Swedish Code of Statutes no **2005:716**

Ministry/Agency: **Ministry for Foreign Affairs**

Title: **Aliens Act (2005:716)**

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Chapter 1. Contents of the Act, certain definitions and general provisions

Contents

Section 1
This Act contains regulations on
- the contents of the Act, certain definitions and general provisions (Chapter 1),
- conditions on which an alien may enter, stay and work in Sweden (Chapter 2),
- visas (Chapter 3),
- right of residence (Chapter 3a),
- refugees and persons otherwise in need of protection (Chapter 4),
- residence permits (Chapter 5),
- long-term resident status in Sweden for third-country nationals (Chapter 5a),
- work permits (Chapter 6),
- withdrawal of permits (Chapter 7),
- refusal of entry and expulsion (Chapter 8),
- controls and coercive measures (Chapter 9),
- detention and supervision of aliens (Chapter 10),
- how an alien held in detention shall be treated (Chapter 11),
- enforcement of refusal-of-entry and expulsion orders (Chapter 12),
- procedure in cases being handled by administrative authorities, etc. (Chapter 13),
- appeal against the decision of an administrative authority (Chapter 14),
- declaration of acceptance (Chapter 15),
- migration courts and the Migration Court of Appeal (Chapter 16),
- duty to provide information (Chapter 17),
- public counsel (Chapter 18),
- liability for costs (Chapter 19),
- penalty provisions, etc. (Chapter 20),
- temporary protection (Chapter 21),
- tribunal witnesses (Chapter 22) and
- special authorisations (Chapter 23).

Certain definitions

Child

Section 2
In this Act ‘child’ means a person under 18 years of age.

Asylum

Section 3
In this Act ‘asylum’ means a residence permit granted to an alien because he or she is a refugee.

EU state
Section 3a
In this Act ‘EU state’ means a state that is a member of the European Union (EU).

EEA state and EEA national
Section 3b
In this Act ‘EEA state’ means a state that is covered by the European Economic Area (EEA) agreement.

‘EEA national’ means an alien who is a national of an EEA state.

Third-country national
Section 3c
In this Act ‘third-country national’ means an alien who is not a national of an EU state, another EEA state or Switzerland.

Schengen Convention and Schengen State

Section 4
In this Act ‘the Schengen Convention’ means the Convention Applying the Schengen Agreement of 14 June 1985.

‘Schengen State’ means a state that has adopted or acceded to the Schengen Convention or that has entered into an agreement with the Convention States on cooperation under the Convention.

Entry

Section 5
In this Act ‘entry’ means that an alien crosses the border into Swedish territory.

The Government may issue regulations on exceptions to what is stated in the first paragraph.

Exit

Section 6
In this Act ‘exit’ means that an alien crosses the border out of Swedish territory.

The Government may issue regulations on exceptions to what is stated in the first paragraph.

Security cases

Section 7
For the purposes of this Act, ‘security cases’ are cases in which the Swedish Security Service, for reasons relating to national security or otherwise bearing on public security, recommends
- that an alien be refused entry or expelled,
- that an alien’s application for a residence permit be rejected or
- that an alien’s residence permit be withdrawn.

General provisions

Section 8
The Act is to be applied so as not to limit the freedom of aliens more than is necessary in each individual case.

Section 9
The provisions of this Act on refusal of entry and expulsion also apply, where applicable, to transfer decisions under Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (the Dublin Regulation).

Section 10
In cases involving a child, particular attention must be given to what is required with regard to the child’s health and development and the best interests of the child in general.

Section 11
In assessing questions of permits under this Act when a child will be affected by a decision in the case, the child must be heard, unless this is inappropriate. Account must be taken of what the child has said to the extent warranted by the age and maturity of the child.

Section 12
An application for a residence permit that is based on circumstances specified in Chapter 4, Section 2 must be processed as an application for asylum.

Section 13
Security cases must be processed promptly.

Chapter 2. Conditions on which an alien may enter, stay and work in Sweden

Passports

Section 1
An alien entering or staying in Sweden must have a passport.

Section 2
The Government may issue regulations on the cases in which Swedish authorities may issue passports to aliens.

The Government or the Swedish Migration Board acting by authority of the Government may issue regulations prescribing which documents are recognisable as passports.

Visas

Section 3
A visa is a permit to enter and stay in Sweden for a certain limited period. An alien entering or staying in Sweden must have a visa unless he or she has a residence permit or has long-term resident status.

Right of residence

Section 3a
Chapter 3a contains provisions on right of residence for EEA nationals and their family members.

Residence permits

Section 4
A residence permit is a permit to stay in Sweden for a certain time (temporary residence permit) or for an unlimited time (permanent residence permit). A person who has a residence permit or has long-term resident status may enter Sweden, provided the condition in Section 1 is met.

Section 5
An alien staying more than three months in Sweden must have a residence permit unless a visa has been granted for a longer period.

Section 6
The Government may issue regulations requiring aliens to have a residence permit after staying in Sweden for less than three months.

Work permits

Section 7
A work permit is a permit to work in Sweden. An alien who is going to work in Sweden for reasons of employment here or in another country must have a work permit.

Exemptions from passport, visa, residence permit and work permit requirements

Section 8
The passport, visa, residence permit and work permit requirements stated in Sections 1, 3, 5 and 7 for entry, stay and work do not apply to nationals of Denmark, Finland, Iceland or Norway. The residence permit and work permit requirements do not apply to EEA nationals and their family members who have a right of residence. The work permit requirement does not apply to an alien who has a permanent residence permit.

However, the exemption from the passport requirement for entry only applies to nationals referred to in the first paragraph who are entering or have entered Sweden directly from a Schengen State.

Section 9
The Government may issue regulations stating that aliens other than nationals of Denmark, Finland, Iceland or Norway may enter Sweden and stay and work here without a passport, visa, residence permit or work permit.

Section 10
The provisions concerning passport, visa, residence permit and work permit requirements are not applicable to
1. diplomatic officers and career consular officers who are employed in Sweden by foreign states, their families, their employees, or
2. couriers of foreign states.

The Government may issue regulations stating that the provisions concerning passport, visa, residence permit and work permit requirements apply to a certain extent to the individuals specified in the first paragraph.

With regard to other aliens entitled to privileges under the Act on Immunity and Privileges in Certain Cases (1976:661), the restrictions that follow from that Act are to be observed.

Chapter 3. Visas

Section 1
An alien may be granted a visa if he or she
1. has a valid passport or other document that is to be recognised as a passport,
2. can, on request, produce documents showing the purpose and conditions of the intended stay in the country,
3. has medical travel insurance for the stay,

4. has sufficient means of support both for the duration of the stay and for return to the state of departure or transit to a third country that permits entry, or is legally able to obtain such funds,
5. has not been given notice of a prohibition to enter and
6. is not considered a risk to public order, national security or the international relations of any of the Schengen States.

Section 2
A visa for entry and a stay of a maximum of three months that is granted under Section 1 shall be issued as a uniform visa in accordance with the regulations in the Schengen Convention. A uniform visa is valid for entry and stay in the Schengen States as indicated by the visa.

If, on an overall assessment, it appears probable that the intention of the stay is other than the stated intention or that the alien will not leave Sweden or the territory of the Schengen States after the expiry of the visa period, a uniform visa must not be granted.

Section 3
A uniform visa under the Schengen Convention that has been issued by a competent authority in any Schengen State is valid in Sweden.

Section 4
If the conditions for a visa stated in Section 1 and Section 2, second paragraph, are not fulfilled, a national visa may be granted if it is necessary for humanitarian reasons, because of Sweden's international obligations or if there is some other strong national interest in granting a visa. Such a visa only gives permission to enter and stay in Sweden. When assessing whether a national visa shall be granted, the importance of the purpose of the visit must be weighed against the risk that the person granted the visa will not leave Sweden after the expiry of the visa period.

If there are special grounds, a national visa may be granted for a period longer than three months, but not exceeding one year. It may only be granted for a longer period than the alien's passport is valid for when there are special grounds.

If a national visa is issued, the other Schengen States must be informed.

Decision-making authorities

Section 5
Decisions on visas are issued by the Swedish Migration Board. Decisions on visas may also be issued by the Government Offices.

Authorisations

Section 6
The Government or, by authority of the Government, the Swedish Migration Board may issue regulations empowering other authorities to decide on visas.

The Government may issue regulations empowering a body that is associated with the Swedish Trade Council to decide on visas.

The Government may enter into an agreement with a Schengen State that the competent authorities of that State may issue decisions on uniform visas.

Section 7
The Government may issue further regulations on visas.

Chapter 3a. Right of residence for EEA nationals and others

General provisions

Section 1
'Right of residence' means a right for EEA nationals and their family members to stay in Sweden for more than three months without a residence permit in accordance with what is stated in this Chapter.

Section 2
In this Act 'a family member of an EEA national' means an alien who accompanies an EEA national to Sweden or joins an EEA national in Sweden and who is
– the spouse or cohabiting partner of the EEA national,
– a direct descendant of the EEA national or of his or her spouse or cohabiting partner, if the descendant is dependent on either of them for means of support or is under 21 years of age or
– a direct ascendant of the EEA national or of his or her spouse or cohabiting partner, if the relative is dependent on either of them for means of support.

Right of residence

Section 3
An EEA national has a right of residence if he or she
1. is a worker or a self-employed person in Sweden,
2. has come to Sweden to seek work and has a real possibility of obtaining employment,
3. is enrolled as a student at a recognised educational institution in Sweden and, according to an affirmation to this effect, has adequate assets to support himself or herself and family members and has comprehensive health insurance for himself or herself and family members that is valid in Sweden or
4. has adequate assets to support himself or herself and family members and has comprehensive health insurance for himself or herself and family members that is valid in Sweden.

Section 4
A family member of an EEA national as specified in Section 3, points 1–2 and 4 has a right of residence. With regard to family members of an EEA national who has a right of residence under Section 3, point 3, however, only the spouse or cohabiting partner of the EEA national together with their children under 21 years of age if these children are dependent on either of them for their means of support have a right of residence.

Section 5
The right of residence exists as along as the conditions are satisfied.

Right of permanent residence

Section 6
An EEA national who has stayed at least five years in Sweden legally and without interruption has a right of permanent residence.

Section 7
A family member of an EEA national who is not an EEA national himself or herself and has stayed at least five years legally and uninterruptedly in Sweden with the person from whom he or she derives the right of residence, has a right of permanent residence.

Section 8
The provisions of Sections 6 and 7 are not affected by temporary stays outside Sweden that do not add up to a total of more than six months per year or by a longer stay outside Sweden due to obligatory military service. This also applies to stays outside Sweden for a maximum of twelve consecutive months due to pregnancy and childbirth, serious illness, studies or vocational training, posting abroad due to work in another country or special grounds.

Section 9
The right of permanent residence is unconditional and can only expire if the alien has spent more than two consecutive years outside Sweden.

Registration requirement, etc.

Section 10
An EEA national who has a right of residence and intends to stay in Sweden for a period longer than three months must register with the Swedish Migration Board.

A family member of an EEA national who is not an EEA national himself or herself and who has a right of residence must apply to the Swedish Migration Board for a residence card within three months of arriving in Sweden.

The provisions of the first and second paragraphs do not apply to nationals of Denmark, Finland, Iceland and Norway. Nor do they apply to an alien who has a valid residence permit or who has applied for such a permit within three months of arriving in Sweden. The provisions of the first paragraph shall furthermore not apply to an EEA national who is seeking employment.

Section 11
If it can be assumed that an EEA national or a member of his or her family is required to register or apply for a residence card under Section 10, the Swedish Migration Board may order him or her to fulfil this requirement. The Swedish Migration Board may also order the EEA national or

family member to supply such information as is necessary to enable registration to take place and a residence card to be issued.

Section 12
An order under Section 11 may be combined with a conditional financial penalty.

The question of imposing a conditional financial penalty is examined by a migration court upon application from the Swedish Migration Board.

When the question of imposing a conditional financial penalty is examined, the appropriateness of the conditional financial penalty may also be assessed.

Authorisations

Section 13
The Government may issue regulations on exceptions from the requirements laid down in Sections 3–6.

Section 14
The Government may issue regulations on the information that must be supplied in connection with registration and residence card applications.

Chapter 4. Refugees and persons otherwise in need of protection

Definitions

Section 1
In this Act 'refugee' means an alien who
- is outside the country of the alien's nationality, because he or she feels a well-founded fear of persecution on grounds of race, nationality, religious or political belief, or on grounds of gender, sexual orientation or other membership of a particular social group and
- is unable, or because of his or her fear is unwilling, to avail himself or herself of the protection of that country.

This applies irrespective of whether it is the authorities of the country that are responsible for the alien being subjected to persecution or these authorities cannot be assumed to offer protection against persecution by private individuals.

A stateless alien shall also be considered a refugee if he or she
- is, for the same reasons that are specified in the first paragraph, outside the country in which he or she has previously had his or her usual place of residence and
- is unable or, because of fear, unwilling to return there.

Section 2
In this Act a 'person otherwise in need of protection' is an alien who in cases other than those referred to in Section 1 is outside the country of the alien's nationality, because he or she

1. feels a well-founded fear of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment,
2. needs protection because of external or internal armed conflict or, because of other severe conflicts in the country of origin, feels a well-founded fear of being subjected to serious abuses or
3. is unable to return to the country of origin because of an environmental disaster.

The corresponding applies to a stateless alien who is outside the country in which he or she has previously had his or her usual place of residence.

Declaration of refugee status

Section 3
If a refugee requests this, the alien shall be declared a refugee (declaration of refugee status) either in connection with the granting of a residence permit or subsequently.

A declaration of refugee status shall be withdrawn if it comes to light that the alien can no longer be regarded as a refugee.

