

SWEDEN

Sweden is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First and Second Optional Protocols. Some 16,303 applications for asylum were filed in 2000, and at the end of the year, 10,833 applicants were awaiting decision on asylum applications.¹ In 2001, some 23,515 asylum applications were lodged and at the end of the year, approximately 16,000 applications for asylum were pending.² In the first three months of 2002, 7,240 people sought asylum.³ No information was available on the number of asylum seekers detained.

Asylum seekers may be detained if their identity and nationality are in doubt, if they are likely to be refused entry or be expelled, if questions arise regarding ability to enforce a refusal-of-entry or expulsion order, or if they are likely to abscond or to commit a criminal offense.⁴ The decision to detain may be made by one of four agencies: the police, the Immigration Board (SIB), the Aliens Appeals Board, or the Minister of Foreign Affairs. When the decision is made by the police, it must be confirmed by one of the other three.⁵

Non-compulsory accommodation is provided in reception centers overseen by the Swedish Immigration Board (SIB). These consist of furnished flats which accommodate

¹ U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2001 at 258, *available at* <http://preview.refuges.org/world/worldmain.htm> (Immigration and Refugee Services of America 2001) [hereinafter USCR WORLD REFUGEE SURVEY 2001].

² U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 201, *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

³ Associated Press, *Danish-Swedish spat over proposal to tighten immigration rules*, at World News, May 25, 2002, *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home/+0wwBmepc-sswwwowwwwwwwmFqnN0bIhFqnN0bItFqnDni5AFqnN0bIcFqBywDo5re2kfhmo5ra5pwBDzmxwwwwww/opensdoc.htm> (last accessed Aug. 29, 2002).

⁴ DANISH REFUGEE COUNCIL, LEGAL AND SOCIAL CONDITIONS FOR ASYLUM SEEKERS AND REFUGEES IN WESTERN EUROPEAN COUNTRIES at 278, *available at* <http://www.english.drc.dk/publications/> (May 2000) [hereinafter DRC W. EUR. REPORT 2000]; E-mail from Rickard Olseke, Swedish Red Cross, to Emily O'Connor, Debevoise & Plimpton (Nov. 7, 2001, 09:03 EST) (on file with Debevoise & Plimpton) [hereinafter Swedish Red Cross Correspondence].

⁵ European Parliament, Working Paper: Asylum in the EU Member States (Jan. 2000), at 154, *available at* http://www.europarl.eu.int/workingpapers/libe/pdf/108_en.pdf (last accessed Aug. 29, 2002).

families as well as shared flats for single asylum seekers.⁶ Financial assistance may be provided to needy asylum seekers by the SIB,⁷ which usually requires that recipients participate in activities such as language or job training.⁸ Some reception centers also provide on-site medical care and specialized counseling for survivors of torture.⁹

Is there independent review of the detention decision? Yes.

Detention orders generally are to be reviewed within two weeks and detention orders related to refusal-of-entry or expulsion orders are to be reviewed within two months. If such review does not take place within these periods, the detention order ceases to be applicable. If the orders are continued upon review, they are to be reviewed periodically at the same intervals indicated above by the County Administrative Courts.¹⁰

Decisions to detain made by the police, the SIB or the Aliens Appeals Board may be appealed by the asylum seeker to an administrative court; leave is required to appeal the administrative court's decision to the Administrative Court of Appeals. Detention decisions made by the Minister of Foreign Affairs may be appealed to the Supreme Administrative Court.¹¹

Are there limits on period of detention? Yes.

According to a late 2000 report, detention to determine an asylum seeker's right to stay in Sweden is limited to 48 hours and detention to ensure removal or determine identity is limited to two weeks, though these periods may be extended indefinitely on exceptional grounds.¹²

⁶ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, RECEPTION STANDARDS FOR ASYLUM SEEKERS IN THE EUROPEAN UNION at 159-160 (July 2000) [hereinafter UNHCR EU REPORT 2000]; EUROPEAN COUNCIL ON REFUGEES AND EXILES, STUDY ON THE AVAILABILITY OF FREE AND LOW-COST LEGAL ASSISTANCE FOR ASYLUM SEEKERS IN EUROPEAN STATES at 28, *available at* <http://www.ecre.org/research/legalassistance/index.shtml> (November 2001) [hereinafter ECRE EUR. STUDY 2001].

⁷ USCR WORLD REFUGEE SURVEY 2002, *supra* note 2, at 201.

⁸ UNHCR EU REPORT 2000, *supra* note 6, at 160.

⁹ *Id.* at 160, 162.

¹⁰ Swedish Red Cross Correspondence, *supra* note 4.

¹¹ *Id.*

¹² DRC W. EUROPEAN REPORT 2000, *supra* note 4, at 278.

Pre-deportation detention is limited to two months, with the possibility of an unlimited number of extensions.¹³ Such detention may last over one year, in particular for those who cannot be removed due to conditions in their country of origin.¹⁴

Is there periodic review of detention? Yes.

There is regular review by County Administrative Courts¹⁵, at two-week intervals for ordinary detention orders, and at two-month intervals for detention orders related to refusal-of-entry or expulsion orders, according to the Swedish Red Cross in late 2001.¹⁶

Is there access to government-funded legal aid? Limited.

Free state-funded legal aid is provided under the normal determination procedure.¹⁷ Under the accelerated procedure, however, there is a right to legal counsel but not to state-funded legal aid (unless the deportation is to the country of origin, in which case free legal counsel is provided by the government).¹⁸ Asylum seekers with respect to whom there is a strong presumption that they will be granted refugee status are also not provided with legal aid.¹⁹ Legal aid is always provided for appeals.²⁰

Vulnerable groups: Unaccompanied minors are processed under the normal determination procedures, and are appointed both a guardian to assist during interviews and a legal representative. They may be detained only under exceptional circumstances and,²¹ if under 18, may be detained for no longer than 6 days, according to a source in late 2001.²² As of 2000, there are no special accommodations made for female asylum seekers.²³

¹³ *Id.* at 278.

¹⁴ UNHCR EU REPORT 2000, *supra* note 6, at 162.

¹⁵ *Id.*

¹⁶ Swedish Red Cross Correspondence, *supra* note 4.

¹⁷ UNHCR EU REPORT 2000, *supra* note 6, at 159.

¹⁸ *Id.* at 157, 159.

¹⁹ DRC W. EUROPEAN REPORT 2000, *supra* note 4, at 275, 277; UNHCR EU REPORT 2000, *supra* note 6, at 159.

²⁰ UNHCR EU REPORT 2000, *supra* note 6, at 159.

²¹ Swedish Red Cross Correspondence, *supra* note 4.

²² ECRE EUR. STUDY 2001, *supra* note 6, at 281.

²³ DRC W. EUROPEAN REPORT 2000, *supra* note 4, at 278.