

Final Report ENARO visit to Sweden 2004 - E.R. de Vries

Introduction

Within the framework of the ENARO Exchange Programme, I visited the Swedish Migration Board (Migrationsverket) in Flen, Sweden, from 18 to 30 April 2004. The assignment was to examine how the return of asylum seekers was organised, especially regarding the contents of the interviews about repatriation to encourage asylum seekers to return independently to their country of origin.

To prepare for my visit to Sweden I read the reports written by Maurice Beljaars and Anette Diender. These reports give a good insight into the Swedish organisation. For further information about the Swedish reception model I would like to refer to these reports.

I worked together with Liesbeth van Bommel (AUB department in Rijswijk) during the first week. It proved to be very helpful to exchange experiences with her about the situation at AUB-AZC in the Netherlands and the situation in Sweden at the various levels. I would like to recommend the same for a next visit in order to get the broadest possible information about a reception organisation.

My guide Rod Bennett together with the co-ordinator Ingrid Lindströmm set up a programme for me for the first week based on the idea of meeting as many people as possible in a short time, and to gather information. For the second week I made the appointments myself with the staff that could give me more insight into the various conversations I had had. I was very warmly received in Sweden, and everybody was very enthusiastic in their support to me.

Reception Organisation - General

The Migration Board is an organisation that takes care of both the reception of asylum seekers and the assessment of the asylum application, as well as any expulsions.

Asylum seekers lodge their applications at Nörrköping, where they stay for about 5 days 'in transit'. During this stay it is decided whether the asylum seeker will have the short or the long procedure. This is followed by their transfer to various centres (Transit Flen, Reception, Detention).

Transit

The Transit is for asylum seekers that have little chance of staying in Sweden, in particular the Dublin claimants. They will stay there for 3 months at the most. In case the procedure takes longer, they will be transferred to a Reception Centre.

Reception

Reception Centres can be compared with the AZCs [Asylum Seekers' Centres] in the Netherlands. The accommodations at Flen are largely outside the centre, as the Migrationsverket rents apartments where asylum seekers are accommodated. These apartments are spread over the region, but are mostly in Flen. The Migrationsverket rents the apartments from a kind of housing association. The average duration of a tenancy contract is 3 months, and the contracts can be terminated when demand decreases.

In Sweden, the decision for staying in apartments in towns and cities is made consciously to let the asylum seekers live among the Swedish population. When arranging their return, no difference is made between asylum seekers living in apartments and those who live at the Centre. One of the advantages of living in apartments is the independence they have during their stay. Sweden allows asylum seekers to work if they are admitted to the longer procedure (after 4 months). If they work, money is deducted from the allowance of the parent that earns the money and from the children belonging to the household, but not from the other parent. The authorities may request to withhold allowance, but it is not compulsory.

Detention

Flen has two detention centres. Because of the size of the existing buildings it was not possible to set up one centre. The centre accommodates some 20 persons (both men and women). Children are allowed to stay at the detention centre only if their deportation has already been booked (72 hours). The residents of the detention centre consist of persons who are expected to leave with unknown destination. The handling officer must assess whether a person is likely to 'abscond', and the legal adviser also studies the case, together with the handling officer. If the person does not co-operate and it is not possible to get the necessary documents, they may be forced to let that person go. It even happened that someone spent 10 months in detention, then was released, then committed a criminal activity, was detained again for 10 months, released again, etc. After a person is released he is again entitled to be accommodated and to receive an allowance. This can continue endlessly if someone does not co-operate in repatriation, and if the country of origin does not cooperate in allowing the person to enter. It also happens that the police shops around in the countries to see whether for the person entry is allowed at the border.

A 'case' can be transferred from the Migrationsverket to the police in case of a forced leave. As it is, the officers of the Migrationsverket do not have the authority to deport someone forcibly. Both the local and the national police are independent organisations, of which the aliens registration department forms a part. This makes it difficult to force them to carry out their activities in a certain way.

Case Manager / Handling Officer / Return Officer

The request for asylum is handled in Norrköping. A case manager is assigned to the asylum seeker and remains responsible for the decisions during the entire procedure. After the interview, the decision is taken whether the asylum seeker must have the short procedure or the long procedure. The distribution of the caseload is done on the basis of availability. Differentiation is made between the staff of Transit, and the staff of Reception. If a member of staff still has room to handle a case, new cases will be assigned to him; the person's background is not taken into

account. A maximum caseload will constitute about 100 cases. A return officer will have a caseload of about 65 cases.

