

Input by civil society to the EASO Annual Report 2018

Fields marked with * are mandatory.

Input by civil society to the EASO Annual Report on the Situation of Asylum in the EU+ 2018

EASO has started the production of the 2018 Annual Report on the Situation of Asylum in the European Union, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU+ and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). [Previous reports are available at EASO's website](#)

While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries.

We would like to kindly invite you to take part in this process, by sharing your observations on developments in asylum law, policy or practice in 2018 (and early 2019) in the areas listed on the online survey. The topics listed there reflect the structure of Chapter 4 of the EASO Annual Report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. You can fill in all or only some of the points. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2018, including improvements and new/remaining concerns. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2017 Annual Report](#). If you do not consent on EASO making your submission available, please indicate so in the relevant part of the online survey.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as

many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input completing the online survey by **Thursday, 28 February 2019**.

Instructions

Within each area, please highlight the following **type of information**:

- **NEW positive developments; improvements and NEW or remaining matters of concern;**
- **Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.**

You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.

Prior to completing the survey, please take a moment to review the list of areas and the types of information that needs to be included in each area.

Please contribute your feedback online or copy and paste your answers from an editable type document

Questions

1. Access to territory and access to asylum procedure (including first arrival to territory and registration)

Few legal pathways exist for people wishing to reach Sweden and seek asylum. Those who are able to reach Swedish territory are, despite the temporary border controls currently in force, able to apply for asylum at the border or inside Swedish territory.

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

The Swedish Migration Agency does provide information upon arrival, during the asylum process and after a positive or negative decision has been made. However, the provision of information is not always well adjusted to vulnerable groups, such as unaccompanied children. Save the Children regularly receives calls to its support line from unaccompanied children asking a variety of questions, questions that ideally should be answered by the authorities. For more information, please see the reference in question 17a. Most applicants for international protection are entitled to legal representation paid for by the state (exceptions include individuals whose claims for international protection are deemed manifestly unfounded, or where there is a presumption that a residence permit will be granted). Unaccompanied children are also entitled to representation by a legal guardian. The quality of assistance, by lawyers and legal guardians, varies to great extent, and stronger efforts are required to raise the standards.

4. Providing interpretation services

Though interpretation services exist for most languages, the quality of interpretation is at times very poor. This can be a serious issue in some cases, as it may result in impediments for applicants to be heard and to receive a proper review of their claim for international protection. Save the Children believes more needs to be done to ensure the quality of interpretation in connection with the asylum procedure.

4. Dublin procedure (including the organisational framework, practical development and suspension of transfers to selected countries, detention in the framework of Dublin procedures)

Transfers to Hungary have been suspended since 2017. Detention of children occurs in relation to both the Dublin procedure and the asylum procedure. Save the Children opposes all detention of children and their parents and firmly believes that returns should be carried out on a voluntary basis.

5. Specific procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

Priority to cases that concern unaccompanied children was not given in 2015. Still today, the average handling time for an asylum seeker is 295 days which is much longer than the 90 to 160 days stipulated by the Swedish Migration Agency, while the average time for an unaccompanied child from Afghanistan is 625 days. This not only leads to feelings of despair and depression over the uncertainty, but also to feelings of being discriminated against. Many children become adults during the wait and with that receive a less favorable assessment of their claim. Save the Children stresses the need for these applications to be prioritized and for the process to be quicker, without compromising on quality.

In an accelerated procedure for applications deemed manifestly unfounded, the Swedish Migration Agency may issue an enforceable return order which is not suspended pending appeal. Furthermore, there is no requirement that the state provides legal representation for applicants in this procedure, increasing the vulnerability of such applicants. Save the Children is concerned that some applications that cannot be considered manifestly unfounded are treated as such. In light of the consequences that can result from an incorrect assessment of a claim for international protection, increased efforts need to be made in order to minimize the risk of incorrect decisions, including raising the quality of decision-making.

6. Reception of applicants for international protection (including information on reception capacities – rise/fall/stable, material reception conditions, i.e. housing, food and clothing and financial support, contingency planning in reception, access to labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

All children have the right to education and health- and dental care on the same conditions as residents in Sweden. In the Swedish reception system, one major issue is the insufficient economic support that asylum seekers receive during the time they wait. This support is the exact same as in the early 90's, it has not been adjusted even for inflation. The support is intended to last for a few months while families wait for a decision on their asylum claim, but many families need to live on this money for years. It is especially problematic for families with more than two children, as they receive half the sum per child from the third child. This differs from the universal child support for residents, where one receives more money per child after the first child. Children who live in a facility where food is served receive 12 SEK/child/day, from the third child this is 6 SEK /child/day. This is intended to cover all after school activities, clothes, hygiene articles and transportation.

Another issue that affects children greatly is that families often have to move to another residence. The Migration Agency has apartments and facilities all over the country and they often close down and open new ones - it is not uncommon for families to be moved two-four times while they are still waiting for their decisions. Children have the right to go to school from the day they arrive, but this interrupts their schooling and the social ties they have started to form. For children with special needs this is especially troubling since they often have a large range of contacts with different services that take time to set up.

In the beginning of 2016, Sweden implemented a new housing act applicable to individuals who are granted protection in Sweden. In short, this act forces all Swedish municipalities to receive these individuals and provide them with housing. As a consequence of the new housing act, the waiting time for getting a placement in a municipality has increased, prolonging the problems of the reception phase. Municipalities interpret the act differently and provide different types of housing for different periods of time. Save the Children has seen cases where newly arrived families lose their home after a certain period of time, usually 2 years, forcing the families to move, which affects children the most. Save the Children stresses that when assigning a municipality placement, an analysis of the consequences for children should be conducted in order to minimize risks of children having to leave their schools and social environments, unless this is not needed.

