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Ministry/authority: Ministry for Foreign Affairs

Title: Aliens Ordinance (2006:97)

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Chapter 1. Contents and definitions

Section 1
This Ordinance contains provisions on

- the contents and definitions of the Ordinance (Chapter 1),

- travel documents (Chapter 2),

- visas (Chapter 3),

- right of residence (Chapter 3a),

- residence permits (Chapter 4),

- work permits (Chapter 5),

- controls and coercive measures (Chapter 6),

- the duty to provide information (Chapter 7) and

- refusal of entry, expulsion, fees etc. (Chapter 8).

Ordinance (2006:262).

Section 2
In this Ordinance '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.

Section 3
'Internal border' means a land border with a Schengen State, or a port with regular ferry services or an airport at which departing or arriving traffic comes directly from a locality in a Schengen State.

‘External border’ means any land or sea border or any port or airport that is not an internal border.

Section 4
In this Ordinance ‘EEA state’ means a state that is covered by the European Economic Area Agreement.

‘EEA national’ means an alien who is a national of an EEA state. Ordinance (2006:262).

Section 5
‘Uniform visa’ means a visa issued in accordance with the regulations in the Schengen Convention.

Chapter 2. Provisions concerning travel documents

Exemptions from the passport requirement

Section 1
An alien who is a national of a Schengen State and who comes to Sweden direct from such a state does not need to have a passport for entry to or stay in the country.

An alien who has a permanent residence permit or who has been granted a residence permit with temporary protection or a residence permit after temporary protection under Chapter 21, Section 2, 3, 4 or 6 of the Aliens Act (2005:716) does not need to have a passport while staying in Sweden.

An alien under sixteen years of age does not need to have his or her own passport to enter or stay in Sweden, if he or she is in the company of an adult person whose passport contains the information that is needed to establish the child’s identity.

Section 2
Crew members or personnel referred to in Chapter 3, Section 1, point 10 or 13 do not need to have a passport for entry to or stay in the country.

Section 3
An alien who does not need to have a passport shall show that he or she is exempt from the passport requirement, if requested to do so by a police authority or police officer.

National passport

Section 4
A travel document may be accepted as a passport (national passport) if the document has been issued by a competent authority in the country of which the holder is a national and fulfils the conditions that are specified in paragraphs two to four.

The document shall contain

1. information about the holder’s nationality and full name, as well as date and place of birth,

2. information about the period of validity of the document,

3. the signature of the holder,

4. information about which authority has issued the document,

5. information about the validity of the document for travel to Sweden and

6. a photograph that is a good likeness of the holder.

A document may not be accepted as a passport if it does not permit return to the country of origin or entry to a third country.

The document shall be drawn up in Swedish, Danish, Norwegian, English, French, Italian, Spanish or German or be provided with a certified translation into one of these languages.

Section 5
If there are special grounds, a travel document referred to in Section 4 may be accepted as a national passport even if it does not fulfil the requirements in Section 4, second paragraph, point 3 or fourth paragraph.

For children under five years of age who have their own travel document and are travelling with a custodian, a travel document referred to in Section 4 may be accepted as a national passport even if it does not fulfil the requirements in Section 4, second paragraph, point 1 or 6, referring to date of birth or photograph. However, the year of birth shall be shown.

It must always be possible to establish the identity of the holder on the basis of the document.

Section 6
A national passport that has been issued for spouses jointly shall be accepted for entry and stay in Sweden both when the spouses are travelling together and when only one of them is entering the country.

Travel documents

Section 7
A travel document shall be issued in the cases specified in the Convention relating to the Status of Refugees of 28 July 1951 (Swedish Treaty Series 1954:55), the Convention relating to the Status of Stateless Persons of 28 September 1954 (Swedish Treaty Series 1965:54) or the Convention relating to Refugee Seamen of 23 November 1957 (Swedish Treaty Series 1959:16).

Section 8
A travel document shall be issued for a certain time and, when it is issued, a note may be made in it that the holder's identity has not been confirmed.

The Swedish Migration Board may decide on extension of the period of validity of a travel document.

Section 9
A travel document that has been issued under Chapter 4, Section 4 of the Aliens Act (2005:716) is valid as a passport for entry to or stay in Sweden.

Section 10
If a person who has a travel document issued by the Swedish Migration Board ceases to be a refugee or a stateless person, the travel document shall be returned to the Swedish Migration Board.

Emergency travel document

Section 11
A travel document that has been drawn up in accordance with the Decision of the Representatives of the Governments of the Member States of the European Union, meeting within the Council of 25 June 1996 (96/409/CFSP), on the establishment of an emergency travel document ('EU emergency travel document'), is valid as a passport for entry to and stay in Sweden.

Alien's passport

Section 12
If an alien has no document that is valid as a passport and is not in a position to procure such a document, the Swedish Migration Board may issue an alien's passport to him or her to serve as a passport. The Board may also issue an alien's passport in other cases, if there are special grounds for doing so.

Section 13
An alien's passport shall be issued with a period of validity of not more than five years and a note may be made in it, either when it is issued or later, restricting its area of validity.

A note may be made in an alien's passport, when it is issued, that the holder's identity has not been confirmed.

Section 14
If an alien has an immediate need to travel to or from Sweden, the Swedish Migration Board may issue an emergency alien's passport to him or her.

Section 14a
An alien's passport may be issued to a person who is under eighteen years of age if the child's custodian has given his or her consent. If there are exceptional grounds for doing so, a passport may be issued without such consent.

A passport that is only valid for direct travel to Sweden may be issued without the consent of a custodian to a child who has a residence permit to settle in Sweden, if the child

1. is in a situation in which there is a risk of harm to his or her health or development or

2. there are some other special grounds.

Section 15
An application for an alien's passport shall be submitted to the Swedish Migration Board or, if the alien is not in Sweden, to a Swedish embassy or Swedish consulate.

Section 15a
If a case concerns a question of whether to issue an alien's passport to a child under eighteen years of age without a custodian's consent, the Swedish Migration Board shall obtain an opinion from a municipal committee that performs duties within the social services. An opinion shall be obtained from the municipality where the child is registered or, if the child is not registered in the population register, from the municipality to which the child has strongest ties.

Section 15b
A case that concerns a question of issuing a passport to a child under eighteen years of age without a custodian's consent, pursuant to Section 14a, second paragraph, shall be processed promptly.

Section 16
An alien's passport shall be returned to the Swedish Migration Board if the person who has the passport

1. has become a Swedish citizen,

2. has obtained another document that is valid as a passport,

3. is to travel to his or her country of origin,

4. no longer has a right to stay in the country, following a special decision on refusal of entry or expulsion, or

5. has died.

Identity cards for EEA nationals or nationals of Switzerland

Section 17
An identity card for an alien who is a national of the issuing state that indicates nationality and that has been issued by a competent authority in an EEA state or Switzerland is valid as a passport upon the alien's arrival in and departure from Sweden and during the time that the alien has a right to stay here. The same applies to identity cards that have been issued by a competent authority in a state other than an EEA state or Switzerland to a spouse of a Swiss national, to their children who are under 21 years of age or who are dependent upon them and to dependent immediate relatives in the ascending line of such an alien or his or her spouse, if the family member is a national of the state and the nationality is shown by the identity card.

The first paragraph also applies to an alien referred to in Chapter 5, Section 2, first paragraph, point 4. Ordinance (2006:262).

Travel document for an alien who is not a national of the issuing country

Section 18
A travel document that has been issued by a competent foreign authority to someone who lacks nationality or is a national of a country other than the country where the document has been issued may be accepted as a passport if the document is drawn up in accordance with Section 4, paragraphs two to four and contains the information prescribed there.

Collective passport

Section 19
A joint travel document for several aliens (a collective passport) may be accepted as a passport if the aliens are to travel through the country in a body or stay here for a relatively short time on common business. The collective passport may only refer to nationals of the country whose authority has issued the passport. It shall include at least ten and at most fifty persons. A person who is included in the passport shall have an identity document that is issued by a competent authority in the country of origin.

With regard to collective passports that have been issued in accordance with the European Agreement on Travel by Young Persons on Collective Passports of 16 December 1961 (Swedish Treaty Series 1968:16) and that have been issued by an authority in a country that has acceded to the Agreement and applies it in relation to Sweden, the Agreement applies instead of the first paragraph.

If a collective passport refers to aliens who are not obliged to have a visa, the passport shall have been approved by a Swedish head of embassy or consul who is authorised to issue visas or by the police authority in a locality where there are passport control facilities for entry into Sweden. Such approval is not, however, required if the passport has been approved by a competent authority in Denmark, Finland, Iceland or Norway for entry into that country.

Diplomatic staff and others

Section 20
The provisions on passport requirements in Chapter 2 of the Aliens Act (2005:716) and the provisions of this Chapter also apply where relevant to diplomatic officials and career consular officials employed by foreign countries in Sweden and to their families and servants. Such persons shall have national passports.

