

## Contents

Contents	1
<b>Country context (optional)</b>	2
<b>International and Regional Instruments</b>	3
1954 Convention	3
1961 Convention	3
Other conventions	4
<b>Stateless Population Data</b>	6
Availability and sources	6
Stateless in detention data	9
<b>Statelessness Determination and Status</b>	10
Definition of a stateless person	10
Training	10
Existence of a dedicated SDP	10
Temporary protection for people fleeing war	11
Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	11
Access to procedures (Group 2)	11
Assessment (Group 2)	12
Procedural safeguards (Group 2)	14
Protection (Group 2)	15
<b>Detention</b>	18
Immigration detention	18
Identification of statelessness	18
Procedural safeguards	19
Protections on release	21
Return and readmission agreements	21
<b>Prevention and Reduction</b>	23
Naturalisation	23
Stateless born on territory	24
Foundlings	27
Adoption	27
<i>Ius sanguinis</i>	28
Birth registration	28
Reducing <i>in situ</i> statelessness	31
Deprivation of nationality	32
<b>Resources</b>	35
Published judgments	35
Free legal assistance	37
Literature	38

## Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

In Sweden, statelessness primarily occurs in the migratory context. There are 9,986 persons registered as stateless and 11,051 persons living in Sweden whose nationality is unknown. In addition, 566 stateless persons are registered in the Migration Agency reception system. 1,921 people registered as stateless and 2,305 people registered with unknown nationality acquired Swedish nationality in 2021. Some refugees and migrants in Sweden are stateless but have not been registered as such. The lack of a statelessness determination procedure (SDP) in Sweden means statelessness is often only considered in the context of the asylum procedure, rather than being identified and determined in its own right through a dedicated SDP. Awareness of the issues relating to statelessness is limited amongst politicians, state agencies, and the general public. There is no legal definition of a stateless person in Swedish law, yet it is mentioned several times in laws relating to immigration and asylum as well as in the nationality law. Reforms to immigration and nationality laws have been introduced recently and there is still great uncertainty about what this will mean in practice for stateless persons in Sweden.

In 2022, the parties in the new coalition Government and the far-right Sweden Democrats signed an agreement (the [Tidö Agreement](#)) which aims to set up a number of inquiries and present legislative proposals, some of which may impact stateless people and people at risk of statelessness. The Tidö agreement proposes to extend the habitual residence requirement to apply for naturalisation to eight years (it is currently four for stateless people or refugees and five in general), although exceptions may be made for some categories. The agreement also suggests that all hospital workers will have a duty to report if they suspect that a patient is undocumented, and maternal healthcare is not given as an example of exemption, which may impact birth registration.

Forthcoming amendments to immigration and nationality laws still carry great uncertainty about their impact in practice for stateless persons in Sweden, and may likely exacerbate the issues that stateless persons are already facing and contribute to increasing statelessness, instead of reducing it. The proposals in the Tidö Agreement also make it more difficult to acquire nationality.

There are ongoing discussions since 2021 to make changes to the Law on Swedish Citizenship that would make it a requirement for an applicant for naturalisation to prove their identity, as well as not be suspected of a serious crime, not be perceived to be a threat to national or public security or be active in or have influence over an organisation or group that has committed acts of terror or systemic, extensive and grave human rights abuses. No changes have been made in 2022 and no draft law proposal has been presented to the Parliament yet. In September 2023 the Government instructed an official governmental inquiry to develop new and more restrictive conditions for acquisition of Swedish nationality, including a longer habitual residency criterion in Sweden. There is an ongoing debate about whether aspects of these new requirements should apply to stateless persons.

A proposal has previously been made before parliament to introduce the possibility to deprive a person of their Swedish nationality if they are found guilty of terrorism and thereby considered a security threat to the State. The Tidö Agreement also tasked an inquiry with the aim of developing proposals to revoke Swedish nationality for persons with dual nationality if the person has conducted "system-threatening criminality" or whose Swedish nationality was granted on the basis of incorrect information.

See: Tidö agreement (Tidöavtalet): <https://via.tt.se/data/attachments/00551/04f31218-dccc-4e58-a129-09952cae07e7.pdf>

## International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	YES	UNTC: <a href="https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&amp;mtdsg_no=V-3&amp;chapter=5&amp;Temp=mtdsg2&amp;clang=_en">https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&amp;mtdsg_no=V-3&amp;chapter=5&amp;Temp=mtdsg2&amp;clang=_en</a>
IOB.1.b		If yes, when was ratification/accession?		Ratification: 2 Apr 1965	UNTC: <a href="https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&amp;mtdsg_no=V-3&amp;chapter=5&amp;Temp=mtdsg2&amp;clang=_en">https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&amp;mtdsg_no=V-3&amp;chapter=5&amp;Temp=mtdsg2&amp;clang=_en</a>
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	<p>Yes, although in November 2019, the Government of Sweden notified the Secretary-General of its decision to withdraw its reservations to Article 8 and to Article 24(1)(b) of the 1954 Convention.</p> <p>Remaining reservations include that Articles 12(1) &amp; 24(3) are not binding. In relation to Article 25(2), Sweden does not consider itself obliged to cause a Swedish authority, in lieu of a foreign authority, to deliver certificates for the issuance of which there is insufficient documentation in Sweden.</p> <p>Sweden has withdrawn its reservation to Article 8. It has also withdrawn its reservation to Article 24(1)(b), which read as follows: "Notwithstanding the rule concerning the treatment of stateless persons as nationals, Sweden will not be bound to accord to stateless persons the same treatment as is accorded to nationals in respect of the possibility of entitlement to a national pension under the provisions of the National Insurance Act; and likewise to the effect that, in so far as the right to a supplementary pension under the said Act and the computation of such pension in certain respects are concerned, the rules applicable to Swedish nationals shall be more favourable than those applied to other insured persons."</p>	<p>UNTC (See endnote 18): <a href="https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&amp;mtdsg_no=V-3&amp;chapter=5&amp;Temp=mtdsg2&amp;clang=_en#EndDec">https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&amp;mtdsg_no=V-3&amp;chapter=5&amp;Temp=mtdsg2&amp;clang=_en#EndDec</a></p> <p>UNHCR, Declarations and Reservations to the 1954 Convention relating to the Status of Stateless Persons As of 20 September 2006: <a href="https://www.unhcr.org/416114164.pdf">https://www.unhcr.org/416114164.pdf</a></p> <p>UNHCR, Results of the High-Level Segment on Statelessness: <a href="https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/">https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/</a></p>
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Generally, conventions do not have direct effect in Swedish law but must be transposed into Swedish law. The 1954 Convention has not been fully transposed into Swedish legislation.	<p>Swedish Ministry of Justice, Factsheet: the Swedish law-making process, 2016: <a href="https://www.regeringen.se">The Swedish Law-Making Process - Regeringen.se</a></p> <p>UNHCR, Mapping Statelessness in Sweden, December 2016, pp.16-17: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p>
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	YES	UNTC: <a href="https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&amp;mtdsg_no=V-4&amp;chapter=5">https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&amp;mtdsg_no=V-4&amp;chapter=5</a>
IOB.2.b		If yes, when was ratification/accession?		Accession: 19 Feb 1969	UNTC: <a href="https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&amp;mtdsg_no=V-4&amp;chapter=5">https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&amp;mtdsg_no=V-4&amp;chapter=5</a>
IOB.2.c		Are there reservations in place? Please list them.	As above	No relevant reservations.	UNTC: <a href="https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&amp;mtdsg_no=V-4&amp;chapter=5">https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&amp;mtdsg_no=V-4&amp;chapter=5</a>
IOB.2.d		Does the Convention have direct effect?	As above	Generally, conventions do not have direct effect in Swedish law but have to be transposed into Swedish law. The 1961 Convention has not been fully transposed into Swedish legislation, but some provisions have been incorporated in national law.	<p>Swedish Ministry of Justice, Factsheet: the Swedish law-making process, 2016: <a href="https://www.regeringen.se">The Swedish Law-Making Process - Regeringen.se</a></p> <p>UNHCR, Mapping Statelessness in Sweden, December 2016, pp.16-17: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p>

IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="#">European Convention on Nationality, 1997</a>	Sweden entered a declaration to Article 22(b) clarifying that the age referred to in this paragraph is 30. This does not have a substantive effect on statelessness in Sweden.	Council of Europe, European Convention on Nationality: <a href="https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166?module=declarations-by-treaty&amp;numSte=166&amp;codeNature=0">https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166?module=declarations-by-treaty&amp;numSte=166&amp;codeNature=0</a>
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="#">European Convention on Human Rights, 1950</a>	YES. No relevant reservations.	Council of Europe, European Convention on Human Rights: <a href="https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&amp;treatyNum=005">https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&amp;treatyNum=005</a>
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	<a href="#">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	NO	Council of Europe: <a href="https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200?module=signatures-by-treaty&amp;treatyNum=200">https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200?module=signatures-by-treaty&amp;treatyNum=200</a>  UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)</a>	YES. No relevant reservations	National transposition measures communicated by the MS concerning Directive 2008/115/EC: <a href="https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32008L0115">https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32008L0115</a>
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child, 1989</a>	YES. No relevant reservations.  The UN CRC was incorporated into Swedish law on 1 January 2020 through the UN Convention on the Rights of the Child Act 2018/1197	UNTC: <a href="https://treaties.un.org/pages/ViewDetails.aspx?src=IND&amp;mtmsg_no=IV-11&amp;chapter=4&amp;clang=en">https://treaties.un.org/pages/ViewDetails.aspx?src=IND&amp;mtmsg_no=IV-11&amp;chapter=4&amp;clang=en</a>  Swedish Government: <a href="https://www.regeringskansliets.rattsdatabaser.gov.se">Regeringskansliets rättsdatabaser (gov.se)</a> <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-20181197-om-forenta-nationernas-konvention_sfs-2018-1197">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-20181197-om-forenta-nationernas-konvention_sfs-2018-1197</a>
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights, 1966</a>	YES, with reservations: "Sweden reserves the right not to apply the provisions of Article 10(3), with regard to the obligation to segregate juvenile offenders from adults, the provisions of Article 14(7), and the provisions of Article 20(1), of the Covenant."	UNTC: <a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtmsg_no=IV-4&amp;chapter=4#EndDec">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtmsg_no=IV-4&amp;chapter=4#EndDec</a>
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights, 1966</a>	YES, with reservations: "Sweden entered a reservation in connection with Article 7(d) of the Covenant in the matter of the right to remuneration for public holidays."	UNTC: <a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtmsg_no=IV-3&amp;chapter=4">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtmsg_no=IV-3&amp;chapter=4</a>
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women, 1979</a> <a href="#">CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness</a>	YES. No relevant reservations.	UNTC: <a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtmsg_no=IV-8&amp;chapter=4">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtmsg_no=IV-8&amp;chapter=4</a>
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</a>	YES. No relevant reservations.	UNTC: <a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtmsg_no=IV-9&amp;chapter=4&amp;clang=en">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtmsg_no=IV-9&amp;chapter=4&amp;clang=en</a>

IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination, 1965</a>	YES. No relevant reservations.	UNTC: <a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtid=g_no=IV-2&amp;chapter=4">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtid=g_no=IV-2&amp;chapter=4</a>
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990</a>	NO	UNTC: <a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtid=g_no=IV-13&amp;chapter=4">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtid=g_no=IV-13&amp;chapter=4</a>
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	<a href="#">Convention on the Rights of Persons with Disabilities, 2006</a>	YES. No relevant reservations.	UNTC: <a href="https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtid=g_no=iv-15&amp;chapter=4&amp;clang=en">https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&amp;mtid=g_no=iv-15&amp;chapter=4&amp;clang=en</a>

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p> <p><a href="#">International Recommendations on Statelessness Statistics (IROSS)</a> (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p>	Some data collection systems in Sweden have a 'stateless' category, including the population and housing censuses. Data is disaggregated by age, sex, and country of citizenship, including 'stateless persons', 'under investigation' and 'nationality unknown'. Data for the years 1973 to 2022 is available. The number of women recorded as stateless in 2022 is 4,165. The number of men recorded as stateless in 2022 is 5,821. The total number of stateless people recorded as stateless in 2022 is 9,986. The number of persons recorded in the category 'unknown citizenship' (nationality or lack thereof has not been established by sufficient proof) in 2022 is 6,054 men and 4,997 women (total of 11,051). No persons were recorded in the category 'under investigation' in 2022.	<p>Statistics Sweden (SCB), Foreign citizens by country of citizenship, age and sex 1973-2021: <a href="https://www.statistikdatabasen.scb.se/pxweb/en/ssd/START_BE_BE0101_BE0101F/UtlmedbR/">https://www.statistikdatabasen.scb.se/pxweb/en/ssd/START_BE_BE0101_BE0101F/UtlmedbR/</a></p> <p>Statistics Sweden (SCB), Population Statistics: <a href="https://www.scb.se/hitta-statistik/statistik-efter-amne/befolkning/befolkningens-sammansattning/befolkningsstatistik/">https://www.scb.se/hitta-statistik/statistik-efter-amne/befolkning/befolkningens-sammansattning/befolkningsstatistik/</a> (SWE)</p>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>YES. See above, additional categories that may overlap with stateless people include 'unknown nationality' and 'under investigation'. A disclaimer on the SCB website explains the 'nationality unknown' category further: "From 1999 and onward, citizenship is only reported for existing countries. People who were previously citizens in non-existing countries are reported as having an unknown country of citizenship. In earlier years the last registered citizenship is reported although the country at the time ceased to exist. In summer 2006, Serbia and Montenegro became two separate countries instead of one country as previously. People who were previously citizens of Serbia and Montenegro and who have not registered a new country of citizenship with the Swedish Migration Board are reported as having an unknown country of citizenship. This explains the large increase in people with an unknown country of citizenship."</p> <p>People from Palestine are reported to be registered either as having a nationality or unknown nationality, depending on which region they come from. Some are reported to be registered as having the nationality of the 'State of Palestine' or the Palestinian territory, while others are recognised as stateless, or registered as nationality unknown, and some have different registrations with different authorities.</p>	<p>Statistics Sweden (SCB), Population Statistics: <a href="https://www.scb.se/hitta-statistik/statistik-efter-amne/befolkning/befolkningens-sammansattning/befolkningsstatistik/">https://www.scb.se/hitta-statistik/statistik-efter-amne/befolkning/befolkningens-sammansattning/befolkningsstatistik/</a> (SWE)</p> <p>Statistics Sweden (SCB), Foreign citizens by country of citizenship, age and sex 1973-2021: <a href="https://www.statistikdatabasen.scb.se/pxweb/en/ssd/START_BE_BE0101_BE0101F/UtlmedbR/">https://www.statistikdatabasen.scb.se/pxweb/en/ssd/START_BE_BE0101_BE0101F/UtlmedbR/</a></p> <p>Swedish Organization Against Statelessness</p>
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	According to the data in UNHCR's most recent Global Trends Report, the number of stateless persons under UNHCR's mandate in Sweden is 21,037. The evolution since the start of the #IBelong Campaign according to the same source is as follows 2014: 27,167; 2015: 31,062; 2016: 36,036; 2017: 35,501; 2018: 31,819; 2019: 30,305; 2020: 27,504, 2021: 24,611.	UNHCR Global Trends Report, Annex Table 5, 2022: <a href="https://www.unhcr.org/2022GTannextableSTA.xlsx">2022GTannextableSTA.xlsx (live.com)</a>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	YES, UNHCR published a mapping study of statelessness in Sweden in 2016. However, the report states that there may be a large unknown number of stateless persons in Sweden due to the lack of a Statelessness Determination Procedure (SDP) and legal definition of a stateless person. The Swedish Government has not mapped statelessness. Some statistics are available on stateless persons in	<p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p> <p>Phone conversation with Statistics Sweden (SCB)</p>



				Sweden, but it is not always the case that all children born stateless in Sweden for example are reported.	
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	YES, Statistics Sweden (SCB) report data on persons that have been granted Swedish nationality. The statistics show the number of stateless persons (2,338 in 2022) or those with unknown nationality (3,737 in 2022) who obtained Swedish nationality.	Statistics Sweden (SCB), Foreign citizens in Sweden: <a href="https://www.scb.se/hitta-statistik/sverige-i-siffror/manniskorna-i-sverige/utlandska-medborgare-i-sverige/">https://www.scb.se/hitta-statistik/sverige-i-siffror/manniskorna-i-sverige/utlandska-medborgare-i-sverige/</a> (SWE)
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	<p>YES, there have been cases where stateless persons have been wrongfully registered as having ‘unknown nationality’, or as a national of another country. The lack of an SDP means that stateless persons are often not registered as such by the Swedish Migration Agency. Sometimes case officers have limited knowledge about statelessness, or the individual may not be able to evidence their statelessness. There is therefore a reason to believe that statelessness is underreported in Sweden.</p> <p>The agencies responsible for recording and reporting data on stateless persons (Migration Agency, Tax Agency, and Statistics Sweden) work independently with limited cooperation as regulated by the law on the principle of independence of state agencies.</p>	<p>Swedish Organization Against Statelessness Reference Group</p> <p>Kungörelse (1974:152) om beslutad ny regeringsform Svensk författningssamling (Swedish Instrument of Government) 1974:1974:152 t.o.m. SFS 2018:1903 - Riksdagen, Ch. 11(3) &amp; Ch. 12(2): <a href="https://riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform_sfs-1974-152">https://riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform_sfs-1974-152</a> (SWE) ENG version available at: <a href="https://www.riksdagen.se/globalassets/07.-dokument-lagar/the-instrument-of-government-2015.pdf">https://www.riksdagen.se/globalassets/07.-dokument-lagar/the-instrument-of-government-2015.pdf</a></p>
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	<p>As above.</p> <p><a href="#">EASO/EUAA, Practical guide on registration (2021)</a>: States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.</p>	<p>The State counts/records figures for people born in Sweden with foreign nationalities and separately for stateless asylum-seekers/refugees and those of unknown origin.</p> <p>New asylum seekers registered as stateless:</p> <ul style="list-style-type: none"> <li>• 2019: 880 (41% female)</li> <li>• 2020: 376 (37% female)</li> <li>• 2021: 347 (42% female; 3% of total asylum applicants)</li> <li>• 2022: 335 (38 % female, 2 % of total asylum applicants)</li> </ul> <p>New asylum seekers registered as nationality unknown in 2022: 137 (1% of total)</p> <p>Outcome of persons registered as stateless in asylum process (2022):</p> <ul style="list-style-type: none"> <li>• 119 of 299 decisions approved (rate 40%)</li> <li>• 101 rejected of which 19 Dublin</li> <li>• 45 withdrawn</li> </ul> <p>Outcome of persons registered as ‘nationality unknown’ (2022):</p> <ul style="list-style-type: none"> <li>• 140 decisions</li> <li>• 35 approved – rate 25%</li> <li>• 73 rejected</li> <li>• 24 withdrawn</li> </ul> <p>Renewal of permit for stateless persons (2022):</p> <ul style="list-style-type: none"> <li>• 1,544 decisions</li> <li>• Granted: 1,424 (92%)</li> <li>• Rejected: 57</li> <li>• Withdrawn: 63</li> </ul> <p>Renewal of permit for persons of ‘unknown nationality’ (2022):</p> <ul style="list-style-type: none"> <li>• 208 decisions</li> <li>• 190 approved (91%)</li> <li>• Withdrawn: 5</li> <li>• Rejected: 13</li> </ul>	<p>SCB - People with foreign nationalities born in Sweden (SWE): <a href="https://www.scb.se/hitta-statistik/sverige-i-siffror/manniskorna-i-sverige/utlandska-medborgare-i-sverige/">https://www.scb.se/hitta-statistik/sverige-i-siffror/manniskorna-i-sverige/utlandska-medborgare-i-sverige/</a></p> <p>SCB - Asylum-seekers by country of citizenship and sex, 2002-2023: <a href="https://www.statistikdatabasen.scb.se/pxweb/en/ssd/START_BE_BE0101_BE0101P/AsylsokandeN/">https://www.statistikdatabasen.scb.se/pxweb/en/ssd/START_BE_BE0101_BE0101P/AsylsokandeN/</a></p> <p>Applications for asylum received 2022: <a href="#">Inkomna ansökningar om asyl 2022.xlsx (live.com)</a></p> <p>December 2022 statistics from the Swedish Migration Agency to the Ministry of Justice compiled monthly and also distributed to certain NGOs, including the Swedish Refugee Law Center. Tables can be provided on request.</p>

				<p>Grounds for permits for stateless persons (2022):</p> <ul style="list-style-type: none"> <li>● Refugee status: 76</li> <li>● Subsidiary status: 17</li> <li>● Other protection status: 0</li> <li>● Total on protection grounds: 93</li> <li>● Humanitarian grounds: 34</li> <li>● Practical hindrances to expulsion: 7</li> <li>● Temporary permit: 25</li> </ul> <p>Basis for prolongation permits for stateless persons (2022):</p> <ul style="list-style-type: none"> <li>● Refugee status: 845</li> <li>● Subsidiary protection: 253</li> <li>● Humanitarian: 51</li> <li>● Practical hindrances to expulsion: 96</li> <li>● Permanent residence employment: 0</li> <li>● Studies at senior secondary level: 0</li> <li>● Other: 0</li> <li>● Total: 1,245</li> </ul> <p>Unaccompanied minor stateless asylum seekers (2022):</p> <ul style="list-style-type: none"> <li>● 5 registered during period</li> <li>● Total registered in the reception system: 15 of whom 6 with enforceable removal orders</li> </ul> <p>Stateless returnees (2022):</p> <ul style="list-style-type: none"> <li>● 112 voluntary (91 to EU/EES &amp; 21 to third country)</li> </ul> <p>Open return cases for stateless persons in the SMA system 2022:</p> <ul style="list-style-type: none"> <li>● 259 persons in families with children (children included)</li> <li>● 163 single males</li> <li>● 61 single women</li> <li>● 55 couples with no children</li> <li>● 14 other</li> <li>● Total 552 of which 47% in families with children</li> <li>● 2 Dublin cases</li> </ul> <p>Stateless persons who actually left Sweden during this period:</p> <ul style="list-style-type: none"> <li>● 91 voluntarily to EU/EES</li> <li>● 21 to third country</li> <li>● 112 total</li> </ul> <p>Police enforced removals:</p> <ul style="list-style-type: none"> <li>● 9 to EU/EES</li> <li>● 7 to third country</li> <li>● 16 total</li> </ul> <p>Registered stateless persons in the SMA reception system (2022):</p> <ul style="list-style-type: none"> <li>● Open asylum cases: 200 (registered during 1,355 days on average)</li> <li>● Open appeal cases: 111 (1,190 days)</li> <li>● With final rejection: 255 (1,857 days)</li> <li>● Of which enforceable: 238 (1,890 days) divided as follows:</li> <li>● SMA cases: 203 (1,962 days)</li> <li>● Police cases: 35 (1,474 days)</li> <li>● In reception system with permits and awaiting municipal placement: 46 (1,103 days)</li> <li>● Other 47 (1,650 days)</li> </ul>	
--	--	--	--	--	--



