

# Input by civil society to the 2021 EASO Asylum Report

Fields marked with \* are mandatory.

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C o l l e a g u e s ,

The production of the *EASO Asylum Report 2021* is currently underway. The annual [Asylum Report series](#) present 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, UNHCR and researchers. 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, policy or practice in 2020 (and early 2021) by topic as presented in the online survey.

Please note that the EASO 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. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2021 contributions will be published on the EASO webpage. Contributions to the 2020 EASO 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 EASO Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

**Nina Gregori** - *EASO Executive Director*

\*Please complete the online survey and submit your contribution to the 2021 EASO Asylum Report by **Thursday, 25 February 2021**.\*

## Instructions

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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:

- New developments and improvements in 2020 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2020.

Please ensure that your responses remain within the scope of each section.

## Contributions by topic

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### **1. Access to territory and access to asylum procedures (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)**

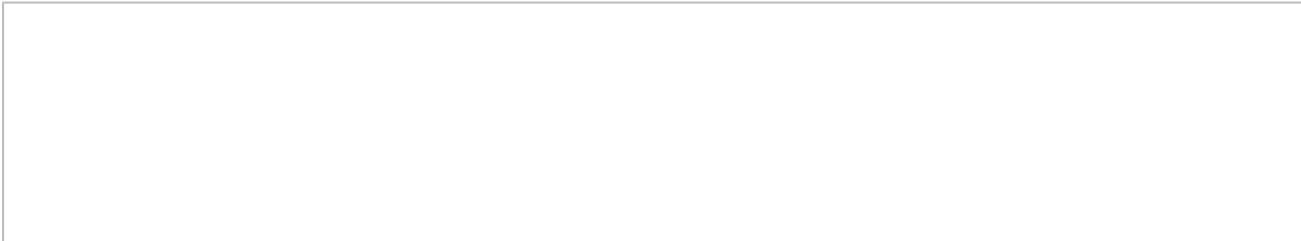
Access to the Swedish territory has been limited due to the Covid-19 pandemic. Already before the pandemic the number of asylum seekers arriving in Sweden had decreased significantly comparing to 2015-2016. The processing time of asylum claims has also decreased in recent years, a majority of applications are currently handled within six months.

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

Access to correct, and especially child friendly, information is still a challenge for many asylum seekers. Despite several initiatives by the Migration Agency to improve the information and communication to and with asylum seekers, children and families that Save the Children meet feel that they have not received relevant and important information on time. For instance, prior to moving from a reception center in one municipality to another, rights in relation to return procedures etc.

### **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)**

### **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)**

Following a judgment from the ECJ, 25 July 2018 C-404/17, the Swedish Government introduced a new law authorizing the Migration Agency to develop a list of "safe third countries". This would enable the Migration Agency to immediately reject applicants from so called "safe third countries". The applicant would still have the right to an individual assessment but under an accelerated procedure, with rejection being the presumption.

**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)**

Many applicants, including families, are obliged to shift accommodation during the asylum procedure. Currently, reception centers in some parts of Sweden are closing due to a decreased number of arrivals. This implies that applicants, including children, have to move, often to another municipality, change school etc. Coordination between the Migration Agency and municipalities is often lacking resulting in gaps in school enrolment, provision of health care etc. The information provided to applicants concerned is at times insufficient and not provided in due time prior to the move.

Unaccompanied minors turning 18 years are especially affected, since they lose many rights, such as their legal representative. They are often obliged to move to another accommodation for adults, sometimes in another part of the country. Children in families turning 18 years are also affected. Especially, youth who have received negative decisions (e.g. applicants from Afghanistan) lose their right to accommodation and financial support even if return is not possible within due time. This may also result in family members being separated.

**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)**

In Sweden, asylum seekers are not detained on arrival but rejected asylum seekers or others denied the right to stay may be detained prior to return. In 2017, there were at least 57 children in detention in Sweden. Many detention decisions lack a clear legal basis and/or reasons for detention. In a majority of decisions, the proportionality of the decision has not been assessed and the principle of the best interests of the child is often ignored. In 2018, authorities decided to expand the capacity in detention centres from 357 places to potentially over 900 in order to increase deportations of those denied permission to stay. Sweden has been criticised for detaining children and also for the limited use of alternatives to detention.

**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)**

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

**11. 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)**

Child friendly information is not always provided during the asylum and return procedure. Especially children with families are often treated as part of a family and not necessarily a separate individual with separate needs.

Assessment of child specific protection needs and the best interest determination process is still deficient at times. For several years there have been discussions regarding the age assessment procedure and the methods have received much criticism. Therefore, the government initiated in 2020 a national enquiry regarding age assessments (deadline 31 May 2024).

**12. 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)**

**13. Return of former applicants for international protection**

**14. 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)**

Since 2018 Sweden receives 5000 resettled refugees per year. Last year 1401 of the places were not filled due to the pandemic. Therefore, the number of resettled refugees will be higher 2021, adding the 1401 places to the existing quota of 5000 (i.e. a total of 6401 places).

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

**16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))**

In a precedential case from the Migration Court of Appeal a 14 year old girl, born and raised in Sweden, was, due to exceptional circumstances, granted a residence permit based on humanitarian grounds since a deportation would have been in conflict with the UN Convention on the Rights of the Child. The court makes a thorough and comprehensive assessment of the child's best interest, which is much welcomed.

**17. Other important developments in 2020**

The UN Convention on the Rights of the Child became Swedish law in 2020. The convention has been ratified by Sweden since 1990 but was until last year not incorporated as a separate law.

## References and sources

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### 18. Please provide links to references and sources and/or upload the related material in PDF format

<https://www.domstol.se/globalassets/episerver-forms/domstol/migrationsoverdomstolen/mig-2020-24.pdf>

<https://resourcecentre.savethechildren.net/library/protection-beyond-reach-state-play-refugee-and-migrant-childrens-rights-europe>

<https://www.regeringen.se/pressmeddelanden/2020/11/regeringen-foreslar-regler-om-sakra-ursprungslander/>

### 19. Feedback or suggestions about the process or format for submissions to the EASO Asylum Report

Please upload your file

The maximum file size is 1 MB

## Contact details

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Rädda Barnen/Save the Children

### Name and title of contact person

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### \* Email

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

## Useful links

[EASO Asylum Report 2020 \(https://easo.europa.eu/asylum-report-2020\)](https://easo.europa.eu/asylum-report-2020)

[Executive Summary -EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf\)](https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf)

[Bibliography for the EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf)

[Summary of legislative, institutional and policy developments in asylum in EU+ countries in 2019 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf)

[Online database with data and latest asylum trends \(https://easo.europa.eu/asylum-trends-easo-asylum-report-2020\)](https://easo.europa.eu/asylum-trends-easo-asylum-report-2020)

[Online database for EU+ developments \(https://easo.europa.eu/eu-developments\)](https://easo.europa.eu/eu-developments)

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