Section 21
A diplomatic courier coming to Sweden shall, in addition to a national passport, have an official document certifying his or her position and specifying the number of items in the diplomatic bag.

Authorisation

Section 22
The Swedish Migration Board may, after consulting the National Police Board, issue further regulations prescribing which documents are acceptable as passports.

If there are special grounds the Swedish Migration Board may, after consulting the Government Offices (the Ministry for Foreign Affairs), allow another document to serve as a passport in an individual case.

Chapter 3. Provisions concerning visas

Exemptions from the visa requirement

Section 1
In addition to what is prescribed in Chapter 2, Sections 3, 8 and 10 of the Aliens Act (2005:716), the aliens specified below are exempt from the visa requirement.

1. Nationals of the United Kingdom ('British citizen') who have a national passport or persons who possess a national passport designated a 'British passport' or an identity card issued by a competent authority, in which the nationality is stated as 'British citizen' or 'British National Overseas' (BNO) and that is valid for entry into the United Kingdom.

2. Nationals of Belgium, Cyprus, Estonia, France, Greece, Ireland, Italy, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, the Netherlands, Poland, Switzerland, Slovakia, Slovenia, Portugal, Spain, the Czech Republic, Germany, Hungary and Austria, if they have a national passport or an identity card that has been issued by a competent authority in the country of origin and shows their nationality.

3. Nationals of any of the countries specified in point 1 or 2 if they are included in a collective passport that has been issued by a competent authority in the country of origin.

4. Holders of travel documents that have been issued in accordance with the Convention relating to the Status of Refugees of 28 July 1951 (Swedish Treaty Series 1954:55) or the Convention relating to Refugee Seamen of 23 November 1957 (Swedish Treaty Series 1959:16) and that have been issued by a Swedish authority or an authority in a state that has acceded to the European Agreement on the Abolition of Visas for Refugees of 20 April 1959 (Swedish Treaty Series 1960:75) and that applies this Agreement in relation to Sweden.

5. Refugees or stateless persons who are included in a collective passport that has been issued by an authority in a country that has acceded to Article 13 of the European Agreement on Travel by Young Persons on Collective Passports of 16 December 1961 (Swedish Treaty Series 1968:16) and that applies this Article in relation to Sweden, and has been issued in accordance with the Agreement and the declaration made by Sweden on the said Article.

6. Persons who possess a United Nations laissez-passer and a certificate showing that they are travelling on official business that has been issued by the United Nations or any of its specialised agencies or subordinate bodies.

7. Persons who possess a European Community (EC) laissez-passer.

8. Holders of Vatican passports.

9. Nationals of the Philippines, Macedonia (the Former Yugoslav Republic of Macedonia), Thailand or Turkey who have diplomatic passports or service passports and nationals of Tunisia who have diplomatic passports.

10. Crew members serving on an aircraft who possess a pilot's certificate or a flight crew certificate, as long as they do not leave

- the intermediate landing airport,

- the destination airport,

- the municipality in which the airport is located or

- the airport other than to proceed to another airport in the territory of a Schengen State.

11. Crew members on ships who are included in the ship's crew list and who have a valid seaman's passport or seaman's book, as long as they only temporarily leave their ship and stay in the population centre closest to the port where the ship is moored.

12. Aliens who are referred to in Section 8 or in Chapter 4, Section 6.

13. Personnel belonging to the military forces of a foreign state who possess a military identity document and who are visiting Sweden within the framework of international military cooperation or international crisis management and who are covered by the following agreements:

a) the Agreement among the states parties to the North Atlantic Treaty and the other states participating in the Partnership for Peace regarding the status of their forces of 19 June 1995 (Swedish Treaty Series 1997:51) and

b) the Agreement among the States participating in the Multinational Stand-By High Readiness Brigade for UN Operations regarding the Status of their Forces of 13 December 2001 (Swedish Treaty Series 2005:6).

14. Aliens who are under 18 years of age and who are resident in an EEA state but are not EEA nationals if

a) the intention of the stay in Sweden is a short visit as a participant in a school trip,

b) the participants in the school trip are accompanied by a teacher who has a list of the participants drawn up in accordance with the Annex to the Council Decision of 30 November 1994 on a joint action and

c) the aliens possess a document that is valid as a passport for entering Sweden or the list of participants contains the information specified in Article 2 of the Council Decision.

15. Aliens who have a residence card or a permanent residence card that has been issued in Sweden or by a competent authority in another EEA state.

Further exemptions from the visa requirement are contained in Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. Ordinance (2006:262).

Emergency visas

Section 2
A visa for at most fifteen days and valid for one entry may be issued at the border to an alien who is obliged to have a visa but comes to Sweden without having a visa because he or she has been unable to apply for a visa due to lack of time or for compelling reasons.

Airport transit visas

Section 3
Nationals of Afghanistan, Bangladesh, the Democratic Republic of the Congo, Ethiopia, Eritrea, Ghana, Iraq, Iran, Nigeria, Pakistan, Somalia or Sri Lanka passing through via an international airport area in Sweden shall have a uniform airport transit visa. The same applies to aliens who are not nationals of these countries but are holders of a travel document issued by an authority in these countries.

An airport transit visa is not required for an alien referred to in the first paragraph who

- has a visa for entering the country,

- has a residence permit valid for a longer period than three months in a country included in the European Union (EU),

- has been granted a visa to stay for a longer period than three months in an EEA state,

- possesses a diplomatic passport, service passport or some other such document as is referred to in Section 1, points 6–8,

- is a crew member on an aircraft or ship,

- is an alien referred to in Section 1, point 4 or 5, or

- has been granted a transit permit under the Act on Assistance in Cases of Air Transit through Sweden for the purposes of Return (2005:754).

Seamen's visas

Section 4
A uniform visa for at most five days may be issued to an alien who is a seaman and who is to enter the country or continue to another Schengen State for the purposes of signing on at or signing off from a ship.

Group visas

Section 5
A uniform visa may be issued as a group visa for several aliens if there are special grounds for doing so. Such a visa may be granted for at most 30 days. However, a group visa for aliens who are seamen may be granted for at most five days.

Visa certificates

Section 6
A visa certificate shall be entered in the alien's passport or some other travel document. When the certificate refers to a uniform visa the period of validity of the travel document shall exceed the period of validity of the visa by at least three months.

Restriction of the validity of a uniform visa

Section 7
The validity of a uniform visa may not include a Schengen State that has not approved the passport or the travel document in which the visa is to be entered.

Right to transit

Section 8
An alien who has a visa issued by a Schengen State for a stay exceeding three months and who fulfils the requirements for entry stated in Article 18 of the Schengen Convention may be accorded the right to enter the country for at most five days so as to be able to continue to the country that has issued the visa.

An alien who, in a case other than stated in Chapter 4, Section 6, has a residence permit granted by a Schengen State or a visa issued by a Schengen State and valid for entry into that state, may be accorded the right to enter Sweden so as to be able to proceed to the country that has issued the residence permit or visa.

Diplomatic staff and others

Section 9
The provisions on visas in Chapter 2 of the Aliens Act (2005:716) and the provisions of this Chapter also apply where relevant to diplomatic officials and career consular officials employed by foreign countries in Sweden, to their families and servants, and to diplomatic couriers.

A national visa for a period of stay in Sweden longer than three months may be granted to persons referred to in the first paragraph.

Decision-making authorities

Section 10
A uniform visa shall be decided on by the Swedish Migration Board or another competent authority as provided for in Sections 11 and 12, if Sweden is the main destination of the journey or, if the main destination of the journey cannot be established, Sweden is the country where the alien intends to enter the Schengen area.

Section 11
A visa may be issued by the Swedish Trade Council's Taiwan office.

A visa for an alien who is a seaman shall be decided on by the police authority at the border. When a police authority considers it doubtful whether such a visa shall be issued, the authority shall request instructions from the Swedish Migration Board. Ordinance (2006:262).

Authorisations

Section 12
The Swedish Migration Board may authorise a Swedish embassy or a Swedish consulate to make decisions in cases concerning visas. Before a Swedish embassy or a Swedish consulate is authorised to reject applications for visas, the Swedish Migration Board shall consult the Government Offices (the Ministry for Foreign Affairs).

The Government Offices (the Ministry for Foreign Affairs) may authorise such an authority to grant visas within the Ministry's area of responsibility.

The Swedish Migration Board may authorise a police authority to decide on the granting of emergency visas.

Chapter 3a. Right of residence

Retention of right of residence in certain cases

Section 1
A national of an EEA state who has a right of residence as a worker or a self-employed person under Chapter 3a, Section 3, point 1 of the Aliens Act (2005:716) retains his or her right of residence even if he or she suffers a temporary incapacity for work owing to sickness or an accident. The same applies if he or she is involuntarily unemployed after being employed for more than one year and has registered as a jobseeker with the public employment services.