				<ul style="list-style-type: none"> <li>Total registered in system 659 (average days in system 1,525)</li> </ul> <p>Family reunion for stateless persons (2022):</p> <ul style="list-style-type: none"> <li>Cases submitted: 401</li> <li>Cases decided on: 417 of which</li> <li>240 granted (58%)</li> <li>111 refused</li> <li>51 withdrawn</li> <li>15 other</li> <li>Pending cases 2022: 437</li> </ul> <p>Established families' applications (2022):</p> <ul style="list-style-type: none"> <li>Submitted applications: 44</li> <li>Decisions: 72 of which 29 family members of former asylum seeker</li> <li>Pending cases: 46</li> </ul> <p>Citizenship grants to stateless persons and persons with unknown nationality 2022: stateless: 1,921, unknown 2,305</p>	
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	<p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: State parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p>	<p>Yes (the State records such figures, but they are only available on request).</p> <p>Detention of stateless persons (2022):</p> <ul style="list-style-type: none"> <li>18 of a total of 3,029 persons placed in detention in 2022 were recorded as stateless. Sometimes the same person can be subject to different categories of detention..</li> </ul> <p>Other nationalities detained in same period include: Georgia 130; Albania 96; Iraq 55; Uzbekistan 134; Unknown 38.</p> <p>The most common grounds for detention are an impending removal order. A total of 18 stateless persons were detained. Of these, 14 were because of an impending removal, and 4 in Dublin cases. 38 persons of unknown nationality were detained.</p>	<p>Information provided by the Swedish Migration Agency in September 2023 on request by the Swedish Refugee Law Center.</p> <p>Information on the total number of persons in detention available in the Swedish Migration Agency's Annual Report for 2022, available here: <a href="https://www.migrationsverket.se/download/18.4cda87071866b3f3f2d24a/1677165402506/Migrationsverkets%20årsredovisning%202022.pdf">https://www.migrationsverket.se/download/18.4cda87071866b3f3f2d24a/1677165402506/Migrationsverkets%20årsredovisning%202022.pdf</a></p>
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	No	

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<a href="#">1954 Convention</a> : Articles 1(1) & 1(2).	NO. The word ‘stateless’ is mentioned in Swedish law several times, but there is no definition of a stateless person in domestic law. In 2023 the Migration Agency published legal guidance on assessing statelessness as part of a person's identity (ref. RS/003/2023). The guidance notes that national law does not contain a definition of who is stateless. The Migration Agency shall use the definition in article 1.1 in the 1954 UN Convention Relating to the Status of Stateless persons (‘for the purpose of this Convention, the term “stateless person” means a person who is not considered as a national by any State under the operation of its law’).	UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>  See for example: Lag (1969:644) om vissa rättigheter för statslösa personer och politiska flyktingar (Law on Certain Rights for Stateless Persons and Political Refugees): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1969644-om-vissa-rattigheter-for-statslosa_sfs-1969-644">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1969644-om-vissa-rattigheter-for-statslosa_sfs-1969-644</a> (SWE)  Migrationsverket, Rättsligt ställningstagande. Bedömning av statslöshet som en del av en persons identitet - RS/003/2023 (Migration Agency Legal guidance on assessing statelessness as part of a person's identity): <a href="#">Dokument - Lifos extern (migrationsverket.se)</a>
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<a href="#">UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006)</a> : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	No training for public authorities on statelessness is organised by public authorities. UNHCR recommended that specialised training on statelessness be provided to competent authorities in Sweden in its mapping study of 2016. Some training or capacity-building events are occasionally organised by UNHCR and civil society (including the Swedish Organization Against Statelessness).	UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>  Swedish Organization Against Statelessness
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	NO. No information is available on any general training on statelessness for judges and lawyers. According to information obtained from the National Courts Authority, which is responsible for the training of judges and other lawyers working within the courts, they do not have any trainings focusing only on statelessness but their two basic trainings on immigration law contain some information on statelessness. Lawyers have contacted the Swedish Organization Against Statelessness asking for training to be provided.	Swedish Organization Against Statelessness  Information provided by the National Courts Authority to the Swedish Refugee Law Center in December 2022 and September 2023.
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b>  <b>1.</b> There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status ( <b>answer Question SDS.3.b. and proceed to Question 4a</b> ).  <b>2.</b> There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could	<a href="#">UNHCR, Handbook on Protection (2014)</a> : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	<b>2.</b> There is no dedicated SDP leading to a dedicated statelessness status in Sweden, but there are other procedures in which statelessness can be identified.	UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>

		regularise their stay and/or access their rights ( <b>answer Question SDS.3.b. and proceed to Question 10a).</b>  3. There is a dedicated statelessness status but no formal procedure for determining this ( <b>answer Question SDS.3.b. and proceed to Question 15a).</b>			
SDS.3.b	Temporary protection for people fleeing war	Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine (through the EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless persons who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, please state so. Please describe any barriers for stateless people or people at risk of statelessness in accessing the territory or receiving temporary protection, asylum, or other protection.	<a href="#">EU Temporary Protection Directive (2001)</a> <a href="#">EU Council Implementing Decision (2022)</a> <a href="#">establishing the existence of a mass influx of displaced persons from Ukraine &amp; European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine</a> : Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.	YES. Sweden extends temporary protection to stateless persons who enjoyed international protection or equivalent national protection in Ukraine before 24 February 2022. The Migration Agency's legal guidance does not mention whether this includes recognition of statelessness status in Ukraine. Barriers can include difficulties in showing that they are stateless and that they have enjoyed international protection in Ukraine. On 28 March 2022 obligatory ID-controls, with a requirement on presenting a valid photo ID, of passengers travelling to Sweden on passenger ships on voyages longer than 20 nautical miles were introduced. This can cause a barrier for stateless people in accessing the territory, which was raised as a concern by the Swedish Refugee Law Center in its comments on the draft proposal. The regulation on obligatory ID-controls has been prolonged until 31 December 2023.	Chapter 2, Section 3a of the Ship Security Regulation (fartygssäkerhetsförordningen) (2003:438) (in Swedish): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/fartygssakerhetsforordning-2003438_sfs-2003-438#K2">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/fartygssakerhetsforordning-2003438_sfs-2003-438#K2</a>  The Swedish Refugee Law Center's comment on the draft proposal (in Swedish): <a href="https://sweref.org/wp-content/uploads/2022/03/remissvar-dnr-i2022-00611.pdf">https://sweref.org/wp-content/uploads/2022/03/remissvar-dnr-i2022-00611.pdf</a>
SDS.10.a	Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	<b>If there is no dedicated SDP leading to a statelessness status</b> , are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?	<a href="#">ENS (2013)</a> : For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one. <a href="#">ECtHR, Hoti v. Croatia (2018)</a> : [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.	A person can be identified as stateless when applying for asylum, an immigration permit, naturalisation, or when registering children born in Sweden.	UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>
SDS.10.b		Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?	<a href="#">1954 Convention UNHCR, Handbook on Protection (2014)</a> : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.	NO.	
SDS.11.a	Access to procedures (Group 2)	Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : It is important that examiners develop expertise while ensuring that the procedures are accessible. Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential	The majority of stateless persons enter Sweden through the asylum process. In such cases, the Asylum Unit of the Swedish Migration Agency is responsible for establishing the applicant's identity and nationality. It is possible for an applicant's statelessness to be identified during this procedure but it can be difficult for an applicant to prove their lack of nationality, as the burden of proof is high and usually requires written statements from the embassies of countries with which the applicant has links. The process is ad hoc and often depends on the knowledge of the individual case officer. In 2023 the Migration Agency published legal guidance on assessing statelessness as part of a person's identity (ref. RS/003/2023). According to the legal guidance an	UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>  Swedish Organization Against Statelessness Reference Group  Migrationsverket, Rättsligt ställningstagande. Bedömning av statslöshet som en del av en persons identitet - RS/003/2023 (Migration Agency Legal guidance on assessing statelessness as part of a person's identity): <a href="#">Dokument - Lifos extern (migrationsverket.se)</a>

			<p>applicants for statelessness status and refer them to appropriate channels.</p>	<p>assessment of statelessness is relevant when assessing a person's identity in the asylum procedure, or when a person applies for Swedish nationality.</p> <p>Statelessness can also be identified during registration in the Swedish Population Register by the Tax Agency. For example, when a person receives an immigration residence permit, they must register in the Population Register, or when a new-born baby is registered in the Population Register.</p> <p>When an application for naturalisation is made, the Citizenship Unit of the Swedish Migration Agency can also make an assessment of statelessness.</p>	
SDS.11.b		<p>Are there obligations in law on authorities to consider a claim of statelessness?</p>	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Access to the procedure must be guaranteed.  <a href="#">EASO/EUAA, Practical guide on registration (2021)</a>: Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person's statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p>	<p>NO.</p>	<p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p>
SDS.11.c		<p>Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?</p>	<p><a href="#">1954 Convention</a>  <a href="#">UNHCR, Handbook on Protection (2014)</a>: For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).  <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	<p>NO. There is little information on what statelessness is and how to claim one's rights as a stateless person in Sweden under the 1954 Convention.</p>	<p>Swedish Organization Against Statelessness Reference Group</p>
SDS.11.d		<p>Is there cooperation between agencies that may have contact with stateless people?</p>	<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	<p>To some extent, but in some cases, there are differences of approach between the different competent authorities. For example, if the Swedish Migration Agency knows someone is stateless, they may tell the Tax Agency. However, there is no standard protocol as to how and when this is to be done. The assessment of nationality carried out by the Migration Agency is different from that carried out by the Tax Agency, which can lead to differing decisions about the same individual. Swedish law establishes that all state agencies are independent and should work independently from one another. Although different agencies are not bound by the decision of other agencies, a 'consensus' is preferred.</p>	<p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p> <p>Phone conversations with Statistics Sweden &amp; Tax Agency</p> <p>Kungörelse (1974:152) om beslutad ny regeringsform Svensk författningssamling (Swedish Instrument of Government) 1974:1974:152 t.o.m. SFS 2018:1903 - Riksdagen, Ch. 11(3) &amp; Ch. 12(2): <a href="https://riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform-sfs-1974-152">https://riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform-sfs-1974-152</a> (SWE)  <a href="https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-instrument-of-government-2015.pdf">https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-instrument-of-government-2015.pdf</a> (EN)</p> <p>Migrationsverket, Rättsligt ställningstagande. Registrering av identitetsuppgifter - RS/063/2021, 2021-04-23: <a href="https://lifos.migrationsverket.se/dokument?documentSummaryId=45475">https://lifos.migrationsverket.se/dokument?documentSummaryId=45475</a> (SWE)</p>
SDS.12.a	<p>Assessment (Group 2)</p>	<p>Who has the burden of proof when determining or identifying statelessness (in law and practice)?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p>	<p>The burden of proof applied varies in law and practice.</p> <p>In the asylum procedure, by law, the burden of proof is shared between the applicant and authorities when determining an applicant's identity. In applications for naturalisation, the burden of proof is mainly on the applicant and the competent authority is</p>	<p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p> <p>Swedish Migration Agency, <a href="https://www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/Att-ansoka-om-asyl/Beratta-vem-du-ar.html">https://www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/Att-ansoka-om-asyl/Beratta-vem-du-ar.html</a></p>



