



Family Reunification in Sweden – Policies and Practices

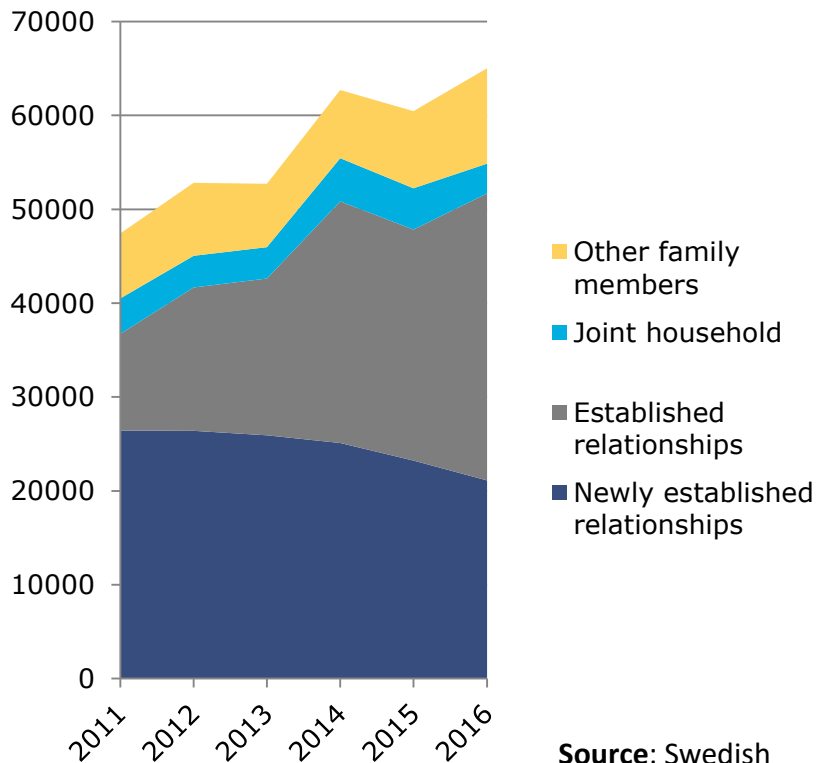
**Swedish EMN & DELMI National Conference “Family reunification
in Sweden and Europe – state of play and lessons for the future”
Stockholm, 12 May 2017**