For the job of handling officer you need an education of university level or higher vocational training, or at least enough work experience that equals the required level. But there is no further difference between the two positions; the idea behind it is that the jobs are interchangeable. Another feature is that the Migrationsverket has no hierarchical levels and is a flat organisation.

Long procedure

The asylum seeker will be transferred to a reception centre or to relatives or friends when he is booked for the longer procedure. Then a handling officer is assigned to support the asylum seeker. The handling officer keeps contact with the case manager about the asylum procedure.

The asylum seeker is asked for an interview, receives general information and will be told of the obligation to take a Swedish language course. Several appointments are made:

Week 1: arrival at the centre, general information at the reception desk and by the accommodation officer;

Week 2: interview with the handling officer (information about the obligation to attend school, registering, general information and the request of taking along some identity papers in about three weeks' time).

Week 5/6: checking the identity papers, asking whether they have them, and if they have, to hand them in. In the latter case, the documents are sent to the Central Bureau in Nörrköping.

The next invitation is only after 4 months. It often happens that a decision has come about the asylum procedure. This decision and the grounds are integrally read by the officer. The case is then referred to the return officer (this is what happens in Flan). Most asylum seekers lodge an appeal with the Aliens Appeal Board. The outcome of the case will no longer be communicated by the handling officer, but by the return officer.

My Swedish colleagues think differently about this division of tasks, and they usually believe that it is not efficient to transfer the contacts to the return officer.

Short procedure

If they will have the 'short' procedure', the asylum seekers are transferred to the Transit Centre. Here, too, they are assigned to a handling officer, but emphasis is placed more on returning and on obtaining the proper documents. The asylum seekers are no longer encouraged to pursue activities. In the transit centres, most decisions are taken within 3 months.

If someone does not meet the appointment for interviews, they promptly contact the 'accommodation assistant' to check the room. It often happens that the asylum seeker has already left. Whenever the asylum procedure is discussed an interpreter will be called in.

The handling officer is the one that communicates the negative decision to the asylum seeker, by reading the decision literally with the help of an interpreter. The asylum seeker can lodge an appeal with the Appeal Board against the negative decision, but the grounds on which someone could lodge an appeal is not further discussed in the conversation between the handling officer and the asylum seeker. The appeal must be submitted in writing, but meanwhile the expulsion is continued as planned. If it is expected that the asylum seeker will leave prematurely he can be put in custody, but only if there is no cooperation from the asylum seeker's part, or when it is expected that he will not co-operate. When someone clearly indicates that he is willing to cooperate he

cannot be remanded in custody, as detention must always be justified, both to the asylum seeker and legally.

The Return Officer

After the last decision, the dossier is transferred to the return officer. He has contacts with the Swedish embassies all over the world and will try to discover the alien's identity. When contacts are sought with foreign embassies they will contact the head office. The return officer is specialised in repatriations. The difference between Sweden and the Netherlands is that in the Netherlands asylum seekers are turned out into the street 28 days after the final decision. But that is when in Sweden the return officer's work starts. Working on repatriation takes at least one year on average.

Imposing sanctions

Sweden has two possibilities for sanctions. The first one is withholding money from the resident. There are several degrees, but up to a certain level as the Swedish authorities are obliged to provide accommodation and food. The interviews with the return officer are obligatory. If someone does not show up to the first appointment, the money is 'frozen' which makes that contacts are soon restored. Any reception officer can impose these sanctions. When a person does not even keep the next appointment without valid reason, pocket money is withheld. The second option is detention (this has already been described under 'reception centre general')

Registration of data

All information and data about the asylum seeker is stored in the computer. At this point in time, they work with two programs: DOS (like our VD - Aliens Registration Department is working with) and SLIM, the new system (used for all asylum seekers entering after 1-1-2004). The old system will remain in use as long as there are still asylum seekers from before 1-1-2004. The new system can be compared with the combination of the Dutch Immigration and Naturalisation Services, the Dutch Aliens Registration Department, and Adsis. All information about the asylum seeker and his application is stored with this system, called Individplan. Everybody can use this system, including the interviewer, the case manager, the handling officer and the police. And everyone has his own authority or licence for entering the system.

On arrival, the asylum seeker's photograph and fingerprints are taken. The photograph is entered into the Individplan and put on his identity card. The fingerprints are sent to the Schengen Information System located in Luxembourg for check-up. When a decision is taken, it is ticked off in the system, and the decision is added to the system. This makes that everyone can consult the decision.