			<p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p><a href="#">UNHCR, Geneva Conclusions (2010)</a>: In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p><a href="#">ECtHR, Hoti v. Croatia (2018)</a>: State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>not bound by previous assessments of nationality undertaken by other units or agencies. The Tax Agency and Migration Agency do not have common guidelines on how to assess nationality.</p> <p>However, in practice the burden to prove statelessness often falls on the applicant. If the applicant fails to provide documentation to prove their statelessness, they are often registered as ‘nationality unknown’. There have also been cases of stateless persons providing documentation but authorities failing to recognise these. For example, stateless Palestinians with UNRWA documentation have been wrongfully registered as having a nationality or applicants stripped of their nationality have been registered as nationals of their former country of nationality unless or until confirmation is gained from the relevant embassy that they are not a national.</p> <p>In the case of stateless children born in Sweden, when the child cannot acquire a nationality from their mother and the parents are not married but the father is registered in the Population Register, further information regarding paternity and acquisition of nationality through the father is required, otherwise the child is registered as stateless or with ‘unknown nationality’. In these cases, the burden of proof rests on the parents who need to prove that the child has a nationality, or that they have taken the appropriate steps to ensure the child has acquired one.</p>	<p>Swedish Organization Against Statelessness Reference Group</p>
<p>SDS.12.b</p>		<p>What is the standard of proof to evidence statelessness, in law and in practice?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are advised to adopt the same standard of proof as in refugee status determination (‘reasonable degree’).</p> <p><a href="#">UNHCR, Good practices in nationality laws (2018)</a>: The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p><a href="#">ECtHR, Hoti v. Croatia (2018)</a>: If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	<p>The standard of proof applied depends on the procedure and agency. There is no common guidance on the standard of proof that should be applied when evidencing statelessness.</p> <p>The Migration Agency Legal Guidance on assessing statelessness as part of a person's identity provides the following information regarding the burden of proof: In the asylum process the applicant bears the burden to make their identity probable (likely to be correct).</p> <p>In an application for Swedish nationality, the applicant must in general prove their identity . The Act on Swedish Citizenship requires that the applicant ‘has proven his or her identity’, which is a high standard of proof. If the applicant cannot meet the standard of proof, the nationality will be registered as unknown. However, the Migration Agency has a partial responsibility to collect relevant information, by guiding the applicant on what documents should be presented or by searching for relevant country information. In Swedish law, the principle of free assessment of evidence is practised. Therefore, all evidence in an individual case should be assessed.</p> <p>For the Tax Agency, a passport and civil status documents are needed, which cannot be provided by a stateless person. So, although the Tax Agency has a page referencing stateless persons on their website, in practice, it is often impossible to be registered as a stateless person by the Agency. For a new-born baby, the hospital or Migration Agency should report to the Tax Agency that the baby is stateless. It is very difficult to correct an imputed nationality registered by the Tax Agency. The burden of proof is higher than in the asylum procedure.</p> <p>For the Migration Agency, an ID document or other evidence stating that the person has no nationality is usually required. If the Migration Agency makes a mistake and then corrects it within their</p>	<p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p> <p>Skatteverket (Tax Agency), You are a citizen of a non-EU or a non-EEA country or stateless: <a href="https://skatteverket.se/servicelankar/otherlanguages/inenglish/in-dividualsandemployees/movingtosweden/citizenofnoneueecountry.4.5a85666214dbad743ffff54.html?q=stateless">https://skatteverket.se/servicelankar/otherlanguages/inenglish/in-dividualsandemployees/movingtosweden/citizenofnoneueecountry.4.5a85666214dbad743ffff54.html?q=stateless</a> (SWE)</p> <p>Folkbokföringslag (Population Register Act) 1991:481: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/folkbokforingslag-1991481_sfs-1991-481">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/folkbokforingslag-1991481_sfs-1991-481</a> (SWE)</p> <p>Act on Swedish Citizenship: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p> <p>Migrationsverket, Rättsligt ställningstagande. Bedömning av statslöshet som en del av en persons identitet - RS/003/2023 (Migration Agency Legal guidance on assessing statelessness as part of a person's identity): <a href="#">Dokument - Lifos extern (migrationsverket.se)</a></p> <p>Swedish Organization Against Statelessness</p>

				<p>system, the Tax Agency will not be made aware of this as it is the applicant's responsibility to prove their statelessness before the Tax Agency. They also do not share the same systems. Stateless persons can be registered as stateless with one agency and as having a nationality with another. In such cases, the authorities should take action to try to resolve the issue and register the person as stateless or having 'unknown nationality'.</p> <p>UNHCR assessed in its 2016 mapping study that the standard of proof applied for establishing if an individual is stateless appears to be higher than that recommended by UNHCR in its Handbook on Protection of Stateless Persons.</p>	
SDS.12.c		<p>Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?</p>	<p><a href="#">ENS (2013)</a>: Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p> <p><a href="#">Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</a></p>	<p>NO. There are no clear procedural guidelines for decision-makers on how to identify or determine statelessness. However, case officers will be referred to relevant legal positions and country guidance from the Migration Agency. The legal guidance on assessing statelessness as part of a person's identity (ref. RS/003/2023) published in 2023 by the Migration Agency provides guidance on identifying statelessness to some extent. The guidance notes that national law does not contain a definition of who is stateless. The Migration Agency shall use the definition in article 1.1 in the 1954 UN Convention Relating to the Status of Stateless persons (for the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law). The guidance sets out that in each case there must be an individual assessment of whether a person is stateless. The assessment should include information from the applicant, documents and written evidence, and relevant legislation on citizenship in relevant countries. The guidance gives a short overview of the general principles of acquiring nationality.</p> <p>Country of origin information (COI) including information on statelessness varies between different countries. The Migration Agency's COI portal includes not only their own material but also COI from a lot of different sources such as other States' official information, information from UN agencies, NGO reports, etc.</p>	<p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p> <p>See for example: Migrationsverket, Rättsligt ställningstagande. Bevisvärdet av palestinska 00-pass - RS/047/2021, 2021-03-31: <a href="https://lifos.migrationsverket.se/dokument?documentSummaryId=45388">https://lifos.migrationsverket.se/dokument?documentSummaryId=45388</a> (SWE)</p> <p>Migrationsverket, Rättsligt ställningstagande. Bedömning av statslöshet som en del av en persons identitet - RS/003/2023 (Migration Agency Legal guidance on assessing statelessness as part of a person's identity): <a href="#">Dokument - Lifos extern (migrationsverket.se)</a></p>
SDS.13.a	Procedural safeguards (Group 2)	<p>Is free legal aid available to stateless people generally?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p><a href="#">ENS (2013)</a>: If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>Free legal assistance is generally provided to asylum seekers throughout the regular procedure and at all appeal levels and is funded by the State budget. However, there are limited specialist legal advice providers with expertise on statelessness. Outside of the asylum procedure, stateless people may not be able to access free legal assistance.</p> <p>Legal counsel can be denied if the case is so clear that protection can be granted based on the interview. It can also be denied in cases of manifestly unfounded claims and in Dublin claims with a right on appeal to request free legal aid.</p>	<p>Utlänningslag (2005:716) Chapter 18: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)</p> <p>Swedish Refugee Law Center, Asylum Information Database, Country Report: Sweden, 2021 Update, p.36, 44, 46, 49: <a href="https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SE_2021update.pdf">https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SE_2021update.pdf</a></p>
SDS.13.b		<p>Is free interpreting available to stateless people?</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The right to assistance with interpretation/translation [is] essential.</p> <p><a href="#">ENS (2013)</a>: Assistance should be available for translation and interpretation.</p>	<p>Free interpretation is available in the asylum procedure. However, there are cases in practice where the interpreter provided is not a professional, the language asked for has not been available, or there have been issues with interpretation of statelessness-related terminology. Generally, at court level, interpretation is of a higher standard mainly using authorised interpreters.</p>	<p>Swedish Migration Agency, 'To those seeking asylum in Sweden': <a href="https://www.migrationsverket.se/Other-languages/Till-dig-som-soker-asyli-i-Sverige/Engelska.html">https://www.migrationsverket.se/Other-languages/Till-dig-som-soker-asyli-i-Sverige/Engelska.html</a></p> <p>Swedish Organization Against Statelessness Reference Group</p>
SDS.13.c		<p>Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be</p>	<p>In the asylum procedure, interviews are conducted by the authority responsible for taking the decision, and applicants can request that the interviewer and interpreter be of a specific gender.</p>	<p>Swedish Refugee Law Center, Asylum Information Database, Country Report: Sweden, 2020 Update, p. 28, 30: <a href="https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SE_2021update.pdf">https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SE_2021update.pdf</a></p> <p>Swedish Refugee Law Center</p>