Travel documents

Section 4
A special passport may be issued to a refugee or stateless person for travel outside Sweden (a travel document). The Government may issue further regulations on travel documents.

Termination of refugee status

Section 5
A refugee ceases to be a refugee if he or she
1. voluntarily re-avails himself or herself of the protection of the country of his or her nationality,
2. voluntarily reacquires the citizenship that he or she has previously lost,
3. acquires citizenship in a new country and obtains the protection of that country,
4. voluntarily returns to settle in the country of his or her nationality or the country where, if stateless, he or she previously had his or her usual place of residence or
5. is no longer in such a situation that he or she can be regarded as a refugee and therefore cannot continue to refuse to avail himself or herself of the protection of the country of his or her nationality or the country where, if stateless, he or she previously had his or her place of residence.

Decision-making authority

Section 6
Decisions under this Chapter are issued by the Swedish Migration Board.

Temporary protection

Section 7
Chapter 21 contains special provisions on temporary protection in a mass flight situation.

Protection for tribunal witnesses

Section 8
Chapter 22 contains special provisions on protection of individuals who have given evidence or are to give evidence in hearings before an international court or tribunal and their close relatives.

Chapter 5. Residence permits

Persons who are entitled to a residence permit as being in need of protection

Section 1
Refugees and persons otherwise in need of protection who are in Sweden are entitled to a residence permit.

A residence permit may, however, be refused to
1. a refugee under Chapter 4, Section 1 if there are exceptional grounds for not granting a residence permit in view of what is known about the alien's previous activities or with regard to national security,
2. a person otherwise in need of protection under Chapter 4, Section 2, first paragraph, points 2 and 3, if in view of his or her criminal activities there are special grounds for not granting the alien a residence permit or if there are exceptional grounds for not granting such a permit in view of what is known about the alien's previous activities or with regard to national security,
3. an asylum seeker who has entered Sweden from Denmark, Finland, Iceland or Norway and can be returned to any of these countries in accordance with an agreement between Sweden and that country, unless it is obvious that the alien will not be granted a residence permit there,
4. an asylum seeker who has otherwise, before coming to Sweden, stayed in a country other than the country of origin and is protected there against persecution and against being sent to the country of origin or to another country where he or she does not have corresponding protection,
5. an asylum seeker who has special ties to another country and is protected there as specified in point 4 or
6. an asylum seeker who can be sent to Denmark under the Convention of 15 June 1990 determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (the Dublin Convention) and is protected as specified in point 4.

The Dublin Regulation contains provisions that are applicable in relation to the Member States of the European Union and in relation to Iceland and Norway.

Section 2
A residence permit shall be given to an alien who has been received in Sweden within the framework of a decision that the Government has issued on the transfer to Sweden of persons in need of protection (resettlement).

Section 2a
A permanent residence permit shall be given to a person who has been granted long-term resident status in Sweden.

Residence permits on the grounds of ties to Sweden

Section 3
Unless otherwise provided in Sections 17–17b, a residence permit shall be given to
1. an alien who is a spouse or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden,
2. a child who is an alien, is unmarried and
a) has a parent who is resident in or has been granted a residence permit to settle in Sweden or
b) has a parent who is married to or cohabiting partner of someone who is resident in or has been granted a residence permit to settle in Sweden,
3. a child who is an alien, is unmarried and has been adopted or is intended for adoption by someone who at the time of the adoption decision was and who still is resident in or has been granted a residence permit to settle in Sweden, if the child is not covered by point 2 and if the adoption decision
– has been issued or is intended to be issued by a Swedish court,
– is valid in Sweden under the Act on International Legal Relations concerning Adoption (1971:796) or
– is valid in Sweden under the Act consequent on Sweden's Accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1997:191) and
4. an alien who is a parent of an unmarried alien child who is a refugee or a person otherwise in need of protection, if the child arrived in Sweden separately from both parents or from another adult person who may be regarded as having taken the place of the parents, or if the child has been left alone after arrival.

When an application for a residence permit is based on a decision on adoption issued by a Swedish court, the ties that have arisen as a result of this decision shall be accepted in the residence permit case.

A residence permit under this Section shall be valid for at least one year. A residence permit granted to an unmarried child under the first paragraph, point 2b shall be valid for the same time as the parent's residence permit.

Section 3a
Unless otherwise provided in Section 17, second paragraph, a residence permit may be given to
1. an alien who intends to marry or enter into a cohabitee relationship with a person who is resident in or who has been granted a residence permit to settle in Sweden, if the relationship appears to be serious and there are no special grounds not to give a permit,
2. an alien who in some way other than those referred to in Section 3 or in this Section is a close relative of someone who is resident in or who has been granted a residence permit to settle in Sweden, if he or she has been a member of the same household as that person and there exists a special relationship of dependence between the relatives that already existed in the country of origin,
3. an alien who is to exercise access rights that are not of limited scope to a child that is resident in Sweden and
4. an alien who is of Swedish origin or has lived in Sweden on a residence permit for a long time.

If an alien has been given a residence permit under the first paragraph, point 1, a residence permit for the same period shall be given to unmarried children of the alien.

When there are exceptional grounds a residence permit may also be granted to an alien in cases other than those referred to in the first and second paragraphs if the alien
1. has been adopted in Sweden as an adult,
2. is a relative of an alien who is a refugee or a person otherwise in need of protection or
3. has some other special tie with Sweden.

Residence permits on the basis of Sweden's international commitments

Section 4
If an international body that is competent to examine complaints from individuals has found that a refusal-of-entry or expulsion order in a particular case is contrary to a Swedish commitment under a convention, a residence permit shall be granted to the person covered by the order, unless there are exceptional grounds against granting a residence permit.

Residence permits on grounds of work or other means of support

Section 5
A permanent residence permit may be granted to an alien who has been offered permanent employment in the country, if the alien has special qualifications and the need for labour cannot be satisfied by jobseekers in the country or by recruitment from another country in the European Economic Area (EEA) or Switzerland.

A residence permit may be granted to an alien with means of support other than employment.

Residence permits on grounds of exceptionally distressing circumstances

Section 6
If a residence permit cannot be awarded on other grounds, a permit may be granted to an alien if on an overall assessment of the alien's situation there are found to be such exceptionally distressing circumstances that he or she should be allowed to stay in Sweden. In making this assessment, particular attention shall be paid to the alien's state of health, his or her adaptation to Sweden and his or her situation in the country of origin.

Children may be granted residence permits under this Section even if the circumstances that come to light do not have the same seriousness and weight that is required for a permit to be granted to adults.

Temporary residence permits

Section 7
A residence permit shall be for a limited time if, in view of the alien's expected way of life, there is doubt as to whether a residence permit should be granted.

Section 8
A residence permit that is given to a spouse under Section 3, first paragraph, point 1 shall be for a limited time on the occasion of the first decision, if the spouses have not lived together on a permanent basis abroad. This also applies when a residence permit in such a case is granted to the alien's child or children.

A residence permit that is granted under Section 3a, first paragraph, point 1 or second paragraph shall be for a limited time on the occasion of the first decision.

Section 9
A residence permit that is granted pursuant to Section 6 on grounds of sickness shall be for a limited time if the alien's sickness or need of care in Sweden is of a temporary nature.

Section 10
A temporary residence permit may be granted to an alien who wishes to stay in this country for work, studies or a visit.

Section 11
A temporary residence permit may be granted if there is an impediment, which is not of a lasting nature, to enforcement of a refusal-of-entry or expulsion order.

Section 12
A temporary residence permit may be granted to an alien who needs care under the Care of Young Persons (Special Provisions) Act (1990:52).

Section 13
A temporary residence permit may be granted to a child or a man, if the presence of the child or man in Sweden is necessary in order to carry out a paternity investigation.

Section 14
If a temporary residence permit has been granted to a child under Section 12 or 13, a temporary residence permit may also be granted to the child's custodian.

Section 15
A temporary residence permit may be granted to an alien who is staying here upon application from the person in charge of a preliminary investigation, if this is necessary in order to be able to carry out a preliminary investigation or a main hearing in a criminal case.

Prolonged residence permit

Section 16
An alien who, pursuant to Section 8, has been granted a temporary residence permit on grounds of family ties may only be granted a new temporary or permanent residence permit on these grounds if the relationship continues.

An alien who has family ties under Section 3, first paragraph, point 1 or 2b or Section 3a, first paragraph, point 1 or second paragraph and who has held a temporary residence permit for two years may be given a permanent residence permit. If there are special grounds, a permanent residence permit may be given before the end of the two-year period.

If a relationship has ended, a residence permit may still be granted if
1. the alien has special ties to Sweden,
2. the relationship has ended primarily because in the relationship the alien or the alien's child has been subjected to violence or some other serious violation of their liberty or peace or
3. there are other strong grounds for prolonging the alien's residence permit.

Right of a third-country national to obtain a new residence permit

Section 16a
A third-country national who has long-term resident status in Sweden and has lost his or her residence permit because of a stay outside Sweden shall be given a new residence permit if he or she returns to Sweden to take up residence here.

Special grounds against granting a residence permit

Section 17
When examining an application for a residence permit under this Chapter, particular attention shall be paid, except in cases referred to in Section 1, 2, 3 or 4, to whether the applicant has been guilty of any criminal activity or criminal activity combined with other misconduct. When considering a residence permit under Section 3a, first paragraph, point 1 and second paragraph, particular attention shall be paid to whether it can be assumed that the alien or the alien's child or children will be subjected to violence or some other serious violation of their liberty or peace, if a residence permit were to be granted.

A residence permit under Section 3, first paragraph, point 2 or 3 and Section 3a, second paragraph may be granted only after the parent to whom ties are not cited has also given his or her assent, if that parent shares custody of the child.

A residence permit shall not be granted to a person with long-term resident status in another EU state, or his or her relatives, if that person constitutes a threat to public order and security.

Section 17a
A residence permit may be refused in such cases as are referred to in Section 3, if
1. incorrect information has knowingly been supplied or circumstances have knowingly been suppressed that are of importance for obtaining the residence permit,

2. an alien has been adopted or a marriage entered into or a cohabitee relationship begun exclusively in order to give the alien a right to a residence permit or
3. if the alien constitutes a threat to public order and security.

A residence permit may also be refused in such cases as are referred to in Section 3, first paragraph, point 1 or point 2b, if
1. the spouses or cohabiting partners do not live together or do not intend to live together,
2. the person to whom ties are cited or the alien who has applied for a residence permit is married to or cohabiting with someone else or
3. either of the spouses or cohabiting partners is under 18 years of age.

When assessing whether a residence permit should be refused, account must be taken of the alien's other personal circumstances and family situation.

Section 17b
A residence permit shall be refused in the cases referred to in Section 3, first paragraph, point 1 or point 2b if the person to whom ties are cited is married to another person and is living with that person in Sweden.

The time at which a residence permit application must be made

Section 18
An alien who wants a residence permit in Sweden must have applied for and been granted such a permit before entering the country. An application for a residence permit may not be approved after entry.

However, this does not apply if
1. the alien is entitled to a residence permit here as a refugee or a person otherwise in need of protection under Section 1 or can be granted a residence permit here pursuant to Chapter 21, Section 2, 3 or 4,
2. the alien should be granted a residence permit here pursuant to Section 6,
3. an application for a residence permit concerns extension of a temporary residence permit that has been granted to an alien with family ties pursuant to Section 3, first paragraph, point 1 or 2b or Section 3a, first paragraph, point 1 or second paragraph,
4. the alien can be granted or has a temporary residence permit pursuant to Section 15,
5. the alien has strong ties, as described in Section 3, first paragraph, points 1–4, Section 3a, first paragraph, points 1–3 or second paragraph, to a person who is resident in Sweden and it cannot reasonably be required that the alien travel to another country to submit an application there or
6. there are some other exceptional grounds.

With regard to a residence permit for an alien who is to be refused entry or expelled in accordance with a judgment or order that has become final and non-appealable, the regulations in Chapter 8, Section 14 and Chapter 12, Sections 18–20 apply.

Section 19
A residence permit application that concerns extension of an ongoing visit or some other temporary stay in this country may be approved despite the alien being in Sweden, if there are substantial grounds for extending the period of stay.

Decision-making authorities

Section 20
Decisions on residence permits are issued by the Swedish Migration Board.

Decisions on residence permits may also be issued by the Government Offices.

Section 21
It follows from Chapter 8, Sections 14 and 21 and Chapter 12, Section 20 that the Government and the body that examines appeals against refusal-of-entry and expulsion orders may in certain cases also decide on residence permits.

Authorisations

Section 22
The Government or, by authority of the Government, the Swedish Migration Board may issue regulations empowering other authorities to decide on residence permits.

Section 23
The Government may issue regulations on residence permits for studies or visits.

The Government may issue regulations stating that a residence permit application may be approved if this follows from an agreement with a foreign state.

The Government may issue regulations on when a residence permit may be granted to a third-country national who has long-term resident status in another EU state and to family members of such an alien.

Section 24
The Government may issue regulations on permanent residence permits with regard to a certain category of aliens because they are otherwise in need of protection under Chapter 4, Section 2, first paragraph, point 2 or 3.

Section 25
The Government may issue regulations stating that residence permits may not be granted to persons otherwise in need of protection under Chapter 4, Section 2, first paragraph, point 2 or 3, if this is necessary because limitations have arisen in Sweden's capacity to receive aliens.

The Government must notify the Riksdag of such regulations within three months, by a special written communication.

Section 26
The Government may issue regulations on exceptions to Section 1, second paragraph, point 4, if an alien's ties to Sweden are such that the alien should not be denied examination in this country of his or her application for asylum.