7. Detention of applicants for international protection (including detention capacity – rise/fall /stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

In Sweden, children can be placed in detention, despite the fact that this is seldom, if ever, in the best interest of the child. Save the Children believes that children, and their parents, should not be placed in detention and that returns should be carried out on a voluntary basis. Furthermore, we are concerned that authorities separate children from their parents by placing for example one parent in detention. Currently, the government is in the process of increasing detention capacity. Save the Children believes more efforts should be made to develop alternatives to detention.

8. Procedures at First Instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, including backlog management)

Save the Children has criticized the Swedish Migration Agency for several shortcomings concerning the process at first instance. This includes very long case processing times and an ineffective backlog management that, at times, allows applicants – including children - to wait for several years before receiving a decision. Regarding the interview, evidence assessment and protection status determination, too much responsibility is placed on children to prove their identity and, at times, their reasons for being granted asylum. Authorities also fail to apply the benefit of the doubt in some cases. In some cases, authorities do not direct sufficient attention to child specific reasons for asylum and authorities sometimes fail to interview children, resulting in flawed/insufficient best interest assessments.

9. Procedures at Second Instance (including organisation of the process, hearings, written procedures, timeframes, case management, including backlog management)

In the second instance, waiting times for persons applying for international protection, including unaccompanied children, have also been much too long.

10. Availability and use of Country of Origin Information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

Save the Children is concerned that decision makers sometimes use country of origin information arbitrarily, and do not direct sufficient attention to relevant reports. For example, some asylum decisions reflect a preference for using reports that fit the decision maker's overall assessment, ignoring contradictory information that may have shifted the assessment if applied properly.

11. Vulnerable applicants (including definition, special reception facilities, identification mechanisms/referral, applicable procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children).

Persons over the age of 18, or who are assessed to be over 18, abruptly lose the right to a legal guardian, special housing and other forms of assistance, which often puts young people in a very precarious situation. There is a need for a better transition in the Swedish system, so that young people receive proper support and guidance when they turn 18. Save the Children has also directed criticism at the use of questionable medical age assessment methods, which fail to meet sufficient standards of quality.

12. Content of protection – situation of beneficiaries of protection (including access to social security, social assistance, healthcare, housing and other basic services; Integration into the labour market; Measures to enhance language skills; Measures to improve attainment in schooling and/or the education system and/or vocational training)

Many unaccompanied children have met significant challenges finding housing upon turning 18. They have abruptly been obliged to move far away from their school, friends and community, which has led to a widespread problem with homeless young people. Save the Children, together with other NGO's, has tried to assist them with housing, since the state and municipalities often fail in this regard.

13. Return of former applicants for international protection

In a recent report from Save the Children regarding the return of children and young people to Afghanistan (please see reference in 17b), significant problems were identified.

- The support provided to children before, during and after arrival is poor. Nearly three-quarters (39 out of the 53 children who completed questionnaires) did not feel safe during the returns process, with over half of them reporting instances of violence and coercion.
- Almost one in five children (10 of the 53 children) reported returning alone and 16 said they were accompanied by police.
- Despite guidance against forced removals, several children reported heavy police involvement in returns.
- Follow-up with families of unaccompanied children returned to Afghanistan is almost non-existent.
- Lack of Support During the Returns Process. Only three children interviewed received a specific reintegration plan.
- Although most families and children returning from Europe are entitled to money and travel expenses when they return, child-specific support remains limited to non-existent.
- Only one child who returned alone stated that the authorities abroad contacted family members prior to return.

14. Resettlement and humanitarian admission programmes including EU Joint Resettlement Programmes; national resettlement programme (UNHCR); National Humanitarian Admission Programme; Private sponsorship programme/scheme and Ad-hoc special programmes)

Sweden has a resettlement program that currently receives 5000 persons/year. These persons have a permit when they arrive to Sweden and should therefore go straight into the integration process. Because of that, they avoid most of the problems in the reception phase. At the same time, the new housing act that entered into force in March 2016 also applies to these individuals. Consequently, they are also affected by the long wait to receive a placement in a municipality. See under question number 6 for more information about the housing act.

15. Relocation (any relevant developments concerning persons transferred under the EU relocation programme and relocation activities organised under national schemes/on bilateral basis)

The needs of children and families that came to Sweden within the relocation program have gotten a fast-track in some aspects. At the same time, we have seen that many families still get stuck in the reception system due to long waiting times to get their placement in a municipality. The families that Save the Children have met have been very vulnerable and because they are stuck in the reception system, they cannot get the support they need.

* 16. Other relevant developments

1 character(s) minimum

Save the Children is concerned that the Swedish government has decided to extend the temporary asylum law, which grants persons in need of international protection only temporary residence permits, restricts the right to family reunification and makes it more difficult for vulnerable groups to be granted protection.

References and Sources

*** 17. Please provide links to references and sources and/or upload the related material in pdf format using the following box**

- a. Reference for question 2: https://resourcecentre.savethechildren.net/node/12625/pdf/listen_to_me_-_the_voices_of_children_and_adolescents_about_the_asylum_process_-_save_the_children_sweden_2018.pdf
- b. Reference for question 13: <https://resourcecentre.savethechildren.net/library/europe-afghanistan-experiences-child-returnees>

Please upload your file

The maximum file size is 1 MB

Consent for making the input publicly available

* Do you consent on making your input available on the EASO website?

- Yes
 No

Case law

Please include relevant case law and/or submit cases to [EASO Portal IDS on Caselaw](#)

Contact details

* Name of the contributing stakeholder

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Contact person, Role

* Email

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

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