		an interview, time limit, right of appeal, audits in decision-making, etc.)?	appropriate to allow the proceedings to last up to 12 months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	Decisions are handed down in writing with reasons and applicants are also informed orally. There is a time-limit of three weeks from having been notified of the decision for submitting an appeal. The Migration Agency carries out internal audits in decision-making.	
SDS.14.a	Protection (Group 2)	Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	No. Rights are derived from international protection or residence status, not from being identified as stateless per se. The Act on Swedish Citizenship allows stateless persons to apply for Swedish citizenship if they have been resident in Sweden for four years and have a permanent residence permit. This is the same as for persons granted convention status as refugees and one year shorter than the general requirement of five years residence for being able to naturalise, subject to holding a permanent residence permit. With reforms in place since July 2021, the long tradition of granting permanent residence permits as first permits to successful asylum claimants has been discontinued and all initial permits are henceforth temporary apart from those granted to resettled refugees. This means a longer path to citizenship and the obligation to fulfil requirements on housing, regular employment, and having no criminal record. Stateless children with permanent residence permits will get Swedish nationality after two years of residence in Sweden, reduced from three years. However, it will take a minimum of three years of residency in Sweden to be granted permanent residence permit (except for resettled refugees who are granted permanent residence permits when resettled).	UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>  Act on Swedish Citizenship: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  Aliens Act. Utlänningslag (2005:716): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)
SDS.14.b		Are stateless people otherwise able to access their rights under the 1954 Convention? Please state whether stateless people can access: - right to reside - travel document - work - healthcare - social security - education - housing - family reunification - right to vote. <b>[Section complete, proceed to DET]</b>	<a href="#">1954 Convention</a> <a href="#">UNHCR, Handbook on Protection (2014)</a> : The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable. States parties are encouraged to facilitate the reunification of those with recognised statelessness status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	Most rights granted to stateless people in Sweden are not based on their statelessness but on the immigration or residence permit granted through other procedures.  Statelessness is not a ground for <b>residence</b> in Sweden. Significant numbers of stateless people are unable to obtain any residence permit and are subject to return procedures. Stateless persons who cannot be returned may acquire a 12-month (temporary barrier to removal) or 13-month (recognised practical barriers to removal) temporary residence permit if removal does not take place. However, this process is extremely lengthy and requires cooperation by the relevant embassy.  The ‘Aliens Act’ grants stateless persons the right to a <b>travel document</b> if they are granted a permit in Sweden. However, if a person is recorded as having ‘unknown nationality’, they may be denied a travel document even if they have been granted a residence permit.  There are no special provisions for stateless persons with regard to the <b>right to work</b> . Asylum seekers are permitted to work in Sweden, but there are practical barriers. To be allowed to work, asylum seekers must be able to prove their identity or show they have done all they can to do so but been unsuccessful. There are cases of asylum-seekers permitted to work being forced to work long hours below minimum wages. Stateless asylum seekers can face barriers to accessing work due to their identity cards marking them out as both asylum seekers and stateless. Asylum seekers who have worked for more than four months in the same job when they receive a final negative decision pursuant to an appeal, can apply for a work permit on condition that they have a valid passport and have an employment offer of continuous work in the same job for at least a year, preferably longer. This has led to	UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>  Swedish Organization Against Statelessness Reference Group  Utlänningslag (2005:716), Chapter 4, Section 4; Chapter 12, Section 18; Chapter 5, Section 11: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)  Swedish Migration Agency: <a href="https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Working.html">https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Working.html</a> <a href="https://www.migrationsverket.se/English/Private-individuals/Working-in-Sweden/Employed/If-you-are-in-Sweden/Asylum-seekers-who-have-a-job.html">https://www.migrationsverket.se/English/Private-individuals/Working-in-Sweden/Employed/If-you-are-in-Sweden/Asylum-seekers-who-have-a-job.html</a> <a href="https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Health-care.html">https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Health-care.html</a>  Swedish Organization Against Statelessness

			<p>people being afraid to switch jobs even if conditions are poor so as to enable them to stay on in case they receive a final negative decision. Recognised refugees and other persons with residence permits also have the right to work.</p> <p>Access to emergency <b>healthcare</b> is guaranteed for asylum seekers until the person is granted residence or leaves Sweden, but there are practical barriers and less urgent health issues are not covered for adults. Children have access to full healthcare on the same terms as children residing in Sweden. During the early stages of the pandemic, stateless persons were able to get vaccinated by calling to book an appointment (this would normally be done through an app where you use your e-ID to identify yourself). Letters were sent home to them. Those living in hiding have not been able to receive their invitation to get the vaccination. Those who did receive their vaccine were often unable to access public spaces as they did not have access to an e-ID vaccination pass. Many stateless children were unable to receive the vaccine as children were vaccinated through schools and their personal identity number. All asylum seekers are offered one health check with a nurse shortly after their arrival in Sweden.</p> <p>Asylum seekers have access to <b>housing and a small allowance</b> per month for food. This allowance has not been increased since 1994. Large families are discriminated against because the allowance from the third child on is only half the rate for that age group. This is contrary to the general principle for family allowance in Sweden which increases the sum for every subsequent child.</p> <p>Regarding housing, there have been cases of children being forced to share unsafe housing arrangements with unknown adults. If a person chooses to live in a designated ‘red zone’, they will not receive any support from the Migration Agency, limiting people’s choices and/or forcing them into shared arrangements to cut costs.</p> <p>All children under 18 have the right to <b>education</b>. However, there is no right to higher education for asylum seekers. Stateless persons without a residence permit do not have automatic access to municipally-run ‘Swedish for foreigners’ courses that are available for persons with permanent residence permits.</p> <p>Persons with refugee status or other protection status as well persons granted humanitarian permits have the right to apply for <b>family reunification</b>. Stateless people can face challenges to proving family relationships if they lack documentary proof. Those with protection status must apply within three months of being granted a permit to avoid having to prove means to support their family. If they apply later, they will have to fulfil financial and housing requirements that are not easy to comply with. Those with other types of permits must be able to obtain housing and provide material support for their family to be granted permission to be reunited. These terms can be prohibitive for large families.</p> <p>Only Swedish citizens have the <b>right to vote</b> in general elections to the Swedish Riksdag. Persons who have resided and been registered in a Swedish municipality with a residence permit for three years prior to a regional or municipal election may vote in these elections.</p>	<p>Swedish Migration Agency, Education – school for asylum seeking children: <a href="https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Education.html">https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Education.html</a></p> <p>CSN – New arrivals in Sweden, Right to Swedish student finance: <a href="https://www.csn.se/languages/english/new-arrivals-in-sweden---for-those-who-are-a-refugee-or-guardian-for-an-unaccompanied-minor.html#h-RighttoSwedishstudentfinance">https://www.csn.se/languages/english/new-arrivals-in-sweden---for-those-who-are-a-refugee-or-guardian-for-an-unaccompanied-minor.html#h-RighttoSwedishstudentfinance</a></p> <p>Swedish Migration Agency, Family Reunification: <a href="https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/When-you-have-received-a-decision-on-your-asylum-application/If-you-are-allowed-to-stay/Family-reunification.html">https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/When-you-have-received-a-decision-on-your-asylum-application/If-you-are-allowed-to-stay/Family-reunification.html</a></p> <p>Swedish Migration Agency, Independent Living: <a href="https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Accommodation/Your-own-accommodation.html">https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Accommodation/Your-own-accommodation.html</a></p>
--	--	--	---	---

					Informationsverige.se, The Swedish electoral system: <a href="https://www.informationsverige.se/en/omsverige/att-paverka-i-sverige/det-svenska-valsystemet/">https://www.informationsverige.se/en/omsverige/att-paverka-i-sverige/det-svenska-valsystemet/</a>
--	--	--	--	--	---

## Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.	<p><a href="#">ICCPR</a>: Article 9</p> <p><a href="#">ECHR</a>: Article 5</p> <p><a href="#">EU Return Directive</a>: Article 15</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient.</p> <p><a href="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.</p> <p><a href="#">HRC, Report of the Special Rapporteur (2012)</a>: The obligation to always consider alternatives before resorting to detention should be established by law.</p> <p><a href="#">International Detention Coalition (2015)</a>: Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	Immigration detention in Sweden is regulated in Chapter 10 of the 'Aliens Act' (Utlänningslag). Decisions to detain may be taken by the Migration Agency, Migration Courts, or the Police. Of particular concern for stateless people is that an adult foreigner may be detained if their identity is unclear. A person may also be refused entry or expelled and there is a risk of criminal activity or absconding. According to the Migration Agency, detention rarely occurs on grounds of unclear identity and asylum-seekers are rarely detained. AIDA reports that 3,029 people were detained in Sweden in 2022. Also there is an alternative to detention 'Uppsikt' established in law which is used in practice (a form of supervision consisting in an individual obligation to visit the Migration Agency or a police station at a designated time). Further detail on immigration detention in Sweden is available in the AIDA Country Report on Sweden and the Global Detention Project Country report.	<p>Utlänningslag (2005:716), Chapter 10: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)</p> <p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p> <p>Swedish Refugee Law Center, Asylum Information Database, Country Report: Sweden, 2022 Update, p.93-104: <a href="https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf">https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf</a></p> <p>Global Detention Project, Country Profile on Sweden: <a href="https://www.globaldetentionproject.org/europe/sweden#country-report">https://www.globaldetentionproject.org/europe/sweden#country-report</a> countries</p>
DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p><a href="#">ICCPR</a>: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a>: In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation.</p> <p><a href="#">EU Return Directive</a>: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>YES. The expulsion decision must indicate the country or countries to which the person is to be returned. If there are "special reasons", more than one country may be indicated.</p> <p>In practice, there have also been instances where the Migration Agency has tried reaching out to neighbouring countries of where the applicant has previously lived, even if there is no connection to that country. However, detention may also be used during the process of assessing an application for international protection, which includes determining the proposed country of removal, if the specific requirements in the EU Reception Conditions Directive are met. According to the EU Reception Conditions Directive, detention can be allowed to determine the identity or nationality of the applicant.</p>	<p>Utlänningslag (2005:716), Chapter 8, Section 20): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)</p> <p>Case law - MIG 2019:17 (SWE): <a href="https://lagen.nu/dom/mig/2019:17">https://lagen.nu/dom/mig/2019:17</a></p> <p>Case law - MIG 2011:24 (SWE): <a href="https://lagen.nu/dom/mig/2011:24">https://lagen.nu/dom/mig/2011:24</a></p> <p>Case law - MIG 2011:5 (SWE): <a href="https://lagen.nu/dom/mig/2011:5">https://lagen.nu/dom/mig/2011:5</a></p> <p>Case law MIG 2008:40 (SWE): <a href="https://lagen.nu/dom/mig/2008:40">https://lagen.nu/dom/mig/2008:40</a></p> <p>Swedish Organization Against Statelessness</p>
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.	<p><a href="#">EU Return Directive</a>: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p><a href="#">UN Working Group on Arbitrary Detention (2018)</a>: When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a></p> <p><a href="#">ECtHR, Mikolenko v. Estonia (2009)</a></p>	<p>YES. However, this is not always implemented swiftly in practice. For example, cases have been reported of persons from Afghanistan being held in detention until the Migration Agency made the formal decision to stop returns to Afghanistan until further notice, even where it was clear that return could not be implemented.</p>	<p>Utlänningslag (2005:716), Chapter 10: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)</p> <p>Swedish Organization Against Statelessness</p>
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a></p> <p><a href="#">ECtHR, Mikolenko v. Estonia (2009)</a>: Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p>	<p>NO. If there is a country willing to accept the stateless person, the proposed country can be indicated on the expulsion order without taking statelessness into account. The applicant can then be detained if there is a risk that the person would not leave voluntarily.</p>	Swedish Organization Against Statelessness