Chapter 5a. Long-term resident status in Sweden for third-country nationals

Conditions for being granted long-term resident status in Sweden

Section 1
An application from a third-country national for long-term resident status in Sweden shall be granted if the applicant has spent at least five years in Sweden without interruption and during this time has had, and at the time of the application has,
1. a permanent residence permit,
2. long-term resident status in another EU state and a residence permit in Sweden or
3. a residence permit in Sweden as a family member of a person with long-term resident status in another EU state.

In calculating the period of stay, account shall be taken of time during which the applicant has had a residence permit for the purpose of settling in Sweden.

In calculating the period of stay, a stay in Sweden for temporary reasons or for studies shall not be taken into account.

Stays outside Sweden for shorter periods than six consecutive months and not adding up to more than ten months during a five-year period shall not be considered to have interrupted the stay.

Section 2
In order to be granted long-term resident status in Sweden, the applicant must be fully able to support himself or herself and his or her family by his or her own means so as to meet basic subsistence and housing needs.

The Government or the authority designated by the Government may issue regulations concerning the support requirement.

Section 3
A person who constitutes a threat to public order and security may not be granted long-term resident status in Sweden.

Section 4
Refugees and persons otherwise in need of protection under Chapter 4, Sections 1 and 2 shall not be granted long-term resident status in Sweden.

Withdrawal

Section 5
Long-term resident status in Sweden shall be withdrawn if a person who has been granted such status
1. has knowingly supplied incorrect information or knowingly suppressed circumstances that have been of importance for obtaining the status,
2. is expelled,
3. constitutes a threat to public order,

4. has spent twelve consecutive months outside the territory of the European Union member states,
5. has spent six consecutive years outside Swedish territory or
6. obtains long-term resident status in another EU state.

Section 6
A person who has lost his or her long-term resident status in Sweden because of a stay outside the territory of Sweden or the European Union member states shall recover such status upon application, regardless of the requirement concerning period of stay set forth in Section 1, if
1. he or she has been granted a permanent residence permit or a residence permit for the purpose of settling in Sweden under Chapter 5,
2. the support requirement in Section 2 is fulfilled and
3. there are no impediments under Section 3.

Decision-making authority

Section 7
Decisions in cases concerning long-term resident status in Sweden are issued by the Swedish Migration Board.

Chapter 6. Work permits

Section 1
Work permits shall be granted for a certain period. They may refer to a certain type of work and other necessary conditions may be attached.

As stated in Chapter 2, Section 8, first paragraph, an alien who has a permanent residence permit does not need to have a work permit.

Section 2
A work permit may be granted to an alien who has been offered seasonal work or employment in a profession where there is a temporary shortage of labour or who is participating in an international exchange. A permit may also be granted if it follows from an international agreement or an agreement with another country.

Section 3
A work permit may be granted to an alien who has a temporary residence permit unless reasons pertaining to the purpose of the residence permit indicate otherwise.

As stated in Chapter 5, Section 5, a permanent residence permit may be issued for certain workers.

The time at which a work permit application must be made

Section 4
An alien who wants a work permit in Sweden must have applied for and been granted such a permit before entering the country. An application for a work permit may not be approved after entry except in cases referred to in Chapter 5, Section 18, second paragraph and Section 19, which provisions shall apply by analogy where work permits are concerned.

Decision-making authorities

Section 5
Decisions on work permits are issued by the Swedish Migration Board.

Decisions on work permits in certain cases

Section 6
It follows from Chapter 8, Sections 14 and 21 and Chapter 12, Section 20 that the Government and the body that examines appeals against refusal-of-entry and expulsion orders may in certain cases also decide on work permits.

Authorisations

Section 7
The Government or, by authority of the Government, the Swedish Migration Board may issue regulations empowering other authorities to decide on work permits.

Section 8
The Government may issue further regulations on work permits.

Chapter 7. Withdrawal of permits

Section 1
Visas, residence permits and work permits may be withdrawn from an alien who has knowingly supplied incorrect information or knowingly suppressed circumstances that have been important for obtaining the permit.

If the alien has been in this country for more than four years on a residence permit when the question of withdrawal is examined by the authority that makes the first decision in the matter, the residence permit may only be withdrawn under the first paragraph if there are exceptional grounds for this.

Section 2
Over and above what is stated in Section 1, visas, residence permits and work permits may be withdrawn if there are special grounds for this.

A residence permit, however, may only be withdrawn under the first paragraph from an alien who has not yet entered Sweden.

Section 3
A residence permit may be withdrawn from an alien who has entered the country if
1. the alien, without holding a work permit, is conducting activities that require such a permit or
2. it can be assumed on the basis of previous activities or otherwise that the alien will engage in sabotage, espionage or unlawful intelligence activities in Sweden or in some other Nordic country.

A temporary residence permit that has been issued pursuant to Chapter 5, Section 3, first paragraph, point 1 or 2b or Section 3a, first paragraph, point 1 or second paragraph may be withdrawn if the relationship ends.

A residence permit may, however, not be withdrawn under the first paragraph if the alien has been in this country on a residence permit for more than three years when the question of withdrawal is examined by the authority that makes the first decision in the matter.

Section 4
In assessing whether a residence permit should be withdrawn under Section 1 or 3 from an alien who has entered the country, account shall be taken of the ties that the alien has to Swedish society and of any other arguments against withdrawing the permit.

In making such an assessment particular attention shall be paid to
1. the alien's personal circumstances,
2. whether the alien has children in Sweden and, if so, the children's need of contact with the alien, the nature of the contact in the past and how it would be affected by the withdrawal of the alien's residence permit,
3. the alien's family situation in other respects and
4. how long the alien has been in Sweden.

Section 5
A residence permit may be withdrawn from an alien who has been registered on the list of persons not to be permitted entry referred to in Section 3, point 2 of the Schengen Information System Act (2000:344), if there are sufficient grounds for withdrawal.

Section 6
A residence permit may be withdrawn from a person who is not a national of a state belonging to the European Union in cases other than those referred to in Section 2, if a refusal-of-entry or expulsion order has been issued in a state belonging to the European Union or in Iceland or Norway and the order is based on there being a serious threat to public order or internal security and on
1. the alien having been convicted in the state issuing the order of an offence for which a sentence of at least one year's imprisonment is prescribed or
2. the alien being suspected on reasonable grounds of having committed a gross offence or there being strong grounds to indicate that the alien intends to commit such an offence.

The first paragraph does not apply to a family member of a national of a state belonging to the European Union or to a national of Iceland or Norway who has exercised his or her right to free movement in accordance with the regulations applying within the European Union. The term 'family member' means
- a spouse or cohabiting partner,
- a child under the age of 21 who is dependent on the parent for means of support and
- a parent who is dependent on the child for means of support.

A residence permit may not be withdrawn under the first paragraph before consultation with the state that has ordered a refusal of entry or expulsion.

Section 7
A permanent residence permit shall be withdrawn from an alien who is no longer resident in Sweden.

In the case of an alien who has been a refugee or a person otherwise in need of protection in this country, however, the residence permit may be withdrawn at the earliest when two years have elapsed since residence in this country ended, if the alien has returned to a country where he or she was previously resident because political conditions in that country have changed.

Decision-making authorities

Section 8
Decisions on withdrawals of residence permits and work permits are made by the Swedish Migration Board. A decision on withdrawal of a visa is made by the authority that has granted the visa or by the Swedish Migration Board.

A residence permit or visa that has been granted by the Government Offices may only be withdrawn by the Government Offices.

Authorisation

Section 9
The Government may issue regulations stating that a residence permit may be withdrawn in cases other than those specified in this Chapter from aliens who are covered by the Agreement on the European Economic Area (EEA) or the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons.

The Government may issue regulations directing that residence permits may be withdrawn in cases other than those specified in this Chapter where third-country nationals with long-term resident status in another EU state are concerned.

Chapter 8. Refusal of entry and expulsion

Refusal of entry

Section 1
An alien may be refused entry
1. if he or she has no passport when a passport is required to enter or stay in Sweden,
2. if he or she lacks a visa, residence permit or some other permit that is required to enter, stay or work in Sweden,
3. if it comes to light when the alien arrives in Sweden that he or she intends to visit some other Nordic country but lacks the permit required to enter that country,
4. if, on entry, he or she avoids providing requested information, knowingly supplies incorrect information that is of importance for the right to enter Sweden or knowingly suppresses any circumstance that is of importance for that right,
5. if he or she does not meet the requirements for entry laid down in Article 5 of the Schengen Convention or
6. if he or she has been refused entry or expelled from a state belonging to the European Union or from Iceland or Norway under the circumstances referred to in Chapter 7, Section 6 or the refusal-of-entry or expulsion order has been based on the failure of the alien to follow applicable provisions concerning an alien's entry into or stay in that state.

An EEA national may not be refused entry under the first paragraph, point 1, if he or she can prove his or her identity by a means other than possession of a passport. The same shall apply to a family member of an EEA national who is not an EEA national himself or herself.

An EEA national and a member of his or her family may not be refused entry solely on the grounds that he or she does not fulfil the provisions in Article 5.1 (c) of the Schengen Convention concerning sufficient means of subsistence.

Section 2
An alien may be refused entry
1. if it can be assumed that he or she will lack adequate funds for the stay in Sweden or in some other Nordic country that he or she intends to visit or for the journey home,
2. if it can be assumed that during the stay in Sweden or in some other Nordic country he or she will not support himself or herself by honest means or will engage in activities that require a work permit, without having such a permit,
3. if it can be assumed, on the basis of previous imprisonment or some other particular circumstance, that he or she will commit a criminal offence in Sweden or in some other Nordic country,
4. if it can be assumed on the basis of previous activities or otherwise that he or she will engage in sabotage, espionage or unlawful intelligence activities in Sweden or in some other Nordic country or
5. if, pursuant to the Act on Certain International Sanctions (1996:95), it has been prescribed that he or she may be refused entry.

An alien may also be refused entry in other cases when this has been requested by the central aliens authority in another Nordic country and it can be assumed that he or she will otherwise proceed to that country.

The first paragraph, point 1 does not apply to an EEA national and the members of his or her family. However, persons other than workers or self-employed persons, persons seeking employment and their family members may be refused entry if any of them, after entering Sweden, proves to be a burden to the social assistance system under the Social Services Act (2001:453).

Section 3
An alien may not be refused entry if he or she on arrival in Sweden had or at some subsequent time has had a residence permit that has become invalid. Nor may entry be refused on the grounds that the alien lacks a residence permit, if during a period when such a permit is required to stay in Sweden he or she instead has had but no longer has a right of residence.

An alien who has a right of residence may not be refused entry.

Section 4
The Swedish Migration Board shall examine the question of refusing entry if
1. the alien is seeking asylum here,
2. the alien has a close family member who is seeking asylum here or
3. the alien may be refused entry pursuant to Section 1, first paragraph, point 6 or Section 2, second paragraph.

In other cases both the Swedish Migration Board and the police authority may examine the issue of refusing entry.

If the police authority is in doubt as to whether an alien should be refused entry, the case shall be referred to the Swedish Migration Board.

Section 5
A first instance decision on refusal of entry may not be made later than three months after the first application for a residence permit has been made following arrival in Sweden.

Section 6
The Swedish Migration Board may direct that the Board's order to refuse entry under Section 4, first paragraph may be enforced even if it has not become final and non-appealable (refusal of entry with immediate enforcement), if it is obvious that there are no grounds for asylum and that a residence permit is not to be granted on any other grounds.

Chapter 12, Section 7 contains more detailed provisions on the enforcement of refusal-of-entry orders with immediate enforcement.

Expulsion when an alien lacks a passport or permit

Section 7
An alien who is not refused entry under Section 1, point 1 or 2 may be expelled from Sweden if he or she is staying in this country but lacks a passport or the permits required to stay in the country. The Swedish Migration Board examines such expulsion cases.

Expulsion of EEA nationals and their family members on the grounds of public order and security

Section 7a
An alien who has a right of residence may be expelled from Sweden out of consideration for public order and security. If the alien has a right of permanent residence at the time of the expulsion order, however, he or she may only be expelled if there are exceptional grounds for this.

An EEA national who is a child or who has stayed in Sweden during the ten immediately foregoing years may be expelled only if the decision is absolutely necessary out of consideration for public security.

Expulsion on account of criminal offences

Section 8
An alien may be expelled from Sweden if he or she is convicted of an offence that is punishable by imprisonment. An alien may also be expelled if a court sets aside a suspended sentence or probation that has been imposed on an alien and imposes another penalty.

An alien may, however, only be expelled if he or she is sentenced to a more severe penalty than a fine and
1. if, in view of the type of act involved and other circumstances, it can be assumed that he or she will be guilty of continued criminal activity in this country or
2. if, in view of the resulting damage, danger or violation of private or public interests, the offence is so serious that he or she should not be allowed to stay.

Section 9
Expulsion on account of criminal offences is ordered by the court handling the criminal case.

Section 10
When a court decides under Chapter 34 of the Swedish Penal Code to change a penalty to which an alien has been sentenced in addition to expulsion, the court may also issue the decision on expulsion that arises out of the change in the penalty.

Section 11
When a court considers whether an alien should be expelled under Section 8, it must take into account the alien's ties to Swedish society. The court must pay particular attention to
1. the alien's personal circumstances,
2. whether the alien has any child in Sweden and, if so, the child's need of contact with the alien, the nature of the contact in the past and how it would be affected by the alien's expulsion,
3. the alien's family situation in other respects and
4. how long the alien has been in Sweden.

An alien who is a refugee and who needs a haven in Sweden may only be expelled if he or she has committed an exceptionally gross offence and it would entail serious danger to public order and security to allow the alien to stay here. Expulsion may also take place if the alien has

engaged in activities in Sweden or abroad that have entailed a danger to national security and there is reason to assume that he or she would continue with such activities here.