If someone has not yet received the first decision, it is impossible to tick off the item 'information after the first negative decision'. When the system is in use, the procedure can be changed. If it shows that an application for asylum is a Schengen claim, the licensed person can change this and the steps to be taken become automatically visible. All in all a very orderly and effective system for all persons involved.

Return Project

The Transit mainly accommodates Dublin claimants. A project has now been set up to let people from Italy return. It is a group of Somalis and Eritreans. The project is called 'Plattform Flen'

(www.plattformflen.se). It is a co-operation between Management Mind, Migrationsverket and Arbetsformedlingen, and is subsidised by the European Refugee Fund. In this project, information is given about the asylum procedure in Italy. The people do a course in computer skills so that they can get more information from the Internet about applying for asylum in Italy. It appeared that many applied for asylum in Italy but did not receive any information about the reception possibilities, and many people were out on the streets as a result. Via proper information, these people are now referred to reception organisations, and contacts are being made while in Sweden. One person has already returned and informed others that there are indeed reception possibilities in Italy.

In the case of Dublin claimants, the so-called 'first country' must give a reply on the Dublin case within 6 months, but it often doesn't happen. However, if there is evidence that a person is indeed from a certain country, it is possible to deport that person to that country. This project is aimed at giving asylum seekers all possible information, so that they know what to expect on their return.

Return Figures

There were 31,355 asylum seekers in Sweden in 2003. De Migration Board assisted 8,647 persons in their return. The police deported 1,511 persons, and 7,380 persons left with an unknown destination.

It is difficult to explain these figures, but the difference with the Dutch figures may give a possible explanation:

1. The issue of return is raised from day 1, but by the time that all legal remedies are exhausted, the dossier is transferred to the return officer at the location (this is what happens in Flen), who will raise the return issue more intensively. Counting from that time, it still takes one year on average before the people can be returned effectively.
2. When a person does not want to cooperate in his return, there is the possibility to detain him. Success is not guaranteed, but from the 280 people that were detained last year, some 210 have left, be it voluntarily or forced. (situation in Flen).
3. There is the option to reduce the financial allowance to a minimum.
4. Asylum seekers will never become legal. They always refer to two different groups: the ex-asylum seekers and the illegals. This influences the figures.
5. About 20-25% of the asylum seekers in transit (a stay of at the most 3 months) leave with an unknown destination.
6. The asylum seekers that will have the 'long procedure' are accommodated in apartments rented by the Migrationsverket. This gives the asylum seekers a better chance of integrating into Swedish society, and they are allowed to work. This may seem attractive, but it is very confronting at the same time. They soon find out that it is not easy to find a job in Sweden, that many expenses are involved and that acceptance by the community cannot be taken for granted.

Recommendations:

- Availability of the IND Immigration and Naturalisation Services' information and data. Linking the systems of IND, Aliens Police and the BIS.
- Shorter lines between the COA Central Agency for the Reception of Asylum Seekers, and the IND. Although they are separate organisations, we may show that we follow the same lines.

- The COA must be more realistic; setting its goal of only providing accommodation, or focussing on repatriation. When opting for repatriation, it follows that more must be invested in it. The role that the IOM plays can be taken over partially, and they must get busy with repatriation from day 1. The caseworker must work up the subjects of procedures, contacts with embassies, knowledge of countries and documents, and this will be COA's main task. In addition to the staff oriented on repatriation, there are staff present specialised in running COA's accommodations. The average caseload is 100-120 persons. Another option is to have one person per centre to maintain external contacts with embassies.
- One organisation for the COA, the IND and the VD. This may not be feasible in the short term, but could be the solution of many problems. Sweden has the advantage that the handling officer belongs to the same organisation as the decision-making official. The asylum seeker will know that too, and he will take the official seriously. Furthermore, the fact that the officer informs the asylum seeker of the first negative decision may be important for building up a 'working relationship'.
Apart from this advantage, one organisation will work more efficiently than the three organisations we now have (please see also the recommendations made by Maurice Beljaars and Anette Diender).
- Compulsory Dutch language course until the first negative decision is taken, then an alternative programme, such as course of English language or computer skills. However, if these courses are compulsory, the quality of the courses must be high and must not have the standard of occupational therapy. It also must be made clear why these courses are compulsory, not because it is good for the asylum seeker to be occupied, but because accommodation and financial support is offered and something is expected in return.
- Intranet must be improved. There must be more substantial information on the Intranet, such as information about countries, documents, and procedures.
- Training for staff: employees must be trained to have better knowledge about procedures, documents, and countries.

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