			<p><a href="#">CMW, General comment No. 5 (2021)</a>: States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p><a href="#">ICJ, Migration and International Human Rights Law (2014)</a>: The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>		
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<p><a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a>: Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	NO. Vulnerability is not explicitly defined in the law, but practice, case law, policy, and guidance provide for vulnerability screening in the asylum procedure and special procedural guarantees for certain groups. Statelessness is not considered a vulnerability factor.	Swedish Refugee Law Center, Asylum Information Database, Country Report: Sweden, 2022 Update, p.50: <a href="https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf">https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf</a>
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p><a href="#">EU Return Directive</a>: Article 16(3)</p> <p><a href="#">EU Return Handbook (2017)</a>: Attention should be paid to the specific situation of stateless persons.</p> <p><a href="#">Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013)</a>: European entities should assess the situation of LGBTI persons in detention.</p> <p><a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a>: There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>	NO. In practice, thorough individual vulnerability assessments are not consistently carried out. Detention screening is usually carried out on the basis of a tick-box form with limited space for explanation. It is possible to indicate vulnerabilities, request transfer on grounds of safety/vulnerability, and a suicide assessment is carried out during screening. However, although vulnerability can be considered, people are rarely released (or exempted from detention) on vulnerability grounds.	Swedish Refugee Law Center, Asylum Information Database, Country Report: Sweden, 2022 Update, p.50: <a href="https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf">https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf</a>  Swedish Organization Against Statelessness
DET.2.d		Are stateless people detained in practice?	As above.	Yes. There are reports of stateless persons having been detained in practice (see POP.2.a).	Swedish Organization Against Statelessness  Case law - MIG 2015:5 (SWE): <a href="https://lagen.nu/dom/mig/2015:5">https://lagen.nu/dom/mig/2015:5</a>
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<p><a href="#">ICCPR</a>: Article 9(4)</p> <p><a href="#">ECHR</a>: Article 5(4)</p> <p><a href="#">EU Return Directive</a>: Articles 12, 13 and 15(5)</p> <p><a href="#">HRC, Report of the Working Group on Arbitrary Detention (2010)</a>: A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p><a href="#">CMW, General comment No. 5 (2021)</a>: States parties are obligated to adopt legislative and other</p>	There is a maximum <b>time limit</b> of 12 months, and detainees appear to be automatically released at the end of this maximum period of detention. People issued with an expulsion or refusal of entry order may be detained for up to two months, with a possibility of an extension if there are exceptional grounds. Even if there are exceptional circumstances, the person shall not be detained longer than three months, or 12 months if it is likely that removal will take longer because of lack of cooperation or it takes time to acquire the necessary documents. These time limits do not	Utlänningslag (2005:716), Chapter 10: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)  Swedish Refugee Law Center, Asylum Information Database, Country Report: Sweden, 2022 Update, pp. 96, 103: <a href="https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf">https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf</a>

			<p>measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status.</p> <p><a href="#">UNHCR, Detention Guidelines (2012)</a>: To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p><a href="#">UNGA, Body of Principles (1988)</a>: Anyone who is arrested shall be informed at the time of the reason for their arrest.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible.</p> <p><a href="#">International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014)</a>: The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p> <p><a href="#">ECtHR, Kim v. Russia (2014)</a>: The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>apply in the case of people detained following a criminal conviction. The average period of detention was 57 days in 2021.</p> <p>There are <b>periodic automatic reviews</b> of the lawfulness of detention (within two weeks on grounds of unclear identity, for a removal decision within two months, and supervision within six months). Each review must be preceded by an oral hearing.</p> <p>There is a right to <b>free legal assistance</b> on detention matters only after three days in detention. However, there are reports that information is inadequate, provided in a quick video meeting between the individual, lawyer and Police, and discrepancies in the quality of advice provided.</p> <p>There is a possibility to <b>appeal</b> the detention decision before the Migration Court and the Migration Court of Appeal (in certain circumstances), but the rate of overturned decisions is very low.</p> <p><b>Decisions are given in writing</b>, but often through a standardised tick-box form with limited reasoning.</p>	<p>Swedish Organization Against Statelessness</p>
DET.3.b	<p>Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?</p>	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>Detainees are provided with information on their rights and contact details of legal advice providers. However, no information or guidance is provided on how to make a claim of statelessness since statelessness in itself is not considered sufficient grounds for being granted a permit in Sweden.</p> <p>NGOs and UNHCR can access detention centres. There is an informal coalition of organisations visiting detention centres on a regular basis that has regular consultations with the Migration Agency at regional level. These organisations are allowed to have information available at the detention centre about their services. Detainees also have free access to internet and can contact organisations directly.</p>	<p>Swedish Organization Against Statelessness</p> <p>Swedish Refugee Law Center, Asylum Information Database, Country Report: Sweden, 2022 Update, pp. 102-103: <a href="https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf">https://asylumineurope.org/wp-content/uploads/2023/04/AIDA-SE_2022update.pdf</a></p> <p>The Swedish Network of Refugee Support Groups (FARR), OM FÖRVAR: <a href="https://farr.se/om-forvar/">https://farr.se/om-forvar/</a></p>	
DET.3.c	<p>Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?</p>	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: The detaining state should have rules in place that govern the process of re-</p>	<p>Both the Migration Agency and the Police have special sections specialising on facilitating removals. Handbooks exist but are generally not publicly available. They include information on re-documentation and other aspects. At the Migration Agency this information is based on the country for removal but can contain information on how stateless persons habitually resident in that country can access that country or transit it and what conditions</p>	<p>The Swedish Network of Refugee Support Groups (FARR) casework (lawyers representing clients in removal procedures have had sight of Migration Agency returnee guidelines on Uzbekistan and Egypt for example)</p> <p>Swedish Organization Against Statelessness (SOAS)</p>	



			documentation and/ or ascertaining entitlement to nationality.	need to be fulfilled. None of these guidelines focus on the entitlement to nationality but rather on whether for a stateless person the particular country can be proven to be their country of habitual residence. These special sections have frequent contact with different embassies and can provide staff to accompany returnees who wish to visit embassies to cooperate on return. The police also have the right to force a person to visit an embassy under certain circumstances. Both authorities can arrange for delegations from the relevant countries to visit detainees in detention and interview them to find out if they can be returned. This process can be very lengthy and leave stateless people in legal limbo for long periods of time.	
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	<p><a href="#">1954 Convention</a>: Article 27</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Being undocumented cannot be used as a general justification for detention.</p> <p><a href="#">CMW, General comment No. 5 (2021)</a>: There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released.</p> <p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	No. In the case of asylum seekers, they are issued with a card by the Migration Agency on applying for asylum showing they are asylum seekers and including information on date of birth, citizenship, height, photo, name and, if necessary, a notification on the right to work while in the asylum process as well as the asylum case number. This document is not specific to asylum seekers who are released from detention and is not considered an official ID document but is used to self-identify to access healthcare and to show on request to other authorities. When released from detention a person who has previously claimed asylum will only have access to this document if it is still valid or possibly a copy if it has expired. All asylum seekers have their fingerprints registered in Eurodac so their identity can be checked by the police when necessary. There is no legislation to prevent stateless persons from being re-detained if there are grounds for detention. This is usually on grounds of refusal to cooperate and suspected risk of absconding or if there are concrete preparations to expel the person from Sweden. Stateless persons and others who have exhausted their right to remain legally in Sweden can on being released from detention be cast out into a situation of total destitution with no place to live and no income.	The Swedish Network of Refugee Support Groups (FARR) casework Swedish Organization Against Statelessness (SOAS)
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<p><a href="#">CJEU, Kadzoev, C-357/09 PPU (2009)</a>: After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	If a person is released from detention, they go back to the same legal status and rights that they had previously (could be a limbo situation, or awaiting a new decision from the Migration Agency, or awaiting removal from Sweden). Persons are usually released if the grounds on which the person has been detained turn out to be no longer relevant. For example, if a subsequent application based on new protection grounds has been submitted and admitted to a new procedure; if an appeal to the Migration Court to cease detention has been upheld, if supervision is considered an acceptable alternative.	<p>Migrationsverket, Supervision and detention: <a href="https://www.migrationsverket.se/English/Private-individuals/Leaving-Sweden/Supervision-and-detention.html">https://www.migrationsverket.se/English/Private-individuals/Leaving-Sweden/Supervision-and-detention.html</a></p> <p>Utlänningslag (2005:716), Chapter 10 &amp; Chapter 11: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)</p> <p>The Swedish Network of Refugee Support Organisations (FARR), Good Advice to Asylum Seekers in Sweden, Rights when in limbo: <a href="https://farr.se/fragor-och-svar/#papperslos">https://farr.se/fragor-och-svar/#papperslos</a> (SWE) and pp. 141-146: <a href="https://farr.se/wp-content/uploads/2020/10/farr_good-advice_en_v5-03.pdf">https://farr.se/wp-content/uploads/2020/10/farr_good-advice_en_v5-03.pdf</a></p>
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p><a href="#">UNCRC, MKAH v Switzerland, no 95/2019 (2021)</a>: The State in which a stateless child applies for international protection has an obligation under</p>	No. Sweden has bilateral agreements with 19 countries and is party to all EU readmission agreements. In the EU agreements, return of stateless persons is a category in the agreement. It is considered possible to return stateless persons to countries willing to accept them and where they have previously had their habitual residence. Statelessness is not specifically considered.	<p>Återtagande av tredjelandmedborgare 2011: <a href="https://eur-lex.europa.eu/legal-content/SV/TXT/HTML/?uri=CELEX:52011DC0076&amp;from=EN">https://eur-lex.europa.eu/legal-content/SV/TXT/HTML/?uri=CELEX:52011DC0076&amp;from=EN</a></p> <p>Migration Court of Appeal decision, MIG 2018:3: <a href="https://lagen.nu/dom/mig/2018:3">https://lagen.nu/dom/mig/2018:3</a> (SWE) ENG summary available at:</p>

			Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).		<a href="https://www.asylumlawdatabase.eu/en/case-law/sweden-migration-court-appeal-29-january-2018-um8384-16">https://www.asylumlawdatabase.eu/en/case-law/sweden-migration-court-appeal-29-january-2018-um8384-16</a>
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		There are certain cases where Palestinians have been returned to Jordan, because Jordan was willing to accept the persons.	Swedish Organization Against Statelessness

## Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<p><a href="#">1954 Convention</a>: Article 32</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p><a href="#">ENS (2013)</a>: The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	<p>The Law on Swedish Citizenship (Section 11) stipulates that a person may apply to naturalise if they have:</p> <ul style="list-style-type: none"> <li>- proven their identity</li> <li>- turned 18 years old</li> <li>- permanent residence in Sweden</li> <li>- “hemvist” (habitual residence) for the past four years if stateless or a refugee, reduced from standard five years</li> <li>- have and can be expected to lead ‘an honourable life’</li> </ul> <p>In 2023 the Migration Agency published legal guidance on assessing statelessness as part of a person's identity (ref. RS/003/2023). According to the legal guidance, an assessment of statelessness is relevant when assessing a person's identity when a person applies for Swedish nationality.</p> <p>However, if a person cannot prove their identity, they must have been a habitual resident for eight years and prove that their stated identity is ‘likely to be correct’ after having made concrete efforts to establish that. In practice, there is a risk that stateless people who lack proof of their identity may have to wait eight years instead of four, or indeed may not be able to convince the authorities that their identity is ‘likely to be correct’.</p> <p>In the case of children, Section 7 stipulates that a child’s parent/guardian may register them as a Swedish citizen through notification if the child has a permanent residence permit and habitual residence for two years if stateless, reduced from three years. They must register before the age of 18. However, it will take a minimum of three years of residence with a temporary residence permit in Sweden to be granted a permanent residence permit (except for resettled refugees who are granted permanent residence permits when resettled).</p> <p>Under Section 8, a person who has turned 18 but not yet 21 may apply for Swedish citizenship under a notification procedure if they are a permanent resident and have been habitually resident since the age of 15 if stateless (rather than the standard 13).</p> <p>Other rules apply if they were born in Sweden and have been stateless since birth (see PRS.2).</p> <p>In relation to permanent residence, since July 2021, amendments to the ‘Aliens Act’ have made it more difficult to acquire permanent residence in Sweden. A person must have held a temporary residence permit for at least three years before being eligible to apply for permanent residence. Each individual family member must also now fulfil the requirements for permanent residency. If the person is over 18, they must be able to provide for themselves and if they are over 15, they must lead ‘an honourable life’ and not have a criminal record. UNHCR has expressed its concerns that “it is neither reasonable nor proportionate for stateless children over the age of 15 not born in the country, or who could not acquire nationality during their childhood, to have to meet the same stringent requirements as adults or children who</p>	<p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Sections 7, 8, 11 &amp; 12: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p> <p>Migrationsverket, Rättsligt ställningstagande. Bedömning av statslöshet som en del av en persons identitet - RS/003/2023 (Migration Agency Legal guidance on assessing statelessness as part of a person's identity): <a href="#">Dokument - Lifos extern (migrationsverket.se)</a></p> <p>Utlänningslag (2005:716): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)</p> <p>UNHCR, UNHCR Observations on the “Final report of the inquiry on language and social studies requirements for Swedish citizenship and other citizenship issues”, 4 November 2021: <a href="https://www.refworld.org/docid/618958b44.html">https://www.refworld.org/docid/618958b44.html</a></p>

				<p>already have a nationality. This may entail prolonged consequences for stateless children and adults in the ages of 15–21 years who may be left in legal limbo without any prospects of improving their possibility to acquire Swedish nationality”.</p> <p>In September 2023 the Government instructed a governmental inquiry to suggest new and more restrictive conditions for Swedish nationality, including a longer habitual residence in Sweden and stricter requirements of good character. The inquiry shall give its recommendations by 30 September 2024.</p>	
PRS.1.b		Are there requirements relating to ‘good character’ or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	<p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p>	<p>YES. There is a requirement that an applicant for naturalisation ‘has and can be expected to lead an honourable life’. Additionally, there are ongoing discussions since 2021 to make changes to the Law on Swedish Citizenship that would make it a requirement for an applicant for naturalisation to prove their identity, as well as not be suspected of a serious crime, not be perceived to be a threat to national or public security or be active in or have influence over an organisation or group that has committed acts of terror or systemic, extensive and grave human rights abuses. No changes have been made in 2022 and no draft law proposal has been presented to the Parliament yet. There is an ongoing debate about whether aspects of these new requirements should apply to stateless persons.</p>	<p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 11:  <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p> <p>Final report of the Inquiry into language and social skills requirements for Swedish citizenship and other citizenship issues, 2021 (English Summary at page 23):  <a href="https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/07/sou-202154/">https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/07/sou-202154/</a></p>
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	<p><a href="#">1954 Convention</a>: Article 32  <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.  <a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.  <a href="#">UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021)</a>: States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.</p>	<p>There are no exemptions for stateless people from the general eligibility requirements for naturalisation. However, stateless persons who have been granted refugee status or refugee travel documents are exempt from paying the fee for naturalisation. The fee to apply for naturalisation for adults is 1500 SEK (145 EUR). Children under 18 covered by an adult’s application do not pay a fee. Adopted children under the age of 15 pay a fee of 175 SEK (17 EUR). The fee for the notification procedure for children and persons aged 18–21 is 175 SEK (17 EUR). If a person applies using the wrong form or makes a mistake in the application, they are not informed of this, and the fee is not reimbursed.</p> <p>An inquiry has proposed the introduction of requirements of knowledge in the Swedish language and society from 1 January 2025. No law proposal has been put forward to the Swedish Parliament on this yet but will likely be so.</p>	<p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship):  <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p> <p>Migrationsverket, Fees for Swedish citizenship:  <a href="https://www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/Fees-for-Swedish-citizenship.html">https://www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/Fees-for-Swedish-citizenship.html</a></p> <p>Swedish Organization Against Statelessness (SOAS)</p> <p>Delbetänkande av Utredningen om språk- och samhällskunskapskrav för svenskt medborgarskap och andra frågor om medborgarskap, Krav på kunskaper i svenska och samhällskunskap för svenskt medborgarskap, SOU 2021:2 (Government inquiry on Requirements of knowledge in Swedish language and society for Swedish citizenship):  <a href="https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212/">https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212/</a> (SWE, for English summary see p. 19)</p>
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? <b>[If yes, continue to PRS2b. If no, proceed to PRS2i]</b>	<p><a href="#">1961 Convention</a>: Article 1  <a href="#">ECN</a>: Article 2  <a href="#">CRC</a>: Article 7  <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.  <a href="#">HRC, CCPR General comment No. 17 (1989)</a>: States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p>	<p>YES. Under Section 6 of the Law on Swedish Citizenship, a child born in Sweden who is stateless from birth can register for Swedish citizenship before age 18 through notification by the child’s parents/guardians, if the child has permanent residence permit and habitual residence (‘hemvist’) in Sweden. The requirement to have permanent residence permit does not apply to children who have habitual residence for at least five or a total of ten years cumulatively and have been granted temporary residence under specific chapters of the ‘Aliens Act’. Additionally, under Section 8, a stateless person who has reached 18 but not yet 21 years-old, who meets the above criteria but does not have permanent residence, may register for Swedish citizenship if they have been habitually</p>	<p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Sections 6 &amp; 8:  <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p> <p>Migrationsverket, Rättsligt ställningstagande. Bedömning av statslöshet som en del av en persons identitet - RS/003/2023 (Migration Agency Legal guidance on assessing statelessness as part of a person’s identity): <a href="#">Dokument - Lifos extern (migrationsverket.se)</a></p>



			<p><a href="#">European Parliament resolution (2018)</a>: The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p>	<p>resident since they were 15 years old (reduced from 13 years). UNHCR has expressed its concern that the requirement of permanent residency in order to be eligible to apply for Swedish nationality is inconsistent with the 1961 Convention and other relevant human rights treaties, and it should be replaced with that of ‘habitual residence’.</p> <p>In 2023 the Migration Agency published legal guidance on assessing statelessness as part of a person's identity (ref. RS/003/2023). According to the legal guidance, an assessment of statelessness is relevant when assessing a person's identity <i>inter alia</i> when a person applies for Swedish nationality.</p> <p>Whether children born in Sweden who would otherwise be stateless should acquire citizenship automatically at birth was discussed in the context of proposed changes to the Law on Swedish Citizenship in 2021. The Inquiry concluded that the administrative costs would be too high as both the Tax and Migration agencies would need to be involved. The Inquiry also raised concerns about being able to identify children who would remain stateless as opposed to those who would be able to acquire the nationality of a parent's country of nationality if parent/s take certain actions. The debate did not consider the increased difficulty to acquire permanent residence under the new ‘Aliens Act’, which are a barrier for stateless children to register as Swedish citizens as soon as possible after birth. In its written observations on the Inquiry, UNHCR expressed that it “regrets the conclusion [...] that a system of automatic acquisition should not be introduced in Sweden. In UNHCR’s view, automatic acquisition would be the best and safest way of avoiding childhood statelessness in Sweden”. In view of the stricter requirements for obtaining permanent residence, UNHCR sees a risk that the two laws combined could lead to extended periods of unresolved statelessness for affected individuals.</p>	<p>Utlänningslag (2005:716): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)</p> <p>Final report of the Inquiry into language and social skills requirements for Swedish citizenship and other citizenship issues, 2021 (English summary at page 23): <a href="https://www.regeringen.se/49eaf3/contentassets/e0822ac4aa904e19a622d09875efdb9f/andrade-regler-i-medborgarskapslagen-sou-202154.pdf">https://www.regeringen.se/49eaf3/contentassets/e0822ac4aa904e19a622d09875efdb9f/andrade-regler-i-medborgarskapslagen-sou-202154.pdf</a> (SWE)</p> <p>UNHCR, UNHCR Observations on the “Final report of the inquiry on language and social studies requirements for Swedish citizenship and other citizenship issues”, 4 November 2021: <a href="https://www.refworld.org/docid/618958b44.html">https://www.refworld.org/docid/618958b44.html</a></p> <p>The Swedish Network of Refugee Support Organisations (FARR), YTTRANDE ÖVER SOU 2021:2 KRAV PÅ KUNSKAPER I SVENSKA OCH SAMHÄLLSKUNSKAP FÖR SVENSKT MEDBORGARSKAP, 2021: <a href="https://farr.se/wp-content/uploads/2021/04/Remissvar_SOU_2021_2_FARR.pdf">https://farr.se/wp-content/uploads/2021/04/Remissvar_SOU_2021_2_FARR.pdf</a></p>
PRS.2.b	Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p><a href="#">ENS, No Child Should Be Stateless (2015)</a>: The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	<p>Non-automatic through notification after fulfilling certain requirements set out in law.</p>	<p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Sections 6 &amp; 8: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p>	
PRS.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.</p>	<p>No, parents are not routinely provided with information about their child's nationality rights and relevant procedures. Parents complete a form with information about the child and the Migration and Tax agencies may then become involved where information is missing, or a residence or protection claim is initiated for the child. Some information is available on the Tax Agency website in English, Arabic, Tigrinya, and Swedish. Communication between the two agencies can be problematic as their digital records are not linked so a person can be registered as stateless with one agency and as having an unknown nationality/or a nationality with the other. The agencies use different definitions and have different standards of proof for statelessness. There are</p>	<p>Swedish Organization Against Statelessness Reference Group</p> <p>Skatteverket (Tax Agency), New Parent: <a href="https://www.skatteverket.se/privat/folkbokforing/nyblivenforalder.4.18e1b10334ebe8bc80005647.html?q=f%C3%A5+barn+utomlands">https://www.skatteverket.se/privat/folkbokforing/nyblivenforalder.4.18e1b10334ebe8bc80005647.html?q=f%C3%A5+barn+utomlands</a> (SWE)</p> <p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p>	

