

Sweden Detention Profile

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Sweden has been lauded for its humane refugee and detention policies (Jordan 2008; CPT 2009). While irregular stay in Sweden can incur serious penalties—including fines and prison sentences—in recent years authorities have de-emphasised detention and deportation in the treatment of undocumented residents (Econ Pöyry 2009, pp. 89 & 94). Sweden's relatively benign approach—which contrasts sharply with that of many of its European neighbours—is reflected in its generally stagnant detention capacity and its insistence on differentiating between criminal and administrative detention.

Detention policies. Immigration detention in Sweden is the responsibility of a specialised body, the [Swedish Migration Board](#) (*Migrationsverket*), which is part of the Ministry of Justice. The Migration Board endeavours to emphasise that administrative detention of irregular immigrants is a process that is separate from criminal procedures and that migrant detention centres are not prisons (Winiarski 2004). This approach to immigration detention is a result of a policy evolution that began in the 1990s. Until 1997, the Swedish police, which was then charged with overseeing immigration detention, contracted detention services to private contractors. However, in the mid-1990s reports of mistreatment surfaced, accompanied by detainee protests and public indignation. Following public debate, officials ceased contracting detention services to the private sector and shifted responsibility for the practice to the social services sector (Flynn & Cannon 2009, p.12).

The principal legislation governing Swedish detention policy is the 2005 [Aliens Act](#) (Law 2005:716), which entered into force in early 2006. The Aliens Act specifies the various authorities with decision-making powers and enforcement duties vis-à-vis immigration detention. Authorities that can issue detention orders are the Migration Board, the Migration Courts, and the Migration Court of Appeal (Aliens Act 2005, Ch.10, Section 14). The Migration Board is responsible for enforcement of detention orders (Aliens Act 2005, Ch.10, Section 18). The Swedish national police can also detain suspected irregular non-citizens. The police must report any such detention immediately to the Migration Board, which must then determine whether such measures are to be continued (Aliens Act 2005, Ch.10, Section 17).

Although administrative detention is to take place in specialised units run by the Migration Board, the board may place non-citizens in prisons or police facilities when they are being expelled because of criminal offences or when such forms of detention are considered necessary for the safety of other detainees and staff (Aliens Act 2005, Ch.10, Sections 18-20). Government ministries may overturn detention or supervision orders but do not have the authority to issue them (Aliens Act 2005, Ch.10, Section 15).

The Aliens Act also stipulates the conditions under which a foreign national may be placed in administrative detention. This is possible when the authorities consider detention necessary to establish the identity of a foreign national, to investigate whether the person is entitled to remain in Sweden, when it is likely that the person will be refused entry, or when a person is awaiting the enforcement of an expulsion or refusal of entry order. Detention for the purpose of enforcing an expulsion or refusal of entry order is only permissible when there is reason to suspect that the person will either commit a criminal act or go into hiding to avoid expulsion (Aliens Act 2005, Ch. 10, Section 1). Children, according to the Aliens Act, may be detained with their custodian. Unaccompanied minors may be detained only if they do not have a custodian in Sweden and there are “exceptional grounds” for detention (2005, Ch.10, Sections 2-3). Minors may not be placed in prisons or police facilities (Aliens Act 2005, Ch. 10, Section 20).

The legal framework for detaining non-citizens can also enable the detention of asylum seekers in cases where the identity of the person is unclear or the likelihood of their being rejected asylum is high. The practice of detaining asylum seekers whose claims are being investigated has been criticised as a move towards criminalising asylum-seekers by certain Swedish civil society groups and academics (Khosravi 2009, pp.40-41).

The Aliens Act also provides alternative control measures for persons who might otherwise be subject to detention. Both adults and

children may be placed under “supervision,” which entails an obligation to report to the police or to the Swedish Migration Board regularly. A foreign national’s passport may also be confiscated for the duration of the supervision period (Aliens Act 2005, Ch.10, Sections 7-8).