A worker referred to in the first paragraph who has had temporary employment for less than one year retains his or her right of residence for six months after completing his or her term of employment if he or she is involuntarily unemployed and has registered as a jobseeker with the public employment services. The same applies to a worker referred to in the first paragraph who has become involuntarily unemployed during the first twelve months of a term of employment and has registered as a jobseeker with the public employment services.

A worker or self-employed person referred to in the first paragraph who begins a vocational training programme retains his or her right of residence. If the person is not involuntarily unemployed he or she shall be deemed to be a worker or self-employed person only if the vocational training programme is associated with the previous occupation. Ordinance (2006:262).

Section 2
An alien who is a family member as defined by Chapter 3a, Section 2 of the Aliens Act (2005:716) and who is not an EEA national retains his or her right of residence if the person from whom he or she has derived the right of residence dies, provided the family member has then been in Sweden as a family member for at least one year, and

1. is a worker or a self-employed person in Sweden,

2. has adequate assets to support himself or herself and family members and has comprehensive health insurance that is valid in Sweden or

3. is a member of a family that has already been formed in Sweden by a person who fulfils the conditions in point 1 or 2.

An alien who is a family member as defined in Chapter 3a, Section 2 of the Aliens Act and who is an EEA national must fulfil one of the conditions stated in Chapter 3a, Section 3 of the Aliens Act in order to have a right of residence, if the person from whom he or she has derived the right of residence dies or leaves Sweden. Ordinance (2006:262).

Section 3
A child of an EEA national who is under 21 years of age and who is enrolled at a recognised educational institution in order to pursue studies, and who has derived his or her right of residence from his or her parent, retains his or her right of residence even if the parent dies or leaves Sweden. The same applies to the person who has custody of the child. The right of residence shall continue until the student has completed his or her studies. Ordinance (2006:262).

Section 4
An alien who is a family member as defined by Chapter 3a, Section 2 of the Aliens Act (2005:716) but who is not an EEA national retains his or her right of residence if ties to the person from whom he or she has derived the right of residence are ended by divorce, annulment of marriage, dissolution of a registered partnership or termination of a cohabiting relationship, provided he or she fulfils the provisions of Section 2, first paragraph, point 1, 2 or 3 and

- the marriage, cohabiting relationship or registered partnership has lasted for at least three years, including at least one year in Sweden, when the process of divorce or annulment or dissolution of the cohabiting relationship or registered partnership is initiated,

- custody of the EEA national's child has been transferred to the family member,

- it is warranted in view of particularly difficult circumstances in the relationship or

- the family member, by agreement between the parents or by court order, has access rights to a minor child and these access rights must be exercised in Sweden.

An alien who is a family member as defined in Chapter 3a, Section 2 of the Aliens Act and who is an EEA national must fulfil one of the conditions stated in Chapter 3a, Section 3 of the Aliens Act in order to have a right of residence, if ties to the person from whom he or she has derived the right of residence are ended by an event referred to in the first paragraph. Ordinance (2006:262).

Obtaining a right of permanent residence in certain cases

Section 5
An EEA national who is a worker or a self-employed person and who stops working in Sweden shall have a right of permanent residence, even if he or she has not stayed here for a continuous period of five years, if he or she

1. when he or she stops working has worked in Sweden during the twelve preceding months and has stayed in Sweden continuously for at least three years, and has passed the age of 60

or, where a worker is concerned, has taken early retirement following the termination of his or her employment,

2. leaves work because of a permanent incapacity for work and has stayed in Sweden continuously for more than two years,

3. leaves work because of an industrial injury that entitles a person to a benefit that is wholly or partly paid by a Swedish institution or

4. after at least three years of continuous activities and stay in Sweden has continued to work in another EEA state and kept his or her home in Sweden to which he or she has returned at least once a week, and the total professionally active time amounts to five years.

If a situation referred to in the first paragraph, point 1 or 2, occurs after at least three years of continuous professional activity and stay in Sweden, professionally active periods in the other state shall be counted as if they had been spent in Sweden.

Periods of involuntary unemployment that have been registered by the public employment services or periods of involuntary interruption of work or absence from or cessation of professional activity that are due to sickness or an accident, shall be regarded as professionally active periods.

The conditions in the first paragraph, point 1, concerning the duration of the stay and activity and the condition in the first paragraph, point 2, concerning the duration of the stay, shall not apply if the spouse, cohabiting partner or registered partner of the worker or self-employed person is a Swedish national. Ordinance (2006:262).

Section 6
If an EEA national has a right of permanent residence under Section 5, his or her family members as defined in Chapter 3a, Section 2 of the Aliens Act (2005:716) shall also have a right of permanent residence.

If the EEA national dies while still active as a worker or self-employed person but before he or she has a right of permanent residence, the family member who has been staying here with the worker or self-employed person shall have a right of permanent residence, if

1. the worker or self-employed person has been in Sweden for more than two consecutive years at the time of death or

2. his or her death was the consequence of an industrial injury. Ordinance (2006:262).

Right of residence certificate, etc.

Section 7
The Swedish Migration Board issues

1. registration certificates to nationals of EEA states with a right of residence,

2. certificates showing that a residence card application has been submitted, to aliens who have applied for such cards,

3. residence cards to aliens other than those referred to in point 1 and who have a right of residence,

4. right of permanent residence certificates to nationals of EEA states who have applied for such certificates and who have a right of permanent residence and

5. permanent residence cards to aliens other than those referred to in point 4 and who have a right of permanent residence.

Registration certificates and certificates showing that a residence card application has been submitted shall be issued immediately. Residence cards and permanent residence cards shall be issued no later than six months after application for such cards. Right of permanent residence certificates shall be issued as soon as possible. Ordinance (2006:262).

Section 8
In connection with issuing registration certificates the Swedish Migration Board may require the applicant to produce a valid passport or a valid identity card and

1. documents confirming that he or she has employment or conducts activities as a self-employed person in Sweden,

2. documents confirming that he or she is enrolled as a student at a recognised educational institution in Sweden and has comprehensive health insurance for himself or herself and family members that is valid in Sweden, and an affirmation that he or she has adequate assets to support himself or herself and family members or

3. documents confirming that he or she 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. Ordinance (2006:262).

Section 9
In connection with the issuing of a residence card the Swedish Migration Board may require the applicant to produce a valid passport, documents confirming his or her family ties to an EEA national, a registration certificate or other documents confirming that the EEA national from whom the right of residence is derived has a right of residence in Sweden and, insofar as this is a condition for the applicant's right of residence, documents confirming that he or she is a dependant of the EEA national or his or her spouse or cohabiting partner. Ordinance (2006:262).

Section 10
In connection with the issuing of a right of permanent residence certificate and a permanent residence card, the Swedish Migration Board may require the applicant to produce documents confirming the duration of the stay and documents confirming that the conditions are fulfilled in other respects. Ordinance (2006:262).

Section 11
When calculating the time within which, at the latest, an alien shall register or apply for a residence card, under Chapter 3a, Section 10 of the Aliens Act (2005:716), what is stated in

Chapter 4, Section 2 regarding a residence permit-free period shall apply correspondingly. Ordinance (2006:262).

Chapter 4. Residence permits

Calculation of residence permit-free period

Section 1
The three-month period during which, under Chapter 2, Section 5 of the Aliens Act (2005:716), an alien does not need to have a residence permit to stay in Sweden (residence permit-free period) shall be calculated from the date when the alien entered Sweden or another Schengen State.

If the alien has spent some period in Sweden or another Schengen State before entering Sweden, the duration of this stay shall be counted in the residence permit-free period. The total stay in the Schengen area may not exceed three months during a period of six months calculated from the date of first entry.

An agreement with another state can indicate that a previous stay in another Schengen State shall not be counted in the residence permit-free period.

Section 2
For an alien who is an EEA national or a national of Switzerland, the residence permit-free period shall always be calculated from entry into Sweden.

What is said in the first paragraph concerning a residence permit-free period shall also apply to family members of an EEA national referred to in Chapter 3a, Section 2 of the Aliens Act (2005:716) who are not themselves EEA nationals or nationals of Switzerland. Ordinance (2006:262).

Exceptions to the principle of first country of asylum

Section 3
An alien shall not be refused a residence permit under Chapter 5, Section 1, second paragraph, point 4 of the Aliens Act (2005:716), if

1. the alien's spouse, child or parent is resident in this country and he or she does not have equally close family ties to the country to which a refusal-of-entry or expulsion order would be enforced or

2. the alien, because of a previous extended stay in Sweden with a residence permit, has acquired special ties to this country and lacks such ties or ties through relatives to the country to which a refusal-of-entry or expulsion order would be enforced.

Section 4
If an alien has been refused a residence permit under Chapter 5, Section 1, second paragraph, point 4 of the Aliens Act (2005:716), the alien shall receive a special document stating that the grounds for asylum that he or she has cited have not been examined in substance in Sweden.

