	7 562
POLEN	555	524	930	981	1 380	4 370
KINA	607	672	761	757	676	3 473
RYSSLAND	526	492	473	456	503	2 450
SERBIEN OCH MONT	-	483	540	524	679	2 226
TYSKLAND	325	472	448	506	458	2 209
IRAN	422	420	364	379	537	2 122
TURKIET	283	466	414	394	492	2 049
USA	346	331	336	313	308	1 634
SOMALIA	205	203	328	335	478	1 549
FILIPPINERNA	305	282	288	280	340	1 495
BOSNIEN-HERCEGOV	271	319	307	262	323	1 482
AFGHANISTAN	290	275	262	147	169	1 143
STORBRIANNIEN OCH	218	240	239	203	176	1 076
RUMÄNIEN	221	198	209	197	174	999
INDIEN	143	145	179	248	253	968
VIETNAM	159	168	164	184	287	962
SYRIEN	161	197	171	195	204	928
BRASILIEN	158	151	176	180	244	909
UKRAINA	168	160	185	180	201	894
CHILE	151	168	161	151	194	825
NEDERLÄNDERNA	107	138	180	185	210	820
LITAUEN	150	118	171	196	170	805
STATSLÖS	69	93	188	228	146	724
JAPAN	145	173	116	133	123	690
MAROCKO	107	137	111	121	192	668
ESTLAND	168	147	148	108	95	666
LIBANON	88	139	110	98	200	635
PERU	105	112	110	109	159	595
ERITREA	72	128	118	101	146	565
ETIOPIEN	78	99	108	103	168	556
FRANKRIKE	101	116	126	128	81	552
PAKISTAN	42	83	134	119	159	537
UNGERN	96	79	104	100	80	459
JUGOSLAVIEN	429	-	-	-	-	429
LETTLAND	94	80	87	74	79	414
SPANIEN	76	99	68	84	65	392
MAKEDONIEN	56	81	78	81	96	392
KROATIEN	61	79	72	57	92	361

Cont. Annex 1.

**Citizenship of dependants; 40 most frequent nationalities 2002-2006
(all citizenships, not limited to third country)**

Men	2002	2003	2004	2005	2006	Total
IRAK	1 610	1 530	1 038	721	995	5 894
TURKIET	400	571	539	545	682	2 737
SERBIEN OCH MONT	-	453	566	594	761	2 374
POLEN	247	248	380	513	653	2 041
STORBRITANNIEN OCH	426	454	420	334	347	1 981
USA	389	376	352	356	335	1 808
THAILAND	225	325	328	351	390	1 619
SOMALIA	182	187	370	346	451	1 536
BOSNIEN-HERCEGOVINA	231	338	268	218	274	1 329
TYSKLAND	200	257	276	270	263	1 266
IRAN	193	207	213	206	297	1 116
CHILE	193	198	194	151	190	926
AFGHANISTAN	223	189	194	124	134	864
SYRIEN	124	155	156	203	222	860
KINA	148	169	160	153	229	859
RYSSLAND	184	161	160	147	173	825
LIBANON	96	124	144	139	211	714
NEDERLÄNDERNA	89	118	148	174	163	692
STATSLÖS	69	83	176	188	151	667
VIETNAM	113	99	90	145	157	604
FRANKRIKE	98	103	131	115	87	534
MAROCKO	90	106	109	94	119	518
AUSTRALIEN	100	102	99	80	110	491
INDIEN	84	90	67	120	122	483
RUMÄNIEN	97	86	76	96	93	448
NIGERIA	45	59	70	105	139	418
ETIOPIEN	52	62	86	88	119	407
PERU	68	71	77	79	102	397
JUGOSLAVIEN	390	-	-	-	-	390
SPANIEN	69	99	72	78	69	387
PAKISTAN	40	56	94	74	118	382
TUNISIEN	43	78	71	88	90	370
MAKEDONIEN	55	66	80	74	90	365
GAMBIA	65	72	61	64	100	362
ITALIEN	57	75	68	66	89	355
FILIPPINERNA	57	65	69	69	79	339
BRASILIEN	43	52	64	66	82	307
EGYPTEN	49	43	55	69	88	304
JORDANIEN	31	53	55	56	108	303
UKRAINA	64	65	63	50	50	292

Cont. Annex 1.