An alien who holds a declaration of refugee status shall be deemed to be a refugee in need of a haven in Sweden unless it is obvious that he or she is no longer a refugee in such need.

Section 12
An alien may be expelled under Section 8 only when there are exceptional grounds, if he or she had been in Sweden on a permanent residence permit for at least four years when prosecution was initiated or if he or she had at the time been resident in Sweden for at least five years. This also applies to a national of another Nordic country who had been resident here for at least two years when prosecution was initiated and to an alien who has a right of permanent residence in Sweden.

The provisions of Section 7a, second paragraph also apply to expulsion under Section 8.

An alien may not be expelled if the alien came to Sweden before he or she attained the age of 15 and had been here for at least five years when prosecution was initiated.

Section 13
A judgment or order of expulsion on account of criminal offences issued by a general court shall contain a prohibition against the alien returning to Sweden for a certain time or for an unlimited time. In a judgment or order subject to a time limit, the alien must be informed of the day on which the prohibition expires. In the judgment or order, the alien must also be informed of the penalty that a breach of the prohibition may entail under Chapter 20.

Section 14
If the Government finds that a judgment or order of expulsion on account of criminal offences issued by a general court cannot be enforced or if there are some other special grounds why the order shall no longer apply, the Government may set aside the order wholly or in part. In connection with this, the Government may also make a decision regarding a residence permit and work permit.

If the judgment or order of expulsion is not cancelled, the Government can, in cases referred to in the first paragraph, issue a temporary residence permit and work permit. The expulsion order may not be enforced while the permit is valid.

Expulsion on grounds of national security or on account of anticipated criminal activity

Section 15
The Act concerning Special Controls in Respect of Aliens (1991:572) contains provisions on expulsion on grounds of national security and on account of anticipated criminal activity under the Act on Criminal Responsibility for Terrorist Offences (2003:148).

Provisions that apply to both refusal of entry and expulsion

Section 16
If an application for a residence permit is rejected or a residence permit is withdrawn while the alien is in Sweden, a refusal-of-entry or expulsion order shall be issued at the same time, unless there are special grounds not to do so.

Section 17
When a question of refusal of entry or expulsion is examined, account shall be taken of whether the alien cannot be sent to a certain country on account of the provisions in Chapter 12, or whether there are any other special impediments to enforcing the order.

Section 17a
When a question of expulsion of an EEA national or a member of his or her family on grounds of public order and security arises, account must be taken of his or her ties to Sweden in accordance with the provisions of Section 11, first paragraph.

Section 18
Refusal-of-entry or expulsion orders issued by the Government, the Migration Court of Appeal, a migration court or the Swedish Migration Board must state the country to which the alien is to be returned or expelled.

If there are special grounds for doing so, the order may indicate more than one country.

An order from an authority referred to in the first paragraph and that concerns refusal of entry or expulsion must contain the directions concerning enforcement that may be warranted by the circumstances in the particular case.

Section 19
When the Swedish Migration Board orders a refusal of entry or expulsion, the order may be combined with a prohibition against the alien returning to Sweden during a certain period of time without the permission of the Swedish Migration Board or, in a security case, the Government.

A refusal-of-entry or expulsion order that refers to an EEA national or a member of his or her family may be combined with such a prohibition as is referred to in the first paragraph only if the order has been issued on grounds of public order and security.

Section 20
An alien who, pursuant to Section 13, 19 or 21, has been prohibited from returning to Sweden for a certain period or for an unlimited time may be given special permission by the Swedish Migration Board to make a short visit to this country, if the visit has to do with exceptionally important matters. If there are special grounds, such permission may also be granted upon application by someone other than the alien.

If an alien has been prohibited from returning to Sweden in a security case, such permission as is referred to in the first paragraph is instead granted by the Government.

Section 20a
If an EEA national or a member of his or her family has been issued a prohibition against returning to Sweden under Section 19, second paragraph, the Government may set aside the prohibition wholly or in part if there are special grounds why the prohibition shall no longer apply.

Orders parallel to refusal-of-entry or expulsion orders

Section 21
When a case or court action concerning refusal of entry or expulsion that has been appealed is decided, a decision may also be made on the issue of a residence permit and work permit. This applies even if these issues have not been raised by the alien.

When it examines a refusal-of-entry or expulsion order, a migration court, the Migration Court of Appeal or the Government may decide to prohibit the alien from returning to Sweden for a certain time, even if no lower instance has issued such a prohibition.

When the Swedish Migration Board, a migration court, the Migration Court of Appeal or the Government examines a refusal-of-entry or expulsion order, such an order may be issued at the same time concerning a person under the age of 16 who is in the alien's custody. This applies even if no lower instance has examined this issue. In actions before a migration court and the Migration Court of Appeal and in cases before the Government, however, this does not apply if such circumstances as are referred to in Chapter 4, Sections 1 and 2 have been invoked on the child's behalf, as long as it is not obvious that there are no grounds for a residence permit under these provisions.

Chapter 9. Controls and coercive measures

Controls in connection with entry and exit

Section 1
On entering or leaving Sweden, an alien must present his or her passport to the police authority. An alien must also provide the police authority with any information and present any documents that are important for assessing his or her right to enter and stay in Sweden. The Government may issue regulations on exceptions to the obligation to present a passport.

It is the duty of the Swedish Customs Service and the Swedish Coast Guard to help the police authority in controls of the entry and exit of aliens under this Act. Following agreement with the police authority, the Swedish Migration Board may help in controls. The Swedish Coast Guard shall assist in the police authority's control activities by exercising controls of shipping.

When entry controls are handled by specially appointed passport control officers, customs officers or Swedish Coast Guard officers, passports and other documents must be presented to them. If the Swedish Migration Board assists in entry controls, passports and other documents must be presented to the Swedish Migration Board official.

Section 2
In connection with entry controls, a police officer may subject an alien to a personal search and in this connection investigate his or her luggage, hand luggage, handbags and the like, to the extent necessary to ascertain the alien's identity. Such investigations may also be undertaken to ascertain the route by which an alien has travelled to Sweden, if this is relevant to assessing the right to enter and stay in this country. In connection with entry controls, a police officer may also investigate the luggage compartments and other enclosed spaces in cars and other vehicles for the purpose of preventing an alien from entering Sweden in violation of the provisions of this Act or of any statute issued pursuant to this Act.

When entry controls are handled by specially appointed passport control officers, customs officers or Swedish Coast Guard officers, they have the same powers as a police officer has under the first paragraph.

A personal search must not be carried out in a more intimate manner than is required with regard to the purpose of the measure. Every consideration that is possible in the circumstances is to be shown. A witness is to be present if possible.

A woman must not be subjected to a personal search by or in the presence of any men other than doctors or qualified nurses. If a personal search only involves investigation of an object that a woman has in her possession, however, the personal search may be carried out and witnessed by a man.

A record must be kept of any personal search. The record must state what occurred during the search.

Responsibility of carriers for controls

Section 3
A carrier must check that an alien that the carrier is transporting to Sweden directly from a state that is not covered by the Schengen Convention is in possession of a passport and the permits required to enter the country.

Unless this is rendered unnecessary by the controls carried out under the first paragraph, the carrier must also check that the alien has funds to pay for the journey home.

Retention of passports

Section 4
If an alien applies for a residence permit upon arrival in Sweden or subsequently, the Swedish Migration Board or the police authority may retain his or her passport or other identity documents until the alien receives permission to stay in this country or leaves it.

Section 5
When a refusal-of-entry or expulsion order is to be enforced, the enforcing authority may retain the alien's passport or other identity documents until the order can be enforced.

Retention of tickets

Section 6
The Swedish Migration Board or the police authority may retain an alien's ticket for the journey from Sweden until the alien receives permission to stay in this country or leaves it. This applies if
1. the alien lacks a passport, a visa, a residence permit or a work permit when this is required to enter or stay in Sweden or
2. it can be assumed that the alien will apply for a residence permit.

The ticket may only be retained if
- it appears probable that the alien will not receive permission to stay here and
- there is reason to assume that the alien will otherwise dispose of the ticket and will be unable personally to pay for the cost of his or her journey from Sweden.

Section 7
The Swedish Migration Board or the police authority may cash a ticket that has been retained under Section 6, if it would otherwise lose its value. If the ticket is cashed, the money that is then paid for it shall be retained in its place.

Photographs and fingerprints

Section 8
The Swedish Migration Board or the police authority may photograph an alien and, if the alien has attained the age of 14, take his or her fingerprints if
1. the alien cannot prove his or her identity upon arrival in Sweden,
2. the alien applies for a residence permit as a refugee or a person otherwise in need of protection, stating grounds referred to in Chapter 4, Section 1 or 2 or
3. there are grounds for ordering detention of the alien.

Controls during the stay in Sweden

Section 9
It is the duty of an alien staying in Sweden, when requested to do so by a police officer, to present a passport or other documents showing that he or she has the right to remain in Sweden. It is also the duty of the alien, when summoned by the Swedish Migration Board or the police authority, to visit the Board or the authority and provide information about his or her stay in this country. If the alien does not do so he or she may be collected by the police authority. If, in view of an alien's personal circumstances or for some other reason, it can be assumed that the alien will not obey the summons, he or she may be collected without prior summons.

The Swedish Coast Guard shall assist in police control activities described in the first paragraph by controls of and in conjunction with shipping. If controls are exercised by the Swedish Coast Guard, the passport or other documents must be presented to the Swedish Coast Guard official.

Controls under the first and second paragraphs may only be undertaken if there is good reason to assume that the alien lacks the right to remain in this country or there is otherwise special cause for controls.

Section 10
If an alien refuses to comply with a decision made by the Swedish Migration Board pursuant to Section 4, 5, 6, 8 or 9, the Board may request the help of the police authority in enforcing the decision.

Obligation to stay for investigation

Section 11
It is the duty of an alien to stay for investigation in connection with entry or exit or in connection with a summons or collection under Section 9, though no longer than is necessary and in no case for more than six hours. This does not apply if a detention order has been issued under Chapter 10, Section 1 or 2.

A police officer may hold an alien who refuses to stay for investigation.

Chapter 10. Detention and supervision of aliens

Detention

Section 1
An alien who has attained the age of 18 may be detained if

1. the alien's identity is unclear on arrival in Sweden or when he or she subsequently applies for a residence permit and he or she cannot establish the probability that the identity he or she has stated is correct and
2. the right of the alien to enter or stay in Sweden cannot be assessed anyway.

An alien who has attained the age of 18 may also be detained if
1. it is necessary to enable an investigation to be conducted on the right of the alien to remain in Sweden,
2. it is probable that the alien will be refused entry or expelled under Chapter 8, Section 1, 2 or 7 or
3. the purpose is to enforce a refusal-of-entry or expulsion order.

A detention order under the second paragraph points 2 or 3 may only be issued if there is reason on account of the alien's personal situation or the other circumstances to assume that the alien may otherwise go into hiding or pursue criminal activities in Sweden.

Section 2
A child may be detained if
1. it is probable that the child will be refused entry with immediate enforcement under Chapter 8, Section 6, or the purpose is to enforce a refusal-of-entry order with immediate enforcement,
2. there is an obvious risk that the child will otherwise go into hiding and thereby jeopardise an enforcement that should not be delayed and
3. it is not sufficient for the child to be placed under supervision under the provisions of Section 7.

A child may also be detained if
1. the purpose is to enforce a refusal-of-entry order in other cases than those in the first paragraph or an expulsion order under Chapter 8, Section 7 or 8 and
2. on a previous attempt to enforce the order it has not proved sufficient to place the child under supervision under the provisions of Section 7, second paragraph.

Section 3
A child may not be separated from both its custodians by detaining the child or its custodian. A child that does not have a custodian in Sweden may only be detained if there are exceptional grounds.

Section 4
An alien may not be detained for investigation pursuant to Section 1, second paragraph, point 1 for more than 48 hours.

In other cases an alien who has attained the age of 18 may not be detained for more than two weeks, unless there are exceptional grounds for a longer period. If, however, a refusal-of entry or expulsion order has been issued, the alien may be detained for not more than two months unless there are exceptional grounds for a longer period.

Section 5
A child may not be detained for more than 72 hours or, if there are exceptional grounds, for a further 72 hours.

Supervision

Section 6
Subject to the conditions set out in Section 1, an alien who has attained the age of 18 may be placed under supervision instead of being detained.

Section 7
Subject to the conditions set out in Section 2, first paragraph, points 1 and 2, a child may be placed under supervision.

A child may also be placed under supervision when a refusal-of-entry order has been issued in cases other than those referred to in Section 2, first paragraph or when an expulsion order has been issued under Chapter 8, Section 7 or 8.

Section 8
Supervision means that the alien is obliged to report to the police authority in the locality or to the Swedish Migration Board at certain times. A supervision order may also require the alien to surrender his or her passport or other identity document.

Re-examination of detention and supervision

Section 9

A detention order under Section 4, second paragraph shall be re-examined within two weeks from the date on which enforcement of the order began. In cases where there is a refusal-of-entry or expulsion order, the detention order shall be re-examined within two months from the date on which enforcement of the order began.

A supervision order shall be re-examined within six months from the date of the order.

If the alien is retained in detention or is to remain under supervision, the order shall be re-examined regularly within the same intervals.

A detention or supervision order shall be set aside immediately if there are no longer any grounds for the order.

Section 10

A detention or supervision order that is not re-examined within the prescribed period expires.

Section 11

Each re-examination of a detention order shall be preceded by an oral hearing. This also applies to a re-examination of a supervision order, unless it appears obvious in view of the nature of the investigation or other circumstances that an oral hearing is of no importance.