Residence permits for studies in certain cases

Section 5
An alien who has been admitted to preparatory education in Swedish at a university or other higher education institution and subsequent higher education shall be granted a residence permit for the period of study unless special grounds indicate otherwise. The same applies to an alien who has been admitted to undergraduate education without needing to undergo preparatory education in Swedish beforehand and to an alien who is eligible for admission to postgraduate studies.

The first paragraph, however, shall only apply if the alien's maintenance during the period of study is guaranteed by the alien's own means, a scholarship or other similar resources.

Right to stay in certain cases

Section 6
An alien who has a valid travel document and a residence permit that is issued by a Schengen State may be permitted to enter and stay in Sweden for at most three months if the entry conditions specified in Article 21 of the Schengen Convention are fulfilled. In calculating the period of stay the time shall be included that the alien has stayed in a Schengen State other than the state that has issued the permit, without him or her having returned to that state.

Residence permits for temporary work

Section 7
An alien who is to engage in temporary work in Sweden under conditions referred to in Chapter 5, Section 2, first paragraph, point 4, shall be granted a residence permit for the period the temporary work is expected to last, unless public policy, public security or public health indicate otherwise.

Joint temporary residence permit

Section 8
A joint temporary residence permit may be granted to persons included in a joint passport.

Residence permits for Swiss nationals and third-country nationals with long-term resident status in another EU state

Section 9
A residence permit shall be granted to an alien who produces a valid passport or identity card and who is a Swiss national or a third-country national with long-term resident status in another EU state and is not exempt from the residence permit requirement under Chapter 2, Section 5 and Section 8, first paragraph of the Aliens Act (2005:716), if he or she

1. is a worker who has proof of employment or a self-employed person who can produce a document showing that he or she is a self-employed person,

2. is a provider or recipient of services and can produce a document confirming this,

3. is a self-employed person who has ceased his or her activities if he or she

- has reached the age of 65 when he or she ceases his or her activities, has conducted his or her activities in Sweden during the immediately preceding twelve months and has been resident in Sweden for three years or

- ends his or her activities because of a permanent incapacity for work and has lived in Sweden without interruption for at least two years or

- ends his or her activities because of an incapacity for work resulting from an industrial injury that entitles him or her to a pension that is wholly or partly paid by a Swedish institution or

- after three years of uninterrupted activities and residence in Sweden has continued his or her activities in another EEA state or Switzerland and has kept his or her home in Sweden, to which he or she has returned at least once a week,

4. is a self-employed person to whom point 3 does not apply and a retired worker to whom Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State does not apply, if he or she receives a pension that is sufficient for his or her subsistence and, if he or she is not covered or will not be covered by Swedish social insurance, has comprehensive health insurance that is valid in Sweden,

5. is a student who is enrolled at a recognised educational institution and declares that he or she has sufficient personal means for his or her maintenance and, if he or she is not covered or will not be covered by Swedish social insurance, has comprehensive health insurance that is valid in Sweden or

6. if he or she has sufficient means for his or her maintenance and, if he or she is not covered or will not be covered by Swedish social insurance, has comprehensive health insurance that is valid in Sweden.

The right of a self-employed person under point 3 to receive a residence permit after ceasing his or her activities is not affected if he or she has stayed outside Sweden for at most three months per year or if he or she leaves Sweden to perform military service. Furthermore, this right is not affected by a self-employed person staying abroad for at most two years after ceasing his or her activities. Ordinance (2006:262).

Section 10
A residence permit shall be granted for

1. five years for workers and self-employed persons referred to in Section 9, first paragraph, points 1, 3 and 4; however, if the period of employment is more than three but less than twelve months a residence permit may be granted for the duration of the employment,

2. the period during which the service is performed, in cases referred to in Section 9, first paragraph, point 2,

3. the duration of the educational programme, in cases referred to in Section 9, first paragraph, point 5; however, if the educational programme lasts more than one year, a residence permit may be granted for one year at a time, or

4. five years for Swiss nationals or other third-country nationals referred to in Section 9, first paragraph, point 6.

The residence permits referred to in Section 9, first paragraph, points 4 and 6 may be re-examined after the first two years of residence. When the residence permit of an alien referred to in Section 9, first paragraph, point 1 is extended for the first time, the permit period may be limited if the worker has been involuntarily unemployed for more than twelve consecutive months. However, the permit period may not be less than twelve months. Ordinance (2006:262).

Section 11
A residence permit shall be granted to a Swiss national under the conditions stated in Article 2 of Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State.

Section 12
Repealed by Ordinance 2006:262.

Section 13
Repealed by Ordinance 2006:262.

Section 14
Repealed by Ordinance 2006:262.

Section 15
Repealed by Ordinance 2006:262.

Section 16
An alien who is a relative of a Swiss national shall be granted a residence permit as stated in Article 3 of Annex I to 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 (Swedish Treaty Series 2001:68).

Section 16a
An alien who, in a manner referred to in Chapter 3a, Section 2 of the Aliens Act (2005:716), is a family member of a third-country national with long-term resident status in another EU state shall be granted a residence permit provided the third-country national to whom the alien has ties fulfils one of the conditions in Section 9, first paragraph. A residence permit shall be granted having the same scope as for the third-country national with long-term resident status in another EU state to whom the alien has ties. Ordinance (2006:262).

Section 17
A residence permit application shall be eligible for approval, if the application is made by an EEA national, a Swiss national or a third-country national with long-term resident status in another EU state, even if he or she is in Sweden or if the application is examined when he or she is in Sweden.

The same applies to an application made by a member of an alien's family referred to in Chapter 3a, Section 2 of the Aliens Act (2005:716) or by an alien who, in a manner referred to in Chapter 3a, Section 2 of the Aliens Act, is a family member of a Swiss national or a third-country national with long-term resident status in another EU state.

What is stated in the first paragraph also applies to a residence permit application under Section 7. Such an application can be made on the alien's behalf by his or her employer, who shall affirm the circumstances on which the application is based. Ordinance (2006:262).

Section 18
A residence permit may be withdrawn from an alien referred to in Section 9, first paragraph and who bases his or her right to stay in this country on 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, if the alien does not earn a living or otherwise lacks personal means for his or her subsistence here. The same applies to a third-country national with long-term resident status in another EU state who has been granted a residence permit here. This applies over and above what is prescribed in Chapter 7, Sections 1–6 of the Aliens Act (2005:716).

A residence permit may be withdrawn from an alien who, in a manner referred to in Chapter 3a, Section 2 of the Aliens Act, is a family member of a third-country national with long-term resident status in another EU state, if the ties to the Swiss national or third-country national with long-term resident status in another EU state are broken and the family member does not have a right to stay in Sweden on any other basis.

A worker referred to in Section 9, first paragraph, point 1 shall not have his or her residence permit withdrawn solely because he or she either is no longer employed owing to temporary unfitness for work owing to sickness or an accident, or he or she is involuntarily unemployed and this is confirmed by the public employment services. Ordinance (2006:262).

Residence permits for diplomatic and consular officials and their families and servants

Section 19
Diplomatic officials and career consular officials and their families and servants may be granted residence permits during the time that the official is employed at the embassy or consulate of a foreign state in Sweden.

EC residence permit for long-term residents

Section 19a
A person who has been granted long-term resident status in Sweden shall be issued with an EC residence permit for long-term residents. An EC residence permit shall be valid for a period of at least five years. Ordinance (2006:262).

Application for residence permit

Section 20
A residence permit application from an alien who is not in Sweden shall be submitted to and

investigated by a Swedish embassy or a Swedish consulate in the alien's country of origin or in the country where the alien is otherwise permanently resident.

A residence permit application from an alien who is staying in Sweden shall be submitted to the Swedish Migration Board.

Section 21
The Swedish Migration Board shall, where necessary, check whether an alien who has applied for a residence permit is a person for whom an alert has been issued for the purposes of refusing entry, as referred to in Section 3, point 2 of the Schengen Information System Act (2000:344). Before a residence permit is granted to an alien for whom an alert has been issued for the purposes of refusing entry, the Swedish Migration Board shall engage in consultation referred to in Article 25 of the Schengen Convention.

A migration court and the Migration Court of Appeal may request that the Swedish Migration Board carries out measures referred to in the first paragraph.

Processing time

Section 21a
Unless there are special grounds, residence permit cases under Chapter 5, Sections 3 and 3a of the Aliens Act (2005:716) shall be decided no later than nine months from the date when the application was submitted. Ordinance (2006:262).

/Heading enters into force: 1 July 2006/
DNA analysis

Section 21b
/Enters into force on 1 July 2006/
DNA analysis referred to in Chapter 13, Section 15 of the Aliens Act (2005:716) shall be performed by the National Board of Forensic Medicine.

The Swedish Migration Board shall notify the National Board of Forensic Medicine that a sample is to be taken for performing DNA analysis. The report on the analysis shall be sent to the Swedish Migration Board. Ordinance (2006:262).