The legal limits on the length of detention vary according to the grounds for detention. Detention for the purposes of investigating the identity of a foreign national cannot be longer 48 hours. For all other investigations concerning the right of a foreign national to enter and / or stay in Sweden, detention is limited to two weeks, “unless there are exceptional grounds for a longer period.” Persons awaiting the fulfilment of a refusal of entry or expulsion order may be detained for two months, also barring “exceptional grounds” (Aliens Act 2005, Ch.10, Section 4). Children may be detained for 72 hours, subject to renewal of another 72 hours in exceptional circumstances (Aliens Act 2005, Ch.10, Section 5). Detention orders are reviewed at regular intervals—two weeks or two months from the beginning of the order depending on the grounds for detention. Supervision orders are re-examined every six months (Aliens Act 2005, Ch. 10, Section 9). Given that detention exceeding the set time is possible on “exceptional grounds,” Sweden does not yet fulfil the EU “Return Directive” criterion of having specified a maximum length of Detention (Econ Pöyry 2009, p.97).

Detention Infrastructure. As of December 2009, the Swedish Migration Board operated five secure detention centres and 32 non-secure reception centres for asylum seekers. The detention centres in Flen and Kålleröd operate in conjunction with reception centres; the detention centres in Märsta, Gävle, and Örkelljunga are free-standing units (Swedish Migration Board 2009c).

The total detention capacity at Swedish detention centres—which is exceedingly small compared to some of its neighbours—has fluctuated over the past decade, adjusting to demands to avoid placing persons detained under the Aliens Act in police facilities. During 2008, detention capacity was progressively raised from 150 at the beginning of the year to 185 at the end of the year, and rate of usage of detention space was correspondingly lowered from 109.5 percent to 85 percent of capacity. Overall in 2008, Swedish detention facilities operated at 96.6 percent of capacity (Swedish Migration Board 2009a, pp.37-38). The trend for the past five years demonstrates a similar fluctuation—total detention capacity rose from 175 in 2003 to 265 in 2004 (Swedish Migration Board 2005, p.24). In 2005 and 2006 total capacity was reduced to 125 in anticipation of a lower required capacity due to the entry into force in 2006 of the new Aliens Act, which broadened the scope for admissible residence claims (Swedish Migration Board 2009a, p.38; Swedish Migration Board 2007a, pp.9-10, 22). By the end of 2008, total detention capacity had risen again, to 185 places (Swedish Migration Board 2009a, p.38).

Like detention practices in other Nordic countries such as [Finland](#), Swedish officials emphasise a social service approach to detention. This management arrangement stands in contrast to that of many other countries, where detention centres are often managed by security personnel (Swedish Migration Board 2009a, p.37; Winiarski 2004). However, the Aliens Act makes specific provisions for dealing with unrest among detained persons. These include the possibility of placing adult detainees in isolation or, alternatively, placing detainees in police facilities or correctional institutions (Aliens Act 2005, Ch.11, Section 7; Ch.10, Section 20).

Detained persons are entitled to a range of public services during their stay at Swedish detention units. The Aliens Act guarantees that healthcare be made available to detainees and entitles detained persons to the same daily allowance (of around 24 SEK per day) as asylum seekers (Aliens Act 2005, Ch.11, Sections 5, 13; Swedish Migration Board 2009d). The detention centres also work in cooperation with civil society. A Nordic consultancy study reported in June 2009 that the Swedish Red Cross, whose volunteers visit every person detained in the Migration Board’s secure centres weekly, earned a grant from the Migration Board to assess whether human rights are adequately respected in the centres (Econ Pöyry 2009, p.91).

During a recent visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Sweden received a favourable review of its detention infrastructure, which has led to its characterisation as a European role model (Le Figaro 2009). The CPT, in its preliminary observations, noted that there were no allegations of abuse and that detention centre staff were sufficient in number and skills and that “many detainees interviewed spoke positively about the staff.” In terms of material conditions, the CPT noted that the centres in Märsta and Gävle “were of a very high standard” and offered a broad range of activities to detainees within the centre (CPT 2009).