The provisions that apply to oral hearings at a government authority are set out in Chapter 13, Sections 1–8. Provisions concerning oral hearings in a court are set out in Chapter 16.

In cases concerning detention that are handled by the Government, the Government Minister responsible for cases under this Act or the official designated by the Minister may order an oral hearing and instruct a migration court to hold the hearing. The provisions of Chapter 13 apply to the hearing, where relevant. A representative of the Government Offices shall attend the oral hearing. The Government Offices may order that other persons shall be heard at the hearing, in addition to the alien. In security cases, what applies is instead that the task of holding an oral hearing may be assigned to the Higher Migration Court.

Decision-making authorities

Section 12

Decisions on detention or supervision are taken by the authority or court handling the case.

If an alien who has been detained or placed under supervision is refused entry or expelled, the authority or court that takes this decision shall examine whether or not the alien shall be retained in detention or remain under supervision.

Section 13
The police authority is the case-handling authority
1. from the time when an alien requests to be allowed to enter the country until a case that is to be examined by the Swedish Migration Board is received by the Board or until the alien has left the country and
2. from the time when the authority receives a refusal-of-entry or expulsion order for enforcement and until enforcement has been carried out, even if the case is subject to examination under Chapter 12, Sections 18–20, but not during the time when the order may not be enforced due to a stay of enforcement order.

Section 14
The Swedish Migration Board is the case-handling authority
1. from the time when the Board receives a case that the Board is required to examine until the Board takes a decision or the alien has left the country or the police authority has received the case or, if the case is appealed, until the case has been received by the migration court or the Migration Court of Appeal and
2. from the time when the Board receives a refusal-of-entry or expulsion order for enforcement until the order has been enforced or the case has been turned over to the police authority.

The Swedish Migration Board is the case-handling authority for orders with immediate effect, even if the order has been appealed, until the court issues a stay of enforcement order.

Section 15
The Government is the case-handling authority when the case has been received by the ministry responsible for preparing the case.

Decisions in questions of detention and supervision are taken by the Government Minister responsible for the case. The Government may not take a decision to detain or retain anyone in detention or to place anyone under supervision. The Government may, however, set aside a detention or supervision order.

In a case where a stay of enforcement order can be issued pursuant to Chapter 12, Section 11, first paragraph, Section 12 or Section 20 the Government shall not be held to be the case-handling authority until a stay of enforcement order has been issued.

Section 16
In security cases the Migration Court of Appeal is the case-handling authority from the time when the Court receives a case until the ministry responsible for preparing the case receives it.

Section 17
A police authority may, even if it is not the case-handling authority, take a decision to detain an alien or place him or her under supervision, if there is no time to wait for an order from the case-handling authority. Such a decision shall be notified promptly to the case-handling authority and this authority shall then immediately examine whether the detention or supervision decision shall remain in force.

Under Section 11 of the Police Act (1984:387) a police officer may take an alien into custody in certain cases pending the decision of the police authority on detention.

If an alien is being subjected to controls with the assistance of the Swedish Customs Service or the Swedish Coast Guard or with the assistance of a specially appointed passport control officer, the customs officer, the Swedish Coast Guard officer and the passport control officer have the same right to take the alien into custody as a police officer has under the second paragraph. The custody shall be reported as promptly as possible to a police officer for examination of whether the measure shall remain in force.

General provisions on enforcement of detention orders

Section 18
The Swedish Migration Board is responsible for the enforcement of detention orders.

Section 19
When so requested by the authority or court that has made a detention order the police authority shall provide the assistance needed to enforce the order.

If the Swedish Migration Board so requests, the police authority shall also provide the assistance needed to move an alien being held in detention.

Section 20
The Swedish Migration Board may order that an alien being held in detention shall be placed in a correctional institution, remand centre or police arrest facility if
1. the alien has been expelled under Chapter 8, Section 8 for a criminal offence.
2. the alien is being held in isolation under Chapter 11, Section 7 and cannot for security grounds be kept in special premises referred to in Chapter 11, Section 2, first paragraph or
3. there are some other exceptional grounds.

Children who are being held in detention may not be placed in a correctional institution, remand centre or police arrest facility.

Chapter 11. How an alien held in detention shall be treated

Section 1
An alien who is being held in detention shall be treated humanely and his or her dignity shall be respected.

Activities that concern detention shall be organised in a way that results in the least possible infringement of the alien's integrity and rights.

Section 2
An alien who is being held in detention under this Act shall be kept in premises that have been specially arranged for this purpose. The Swedish Migration Board is responsible for such premises.

The Swedish Migration Board is responsible for the treatment and supervision of an alien who is being held in detention.

The relevant parts of the Act on the Treatment of Detained and Arrested Persons, etc (1976:371) are applicable to the treatment of an alien who has been placed in a correctional institution, remand centre or police arrest facility under Chapter 10, Section 20 of this Act. In addition to what follows from the above Act, the alien shall be granted the facilities and privileges that can be permitted taking into consideration good order and security in the institution, remand centre or police arrest facility.

Section 3
An alien who is being held in detention shall be given the opportunity for activities, recreation, physical training and time outdoors.

Section 4
An alien who is being held in detention shall be given the opportunity to receive visits and have contact with persons outside the premises except if the visit or contact would hamper activities concerning the detention in a particular case.

If necessary for reasons of security a visit may be monitored. A visit by a public counsel or a lawyer who is a member of the Swedish Bar may only be monitored if the counsel or the lawyer personally request this.

Section 5
An alien who is being held in detention shall have access to the same level of health and medical care as a person who has applied for a residence permit under Chapter 4, Section 1 or 2, even if the alien has not applied for such a permit.

If an alien who is being held in detention needs hospital care during the period of detention, he or she shall be given the opportunity for such treatment.

The head of operations of the hospital where the alien is being treated shall ensure that the Swedish Migration Board or the person in charge of the premises where the alien shall be kept is notified immediately if the alien wishes to leave or has already left the hospital.

Section 6
An alien who is being held in detention may be prevented from leaving the premises where he or she is being held and may otherwise be subject to the restriction of his or her freedom of movement which is required to achieve the purpose for which the alien is being detained or is necessary for good order and security in the premises.

An alien's freedom of movement may also be restricted if he or she constitutes a serious danger to himself or herself or to others.

Section 7
An alien who is being held in detention and who has attained the age of 18 may be held in isolation from other persons being held in detention if this is necessary for good order and security in the premises or if he or she constitutes a serious danger to himself or herself or to others.

The decision to hold someone in isolation is taken by the Swedish Migration Board. The decision shall be reviewed as often as there is reason to do so, but at least every third day.

An alien who is being kept in isolation because he or she is a danger to himself or herself shall be examined by a doctor as soon as possible.

Section 8
An alien who is being held in detention may not without permission possess alcoholic beverages or other intoxicating substances or anything else that can harm anyone or be detrimental to good order in the premises.

Section 9
If there are reasonable grounds to suspect that an alien who is being held in detention is carrying something on his or her person that the alien is not permitted to possess under Section 8 or under the Penal Law on Narcotics (1968:64) a personal search of the alien may be carried out to check this.

When a personal search is carried out the provisions of Chapter 9, Section 2, third and fourth paragraphs are applicable.

Section 10
An alien who is being held in detention may not receive mail without it being examined first, if there are reasonable grounds to suspect that it contains anything that the alien may not have in his or her possession under Section 8 or under the Penal Law on Narcotics (1968:64).

If an alien does not permit the opening of the item of mail in his or her presence, the item of mail shall be held on behalf of the alien, but it may not be opened.

An examination may not concern the written content of letters or other documents. Mail from public counsel, lawyers who are members of the Swedish Bar, the UN High Commissioner for Refugees or other international bodies that are competent to examine complaints from individuals may never be examined.

Section 11
If property possession of which is forbidden under Section 8 or under the Penal Law on Narcotics (1968:64) is found in premises where an alien is being held in detention or on the person of an alien, the property may be retained.

If it can be assumed that an alien has committed an offence by being in possession of or receiving such property or if there is no known owner, the property shall be turned over to the police promptly.

In other cases the property shall be held on behalf of the alien.

Section 12
Property that has been retained under Section 10, second paragraph or Section 11, third paragraph shall be returned to the alien when the order to hold the alien in detention has expired.

Section 13
An alien who is being held in detention is entitled to the daily allowance and the special allowance referred to in Sections 17 and 18 of the Act on the Reception of Asylum Seekers, etc (1994:137).

Chapter 12. Enforcement of refusal-of-entry and expulsion orders

Impediments to the enforcement of refusal of entry and expulsion

Section 1
The refusal of entry and expulsion of an alien may never be enforced to a country where there is fair reason to assume that
- the alien would be in danger there of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment or
- the alien is not protected in the country from being sent on to a country in which the alien would be in such danger.

Section 2
The refusal of entry and expulsion of an alien may not be enforced to a country
- if the alien risks being subjected to persecution in that country or
- if the alien is not protected in the country from being sent on to a country in which the alien would be at such risk.

An alien may, however, be sent to such a country, if it is not possible to enforce the refusal of entry or expulsion to any other country and the alien has shown by committing an exceptionally gross offence that public order and security would be seriously endangered by allowing him or her to remain in Sweden. This is, however, not applicable if the persecution threatening the alien in the other country entails danger for the life of the alien or is otherwise of a particularly severe nature.

An alien may also be sent to such a country if the alien has conducted activities that have endangered national security and there is reason to assume that the alien would continue to conduct these activities in the country and it is not possible to send the alien to any other country.

Section 3
The refusal of entry and expulsion of an alien referred to in Chapter 4, Section 2, first paragraph, points 2 and 3 may not be enforced to the alien's country of origin or to a country where he or she risks being sent on to the country of origin unless there are exceptional grounds for this.

Countries to which a refusal of entry or expulsion may be enforced

Section 4

A refusal-of-entry or expulsion order that is issued by the Government, the Migration Court of Appeal, a migration court or the Swedish Migration Board shall be enforced by sending the alien to the country, or if several counties are specified, one of the countries specified in the order.

A refusal-of-entry order issued by a police authority and a general court's judgment or order on expulsion on account of a criminal offence shall be enforced by sending the alien to his or her country of origin or, if possible, to the country from which the alien came to Sweden. If enforcement cannot take place to either of these countries an alien may instead be sent to a country to which the alien has ties.

An alien who is to be refused entry or expelled may always be sent to a country where the alien shows that he or she can be received.

Section 5

An alien who has come to Sweden on a ship or an aircraft and who is refused entry because he or she does not have a passport or the permits required to enter the country or funds for his or her journey home, may be returned to the ship or aircraft or put on board another ship or aircraft with the same owner or operator (carrier). If it is necessary for supervisory personnel to accompany the alien, they shall also be given places on the ship or aircraft.

If the commander of the ship or aircraft refuses to receive the alien or the supervisory personnel, the police authority may impose a conditional financial penalty on the commander.

The first paragraph is not applicable if the ship or aircraft came direct from a Schengen State or is to depart for a country to which the alien may not be sent under Sections 1, 2 or 3.

Enforcement of decisions that have not become final and non-appealable

Section 6

A refusal-of-entry order made by a police authority may be enforced even if an appeal has been filed against it. The same applies to an order made by the Swedish Migration Board under Chapter 8, Section 4, second paragraph.

Section 7

A refusal-of-entry order made by the Swedish Migration Board under Chapter 8, Section 4, first paragraph or an expulsion order made by the Board may be enforced even if it has not become final and non-appealable if

1. the alien has declared that he or she accepts the order (declaration of acceptance) or
2. the Swedish Migration Board has directed under Chapter 8, Section 6 that the Board's refusal-of-entry order may be enforced even though it has not become final and non-appealable.

Section 8
A general court's judgment or order on expulsion on account of a criminal offence may be enforced, if the alien has made a declaration of acceptance and the prosecutor consents to the enforcement of the judgment or order.

Refusal of entry and expulsion of an alien who has been sentenced to imprisonment, etc.

Section 9
An order to refuse entry to or expel an alien may not be enforced until the alien has served a prison sentence to which he or she has been sentenced or the enforcement of the prison sentence has been transferred to another country.

If a public prosecution has been initiated against the alien a refusal-of-entry or expulsion order may not be enforced until a final examination has been made of the prosecution or until the prosecution has been withdrawn.

Suspending enforcement (stay of enforcement)

Section 10
If an alien has appealed against a refusal-of-entry order with immediate enforcement under Chapter 8, Section 6, the Swedish Migration Board shall examine whether the order shall be suspended for the time being (stay of enforcement).

The Swedish Migration Board shall also examine the question of a stay of enforcement in other cases where it reviews a refusal-of-entry order.

Section 11
When the Government examines a question of setting aside a judgment or order of a general court on expulsion on account of a criminal offence, the Government may order a stay of the enforcement of the order made previously.

When a case under this Act is to be examined by the Government, the Government Minister responsible for such cases may order a stay of the enforcement of refusal of entry or expulsion for the period until the Government decides the case.

Section 12
If an international body that is competent to examine complaints from individuals makes a request to Sweden for suspension of the enforcement of a refusal-of-entry or expulsion order, a stay of enforcement shall be ordered unless there are exceptional grounds for not doing so.

Section 13
If there are special grounds in other cases, the Swedish Migration Board may order the stay of enforcement.

Sections 18–20 also contain provisions on stay of enforcement.

Section 13a
If, after entering Sweden, an EEA national or a member of his or her family has appealed against a refusal-of-entry order issued by a police authority or a refusal-of-entry or expulsion order issued by the Swedish Migration Board and, in connection with the appeal, has applied for a stay of enforcement of the order, the order may not be enforced before the question of a stay of enforcement has been examined.