Residence permit certificates

Section 22
A residence permit certificate shall be entered in the alien's passport or some other document. Ordinance (2006:262).

Period of validity of temporary residence permits

Section 23
A temporary residence permit may not be granted for a longer period than the alien's passport is valid for, unless

1. the alien is a Swiss national,

2. the alien is a relative of a Swiss national referred to in Section 16,

3. the alien has long-term resident status in another EU state,

4. the alien is a relative of a third-country national with long-term resident status in another EU state referred to in Section 16a or

5. there are some other special grounds. Ordinance (2006:262).

Authorisations

Section 24
The Swedish Migration Board may issue more detailed regulations on

- a document referred to in Section 4,

- EC residence permits for long-term residents and

- the support requirement set out in Chapter 5a, Section 2 of the Aliens Act (2005:716). Ordinance (2006:262).

Section 25
After consulting the Government Offices (Ministry for Foreign Affairs), the Swedish Migration Board may issue regulations prescribing that a Swedish embassy or a Swedish consulate may grant residence permits that are valid for at most three years.

Section 26
The Swedish Migration Board may issue regulations prescribing that a residence permit application may be submitted to and investigated by an authority other than stated in Section 20.

Section 27
/Enters into force on 1 July 2006/
The National Board of Forensic Medicine may issue more detailed regulations on the enforcement of DNA analysis under Chapter 13, Section 15 of the Aliens Act (2005:716). Ordinance (2006:262).

Chapter 5. Work permits

Exemptions from the work permit requirement

Section 1
An alien who is a Swiss national or has long-term resident status in another EU state is exempt from the work permit requirement. Exemption from the work permit requirement also applies, irrespective of nationality, to the spouse or cohabiting partner of such an alien and their children who are under 21 years of age or who are dependent upon them. Ordinance (2006:262).

Section 2
Over and above what is said in Section 1 exemption from the work permit requirement applies in the following cases.

1. For a period of three months from entry, for an alien who is employed as the driver of a motor vehicle that is owned or hired by a person who is visiting the country as a tourist or who is a crew member of a tourist bus.

2. For a period of three months from entry, for an alien who is employed as the carer of a person who is visiting the country for medical care or recreation.

3. For a total of three months during a twelve-month period, for a researcher or teacher in higher education who has been called to Sweden for research, teaching or lecture activities.

4. For the period of temporary work, for an alien who is resident in an EEA state but is not an EEA national or a Swiss national, if the alien is entitled to work and stay in that country and is an employee of a company in that country and is going to work on behalf of the company on a temporary basis in Sweden in connection with a contract or a similar arrangement.

5. For a period of two months from entry for a fitter or technical instructor who is going to carry out urgent work in connection with the installation or repair of machinery or a similar activity.

6. For the period for which the residence permit is valid, for an alien who has been granted a residence permit under Chapter 4, Section 5 and also for a person who has had such a residence permit for a period of at least six months and who has applied during the period of validity of the permit for an extension until the permit question has been decided or, if an expulsion order has been issued, until the expulsion order has become final and non-appealable.

7. For a period of one month from entry, for an alien who has been engaged on a temporary basis by Sveriges Radio AB, Sveriges Television AB, Sveriges Utbildningsradio AB or Nordisk Television AB for a radio or television broadcast.

8. For a total of fourteen working days during a twelve-month period, for a foreign artist and his or her technicians and other tour personnel, provided they have received an invitation from a promoter who is included on the list of established promoters kept by the Swedish Migration Board after consultation with the National Labour Market Board.

9. For a total of three months during a twelve-month period, for an alien who is a professional sportsman or sportswoman or official and who is visiting Sweden to take part in international competitions.

10. For a total of less than one year, for an alien who has specialist duties in an international concern and who is working in this capacity on a temporary basis in Sweden.

Moreover an alien who, on account of employment abroad, is working in Sweden as a representative of a company or as a member of the crew of a railway train or in a lorry in commercial traffic is exempt from the work permit requirement. Ordinance (2006:262).

Section 3
A person who has had a work permit for a period of at least six months and who applies for an extension during the period of validity of the permit does not need to have a work permit for the period until the permit question has been decided or, if an expulsion order has been issued, until the expulsion order has become final and non-appealable.

If an alien's work permit has been withdrawn and an expulsion order has been issued at the same time under Chapter 8, Section 7 of the Aliens Act (2005:716), the alien is exempt from the work permit requirement until the expulsion order has become final and non-appealable.

Section 4
A person who has applied for a residence permit in Sweden citing grounds under Chapter 4, Section 1 or 2 of the Aliens Act (2005:716) is exempt from the obligation to have a work permit in the cases where the Swedish Migration Board does not expect the decision to be taken within four months from the application date. The exemption applies until there is a final, non-appealable decision in the case. If it is deemed impossible to enforce a refusal-of-entry or expulsion order by coercive means because of conditions in the country of return, the exemption applies until the alien leaves the country.

The Swedish Migration Board issues a special certificate on exemption from the obligation to have a work permit.

Consultations with the National Labour Market Board and the county labour board

Section 5
In a case concerning a work permit the Swedish Migration Board shall consult with the National Labour Market Board or the county labour board designated by the National Labour Market Board unless the application shall be rejected.

Section 6
Without consultation under Section 5, the Swedish Migration Board may issue work permits

1. for no more than one month, for professional artists visiting the country for guest performances,

2. if the Swedish Migration Board follows the guidelines issued by the National Labour Market Board under Section 12 in its examination of the application or

3. if there are special grounds in view of the length of time the alien has been in the country, his or her personal situation and the other circumstances in the case.

Opinion from employer and employee organisations

Section 7
If consultations have taken place under Section 5 and the case involves a question of principle or is of major importance for some other reason, the National Labour Market Board or the county labour board that the Swedish Migration Board has consulted shall give employer and employee organisations in the area of operations to which the permit refers the opportunity to state an opinion.

Application for a work permit

Section 8
A work permit application from an alien who is not in Sweden shall be submitted to and investigated by a Swedish embassy or a Swedish consulate in the alien's country of origin or in the country where the alien is otherwise permanently resident.

A work permit application from an alien who is staying in Sweden shall be submitted to the Swedish Migration Board.

Decisions on work permits

Section 9
A work permit may not be granted for a longer period than the alien has permission to be in Sweden or is allowed to be in Sweden without a permit and it may not be granted for a longer period than the alien's passport is valid either, unless there are special grounds for doing so. A work permit may not be granted for an alien who only holds an identity card referred to in Chapter 2, Section 17, first paragraph.
Section 10
A work permit certificate shall be entered in the alien's passport or some other document.

Diplomatic staff and others

Section 11
The provisions on work permits in Chapter 2, Sections 7 and 8 of the Aliens Act (2005:716) and the provisions of this Chapter also apply where relevant to diplomatic officials and career consular officials employed by foreign countries in Sweden and to their families and servants.

However, the work permit requirement does not apply for employment at the embassies or consulates of foreign countries or if this follows from an agreement with another country.

Guidelines for the assessment of permit cases

Section 12
The National Labour Market Board shall decide on guidelines for the assessment of work permit cases. Employer and employee organisations shall be given the opportunity to state an opinion before guidelines are issued.

Authorisations

Section 13
After consulting the National Labour Market Board and the Government Offices (Ministry for Foreign Affairs) the Swedish Migration Board may issue regulations prescribing that a Swedish embassy or a Swedish consulate may grant work permits.

After consulting the National Labour Market Board, the Swedish Migration Board may issue regulations prescribing that the National Labour Market Board and county labour boards may decide on work permits.

Section 14
The Swedish Migration Board may issue regulations prescribing that a work permit application may be submitted to and investigated by some other authority than the authority specified in Section 8.

Chapter 6. Controls and coercive measures

Border crossing and border control

Section 1
Entry and exit across an external border may only take place at border crossing points, except with the permission of the police authority or, in the case of entry and exit by ship, the Swedish Coast Guard. In cases where the Swedish Coast Guard gives permission the police authority shall be informed.

There are border crossing points in the following municipalities: Arvidsjaur, Borgholm, Borlänge, Falkenberg, Gotland, Gävle, Göteborg, Halmstad, Helsingborg, Hudiksvall, Härnösand, Härryda, Jönköping, Kalix, Kalmar, Karlshamn, Karlskrona, Karlstad, Kiruna, Kramfors, Kristianstad, Landskrona, Linköping, Luleå, Lysekil, Malmö, Mörbylånga, Mönsterås, Norrköping, Norrtälje, Nyköping, Nynäshamn, Oskarshamn, Oxelösund, Piteå, Ronneby, Sigtuna, Simrishamn, Skellefteå, Skövde, Stockholm, Strömstad, Sundsvall, Svedala, Söderhamn, Söderköping, Södertälje, Sölvesborg, Timrå, Torsås, Trelleborg, Trollhättan, Umeå, Varberg, Värmdö, Västervik, Västerås, Växjö, Ystad, Älvkarleby, Ängelholm, Örebro, Örnsköldsvik, Östhammar and Östersund.