Facts and figures. In the end of 2008 24,099 asylum seekers’ cases were pending in Sweden (UNHCR 2008). Asylum seekers came primarily from Iraq, Somalia, and Serbia. The approval rate for applications in 2008 was 24 percent (Swedish Migration Board 2009e). On the other hand, Swedish authorities issued a total of 2,671 refusal of entry and expulsion decisions in 2008 (Econ Pöyry 2009, p.93).

The number of immigrants in irregular situations in Sweden is estimated to be between 30,000-50,000 (Econ Pöyry 2009, p.93).

As of December 2009, Sweden operated 32 reception centres for asylum seekers and 5 detention centres (Swedish Migration Board 2009c). The total detention capacity at the end of 2008 was 185 (Swedish Migration Board 2009a, p.38). The use of detention facilities has risen: detention infrastructure operated at 85 percent of full capacity in 2004 and at 96.6 percent in 2008 (Swedish Migration Board 2006a, p.17; Swedish Migration Board 2009a, p.38).

The total number of people placed in detention numbered 1,735 in 2007 and 1,645 in 2008 (Swedish Migration Board 2008, p.35; Swedish Migration Board 2009a, p.39). Of those placed in detention in 2008, 2.6 percent were children and 13.6 percent women (Swedish Migration Board 2009a, p.39).

The average lengths of detention rose somewhat from 2007 to 2008. The overall average length of detention was 16.7 days in 2007 and 20.8 days in 2008 (Swedish Migration Board 2008, p.35; Swedish Migration Board 2009a, p.39). In 2008, the average length of detention in number of days was 22.1 for men, 15.6 for women and 1.6 for children (Swedish Migration Board 2009a, p.39).

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List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Flen	In use (2009)	Stockholm	Migrant detention centre	Secure	Swedish Migration Board	Swedish Migration Board	40 (2004)		
Källered	In use (2009)	Gothenburg	Migrant detention centre	Secure	Swedish Migration Board	Swedish Migration Board	50 (2004)		
Märsta	In use (2009)	Sigtuna	Migrant detention centre	Secure	Swedish Migration Board	Swedish Migration Board	100 (2004)		
Gävle	In use (2009)	Gävle	Migrant detention centre	Secure	Swedish Migration Board	Swedish Migration Board	25 (2004)		
Örkelljunga	In use (2009)	Örkelljunga	Migrant detention centre	Secure	Swedish Migration Board	Swedish Migration Board			

Sources

(This is only a partial list. More detailed information is available upon request.)