Enforcing authority

Section 14
Refusal-of-entry and expulsion orders shall be enforced by the Swedish Migration Board unless otherwise stated in the second, third or fourth paragraph.

The Swedish Security Service shall enforce refusal-of-entry and expulsion orders in security cases. However, the Government or the Swedish Migration Board may direct that another authority shall carry out the enforcement.

The police authority shall enforce
1. a police authority's refusal-of entry order,
2. a general court's judgment or order on expulsion under Chapter 8, Section 8 on account of a criminal offence.

The Swedish Migration Board may turn over a refusal-of-entry or expulsion case to the police authority for enforcement if the person to be refused entry or expelled has gone into hiding and cannot be found without the assistance of the police authority or if it can be assumed that force will be needed to enforce the decision.

When a refusal-of-entry or expulsion order shall be enforced

Section 15
A police authority's refusal-of-entry order, refusal-of-entry orders made by the Swedish Migration Board under Chapter 8, Section 4, second paragraph, refusal-of-entry orders with immediate enforcement made by the Swedish Migration Board and final and non-appealable judgments or orders of a general court on expulsion on account of a criminal offence shall be enforced as soon as possible.

In other cases an alien who is refused entry shall leave the country within two weeks and an alien who is expelled shall leave the country within four weeks from the date when the order becomes final and non-appealable unless otherwise provided in the order.

If the alien does not leave the country within the prescribed period or if it must be assumed that the alien does not intend to voluntarily leave the country within this period, the order shall be enforced as soon as possible by the authority that is responsible for enforcement under Section 14.

Enforcement of a refusal-of-entry or expulsion order applying to an EEA national or a member of his or her family who has entered Sweden may take place at the earliest four weeks from the day on which the EEA national or the family member was informed of the order, unless there are exceptional grounds for enforcing the order.

Cancellation of refusal-of-entry and expulsion orders in certain cases

Section 16
If, after a review, the Swedish Migration Board grants an alien a temporary residence permit the Board may at the same time cancel a refusal-of-entry or expulsion order made by the Board. If the Swedish Migration Board issues a temporary residence permit without cancelling a refusal-of-entry or expulsion order, the refusal-of-entry or expulsion order may not be enforced while the temporary residence permit is in force.

The same applies if a migration court, the Migration Court of Appeal or the Government grants a temporary residence permit in a case that has been turned over or is under appeal, without setting aside the refusal-of-entry or expulsion order.

The Swedish Migration Board may not, however, cancel a judgment or order of a general court on expulsion under Chapter 8, Section 8 or issue a residence permit for a person who has been expelled through such a judgment or order.

Measures in the event of impediments to enforcement

Section 17
If some other authority than the Swedish Migration Board is to enforce a refusal-of-entry or expulsion order and this authority finds that it cannot enforce the order or that it needs additional information, the authority shall notify the Swedish Migration Board. The same applies if an alien invokes the existence of an impediment to enforcement referred to in Sections 1, 2 or 3 in contact with the authority or if it comes to light in some other way that there may be such impediments.

In such cases the Swedish Migration Board shall provide directions on enforcement or take other measures.

If a judgment or order of a general court concerning expulsion of an EEA national or a member of his or her family on account of a criminal offence is to be enforced more than two years after the decision was issued, the police authority shall investigate whether the circumstances on which the order was based have changed, before enforcing the order. If it comes to light in the investigation that the circumstances have changed in such a way that the expulsion order should no longer apply, the case shall be turned over to the Swedish Migration Board, which shall turn over the case, attaching its own opinion, to the Government for examination under Chapter 8, Section 14. In such a case enforcement may not take place before the Government has made a decision on the case.

Section 18
If, in a case concerning the enforcement of a refusal-of-entry or expulsion order that has become final and non-appealable, new circumstances come to light that mean that
1. there is an impediment to enforcement under Section 1, 2 or 3,
2. there is reason to assume that the intended country of return will not be willing to accept the alien or
3. there are medical or other special grounds why the order should not be enforced,
the Swedish Migration Board may grant a permanent residence permit if the impediment is of a lasting nature.

If there is only a temporary impediment to enforcement, the Board may grant a temporary residence permit.

The Swedish Migration Board may also order a stay of enforcement.

Section 19
If, in a case concerning the enforcement of a refusal-of-entry or expulsion order that has become final and non-appealable, an alien invokes new circumstances
1. that can be assumed to constitute a lasting impediment to enforcement referred to in Section 1, 2 or 3 and
2. these circumstances could not previously have been invoked by the alien or the alien shows a valid excuse for not previously having invoked these circumstances,
the Swedish Migration Board shall, if a residence permit cannot be granted under Section 18, re-examine the matter of a residence permit and issue an order staying the enforcement case.

If the conditions set out in the first paragraph have not been fulfilled, the Swedish Migration Board shall decide not to grant a re-examination.

Section 20
If, in a case referring to a judgment or order of a general court concerning expulsion on account of a criminal offence, it comes to light that enforcement cannot be carried out, the Swedish Migration Board shall not take its own decision in the case but shall promptly turn over the case, attaching its own opinion, to the Government for examination under Chapter 8, Section 14.

If, during the enforcement of a refusal-of-entry or expulsion order in a security case, information comes to light that the enforcement cannot be carried out, the Swedish Migration Board shall promptly turn the case over to the Government for examination under Section 18. In this examination the Government shall obtain an opinion from the Migration Court of Appeal. The opinion shall specifically state whether there is an impediment to enforcement under Sections 1, 2 or 3. If the Court finds that there is such an impediment to enforcement, the Government may not diverge from the assessment of the Court in its examination.

In an examination under the second paragraph the Government may order a stay of enforcement, decide on a residence permit and work permit and cancel the refusal-of-entry or expulsion order.

When an order shall be deemed to have been enforced

Section 21
A refusal-of-entry or expulsion order shall be deemed to have been enforced, if the alien has left the country.

When a decision expires

Section 22
A refusal-of-entry or expulsion order that has not been issued by a general court expires four years after the order became final and non-appealable. If the order has been combined with a

prohibition for the alien to return to Sweden which is valid for a longer period, the refusal-of-entry or expulsion order expires when the period of the prohibition on return to Sweden ends.

An expulsion order issued by a general court expires when the period of the prohibition on return to Sweden ends.

If a permanent residence permit is issued, a refusal-of-entry or expulsion order expires.

New enforcement of a decision that has not expired

Section 23
If a refusal-of-entry or expulsion order has been enforced and the alien is subsequently found in the country, the order shall be enforced again if it has become final and non-appealable or it may nevertheless be enforced under Section 7 or 8 and if it has not expired under Section 22.

A refusal-of-entry or expulsion order may not, however, be enforced if the alien
1. has returned with a residence permit or a visa,
2. has returned after having received special permission for a short visit to the country under Chapter 8, Section 20 or
3. has been granted a temporary residence permit after his or her arrival.

The provision stated in the second paragraph, point 1 is applicable for the duration of the period of validity of the permit or visa.

A refusal-of-entry or expulsion order that is not combined with any applicable prohibition on returning to Sweden may furthermore not be enforced if the alien is exempt from the visa or residence permit requirements under Chapter 2, Section 8 or under regulations issued pursuant to Chapter 2, Section 9.

Chapter 13. Procedure in cases being handled by administrative authorities, etc.

Oral procedure

Section 1
The Swedish Migration Board may not issue a refusal-of-entry or expulsion order for an alien who has applied for asylum in Sweden unless there has been an oral procedure at the Swedish Migration Board. An oral procedure shall also be held in other cases at the request of the alien, unless such a procedure would be of no importance for deciding the asylum case. This procedure can take the form of an oral hearing or some other form.

Section 2
An oral procedure in a case concerning detention or supervision shall be conducted by the authority deciding on the measure.

Section 3
In the oral procedure the circumstances that require clarification shall be investigated carefully. The alien shall also be given an opportunity to state his or her point of view and to express an opinion on the circumstances invoked in the case.

Section 4
The alien shall be heard when an oral hearing is held. The authority may decide that other persons shall be heard at the hearing, in addition to the alien.

Chapter 10, Section 11 contains special provisions on when an oral hearing shall be held in certain cases.

Section 5
The alien and the other persons who are to be heard shall be summoned to the oral hearing. If the alien is being held in detention, the authority that conducts the oral hearing shall issue an order for the appearance of the alien.

If a person who is to be heard in a case concerning detention or supervision has been served with a summons at least four days before the oral hearing and fails to attend without valid grounds, the authority may decide that he or she shall be collected by the police authority. However, persons other than the alien may only be collected if there are exceptional grounds.

Section 6
An alien who appears at an oral hearing concerning whether he or she shall be held in detention or be placed under supervision is entitled to reimbursement from public funds for the cost of travel and subsistence if this is held to be reasonable considering the alien's financial situation, the time he or she has stayed in Sweden and other circumstances. An advance payment may be granted on the reimbursement.

Other persons who are summoned to attend an oral hearing to be heard are entitled to reasonable reimbursement from public funds for the costs of their attendance. An advance may be granted on reimbursement for travel and subsistence.

Section 7
The authority conducting the oral hearing decides on reimbursement and advance payments.

Section 8
The Government may issue more detailed regulations on reimbursement and advance payments.

A party's right of access to information in certain cases

Section 9
In cases concerning visas, temporary residence permits, work permits and the withdrawal of permanent residence permits or long-term resident status in Sweden for third-country nationals, the provisions of Section 17 of the Administrative Procedure Act (1986:223) on the right for a

party to have access to information are only applicable when the alien is resident or is otherwise staying in Sweden.

Statement of reasons for decisions

Section 10

A decision on a residence permit or long-term resident status in Sweden for a third-country national shall always contain the reasons on which the decision is based.

In the case of a decision on a visa or a work permit, the reasons for the decision may be excluded. An alien is, however, always entitled to a statement of the reasons for a decision on a visa if the decision is adverse to the alien and the alien is covered by the Agreement on the European Economic Area (EEA) or by the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons, without being a citizen of an EEA country or Switzerland.

Interpreter's remuneration

Section 11

A person who is an interpreter in the handling of a case under this Act before an authority is entitled to receive a fee and remuneration from public funds for costs and for loss of time. This is, however, not applicable if the assignment has been carried out as part of the interpreter's duties as an employee of a public authority.

Questions concerning remuneration are examined by the case-handling authority.

The Government or the authority designated by the Government may issue regulations concerning remuneration.

Amendment of decisions due to incorrect information

Section 12

An authority may decide to amend its decision, if an alien has given incorrect information on his or her name or nationality or on some other circumstance of importance for the establishment of the alien's identity and the incorrect information has been included in the decision of the authority.

Review of decisions of the Swedish Migration Board

Section 13

If the Swedish Migration Board finds that a decision that the Board has issued as the administrative authority of first instance is incorrect because of new circumstances or some other reason, the Board shall change the decision if this is not to the detriment of the alien.

This duty is not applicable if the Swedish Migration Board has turned over the documents in the case to a migration court.

In security cases Section 27 of the Administrative Procedure Act (1986:223) is applicable instead of the provisions of the first and second paragraphs.

Obtaining an opinion in cases concerning work permits

Section 14
In the examination of matters concerning work permits that involve questions of principle or are of major importance for some other reason, the relevant employer and employee organisations shall be given the opportunity to express an opinion.

DNA analysis

Section 15
In cases concerning residence permits on grounds of family ties under Chapter 5, Section 3, first paragraph, point 2 and Section 3a, first paragraph, points 2 and 3 and third paragraph points 2 and 3, the Swedish Migration Board shall give the applicant and the person to whom ties are cited an opportunity to have a DNA analysis performed regarding the biological relationship cited in the application, if
1. the investigation into the family relationship does not otherwise provide a sufficient basis for granting a residence permit and
2. it is not obvious that the alleged family relationship does not exist.

If the application is to be rejected for reasons other than inadequate investigation of the relationship, an opportunity for a DNA analysis under the first paragraph need not be provided.

A DNA analysis may be performed only if the person to be examined has been informed of the purpose of the DNA analysis and has given his or her written consent.

The cost of taking, transporting and analysing specimens shall be paid by the state.

Section 16
If a DNA analysis in a case other than referred to in Section 15 has been cited in a case concerning a residence permit on grounds of family ties under Chapter 5, Section 3, first paragraph, point 2 and Section 3a, first paragraph, points 2 and 3 and third paragraph, points 2 and 3, the person who has paid for a DNA analysis is entitled to compensation from the state for reasonable costs for taking, transporting and analysing specimens, if
1. the applicant has not been given an opportunity to have a DNA analysis performed under Section 15,
2. the analysis shows the relationship cited and
3. a residence permit is granted on the grounds of the family ties cited.

Decisions concerning compensation are issued by the Swedish Migration Board upon special application. An application for compensation must be submitted no later than six months after a final decision has been made in the residence permit case.

Chapter 14. Appeal against the decision of an administrative authority

Appeals in general

Section 1
The decision of an administrative authority under this Act is only subject to appeal in the cases specified in this Chapter.

Refusal of entry and expulsion, residence permits and work permits

Decision of the police authority

Section 2
A decision of a police authority on refusal of entry may be appealed to the Swedish Migration Board.

Decision of the Swedish Migration Board

Section 3
A decision of the Swedish Migration Board may be appealed to a migration court if the decision entails
– rejection of an application for a visa or withdrawal of a visa from an alien who is a family member of an EEA national, though not an EEA national himself or herself,
– refusal of entry or expulsion,
– rejection of an application for a residence permit or for long-term resident status in Sweden for a third-country national or
– withdrawal of a residence permit or of long-term resident status in Sweden for a third-country national.

A decision of the Swedish Migration Board to reject an application for a work permit or a decision to withdraw a work permit may be appealed to a migration court, if the question of the work permit has been dealt with in a refusal-of-entry or expulsion order.