The police authority decides about opening hours at a border crossing point.

Section 2
The provisions of Section 1, first paragraph do not apply to

1. nationals of a Schengen State travelling direct in from or out to a Schengen State on a pleasure boat,

2. crew members and passengers on aircraft who come from a place outside the Schengen States and have special grounds or

3. crew members and passengers on ships who come from abroad and have special grounds.

The commander of an aircraft shall, without delay, report its arrival and provide information about the aircraft and about people on board to the police authority.

The commander, or a representative of the commander, of a ship shall, without delay, report its arrival and provide information about the ship and about people on board to the Swedish Coast Guard. This duty to report does not apply to pleasure boats referred to in point 1 of the first paragraph.

Section 3
Aliens may not enter or leave Sweden at an external border without being subject to checks. The checks are carried out at a border crossing point. The police authority may decide that checks shall also take place somewhere else.

Despite the provisions of the first paragraph, unless the policy authority decides otherwise, foreign crew members who are included in the crew list for the ship and have a valid seaman's passport or seaman's book may temporarily leave their ship without being subject to checks and stay in the population centre closest to the port where the ship is moored, if they are not deemed to be a threat to public policy or national security.

Section 4
When checks are carried out an alien who is entering or leaving the country across an external border shall present his or her passport to the police authority. The police authority shall note the date of the alien's entry or exit in the passport. However, a note of an entry or exit shall not be made on an identity card. Nor shall such a note be made in a passport of an EEA national or a Swiss national or in a passport of an alien who has a residence card or a permanent residence card.

The provisions in the first paragraph also apply when the checks are carried out with the assistance of the Swedish Customs Service, the Swedish Coast Guard or the Swedish Migration Board or with the assistance of a specially appointed passport control officer.

If an alien who comes to the country is unable to confirm his or her right of entry, the Swedish Customs Service, the Swedish Coast Guard, the Swedish Migration Board or the specially appointed passport control officer shall immediately inform the police authority and ensure that the alien does not enter the country before the police authority has subjected the alien to checks. In the case of exit checks the police authority shall be notified if there is reason to do so. Ordinance (2006:262).

Section 5
An internal border may be crossed without any checks being carried out.

If necessary on grounds of public policy or national security, the Government may decide that checks shall also be carried out at an internal border for a limited period of time. A request to the Government to introduce such checks is made by the National Police Board after consultation with the relevant police authority. Consultations shall take place with the other Schengen States before such checks are introduced.

If immediate action is required, the National Police Board may decide, after consultation with the relevant police authority, that measures specified in the second paragraph may be taken. The National Police Board shall immediately notify the Government and the other Schengen States of the decision. The Government shall examine as soon as possible whether the measures shall remain in place.

Controls of airport transit

Section 6
An alien who is required to have a visa for airport transit shall, on arrival at the airport, present a visa certificate at the request of the police authority.

The provisions in the first paragraph also apply when the checks are carried out with the assistance of the Swedish Customs Service, the Swedish Coast Guard or the Swedish Migration Board or with the assistance of a specially appointed passport control officer.

Permission of the police authority and the Swedish Coast Guard

Section 7
An aircraft that comes from a locality outside the Schengen States and that arrives at a locality other than a border crossing point may not continue its journey without the permission of the police authority. A ship that comes from abroad and that arrives at a locality other than a border crossing point may not continue its journey without the permission of the police authority or the Swedish Coast Guard.

Duty to provide information

Section 8
The commander of an aircraft that comes from a locality outside the Schengen States shall before arrival inform the airport manager of its arrival. The airport manager shall inform the police authority without delay if an aircraft comes from or departs to a locality outside the Schengen States.

Section 9
The commander, or a representative of the commander, of a ship that comes from abroad shall provide the Swedish Coast Guard with written information about the ship, the crew, the passengers, the place of destination, the ports it will call at and the time when it plans to leave Swedish territorial waters,

- no later than 24 hours before its arrival at the place of destination and

- in the event of a stay in Swedish territorial waters, unless the stay involves an innocent passage referred to in the United Nations Convention on the Law of the Sea (Swedish Treaty Series 2000:1).

If the voyage is shorter than 24 hours the information can, at the latest, be provided when the ship leaves the port of departure, but no later than six hours before its arrival at the place of destination. If the voyage is shorter than six hours, pilot boats and tugs may provide the information no later than when the ship leaves its port of departure.

The commander, or a representative of the commander, shall also

- communicate a change in the time of exit no later than four hours in advance,

- immediately communicate changes to the other information provided under the first and second paragraphs.

The duty to provide information does not apply to regular ferry services between Schengen States. Information about passengers does not have to be provided for other regular ferry services. There are special regulations on the duty to provide information relating to pleasure boats in Section 10 and on fishing vessels in Section 11.

Section 10
The commander of a pleasure boat coming from or travelling to a locality outside the Schengen States shall, without delay, provide the Swedish Coast Guard with information

about the ship and the people on board and the expected time of departure from Swedish territorial waters.

Section 11
The commander, or a representative of the commander, of a fishing vessel that comes from or departs to a locality outside the Schengen States shall report the vessel's arrival and planned departure to the Swedish Coast Guard no later than six hours in advance. Information shall be provided at the same time about passengers and changes in the crew.

Section 12
The police authority shall notify the National Police Board if an alien referred to in Chapter 8, Section 1 point 5 of the Aliens Act (2005:716) is allowed to enter Sweden. The National Police Board shall notify the other Schengen States.

Registration forms for hotel guests

Section 13
The managers of hotels, boarding houses or other establishments providing accommodation shall make sure that aliens provide information about themselves on personally signed registration forms. The National Police Board may issue regulations on what information shall be provided.

The alien shall confirm his or her identity by producing a valid identity document.

Fingerprints

Section 14
A decision to take fingerprints or photographs under Chapter 9, Section 8 of the Aliens Act (2005:716) is made by the official who is responsible for an investigation being carried out in a case concerning a residence permit, refusal of entry or expulsion or by the person who is responsible for making a detention order. Fingerprints and photographs taken by a police authority shall be sent to the Swedish Migration Board along with a report on the investigation in the case.

Detention

Section 15
The decisions taken by the Swedish Migration Board in special cases under Chapter 10, Section 20, and Chapter 11, Sections 3–13 of the Aliens Act (2005:716) shall be documented in an appropriate way.

Reasons shall be given for decisions on placement in a correctional institution, remand centre or police arrest facility under Chapter 10, Section 20 of the Alien's Act and they shall be set out in a special document. The same also applies to decisions to refuse visits under Chapter 11, Section 4 and on isolation under Chapter 11, Section 7 of the same Act.

Section 16
Property and items of mail retained by the Swedish Migration Board under Chapter 11, Section 10 or 11 of the Aliens Act (2005:716) shall be listed. The list shall be signed by the person who effected the measure.

The Swedish Migration Board shall ensure that anything retained is kept in a secure manner.

Authorisation

Section 17
The Swedish Migration Board may issue the additional regulations needed for the enforcement of the provisions on fingerprints and photographs.

Chapter 7. Duty to provide information

Information about an alien's stay in Sweden

Section 1
Information about an alien's full name, date of birth, nationality and home address in Sweden shall be provided to the police authority in the police district where the alien is resident or spends most of his or her time. However, such information is not needed concerning a person who has applied for a residence permit in Sweden or a person who is exempt from the obligation to have a residence permit.

The information under the first paragraph is provided by

1. the Swedish Tax Agency the first time the alien

a. applies to be entered in the population register in Sweden or shall be entered in the population register without making his or her own application,

b. applies to receive a tax card and cannot show that he or she has a work permit or a permanent residence permit,

2. a public employment service office the first time the alien applies to the office for registration or to make use of the services of the office in some other way,

3. a municipal social welfare committee the first time it takes action in a social services case concerning the alien,

4. the committee responsible for the education the first time the alien is enrolled in compulsory school, or if he or she has not previously been a pupil at compulsory school, is admitted to upper secondary school.

The person providing the information should urge the alien to contact the Swedish Migration Board concerning a residence or work permit.

In response to the information the police authority shall ensure that the alien applies to the Swedish Migration Board for a residence or work permit or take the other measures occasioned by the information.

The duty of the police authority to provide information

Section 2
A police authority shall immediately inform the Swedish Migration Board if the question has arisen of a refusal of entry that shall be examined by the Swedish Migration Board under Chapter 8, Section 4 of the Aliens Act (2005:716) or of expulsion under Chapter 8, Section 7 of the same Act.

If a police authority has made a refusal-of-entry order, the Swedish Migration Board shall be informed.

Section 3
When a police authority has enforced a refusal-of-entry or expulsion order under Chapter 8, Section 7 of the Aliens Act (2005:716), the Swedish Migration Board shall be informed of this immediately. If the decision was combined with a prohibition against the alien returning to Sweden, the police authority shall also inform the National Police Board and, if the decision applies to a person who is registered in the population register in Sweden, the Swedish Tax Agency.