**Citizenship of dependants; 40 most frequent nationalities 2002-2006
(all citizenships, not limited to third country)**

Total	2002	2003	2004	2005	2006	Total
IRAK	4 083	3 890	2 440	1 540	2 500	14 453
THAILAND	1 166	1 874	1 984	1 950	2 207	9 181
POLEN	802	772	1 310	1 494	2 033	6 411
TURKIET	683	1 037	953	939	1 174	4 786
SERBIEN OCH MONT	-	936	1 106	1 118	1 440	4 600
KINA	755	841	921	910	905	4 332
TYSKLAND	525	729	724	776	721	3 475
USA	735	707	688	669	643	3 442
RYSSLAND	710	653	633	603	676	3 275
IRAN	615	627	577	585	834	3 238
SOMALIA	387	390	698	681	929	3 085
STORBRIANNIEN OCH BOSNIEN-HERCEGOVINA	644	694	659	537	523	3 057
AFGHANISTAN	513	464	456	271	303	2 007
FILIPPINERNA	362	347	357	349	419	1 834
SYRIEN	285	352	327	398	426	1 788
CHILE	344	366	355	302	384	1 751
VIETNAM	272	267	254	329	444	1 566
NEDERLÄNDERNA	196	256	328	359	373	1 512
INDIEN	227	235	246	368	375	1 451
RUMÄNIEN	318	284	285	293	267	1 447
STATSLÖS	138	176	364	416	297	1 391
LIBANON	184	263	254	237	411	1 349
BRASILIEN	201	203	240	246	326	1 216
UKRAINA	232	225	248	230	251	1 186
MAROCKO	197	243	220	215	311	1 186
FRANKRIKE	199	219	257	243	168	1 086
LITAUEN	194	155	233	262	241	1 085
PERU	173	183	187	188	261	992
ETIOPIEN	130	161	194	191	287	963
PAKISTAN	82	139	228	193	277	919
ESTLAND	215	192	207	140	117	871
JAPAN	187	205	141	164	158	855
ERITREA	115	172	170	140	252	849
AUSTRALIEN	190	167	167	139	185	848
JUGOSLAVIEN	819	-	-	-	-	819
SPANIEN	145	198	140	162	134	779
MAKEDONIEN	111	147	158	155	186	757
UNGERN	143	125	155	134	139	696
GAMBIA	103	128	115	135	164	645

Annex 2.

Immigration of third country nationals 2002-2006 by reason for residence permit and gender

Total			
Reason for permit	Women	Men	Total
Need for protection	6 849	8 885	15 734
Humanitarian	15 050	20 368	35 418
Family ties	58 042	38 403	96 445
Work	1 323	3 981	5 304
Studies	3 516	9 134	12 650
Other	269	418	687
Information missing	2 467	2 613	5 080
Total	87 516	83 802	171 318

Immigration of third country nationals due to family ties, 2002-2006, by region and gender

Region	Women	Men	Total
Europe outside EU 25	12 249	9 737	21 986
Africa	6 526	6 327	12 853
North Amerika	2 805	2 789	5 594
South Amerika	3 443	2 558	6 001
Asia	31 590	15 451	47 041
Oceania	428	673	1 101
Stateless	724	667	1 391
Unknown	277	201	478
Total	58 042	38 403	96 445

Annex 3.

Immigration of third country nationals due to family ties, 2002-2006, by gender and age group

Women	2002	2003	2004	2005	2006	Total
under 12	1 957	2 032	1 969	1 672	1 827	9 457
12-17	921	973	843	704	995	4 436
18-20	742	861	765	711	880	3 959
21-65	7 049	7 997	7 740	7 477	9 645	39 908
over 65	79	55	50	37	60	281
Total	10 748	11 918	11 367	10 601	13 407	58 041

Men	2002	2003	2004	2005	2006	Total
under 12	1 805	1 811	1 661	1 335	1 685	8 297
12-17	1 111	1 042	906	741	1 057	4 857
18-20	312	343	306	252	318	1 531
21-65	3 639	4 371	4 497	4 864	6 108	23 479
over 65	75	42	38	36	48	239
Total	6 942	7 609	7 408	7 228	9 216	38 403

Total	2002	2003	2004	2005	2006	Total
under 12	3 762	3 843	3 630	3 007	3 512	17 754
12-17	2 032	2 015	1 749	1 445	2 052	9 293
18-20	1 054	1 204	1 071	963	1 198	5 490
21-65	10 688	12 368	12 237	12 341	15 753	63 387
over 65	154	97	88	73	108	520
Total	17 690	19 527	18 775	17 829	22 623	96 444

Immigration of third country nationals due to family ties, 2002-2006, children under 12 years, by age.

Total	
0 år	625
1 år	2 794
2 år	1 539
3 år	1 152
4 år	1 232
5 år	1 323
6 år	1 466
7 år	1 439
8 år	1 515
9 år	1 591
10 år	1 530
11 år	1 548
Total	17 754

Sources:

Proposal referred to the Council on Legislation for consideration (lagrådsremiss): Implementation of the EC Directive on the right for family reunification and some questions on the handling procedure and DNA analyses related to family reunification"

Government Bill 2005/06:72: Implementation of the EC Directive on the right for family reunification and some questions on the handling procedure and DNA analyses related to family reunification"

Regeringens Skrivelser, Migration och Asylpolitik:

2002/03:28

2003/04:37

2004/05:47

2005/06:18

2006/07:58