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Basic overview

Number of received first time applications for family reunification

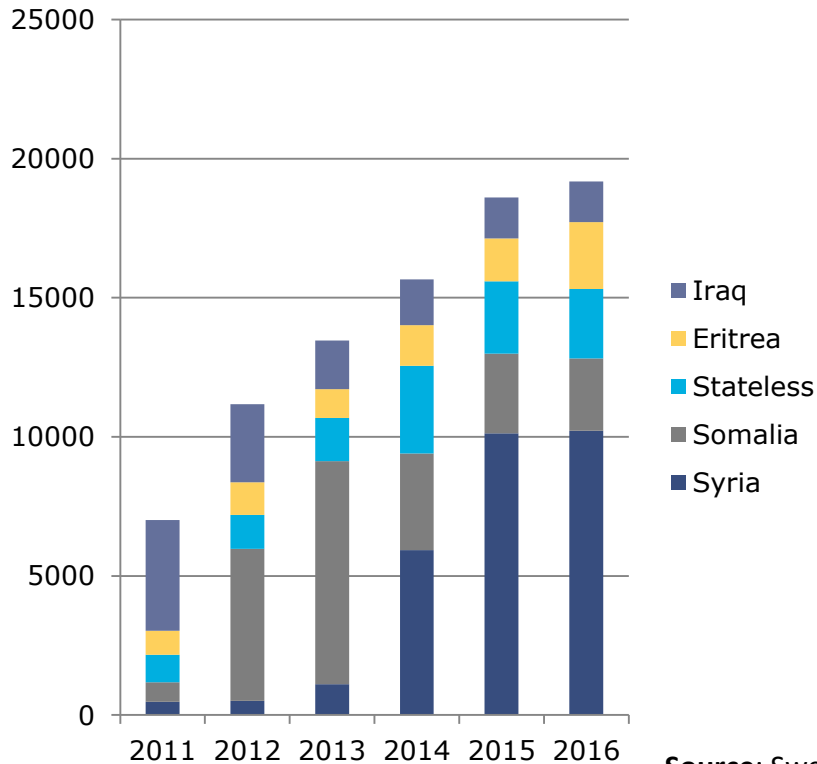


Source: Swedish Migration Agency

- Family-based migration **often largest** category
- Family reunification often subject to less public and policy debate than asylum seekers
- Maintenance requirement and lengthy application processing times source of some debate

Major trends

Number of granted residence permits for family reunification – top 5 nationalities



Source: Swedish Migration Agency

- Applications for asylum and family reunification strongly **interconnected**
- Top countries in asylum = top countries in family reunification
- **China** and **Thailand** only major countries for family reunification from which Sweden does **not** receive many asylum seekers

Legal framework

- **Aliens Act (2005)**
 - Amendments over the years, e.g. possibility of DNA-test, provisions with a view to reduce risk of family separation
- **Temporary act on restrictions of the possibility of being granted a residence permit in Sweden (2016)**
 - In force 20 July 2016 to 19 July 2019
 - Temporary residence permits (except for resettled)
 - Limits family reunification to nuclear family
 - Beneficiaries of subsidiary protection may only exceptionally have possibility to family reunification
 - Tougher maintenance requirements
 - Minimum age 21 years for spouses/partners



Basic legal rules and practices



- Main rule – residence permit applied for and granted **before** entry to Sweden (**exceptionally** granted after entry)
- Permanent residence permit main rule in Aliens Act (“established relationships”)
- **Deferral of immigrant status** = two year probation period (“newly established relationships”)
- Gender neutral = **opposite sex** and **same sex** spouses **equal** rights
- Spouses/common law spouses **equal** status
- Nuclear family members **right** to reunite
- Unaccompanied minors who are beneficiaries of international protection **right** to reunite with parents in Aliens Act
- Extended family members **may** reunite (“joint household” or due to exceptional grounds) in Aliens Act

Basic legal rules and practices 2



- An applicant must as a rule **substantiate** his/her identity and family ties with written documentation, normally with a passport
- **DNA-tests** to prove family ties possible
- Assessment of **best interest of the child** integral in decisions which affect a minor
- Maintenance and accommodation requirements assessed at time of decision
- Possibility to apply for **autonomous residence** in case of dissolution of family ties in Aliens Act
- Few post admission integration requirements – **BUT**, family members equal access as sponsor to education, vocational training etc.

Application procedure

- Family member submits application at **Swedish mission abroad** or **online** via the Swedish Migration Agency's website
- Missions play important role
 - E.g. check/verify documents, collect fees & biometrics, carry out interviews, notify applicants
- Swedish Migration Agency decides on applications
- Appeals processed at Migration Courts and Migration Court of Appeal



Recent challenges

- Massive **backlog** of applications at the Swedish Migration Agency, **long wait times** for applicants
- → Digital case management, increased use of written communication, Action plan and increased resources to family reunification at Swedish Migration Agency
- Difficulties to reach Swedish **missions** for applicants
- → Online application (by sponsor), more missions to accept applications
- Difficult for some applicants to **prove** identity and family ties
- → Case law development since 2012 generally **benefited applicants**; alleviation of evidentiary requirement, DNA-tests
- **Costly** for applicants to acquire original documents required by authorities
- → Application fees waived for several categories



Conclusions & Summary

- Migration for family reasons **traditionally** major category
- Protection related migration and migration for family reasons **strongly interconnected**
- Consequences of the **temporary act** likely to be subject to increased public attention
- Swedish Migration Agency enabled to **shift resources** to family reunification as number of asylum seekers significantly lower, action plan for family reunification
- Expected **increased** policy debate approaching 2019

Thank you!

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