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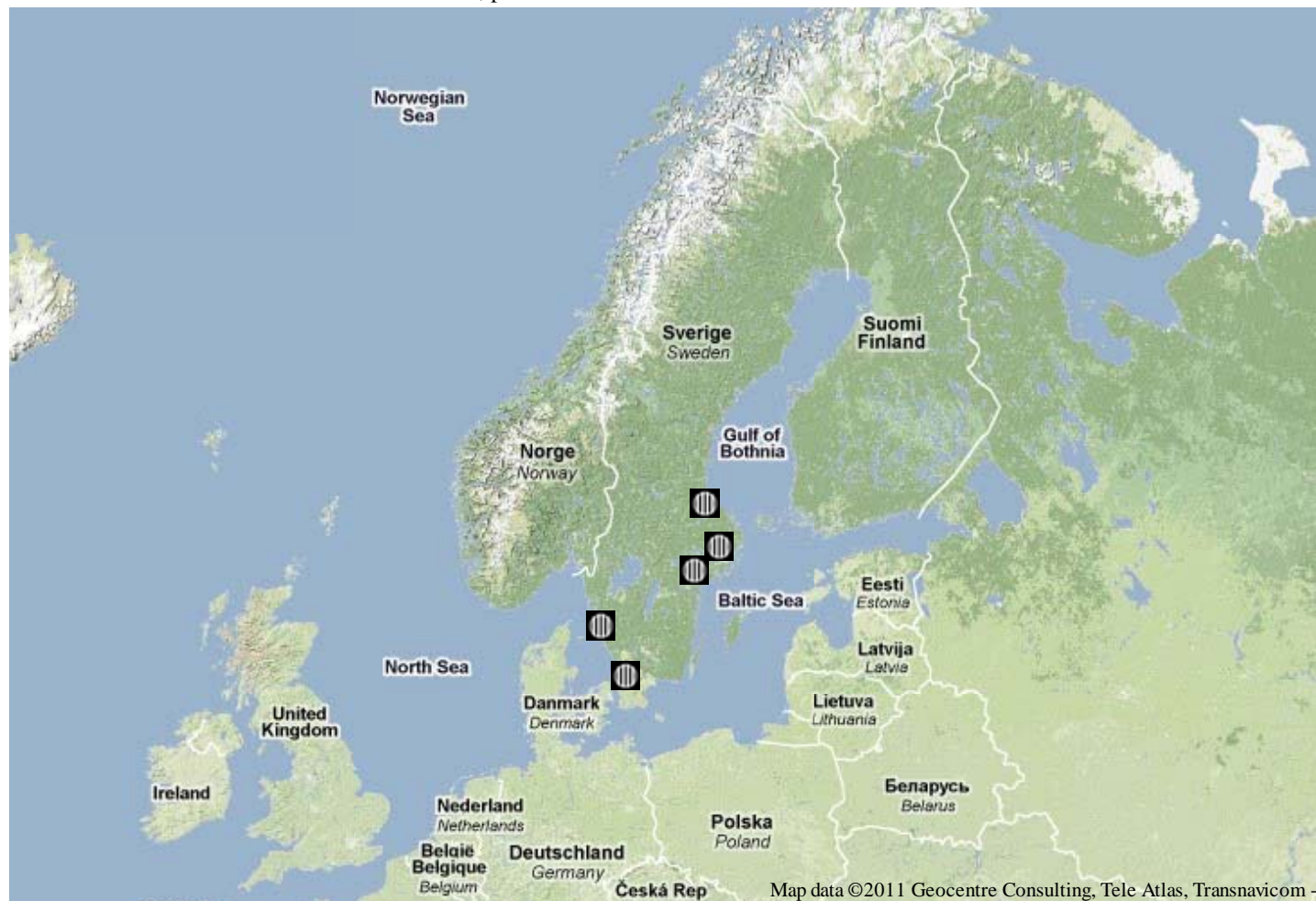
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Map of "In Use" Detention Sites

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For detailed information about each detention site, please see [List of Detention Sites](#).



Country View

1. [Flen Detention Centre](#)
2. [Gävle Detention Centre](#)
3. [Källered Detention Centre](#)
4. [Märsta Detention Centre](#)
5. [Örkelljunga Detention Centre](#)

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Sweden Country links

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Government Agencies

Swedish Courts

http://www.domstol.se/templates/DV_InfoPage____877.aspx

Swedish Migration Board

http://migrationsverket.se/info/start_en.html

Swedish Ministry of Justice

<http://www.sweden.gov.se/sb/d/584>

Swedish Police

<http://www.polisen.se/en/English/Startpage/>

International Organizations

International Organization for Migration – Regional information Nordic and Baltic Countries

<http://www.iom.int/jahia/Jahia/activities/europe/nordic-and-baltic-countries>

United Nations High Commissioner for Refugees – Country information Sweden

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48f056>

NGOs and Research Institutions

Amnesty International (in Swedish)

<http://www.amnesty.se/>

Fackligt Center för Papperslösä – Swedish Trade Unions' Help Centre for Irregular Migrant Workers (in Swedish)

<http://www.fcfp.se/>

The Swedish Network of Asylum and Refugee Support Groups

<http://www.farr.se/>

Swedish Red Cross

<http://www.redcross.se/>

Swedish Refugee Advice Centre

<http://www.sweref.org/content.aspx?contentID=624>

Media

Aftonbladet (in Swedish)

<http://www.aftonbladet.se/>

Dagens Nyheter (in Swedish)

<http://www.dn.se/>

Göteborgs Posten (in Swedish)

<http://www.gp.se/>

The Local – Swedish news in English

<http://www.thelocal.se/>

Sydsvenskan (in Swedish)

<http://www.sydsvenskan.se/>

Tidningarnas Telegrambyrå – The Swedish news agency

<http://www.tt.se/utl/eng.asp>

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