When a police authority has enforced an expulsion order under Chapter 8, Section 8 of the Aliens Act, the police authority shall inform the National Police Board, the Swedish Migration Board and, if the decision applies to a person who is registered in the population register in Sweden, the Swedish Tax Agency.

The duty of the Swedish Migration Board, the migration courts, the Migration Court of Appeal and the Government Offices to provide information

Section 4
If the Swedish Migration Board, a migration court or the Migration Court of Appeal issues a refusal-of-entry or expulsion order with a prohibition against the alien returning to Sweden the National Police Board shall be informed. The National Police Board shall also be informed when the order of the Swedish Migration Board or a migration court has become final and non-appealable.

When the Swedish Migration Board has enforced a refusal-of-entry or expulsion order that is combined with a prohibition against return to Sweden, the Board shall inform the National Police Board and, if the alien is registered in the population register in Sweden, the Swedish Tax Agency.

Section 5
A refusal-of-entry or expulsion order that has been issued by a migration court or by the Migration Court of Appeal shall be sent to the Swedish Migration Board as soon as possible for enforcement. When an order of a migration court has become final and non-appealable the court shall immediately notify the Swedish Migration Board of this.

If the Swedish Migration Board, a migration court or the Higher Migration Court sets aside or issues a stay of a refusal-of-entry or expulsion order, the enforcing authority shall be informed of the measure immediately. If the decision is combined with a prohibition against return to Sweden, the National Police Board shall also be informed.

When the Swedish Migration Board, a migration court or the Migration Court of Appeal decides under Chapter 12, Section 19 of the Aliens Act (2005:716) to re-examine the question

of a residence permit, the enforcing authority shall be informed. In the cases where the refusal-of-entry or expulsion order has been combined with a prohibition against return to Sweden the National Police Board shall also be informed.

Section 6
The Swedish Migration Board, a migration court, the Migration Court of Appeal or the Government Offices shall inform the National Police Board immediately if a temporary residence permit is issued under Chapter 12, Section 16 of the Aliens Act (2005:716).

Section 7
The Swedish Migration Board and the Government Offices shall inform the National Police board if a special permit is issued under Chapter 8, Section 20 of the Aliens Act (2005:716).

Section 7a
The Swedish Migration Board shall inform the Swedish Tax Agency if an alien who is registered in the population register in Sweden and has had a temporary residence permit does not apply for an extension of the permit within three months from when the permit expires.

Section 8
The Government Offices shall inform the National Police Board of a decision that means that:

1. a ruling is set aside wholly or in part under Chapter 8, Section 14 of the Aliens Act (2005:716),

2. a stay is ordered under Chapter 12, Sections 11 and 12 of the Aliens Act,

3. a temporary residence permit and work permit are granted under Chapter 8, Section 14 of the Aliens Act or

4. a refusal-of-entry or an expulsion order is issued under the Aliens Act.

The duty of general courts to provide information, etc.

Section 9
If a general court remands an alien in custody, the court shall inform the Swedish Migration Board of this. As regards an alien who is a national of Denmark, Finland, Iceland or Norway, the Swedish Migration Board shall inform the central aliens authority in the remandee's country of origin.

Section 10
If the question arises of the expulsion of an alien under Chapter 8, Section 8 of the Aliens Act (2005:716)

1. the court shall obtain an opinion from the Swedish Migration Board if it can be assumed that there is an impediment to the enforcement of an expulsion,

2. the Swedish Migration Board shall at the request of a court, a prosecutor or the Swedish Prison and Probation Service provide information about what has emerged about the alien's family situation in a case under the Aliens Act at the Swedish Migration Board.

Section 11
In addition to what follows from the Ordinance on the Notification of Judgments in Certain Criminal Cases, etc. (1990:893) a general court that has issued a judgment or order of expulsion shall send a copy of the judgment or order within one week to

1. the Swedish Migration Board,

2. the relevant remand centre or institution concerning an alien who is to receive treatment in a correctional institution or who has been detained or is otherwise an inmate of such an institution,

3. the Swedish Prison and Probation Service concerning an alien who is to receive treatment in a correctional institution and is at large and

4. the police authority in the place where the alien is resident or spends most of his or her time in cases other than those referred to in points 2 and 3.

The duty to provide information under this Section also applies to an alien who has been convicted under Chapter 20, Section 2 of the Aliens Act (2005:716).

Once the period for the appeal of the judgment or order has expired, the court shall immediately inform the party who has received a copy of the judgment or order under this Section of whether an appeal has been lodged.

Section 12
If a general court has issued an order for a special charge under Chapter 20, Section 13 of the Aliens Act (2005:716), the county administrative board in the county where the activities have been conducted shall be informed of this.

The duty of the Swedish Prison and Probation Service to provide information

Section 13
In the instances when a copy of a judgment or order has been sent to a remand centre, an institution or the Swedish Prison and Probation Service, the Swedish Prison and Probation Service shall ensure that the Swedish Migration Board and the police authority in the place where the treatment is conducted are informed about the time when the treatment is expected to end.

As regards aliens who are nationals of Denmark, Finland, Iceland or Norway, the police authority shall be informed no later than four weeks before the date when the institutional treatment ends. As regards other aliens, the period is six months. If the periods specified cannot be complied with the information shall be provided as soon as possible.

If the time or place of release is altered, the Swedish Prison and Probation Service shall ensure that the Swedish Migration Board and the police authority are informed of the change.

Section 14
If an expulsion under Chapter 8, Section 8 of the Aliens Act (2005:716) has been enforced in connection with the transfer to Denmark, Finland, Iceland or Norway of the enforcement of a prison sentence that has been imposed on the alien, the Swedish Prison and Probation Service

shall ensure that the National Police Board, the Swedish Tax Agency, the Swedish Migration Board and the police authority are informed of this.

Information about detention in certain cases

Section 15
If an alien who has been taken into detention has appealed against the detention order and if a decision is subsequently issued under Chapter 10, Section 9 of the Aliens Act (2005:716), the authority that has taken the decision shall immediately inform the administrative court handling the case about it. This information shall also be provided if the detention order expires under Chapter 10, Section 10 of the Aliens Act.

There is also a corresponding duty to provide information in the event of changes that relate to the Swedish Migration Board's decision on placement in a correctional institution, a remand centre or a police arrest facility under Chapter 10, Section 20 of the Aliens Act or on isolation under Chapter 11, Section 7 of the same Act.

Information to the Council of the European Union in certain instances

Section 16
If an alien who is a national of another state that is a member of the European Union applies for a residence permit and gives reasons set out in Chapter 4, Section 1 of the Aliens Act (2005:716), the Swedish Migration Board shall immediately inform the Government Offices (Ministry for Foreign Affairs), which shall immediately inform the Council of the European Union.

Information and notification in the event of temporary protection

Section 17
If regulations are adopted under Chapter 21, Section 3 of the Aliens Act (2005:716), the Government Offices (Ministry for Foreign Affairs) shall immediately inform the Council of the European Union and the Commission of the European Communities.

Section 18
Information under Articles 10, 15 and 26 of 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 may be provided to the Commission of the European Communities, other Member States of the European Union and the United Nations High Commissioner for Refugees (UNHCR) about persons who have been granted a residence permit with temporary protection. The following information may be provided.

1. Personal details of the person concerned (name, nationality, date and place of birth, civil status and family relationship).

2. Identity documents and travel documents of the person concerned.

3. Documents as evidence of family ties (marriage certificate, birth certificate or adoption certificate).

4. Other information essential to establish the person's identity or family situation.

5. Residence permits, visas or residence permit refusal decisions issued to the person concerned and documents forming the basis of the decisions.

6. Residence permit and visa applications lodged by the person concerned and pending and stage reached in the processing of these.

Information to another EU state

Section 19
If a person who has long-term resident status in another EU state

1. is granted long-term resident status in Sweden,

2. is granted a residence permit here,

3. is refused renewal of a residence permit here or

4. has his or her residence permit withdrawn

the Swedish Migration Board shall inform the other EU state of the decision. Ordinance (2006:262).

Chapter 8. Provisions on refusal of entry, expulsion, fees etc.

Measures in connection with enforcement of refusal of entry or expulsion

Section 1
The authority that enforces a refusal-of-entry or expulsion order shall ensure that the order is enforced in accordance with Chapter 12, Section 4 of the Aliens Act (2005:716) and that the other instructions on enforcement that are given in the order are followed.

If special instructions about enforcement are not given in the order, the enforcing authority may only decide the time of departure, itinerary, means of transport or other matters that are related to the practical implementation of enforcement.

Chapter 12, Section 17 of the Aliens Act states that an enforcing authority other than the Swedish Migration Board shall inform the Board if it finds that the order cannot be enforced or if additional information is needed.