Section 4
A decision of the Swedish Migration Board to reject an application for a temporary residence permit under Chapter 5, Section 15 may be appealed by the person in charge of a preliminary investigation to a migration court.

The decision of the Swedish Migration Board to reject such an application may not be appealed by the alien.

Section 5
A decision by the Swedish Migration Board not to grant re-examination under Chapter 12, Section 19 may be appealed to a migration court.

Declaration of refugee status and travel documents

Section 6
A decision of the Swedish Migration Board under Chapter 4, Section 3 or 4 concerning a declaration of refugee status or travel documents or the withdrawal of a declaration of refugee status may be appealed to a migration court.

Retention of tickets

Section 7
A decision of a police authority or the Swedish Migration Board under Chapter 9, Section 6 to retain tickets may be appealed to a migration court.

Public counsel, compensation, representative and disqualification

Section 8
A decision of a police authority or the Swedish Migration Board under this Act may be appealed separately and under the same procedure as the decision by which the authority decides the case, when the decision of the authority concerns
1. the question of a public counsel or
2. compensation in a case being handled under this Act.

The provisions of Sections 9 and 12 of the Administrative Procedure Act (1986:223) are applicable to an appeal against the decision of a police authority or the Swedish Migration Board to reject a representative or counsel or on disqualification.

A decision of the Government Offices in matters under the first and second paragraphs may be appealed to a migration court.

Section 8a
Decisions by the Swedish Migration Board concerning compensation for costs for DNA analysis under Chapter 13, Section 16 may be appealed to a migration court.

Detention

Section 9
A detention order made by a police authority or the Swedish Migration Board may be appealed to a migration court.

A detention order may be appealed separately and without limitation to a certain period of time.

If a detention order has been issued by the Government Minister responsible for cases under this Act, the Supreme Administrative Court examines, at the request of the alien, whether the measure shall remain in force.

Section 10
A decision of the Swedish Migration Board in special cases on questions concerning the treatment or placement of aliens being held in detention under Chapter 10, Section 20 or Chapter 11, Sections 3–13 may be appealed to a migration court.

Security cases

Section 11
In a security case a decision of the Swedish Migration Board on refusal of entry, expulsion, a residence permit or a work permit is not covered by the provisions of Section 3 and may instead be appealed to the Government. A decision concerning a work permit may, however, only be appealed in the cases where the question of the permit has been dealt with in a refusal-of-entry or expulsion order.

A decision of the Swedish Migration Board under the first paragraph may also be appealed by the Swedish Security Service.

Section 12
An appeal in a security case under Section 11 shall be turned over promptly by the Swedish Migration Board to the Migration Court of Appeal, which shall hold an oral hearing in the case, if this is not clearly unnecessary. The Migration Court of Appeal shall then pass on the case along with its own opinion to the Government for examination. The opinion shall specifically state whether there is an impediment to enforcement under Chapter 12, Section 1, 2 or 3. If the Court finds that there is such an impediment, the Government may not diverge from the assessment of the Court in its examination.

Section 13
A decision of a police authority or the Swedish Migration Board in a security case in the matters referred to in Sections 6–10 may be appealed to the Migration Court of Appeal. The same applies to decisions of the Government Offices in security cases under Section 8, first and second paragraphs.

The provisions of Section 9, second and third paragraphs on detention also apply to security cases.

Decisions of the Swedish Migration Board in security cases concerning detention may also be appealed by the Swedish Security Service.

The liability of carriers for costs

Section 14
A decision of a police authority or the Swedish Migration Board on liability for costs under Chapter 19, Section 2 or 3 or a special charge for carriers under Chapter 19, Section 5 may be appealed to a general administrative court.

Leave to appeal is required for an appeal to the Administrative Court of Appeal.

Chapter 15. Declaration of acceptance

Section 1
An alien who is entitled to appeal against a refusal-of-entry or expulsion order can declare that he or she will refrain from appealing against that part of the order or judgment (declaration of acceptance).

Section 2
A declaration of acceptance may be made before the authority or the court that has issued the order or the judgment.

A declaration of acceptance may also be made before
1. a police authority that has not issued the decision that the declaration applies to or
2. the director of a correctional institution or the director of a remand centre or some other official there who has been appointed to receive such a declaration.

If a declaration of acceptance is made before another authority or court than the authority or court that has issued the order or judgment, the presence of a witness is required. A further requirement is that the person who receives the declaration of acceptance has access to a transcript of the order or judgment or evidence of the content of the decision.

Section 3
A declaration of acceptance cannot be withdrawn. If the alien has lodged an appeal against an order or judgment when the declaration of acceptance is made, the alien shall be held to have withdrawn his or her appeal against the refusal-of-entry or expulsion order through the declaration of acceptance. If the alien has applied for a residence permit, work permit, travel documents, a declaration of refugee status or an alien's passport, the alien shall be deemed to have withdrawn his or her application through the declaration of acceptance.

Chapter 16. Migration courts and the Migration Court of Appeal

The courts

Section 1
The county administrative courts designated by the Government shall be migration courts. The Migration Court of Appeal is the Administrative Court of Appeal in Stockholm.

The general provisions on county administrative courts and administrative courts of appeal and their administration of justice apply to the migration courts and the Migration Court of Appeal and to procedure in these courts unless otherwise provided in this Act.

Section 2
Lay assessors in a migration court shall be lay assessors in the county administrative court that is a migration court.

Enlarged composition of the Migration Court of Appeal

Section 3
If the court when dealing with a court action in the Migration Court of Appeal finds that the ruling may be of great importance in a matter of principle, the case, or if this is possible, a particular question in the court action may be decided by the Migration Court of Appeal sitting with seven legally trained members.

Processing of cases

Section 4
Court actions concerning refusal of entry and expulsion and cases concerning detention shall be dealt with promptly.

Oral hearing

Section 5
A written procedure is followed.

The handling of a case may include an oral hearing on a particular question, if it can be assumed to be advantageous for the investigation or to promote a rapid resolution of the court action.

An oral hearing shall be held in a migration court if an alien who is conducting an action so requests and the hearing is not unnecessary and there are further no special grounds for not holding it.

An oral hearing shall also be held in a migration court in court actions concerning the expulsion of or refusal to renew a residence permit for an alien covered by the Agreement on the European Economic Area (EEA) or by the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons. An oral hearing shall also be held in a migration court in court actions concerning refusal of entry or where an application for a residence permit has been rejected if this is requested by an alien covered by these Agreements who has applied for a residence permit. In these cases, however, an oral hearing need not be held if this would conflict with the interests of national security.

If an alien who has been summoned under a conditional financial penalty to appear in person at a hearing does not attend, the court may order that he or she be brought before the court either immediately or at a later date.

Opposite party in certain cases

Section 6
In a court action concerning refusal of entry the Swedish Migration Board is the opposite party of the alien.

When an appeal is lodged against a decision in a security case both the Swedish Migration Board and the Swedish Security Service are the opposite parties of the alien when the case is handled by the Migration Court of Appeal and by the Government.

Remand of cases

Section 7
If the court finds that a refusal-of-entry order with immediate enforcement under Chapter 8, Section 6 that is based on Chapter 5, Section 1, second paragraph, points 3–6, should not have been made, the court shall, if it does not grant the appeal, set aside the order and remand the court action to the Swedish Migration Board for further action.

Section 8
If it emerges, when a migration court is handling a court action, that it is a security case, the court shall set aside the decision under appeal and remand the case to the Swedish Migration Board for further action.

If, it emerges, when the Migration Court of Appeal is handling a court action that has been appealed from a migration court, that it concerns a security case, the Migration Court of Appeal shall set aside the decision of the migration court. If supplementary investigation is required in the court action, the court may set aside the decision of the Swedish Migration Board and remand the court action to the Swedish Migration Board for further action.

Appeals

Section 9
A decision of a migration court is appealed to the Migration Court of Appeal. A decision of a migration court in a case of refusal of entry that has been examined by a police authority as the administrative authority of first instance may not be appealed.

A decision of a migration court on detention that has not been made after an appeal concerning the question of detention, may be appealed separately to the Migration Court of Appeal.

Decisions of the Migration Court of Appeal are not subject to appeal.

Section 10
An appeal against a decision of a migration court shall be lodged within three weeks from the day on which the decision was issued. If, however, the decision was not issued at an oral hearing and no announcement has been made at such a hearing of when the decision will be issued, the appeal period for the alien shall be counted from the day on which he or she was informed of the decision.

A decision of a migration court on detention may be appealed without limitation to a certain period of time.

Section 11
Leave to appeal is required to appeal a decision of a migration court to the Migration Court of Appeal.

However, leave to appeal is not required to appeal a decision of a migration court under Section 9, second paragraph.

Section 12
Leave to appeal to the Migration Court of Appeal is issued if
1. it is of importance for the guidance of the application of the law that the appeal is examined by the Migration Court of Appeal or
2. there are other exceptional grounds for examining the appeal.

Chapter 17. Duty to provide information

Section 1
The municipal social welfare committee shall disclose information about an alien's personal situation if a police authority, the Swedish Security Service, the Swedish Migration Board, a migration court, the Migration Court of Appeal or the Government requests this and the information is needed for a decision in a case concerning a residence permit or long-term resident status in Sweden for a third-country national or to enforce a refusal-of-entry or expulsion order. This also applies when the question has arisen of whether the alien has a right of residence.

Section 2.
If, in a case under this Act, an alien invokes a certificate of his or her mental or physical health, a health and medical care authority shall provide the information needed to assess the content of the certificate at the request of the authority or court handling the case.

Chapter 18. Public counsel

Section 1
A public counsel shall be appointed for the person whom the measure concerns, unless it must be assumed that there is no need for a counsel, in court actions and other cases concerning
1. refusal of entry, but not at a police authority unless the alien has been held in detention for more than three days under Chapter 10, Section 1 or 2,
2. expulsion under Chapter 8, Section 7 or Section 7a,
3. enforcement of a refusal-of-entry or expulsion order under this Act if a stay of enforcement order has been issued,
4. enforcement of a refusal-of-entry or expulsion order under this Act, but only concerning the question of detention under Chapter 10, Section 1 or 2 in cases where the alien has been held in detention for more than three days and
5. repatriation under Chapter 23, Section 2.

A public counsel shall always be appointed for children held in detention under Chapter 10, Section 2, if the child does not have a custodian in the country.

Section 2
In cases that are to be decided by the Government questions concerning public counsel are examined by the Government Offices.

Section 3
A person who is appointed as a public counsel for a child that does not have a custodian in the country is, without further special appointment, the representative of the child in the court case or other case covered by the appointment. This is not applicable, however, if there is a guardian ad litem for the child under the Act on Guardians Ad Litem for Unaccompanied Children (2005:429).

Section 4
A person who has been appointed as a guardian ad litem for a child under the Act on Guardians Ad Litem for Unaccompanied Children (2005:429) shall apply for a residence permit for the child if this is not clearly unnecessary. If such a guardian ad litem is not appointed, the above provision applies instead to the person who is appointed as public counsel for the child.

Chapter 19. Liability for costs

The alien's liability for travel costs

Section 1
An alien who is refused entry or expelled is liable to pay the cost of his or her own journey to the place to which he or she is required to travel through the action of an authority.

The carrier's liability for costs

Section 2
If an alien who has come to Sweden on a ship or aircraft direct from a state that is not covered in the Schengen Convention is refused entry because the alien does not have a passport or the permits required to enter the country or the funds for his or her journey home, the carrier is liable to reimburse the State for
1. the cost of the alien's journey from Sweden,
2. the travel cost from Sweden and back again for the supervisory personnel who need to accompany the alien and
3. the cost of the alien's subsistence here before the refusal of entry can be enforced, if the delay in enforcement is due to the carrier.

The carrier (the owner or operator of the ship or aircraft) shall be exempted in full or in part from this liability if
1. the carrier shows that he or she had fair reason to assume that the alien was entitled to enter Sweden or
2. it appears clearly unreasonable to demand reimbursement of the cost on account of the size of the cost or other grounds.

Section 3
If an alien who is employed on board a ship or aircraft leaves the ship or aircraft during its stop in Sweden and enters Sweden unlawfully and is refused entry the carrier is liable to
- reimburse the costs of the alien's journey from Sweden and
- meet the costs for the alien's subsistence for the three months immediately after his or her entry to Sweden.

The provisions concerning an alien employed on board a ship or aircraft are also applicable to an alien who has travelled on such a ship or aircraft without permission.

If the ship or aircraft has a foreign owner or operator, the commander is liable to meet the costs under the first paragraph on behalf of the owner or operator if this is not clearly unreasonable.

Section 4
The decision on the liability to reimburse costs is issued by the authority that enforces the refusal of entry.

Special charge

Section 5
A carrier that has not fulfilled its responsibility for controls under Chapter 9, Section 3 shall pay a special charge if the refusal-of-entry order is issued because the alien does not have a passport or the permits required for entry into Sweden and the decision has become final and non-appealable or has been enforced even though it has not entered into force.

The carrier shall, however, not pay a special charge if
1. the carrier shows that he or she had fair reason to assume that the alien was entitled to enter Sweden or
2. it appears clearly unreasonable to levy the charge.

Section 6
The special charge for each alien shall be set at not more than SEK 46 000.

Section 7
The question of whether the carrier shall pay a charge under Section 5 is examined by the authority that has to enforce the refusal of entry.

The charge shall be paid to the Swedish Migration Board and accrues to the State.

Court cases concerning the levying of the charge shall be handled as general cases. The Act on the Collection of Debts to the State (1993:891) contains provisions on collection.

Chapter 20. Penalty provisions, etc.

