

# Input by civil society organisations to the Asylum Report 2024

Fields marked with \* are mandatory.

Dear Colleagues,

The production of the Asylum Report 2024 is currently underway. The [annual Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2023 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (**'Part B' of the form**).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

**\*Please submit your contribution to the Asylum Report 2024 by Thursday, 30 November 2023.\***

## Instructions

---

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

### Part A:

- New developments and improvements in 2023 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

### Part B:

- New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

## PART A: Contributions by topic

---

### 1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

The Swedish government is preparing new legislation which gives the government the authority to, in certain cases, issue regulations prohibiting the transport of persons who do not have valid identity documents to Sweden with certain means of transport. This can prohibit asylum seekers from reaching Sweden to apply for asylum here. <https://www.regeringen.se/rattsliga-dokument/lagratsremiss/2023/11/tillfalliga-forbud-att-transportera-personer-utan-giltiga-identitetshandlingar-till-sverige/>

### 2. Access to information and legal assistance (including counselling and representation)

The Swedish government has expressed the ambition to remove the right to a public legal counsel in the first instance.

**3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

The Swedish government has expressed the ambition to review the right to interpreter so that it is not more generous than what is required by EU law.

A government inquiry has inter alia examined requirements concerning interpreters: <https://www.regeringen.se/rattsliga-dokument/departementsserien-och-promemorior/2023/06/ds-202314/>

**4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

**5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

**6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

The financial support to asylum seekers has not been increased since 1994, making it very low. Temporary protection holders under the TPD also receive this low level of financial support. There are ongoing initiatives by the government with the aim that all asylum seekers shall stay in reception centers and not arrange accommodation themselves. An inquiry is also tasked with examining and developing proposals that asylum seekers should be assigned to stay within a geographical area. (<https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2023/06/dir.-202393>).

**7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

The detention capacity is to be increased by 100 places. <https://www.migrationsverket.se/Om-Migrationsverket/Pressrum/Nyhetsarkiv/Nyhetsarkiv-2023/2023-05-24-Beslut-om-utveckling-av-forvarsverksamheten.html>

**8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**

**9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management -including backlog management)**

There are considerable differences in processing times of asylum seekers between the different Migration Courts, where some process asylum cases within a couple of months and others within a few years.

**10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

**11. Issues of statelessness in the context of asylum (including identification and registration)**

The Swedish Migration Agency has issued guidance on the assessment of statelessness as part of a person's identity: <https://lifos.migrationsverket.se/dokument?documentSummaryId=47299>

**12. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

The Swedish Migration Agency has in a review identified problems with the identification and assessment of the best interest of the child in asylum cases with families with children: <https://www.migrationsverket.se/Om-Migrationsverket/Pressrum/Nyhetsarkiv/Nyhetsarkiv-2022/2022-12-22-Bristande-motivering-av-barnets-basta-i-asylbeslut.html>

The review also shows deficiencies in the conditions for children to talk about their own reasons for asylum, and that child-specific protection grounds are not identified.

The Committee on the Rights of the Child have also identified several issues in their recommendations to Sweden, see CRC/C/SWE/CO/6-7, para. 42-43.

For issues relating women, see the Swedish Refugee Law Center's report, Kvinnor i asylprocess, included below under B.

### **13. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

The rules for family reunification for those granted subsidiary protection will change on 1 December 2023. Currently if a person granted subsidiary status applies for family reunification within three months of being granted this status, then there will be no need to fulfil income or housing requirements to support the family that otherwise apply for family reunification. Thus, those with subsidiary grounds were granted the same rights as those granted refugee status. From December 1 all those requesting family reunification as beneficiaries of subsidiary protection will have to fulfil the requirements to support the family members with both income and housing.

### **14. Return of former applicants for international protection**

The Swedish Migration Agency and the Police have been instructed by the government to increase the number of returns. Return centres were introduced during the year.

### **15. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

The Swedish government has reduced the number of resettlement from 5,000 to 900 places and introduced a requirement relating to the individual's integration prospects to the selection criteria.

### **16. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)**

**17. National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))**

MIG 2023:12 Title: The principle of family unity does not entail a separate right to refugee status, when a subsequent application according to ch. 12 Section 19 of the Aliens Act has been granted, for a foreigner who is a family member of a refugee but who has no such protection grounds of his own. <https://www.domstol.se/migrationsoverdomstolen/avgoranden/2023/134095/>

**18. Other important developments in 2023**

On December 1, 2023 the Aliens Law will be changed regarding the basis for claims on humanitarian grounds for a residence permit. Previously it was sufficient in the case of children that there were sufficient grounds for such an application whereas adults needed exceptional grounds to apply for such a permit. From December 1 exceptional grounds will apply for both children and adults.

## **PART B: Publications**

---

**1. If available online, please provide links to relevant publications produced by your organisation in 2023**

<https://sweref.org/wp-content/uploads/2023/02/asylrattscentrums-analys-av-tidoavtalet-2023-02-23.pdf> (also available in a web-version which is continuously updated here: <https://sweref.org/tidoavtalet/>)

<https://sweref.org/wp-content/uploads/2023/03/kvinnor-i-asylprocess.pdf>

<https://sweref.org/brister-i-provningen-av-barns-asylarenden/>

**2. If not available online, please share your publications with us at: [Asylum.Report@euaa.europa.eu](mailto:Asylum.Report@euaa.europa.eu) or upload your file using the functionality below (max. file size 1MB).**

Please upload your file

The maximum file size is 1 MB

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

|   | Title of publication | Name of author | Publisher/Organisation | Date |
|---|----------------------|----------------|------------------------|------|
| 1 |                      |                |                        |      |
| 2 |                      |                |                        |      |
| 3 |                      |                |                        |      |
| 4 |                      |                |                        |      |
| 5 |                      |                |                        |      |

## Contact details

---

\* Name of Organisation

Asylrättscentrum - Swedish Refugee Law Center

Name and title of contact person

Martin Nyman

\* Email

martin.nyman@sweref.org

I accept the provisions of the EUAA [Legal and Privacy Statements](#)

### Useful links

[EUAA Asylum Report 2023 \(https://euaa.europa.eu/asylum-report-2023\)](https://euaa.europa.eu/asylum-report-2023)

[Executive Summary -Asylum Report 2023 \(https://euaa.europa.eu/asylum-report-2023/executive-summary\)](https://euaa.europa.eu/asylum-report-2023/executive-summary)

[Sources on Asylum 2023 \(https://euaa.europa.eu/publications/sources-asylum-2023\)](https://euaa.europa.eu/publications/sources-asylum-2023)

[National asylum developments database \(https://euaa.europa.eu/national-asylum-developments-database\)](https://euaa.europa.eu/national-asylum-developments-database)

[Asylum in Europe in 2022: A Year in Review \(https://euaa.europa.eu/asylum-europe-2022-year-review\)](https://euaa.europa.eu/asylum-europe-2022-year-review)

### Background Documents

[Word template to submit input](#)

### Contact

[Contact Form](#)