Section 2
The authority enforcing a refusal-of-entry or expulsion order shall ensure that a valid visa certificate and a residence permit or work permit held by the alien are cancelled in connection with enforcement and that, where relevant, travel documents and aliens' passports are returned to the Swedish Migration Board.

Exemptions from provisions on entry and departure, etc.

Section 3
When an alien comes to or travels from Sweden as a crew member or passenger on a ship or aircraft direct from a place outside the Schengen States, the provisions on the entry of aliens in the Aliens Act (2005:716) and this Ordinance are not applied until the alien leaves the ship or aircraft. However, refusal of entry or expulsion shall not be deemed to have been enforced until the ship or aircraft leaves the country.

/Heading enters into force: 1 October 2006/
Reference amount

Section 3a
/Enters into force on 1 October 2006/
The reference amount referred to in Article 5 of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) shall be SEK 370 per day. Ordinance (2006:300).

Fees for certain cases

Section 4
Fees may be charged for examining applications under this Ordinance in the cases and in the amounts set out in the third paragraph and in Section 5.

For applications that have to be submitted to a Swedish embassy or Swedish consulate fees are charged under the Ordinance concerning Charges at Swedish Foreign Missions (1997:691).

Otherwise Sections 11–14 of the Fees Ordinance (1992:191) apply to the examination of applications.

Type of case	Fee, SEK
Alien's passport (Ch.2, Sec. 12)	750
Emergency alien's passport (Ch.2, Sec. 14)	500
Emergency visa (Ch.3, Sec. 2)	315
Seaman's visa (Ch.3, sec 4)	315
Group visa in the form of an emergency visa or seaman's visa,	315
in addition for each person	10

A fee shall not be charged for examination of an application for an alien's passport for an alien who has been received in Sweden within the framework of a decision issued by the Government on the transfer to Sweden of persons in need of protection.

A fee shall not be charged for the granting of emergency visas for the aliens referred to in Chapter 3a, Section 2, Chapter 4, Section 16 or Chapter 5, Section 2, point 4 of the Aliens Act (2005:716). Ordinance (2006:302).

Section 5
The fee charged for examination of an application for a residence and/or work permit and long-term resident status in Sweden is SEK 1000 for persons aged 18 years or above and SEK 500 for persons under 18 years. The fee for an application for a residence and/or work permit on grounds of family ties under Chapter 5, Section 3 or 3a of the Aliens Act (2005:716) is SEK 500 for persons aged 18 years or above and SEK 250 for persons under 18 years.

However, no fee shall be charged to

1. persons referred to in Chapter 4, Chapter 21, Sections 2, 3, 4 or 6 or Chapter 22 of the Aliens Act,

2. persons who are applying for residence and/or work permits under Chapter 5, Section 3, first paragraph, point 1 or 2 of the Aliens Act on grounds of family ties to an alien who has been granted a residence permit under Chapter 4 or Chapter 5, Section 6 of the Aliens Act or corresponding older provisions,

3. persons who are applying for residence and/or work permits under Chapter 5, Section 3, first paragraph, point 1 or 2 of the Aliens Act on grounds of family ties to an alien who has been granted a residence permit under Chapter 2, Section 5b, first paragraph, point 1, 3 or 4 of the Aliens Act (1989:529) as amended from 15 November 2005,

4. EEA nationals or relatives of an EEA national,

5. persons covered 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,

6. nationals of Bulgaria and Romania,

7. aliens referred to in Chapter 2, Section 10 of the Aliens Act,

8. students who have received grants for studies in Sweden from Sida, another Swedish organisation or an international organisation,

9. a leader of a preliminary investigation who applies for a residence permit under Chapter 5, Section 15 of the Aliens Act.

A fee under the first paragraph shall not be charged if this is required by international considerations or custom. Ordinance (2006:262).

Section 6
The service fee payable for the issue of travel documents referred to in Chapter 2, Section 7 and for the extension of their period of validity is SEK 400 and SEK 150 respectively.

Special charge

Section 7
If it can be assumed that a carrier shall pay a special charge under Chapter 19, Section 5 of the Aliens Act (2005:716), the police authority in the police district in which entry took place shall conduct the necessary investigation and state an opinion in the matter. The carrier shall also be given the opportunity to state an opinion.

Payment liability for return journeys in certain cases

Section 8
If it can be assumed that a payment liability under Chapter 19, Section 2 of the Aliens Act (2005:716) shall be imposed on a carrier, the police authority in the police district in which entry took place shall conduct the necessary investigation and state an opinion in the matter of whether payment liability shall be imposed on the carrier. The carrier shall be given the opportunity to state an opinion.

The payment liability shall be decided by the authority that enforces the refusal of entry.

Collection

Section 9
Sections 4–9 of the Ordinance on the Collection of Debts to the State (1993:1229) contain provisions on collection of debts, etc. Under Section 3 of the Ordinance the person liable for payment shall be called on to pay the debt before an application is made for debt collection.

Debt collection does not have to be requested if the debt is less than SEK 100 unless collection is required by the public interest.

Decisions concerning public counsel

Section 10
In cases before the Government referred to in Chapter 18, Section 2 of the Aliens Act (2005:716) the examination shall be carried out by the Director-General for Administrative Affairs or the Director-General for Legal Affairs in the Ministry to which the case belongs. The same applies to a statement of opinion concerning the appointment of or compensation to a public counsel. The Government can also instruct special officials in the ministries to examine questions and deliver such opinions.

Processing of cases concerning long-term residents

Section 10a
Unless there are special grounds, a case concerning long-term resident status under Chapter 5a of the Aliens Act (2005:716) shall be decided no later than six months from the date when the application was submitted.

A person who is granted long-term resident status in Sweden shall be informed about the meaning of this status. Ordinance (2006:262).

Section 10b
Unless there are special reasons, a resident permit case under Chapter 4, Sections 9 and 16a shall be decided no later than four months from the date when the application was submitted. If there are special reasons the period may be extended by a maximum of three months. In such a case the applicant shall be notified that the period will be extended. Ordinance (2006:262).

Appeal

Section 11
Decisions under this Ordinance other than decisions under Sections 4–6 may not be appealed.

Decisions on fees under Section 6 may be appealed according to the same procedure as for other decisions concerning travel documents.

Filing of an appeal

Section 12
A letter containing an appeal against a decision of a police authority on refusal of entry shall be filed with the Swedish Migration Board no later than three weeks from the date when the appellant was informed of the decision. If the letter arrives too late, the Swedish Migration Board shall reject it.

However, the letter shall not be rejected if the delay is due to incorrect information about how to appeal or if it has arrived at the police authority within the period for appeal.

Enforcement regulations

Section 13
Regulations for the enforcement of this Ordinance are issued as follows:

1. concerning passports and travel documents, by the Swedish Migration Board,

2. concerning work permits, by the Swedish Migration Board after consulting the National Labour Market Board, the National Police Board and the Government Offices (Ministry for Foreign Affairs),

3. concerning visa and residence permit cases handled by the Government Offices (Ministry for Foreign Affairs), by the Government Offices,

4. concerning other permit cases, by the Swedish Migration Board after consulting the National Police Board or, with regard to the processing of cases by Swedish missions abroad or other bodies, after consulting the Government Offices (Ministry for Foreign Affairs),

5. concerning entry and exit controls and the tasks of police authorities in cases other than those referred to in points 1–4, by the National Police Board,

6. concerning the duties of the Swedish Customs Service, by the National Police Board after consulting the Swedish Customs Service,

7. concerning the duties of the Swedish Coast Guard, by the National Police Board after consulting the Swedish Coast Guard,

8. concerning information under Chapter 7, Section 1, by the National Police Board.

National contact point

Section 14
The Swedish Migration Board shall be the national contact point in cases concerning long-term residents. Ordinance (2006:262).

Transitional provisions

2006:97

1. This Ordinance enters into force on 31 March 2006. This Ordinance supersedes the following ordinances:

a. the Aliens Ordinance (1989:547),

b. the Ordinance containing Instructions for the Aliens Appeals Board (1991:1817),

c. the Ordinance on Temporary Residence Permits in Certain Aliens Cases (1999:209),

d. the Ordinance on Residence Permits in Certain Aliens Cases (1991:1999),

e. the Ordinance on State Compensation to Municipalities and County Councils for Costs for Certain Aliens with Temporary Residence Permits (2000:415).

2. Chapter 1, Section 1a of the Aliens Ordinance (1989:547) shall continue to apply to aliens who have been granted residence permits under Chapter 2, Section 5b of the Aliens Act (1989:529) as amended from 15 November 2005 and whose permits have been granted for a limited time.

2006:262

1. This Ordinance enters into force on 30 April 2006, except as regards Chapter 4, Sections 21b and 27, which enter into force on 1 July 2006.

2. The provision in Chapter 4, Section 21a shall not be applied to applications received by the Swedish Migration Board before 30 April 2006.