Section 1
A fine shall be imposed on an alien who is staying in Sweden intentionally or through negligence without having the prescribed permit and without the alien having applied for such a permit or a person in charge of a preliminary investigation having applied for a temporary residence permit for the alien pursuant to Chapter 5, Section 15.

In the case of minor offences, prosecution under this Section shall only be initiated if this is called for in the public interest.

Section 2
An alien who is staying in Sweden intentionally even though he or she did not have the right to return to Sweden according to an enforced expulsion order under Chapter 8, Section 8 shall be sentenced to imprisonment for not more than one year or, if the offence is minor, to a fine.

The provisions in the first paragraph are not applicable if the alien has fled to Sweden for the reasons referred to in Chapter 4, Section 1 or 2.

In the case of minor offences, prosecution under the first paragraph shall only be initiated if this is called for in the public interest.

Section 3
A fine shall be imposed on an alien who intentionally or through negligence is employed in a position or conducts an activity that requires a work permit without holding such a permit.

Section 4
An alien who intentionally passes an outer border under the Schengen Convention in an impermissible way shall be sentenced to a fine or imprisonment for not more than one year.

Section 5
A person who intentionally or through negligence has an alien in his or her employment even though the alien does not have the prescribed work permit shall be sentenced to a fine or, in aggravating circumstances, to imprisonment for not more than one year. Sections 12–14 are applicable to the imposition of a special charge.

Section 6
A fine or, in aggravating circumstances, a sentence of imprisonment for not more than six months shall be imposed on
1. a person who intentionally or through negligence does not make a report prescribed in an ordinance issued pursuant to this Act,
2. a person who knowingly supplies incorrect information or knowingly fails to mention a circumstance of importance in a report or in a case concerning an application under this Act or an ordinance issued pursuant to this Act.

Section 7
Any person who intentionally assists an alien to remain unlawfully in Sweden, a member state of the European Union, Iceland or Norway by hiding the alien or by some other such action shall, if the act has been committed for financial gain, be sentenced to imprisonment for not more than two years or, if there are mitigating circumstances, to a fine.

An attempt to commit an offence under this Section shall be adjudged according to the provisions of Chapter 23 of the Penal Code.

Section 8
Any person who intentionally assists an alien to unlawfully enter or pass through Sweden, a member state of the European Union or Iceland or Norway shall be sentenced for human smuggling to imprisonment for not more than two years.

If the offence is to be regarded as gross, the sentence shall be imprisonment for gross human smuggling for not less than six months and not more than six years. In judging whether the offence is gross, special attention shall be paid to whether the act
1. was carried out in return for compensation,
2. was carried out as part of an activity that involved a large number of persons or
3. was carried out in forms that entail mortal danger for the alien or was otherwise carried out in ruthless forms.

If the offence is regarded as minor the sentence shall be a fine or imprisonment for not more than six months.

An attempt or preparation to commit an offence under this Section shall be adjudged according to the provisions of Chapter 23 of the Penal Code.

Section 9
Any person who, for financial gain, plans or organises activities designed to enable aliens to travel to Sweden without passports or the permits required for entry into Sweden shall be sentenced for organisation of human smuggling to imprisonment for not more than two years.

If the offence is gross the sentence shall be imprisonment for gross organisation of human smuggling for not less than six months and not more than six years. In judging whether the offence is gross, special attention shall be paid to whether the act involves the systematic exploitation of the vulnerable situation of aliens or involves mortal danger or other ruthlessness in relation to the aliens.

If the offence is regarded as minor the sentence shall be a fine or imprisonment for not more than six months.

Any person assisting an alien to travel to Sweden without a passport or the permits required for entry into Sweden shall be sentenced for complicity under paragraphs one to three. This provision is applicable if the accomplice realised or had fair reason to assume that the journey was organised for financial gain through a said activity.

Forfeiture

Section 10

Payment made to any person who has committed an offence under Section 7, 8 or 9 shall be declared forfeit. The same applies to other proceeds from such an offence. Anything that any person has accepted in reimbursement of costs in connection with such an offence or the value of what has been accepted shall be declared forfeit if acceptance is an offence under this Act and the penalty prescribed for the offence is imprisonment for more than one year.

Means of transport that have been used or were intended to be used in connection with an offence referred to in Section 7, 8 or 9 may be declared forfeit if the offence has been completed or the conduct is a punishable attempt or a punishable preparation, if the owner or commander or some other person who was acting for the owner committed the act or was complicit in it and the forfeiture is necessary to prevent crime or if there are some other special grounds.

Over and above what is said in the second paragraph, property that has been used to aid an offence referred to in Section 7, 8 or 9 may be declared forfeit, if this is necessary to prevent crime or if there are some other special grounds. The same provision applies if the property has been intended for use to aid such an offence and the offence was completed or if the conduct constituted a punishable attempt or a punishable preparation.

Forfeiture under the first, second and third paragraphs is not permitted if it is clearly unreasonable.

Section 11

If the owner of a ship that can be forfeited under Section 10, second paragraph is not known or does not have a known domicile in Sweden, an action for forfeiture may be brought against the commander of the ship.

Charges

Section 12

A natural or legal person who has an alien in his or her employment even though the alien does not have a work permit shall pay a special charge irrespective of whether that person has been brought to account under Section 5. This charge accrues to the State.

For every alien the charge is half of the price base amount under the National Insurance Act (1962:381) that was applicable when the offence ceased. If the offence has continued for a longer period than three months, the charge for each alien is a full price base amount instead. The charge may be reduced or waived in full if there are special grounds for doing so.

Section 13

A general court examines, on application, whether a special charge shall be levied under Section 12. The application shall be made by a public prosecutor within two years after the time when the offence ceased. The provisions of the Penal Code on prosecution for an offence for which a heavier penalty than a fine cannot be imposed and on attachment of property in criminal cases are applicable to such an action.

A charge may not be levied when five years have elapsed since the offence ceased.

Section 14
The special charge shall be paid to the county administrative board no later than two months after the decision of the court has become final and non-appealable. A notice to this effect shall be included in the decision. If the charge is not paid within this period, a penalty charge may be imposed under the Penalty Charges Act (1997:484). The unpaid charge and the penalty charge shall be turned over for collection.

The Government may issue regulations to the effect that collection need not be requested for small amounts. The Act on the Collection of Debts to the State etc. (1993:891) contains provisions on collection.

The charge may not be collected when five years have elapsed since the decision entered into force.

Chapter 21. Temporary Protection

Section 1
This Chapter contains provisions on temporary protection under Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Section 2
An alien who is covered by a decision on temporary protection under Directive 2001/55/EC and who is transferred to or received in Sweden in accordance with the Directive shall be given a temporary residence permit, a residence permit with temporary protection.

An alien may only be refused a residence permit with temporary protection when there are circumstances under which a refugee can be refused a residence permit under Chapter 5, Section 1.

Section 3
The Government may issue regulations prescribing that additional categories of displaced persons over and above those covered by the decision of the Council of the European Union may be given residence permits with temporary protection, if these persons have been displaced for the same reasons from the same country or region of origin.

Regulations issued pursuant to the first paragraph shall be reported to the Riksdag in a special written communication within three months.

Section 4
If a residence permit with temporary protection has been given to a person, such a permit may also be given to the person who is the spouse or cohabiting partner of that person and to an alien

who is unmarried and who is a child either of the person who has been granted a permit or the person who is the spouse or cohabiting partner of the person who has been granted a permit.

Other close relatives of the person who has been granted a residence permit with temporary protection may be granted a residence permit with temporary protection under the conditions set out in Chapter 5, Section 3, first paragraph, point 4 and the second paragraph even though the person who was first granted a residence permit is neither resident in Sweden nor has been granted a permit to settle here.

An alien may only be refused a residence permit under this Section if there are exceptional grounds on account of national security or the alien's criminal activity.

Section 5
The fact that an alien has been granted a residence permit with temporary protection is not an impediment to the examination of an application for asylum under Chapter 4, Section 1. This provision also applies to an application for refugee status under Chapter 4, Section 3 and an application for travel documents under Chapter 4, Section 4.

The examination of an application under the first paragraph may only be postponed if there are special grounds for doing so. If an application has not been examined before the temporary protection expires, it shall be examined as soon as possible after that date.

Section 6
A residence permit with temporary protection may not be valid for a longer period than decided by the Council of the European Union.

If a programme to prepare for the voluntary return of the alien has been started when the residence permit with temporary protection expires, the permit of a person taking part in the programme may be extended for not more than two years. This permit shall be called a residence permit after temporary protection.

Section 7
An alien who is granted a residence permit with temporary protection shall also be granted a work permit for the period for which the residence permit is valid.

Section 8
An alien who has been granted a residence permit with temporary protection may be transferred to another Member State, if the alien consents to this. When the transferral takes place the permit in Sweden shall be withdrawn.

Section 9
An alien who has a residence permit with temporary protection may only be expelled on account of a criminal offence in circumstances that allow the expulsion of a refugee under Chapter 8, Section 11.

Section 10
Decisions under this Chapter are issued by the Swedish Migration Board.

Chapter 22. Tribunal witnesses

Section 1
This Chapter contains provisions on the protection of persons who have given evidence or are to give evidence in hearings before an international court or tribunal with which Sweden has entered into an agreement on such protection and of their close relatives.

Section 2
A temporary residence permit for at least one year shall be given to an alien for whom a request for the relocation of a witness or a close relative of a witness has been made by an international court or tribunal, if the request is deemed to be justified.

For the purposes of this Section 'a witness' is a person who has given evidence or is to give evidence before an international court or tribunal in accordance with its rules of procedure and evidence.

'A close relative of a witness' means the witness's
- spouse or cohabiting partner,
- children under 18 years of age who are dependent on the witness and
- any other relative of the witness who is part of the same household as the witness and between whom there is a special relation of dependency.

If the residence permit is held to be justified under the first paragraph, it may only be refused in the circumstances set out in Chapter 5, Section 1, second paragraph, point 1.

Section 3
An alien who has a temporary residence permit under Section 2 shall be given a further temporary residence permit or a permanent residence permit if this is deemed necessary by the international court or tribunal. If the alien is given a new temporary residence permit the period of the permit shall be at least one year.

A residence permit under this Section may only be refused an alien if there are exceptional grounds on account of national security or the alien's criminal activity.

Section 4
An alien who is granted a temporary residence permit under Section 2 or 3 shall be given a work permit for the period for which the residence permit is valid.

Section 5
An alien who has a residence permit under Section 2 or 3 may only be expelled on account of a criminal offence in the circumstances specified in Chapter 8, Section 11, second paragraph.

Section 6
Decisions under this Chapter are issued by the Swedish Migration Board.

Section 7
A decision of the Swedish Migration Board concerning a residence permit under Sections 2 and 3 is not subject to appeal.

Chapter 23. Special authorisations

Section 1
Over and above what has already been stated in this Act, the Government may issue regulations on
1. the duty to report aliens' stay or employment in Sweden,
2. the restrictions in the right of aliens to be employed in a certain company or companies of a certain kind that that are necessary on account of national security.

Section 2
The Government may issue regulations on the repatriation of aliens who are not refugees and who have been taken into care under the Care of Young Persons (Special Provisions) Act (1990:52), the Compulsory Mental Care Act (1991:1128) or the Forensic Mental Care Act (1991:1129).

Following an agreement with another country on the treatment of stowaways, the Government may issue regulations on departures from the provisions of this Act and regulations in the other matters required for the application of the agreement. Such regulations may not refer to the procedure in a court.

Section 3
The Government may issue regulations on what is to be applicable in the event of war or danger of war or in exceptional circumstances occasioned by a war involving Sweden or danger of war affecting Sweden. The regulations may apply to aliens'
1. entry to and stay in Sweden,
2. exit from Sweden,
3. right to hold employment or an elected public appointment in Sweden,
4. removal from Sweden and
5. custody in an institution or centre.

Section 4
A regulation under Section 3, point 4 or 5 that has been issued when Sweden is not at war shall be submitted to the Riksdag for review no later than one month after it has entered into force.

The regulation expires if it is not submitted to the Riksdag in due time or if the Riksdag does not approve it within two months of the day on which it was submitted.

Transitional provisions

2005:716

1. This Act enters into force on 31 March 2006. The Aliens Act (1989:529) shall cease to have effect at the same time.

2. If reference is made in another statute to regulations that have been replaced by regulations in this Act, the new regulations are applicable instead.

3. Cases concerning appeals that have been lodged with the Aliens Appeals Board but have not been decided before 31 March 2006 shall be turned over to the migration court in whose court district the case was first examined. Cases concerning residence permits under Chapter 2, Section 5, point 5b of the Aliens Act (1989:529) shall be dealt with under older regulations as regards matters concerning residence permits. Older regulations are also applicable to the conditions for the appointment of public counsel in these cases.

4. Cases that have been turned over to the Government under Chapter 7, Section 11, second paragraph point 1, 3 or 4 of the Aliens Act (1989:529) but have not been decided before 31 March 2006 shall be turned over to the Swedish Migration Board if an authority has not taken a decision in the case and otherwise to the migration court in whose court district the case was first examined.

5. Cases that have been turned over to the Government under Chapter 7, Section 11, second paragraph, point 2 of the Aliens Act (1989:529) but have not been decided before 31 March 2006 shall be dealt with under older regulations.

6. Court actions that have been appealed to a general administrative court under the Aliens Act (1989:529) but have not been decided before 31 March 2006 shall be dealt with under older regulations.

2006:220

1. Chapter 13, Sections 15 and 16 and Chapter 14, Section 8a of this Act enter into force on 1 July 2006, and the remainder of the Act on 30 April 2006.

2. The provision in Chapter 7, Section 3, second paragraph shall not apply to residence permits granted before 30 April 2006.