



# Family Reunification in Sweden – Policies and Practices

**Netherlands National Conference “Family reunification in the  
Netherlands and Europe”**

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# Legal framework

- **Aliens Act (2005)**
  - Amendments over the years, e.g. possibility of DNA-test, provisions with a view to reduce risk of family separation
- **Temporary act on restrictions of the possibility of being granted a residence permit in Sweden (2016)**
  - In force 20 July 2016 to 19 July 2019
  - Temporary residence permits (except for resettled)
  - Limits family reunification to nuclear family
  - Beneficiaries of subsidiary protection may only exceptionally have possibility to family reunification
  - Tougher maintenance requirements
  - Minimum age 21 years for spouses/partners



# Family reunification for beneficiaries of subsidiary protection

- Right to family reunification for BSPs **suspended** by Temporary Act
- Rejected unless rejection would **contravene** Sweden's commitment under an international convention (ECHR's article 8).
- Guidelines to assess applications; Director of Legal Affairs judicial position
- **Difficult** to assess effects of suspension at this point:
  - Backlog, transitional rules – **applications received up to 24 November 2015** = Aliens Act + BSPs right to family reunification, tougher maintenance requirement, relaxations in instruction to assess accommodation requirement
  - Starting to see increase in rejection rate, for example due to maintenance requirement
- Number of first time applications: January-April 2016:, 14 100, January-April 2017: 16 200



# Dealing with a lack of documentary evidence

- **Challenge**
  - Somalia, Afghanistan, Eritrea, Syria – few countries account for bulk of challenge
- Interviews (applicant + sponsor), DNA-tests, missions, COI-unit
- Applicant has **evidentiary burden** to substantiate/”*prove*” id and family ties, lack of documentation can lead to rejection; free sifting of evidence
- **Case law development** at Migration Court of Appeal since 2012: Alleviation of evidentiary requirement concerning id for certain applicants:
  - Suffices to make id ”*probable*” in conjunction with a DNA-test that proves family ties to make family reunification possible



# Taking into account the best interest of the child

- **Migration Agency framework:**
  - Overall "**Child Policy**" decided by Director General in 2011; Director of Legal Affairs judicial position on minors in migration cases (2015); Handbook and other resources; dedicated page on internal website
- Minors interviewed (voluntary on their part to participate); adapted form for interviews with minors
- **Challenge** that no legal requirement to conduct oral interviews in applications for family reunification
- Applications which include minors who have turned 17 years of age **prioritised**
- Swedish Government Official Report with a view incorporate the **Convention on the Rights of the Child** in national legislation; Government Bill expected this year



# Further reading and information

- Swedish Migration Agency, website in English:  
<https://www.migrationsverket.se/English/Startpage.html>
- The Government Offices of Sweden, website in English:  
<http://www.government.se/>
- The Swedish EMN National Contact Point, website:  
<http://www.emnsweden.se>

**Dank u wel!**

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