				also differing rules and practices regarding the duty to inform parents of their child's rights. SMA case officers are not encouraged to inform stateless people of their rights to Swedish citizenship as this is deemed to be the competency of the citizenship unit. This results in lack of access to information for stateless persons about their rights and relevant procedures.	Swedish Organization Against Statelessness (SOAS)
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The test is not an inquiry into whether a child's parents are stateless. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	NO. However, in practice, if one parent has a nationality, the child will generally be recorded as having that nationality regardless of whether this is actually the case.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Sections 6 & 8: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  Swedish Organization Against Statelessness
PRS.2.e		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	YES. For a child born stateless in Sweden to acquire nationality through notification, the Citizenship Unit of the Migration Agency conducts an assessment of the child's statelessness, independently from previous assessments undertaken by other units of the Migration Agency or the Tax Agency. The Government Bill on the Act on Swedish Citizenship states that it is not required that the child's identity has been fully established as long as it is sufficiently clear, and it can be established that the child is stateless. However, the 2021 Inquiry recommends that likely identity be established. The standard of proof is high as it has to be clear that the child is stateless, otherwise the nationality of the child will be considered as "unknown" and the child will not be able to acquire Swedish nationality. The burden of proof is on the child/family especially in cases where the child is registered by the Migration Agency as having a nationality or 'nationality unknown' or where one of the child's parents holds a nationality.	Swedish Organization Against Statelessness  Government Bill on the Act on Swedish Citizenship ('Regeringens proposition') 1999/2000: 147 Lag om svenskt medborgarskap, p.38: <a href="https://www.regeringen.se/contentassets/8d8bea8163f8453085e64c0af698d1b7/lag-om-svenskt-medborgarskap">https://www.regeringen.se/contentassets/8d8bea8163f8453085e64c0af698d1b7/lag-om-svenskt-medborgarskap</a> (SWE)  Final report of the Inquiry into language and social skills requirements for Swedish citizenship and other citizenship issues, 2021 (English summary at page 23): <a href="https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212/">https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212/</a>
PRS.2.f		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. <a href="#">CRC</a> : Articles 3 & 7 <a href="#">Committee on the Rights of the Child, Concluding observations on the Netherlands (2015)</a> : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. <a href="#">ECN</a> : Article 6(2)(b)	YES. See PRS.2.a.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Sections 6 & 8: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">Committee on the Rights of the Child, Concluding observations on Czech Republic (2011)</a> : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	NO, but the parent/s' status can impact on the residence status of the child (it is a requirement that the child has a permanent residence permit – see PRS.2.a), so it may be relevant, and, for example, the new 'Aliens Act' has created challenges for the acquisition of permanent residence.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Sections 6 & 8: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  Swedish Organization Against Statelessness
PRS.2.h		What are the age limits and fees (if any) for making an application for	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States need to accept applications	See PRS.2.a and PRS.1.c.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Sections 6 & 8:



		nationality for a stateless person born on the territory?	lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	Applications for a child born on the territory who would otherwise be stateless are only free of charge if they are: - stateless and have been granted refugee status; or - stateless and have been granted travel documents from the Swedish Migration Agency because of being a refugee. The refugee declaration was replaced on 1 January 2010 in Swedish law by a refugee status declaration, which builds on the provisions in the EU Qualification Directive. Anyone who has a refugee status declaration can be granted a travel document.	<a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  Migration Agency, Apply for citizenship – for stateless children born in Sweden: <a href="https://www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/Apply-for-citizenship/Citizenship-for-stateless-children-born-in-Sweden.html">https://www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/Apply-for-citizenship/Citizenship-for-stateless-children-born-in-Sweden.html</a>  Migration Agency, Fees for Swedish citizenship: <a href="https://www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/Fees-for-Swedish-citizenship.html">https://www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/Fees-for-Swedish-citizenship.html</a>
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	NO.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<a href="#">1961 Convention</a> : Article 2 <a href="#">ECN</a> : Article 6(1)(b)	YES.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 3: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)
PRS.3.b		Is there an age limit (e.g. ‘new-born’ or ‘infant’) in law or practice specifying when a foundling would qualify for nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	NO. The law refers to ‘a child’. No age-limit is specified.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 3: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	NO. Only if it is found that the foundling has another nationality.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 3 & Section 14: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<a href="#">1961 Convention</a> : Article 5 <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child’s country of origin.	In theory, no, but it is possible that a child national adopted by foreign parents is exposed to a temporary risk of statelessness during a procedure to renounce Swedish nationality. If the child/applicant is not already a foreign national, the condition for renouncing Swedish nationality is that they acquire another nationality within a certain period of time. Among the 2021 Inquiry on Nationality recommendations is included an assessment that the provisions on renunciation of Swedish nationality in the Swedish Citizenship Act should be expanded to include requirements for children’s consent and that renunciation must not be contrary to the best interests of the child.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 15: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  Final report of the Inquiry into language and social skills requirements for Swedish citizenship and other citizenship issues, 2021 (English summary at page 23), Section 11:3: <a href="https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212">https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212</a>

PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">ECN: Article 6(4)(d)</a> <a href="#">Committee on the Rights of the Child, Concluding Observations on Switzerland (2015)</a> : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	A child under 12 adopted by a Swedish national becomes Swedish at the time of adoption if adopted in a Nordic country or pursuant to a Hague Convention decision. If the child is over the age of 12, they must consent to acquiring Swedish nationality. If the person adopting the child is not a Swedish citizen, the parents might have to apply for permanent residence for them. In this case, the child would not acquire citizenship automatically. This has a risk of leading to statelessness, should the child not agree to becoming a Swedish national, and they no longer have another nationality.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 4: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  Migration Agency, Children adopted: <a href="https://www.migrationsverket.se/Privatpersoner/Flytta-till-nagon-i-Sverige/Uppehallstillstand-for-barn/Barn-som-adopteras.html">https://www.migrationsverket.se/Privatpersoner/Flytta-till-nagon-i-Sverige/Uppehallstillstand-for-barn/Barn-som-adopteras.html</a> (SWE)
PRS.5.a	ius sanguinis	Can children born to nationals abroad acquire nationality by descent ( <i>ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">1961 Convention</a> : Article 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	YES. According to the law, a child acquires Swedish citizenship at birth if the parent is a Swedish citizen.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 2: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">ECtHR, Genovese v. Malta (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. <a href="#">UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2023</a> : Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness. <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4	There are no discriminatory conditions in law. However, an issue could arise in practice where a couple is not legally married, or where the father of the child is not the person legally married to the mother. This could theoretically cause problems regarding which nationality the child is registered as having, since the Tax Agency will only look at the couple's nationalities and not consider other potential fathers of the child. There is a lack of knowledge here and a consequent lack of analysis relating to potential risks of statelessness.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 2: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  Föräldrakoden (Parental Code) Rules on Fatherhood presumption in Chapter 1, Sections 1-2, (1949:381): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/foraldrabalk-1949381_sfs-1949-381">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/foraldrabalk-1949381_sfs-1949-381</a> (SWE)
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	<a href="#">CRC: Article 7</a> <a href="#">ICCPR: Article 24(2)</a> <a href="#">CoE, Recommendation CM/Rec(2009)13 (2009)</a> : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7 <a href="#">UN Sustainable Development Goal 16.9</a> <a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a> : Calls on States to overcome discrimination against rainbow persons and families. <a href="#">UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021)</a> : All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.	The Tax Agency is responsible for managing the civil registration of individuals living in Sweden, contained in the Population Register. Generally, only persons holding a residence permit in Sweden are registered in the Population Register.  A child born in Sweden shall be registered in the Population Register if the child's mother is registered, or if the other parent who did not give birth (regardless of that parent's gender) is registered and is the legal guardian of the child. If the mother giving birth is married or in registered partnership, the other spouse/partner is presumed to be the parent of the child. Otherwise, the parenthood of the other parent must be confirmed, which can be done digitally. However, even if a new-born child's parents are not registered in the Population Register, there is an obligation to notify the Tax Agency of the birth of a child. All births must be reported to the Tax Agency by the midwife at the hospital where the baby was born or the midwife present at a home birth, or the child's guardian if no midwife was present at a home birth.  However, if a person who is not registered in Sweden gives birth, the child's birth will only be registered if the parents send a supplementary form to the Tax Agency. It is very difficult to change the form after it has been handed in, which creates an added barrier for stateless persons, since the form requires personal data,	Skatteverket (Tax Agency), New Parent: <a href="https://www.skatteverket.se/privat/folkbokforing/nyblivenforalder.4.18e1b10334ebe8bc80005647.html?q=f%C3%A5+barn+utomlands">https://www.skatteverket.se/privat/folkbokforing/nyblivenforalder.4.18e1b10334ebe8bc80005647.html?q=f%C3%A5+barn+utomlands</a> (SWE)  Folkbokföringslag (Population Register Act) 1991:481: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/folkbokforingslag-1991481_sfs-1991-481">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/folkbokforingslag-1991481_sfs-1991-481</a> (SWE)  Utlänningslag (2005:716) t.o.m. SFS 2021:766: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE)  Swedish Organization Against Statelessness Reference Group  Supreme Administrative Court, Case: 5905-17 HFD 2019 ref. 9 <a href="#">Mål: 5905-17 - Högsta förvaltningsdomstolen</a> (SWE)  UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>

				<p>such as nationality. When the parents of a child are not registered in the Population Register, the birth is recorded in the diary of the Population Register with details of the child's date of birth, sex, name, place of birth, the name of the mother and her nationality and, if the parents are married, the name of the father and, if known, his nationality.</p> <p>For each person registered in the population register, a personal identity number is established as an identity designation. The social security number contains the date of birth, birth number and check digit. A person who is not or has not been registered may be assigned a coordination number as an identity designation.</p> <p>Usually, the information about a child born in Sweden who does not have Swedish citizenship is sent to the Migration Agency, then the parents must apply for a residence permit/asylum for the child, but they must present a valid passport or travel document. The fear of being deported could potentially hinder undocumented families from registering their baby.</p>	<p>Correspondence between UNHCR and the Tax Agency, as cited in UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p>
PRS.6.b	Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p><a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a>: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p> <p><a href="#">General Comment No 7 (2005) CRC</a>: States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p>	<p>NO. Sweden does not issue international birth certificates. Instead, a 'personbevis' (population registration certificate) may be issued on request, which is an extract from the Population Register and contains information on the individual held in the Register managed by the Tax Agency (see PRS.6.a).</p>	<p>Skatteverket (Tax Agency), Information to foreign authorities: <a href="https://www.skatteverket.se/servicelankar/otherlanguages/inenglish/individualsandemployees/livinginsweden/populationregistrationscertificate/commonrequestsfromforeignauthorities/informationtoforeignauthorities.4.361dc8c15312eff6fd13b6c.html">https://www.skatteverket.se/servicelankar/otherlanguages/inenglish/individualsandemployees/livinginsweden/populationregistrationscertificate/commonrequestsfromforeignauthorities/informationtoforeignauthorities.4.361dc8c15312eff6fd13b6c.html</a> (SWE)</p>	
PRS.6.c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<p><a href="#">CRC</a>: Articles 3 &amp; 7</p>	<p>New parents must complete a form for the Tax Agency with information about the new-born child, which includes a field to indicate the nationality of the baby. The form is usually given at the hospital or sent to the parents later on. The Migration Agency will look into the parents' nationality and may then register the child as having a nationality of a parent. The Tax Agency sometimes does its own determination of a child's nationality. It can happen that the Tax and Migration Agency register a baby as having different nationalities, as their systems are not linked.</p> <p>The UNHCR mapping study identified that there is a high number of children born in Sweden who are registered as having unknown nationality, which could be a barrier to their registration as Swedish citizens on the basis of statelessness and could be a reason for the high number of persons remaining stateless.</p>	<p>Skatteverket (Tax Agency), New Parent: <a href="https://www.skatteverket.se/privat/folkbokforing/nyblivenforalder.4.18e1b10334ebe8bc80005647.html?q=f%C3%A5+barn+utomlands">https://www.skatteverket.se/privat/folkbokforing/nyblivenforalder.4.18e1b10334ebe8bc80005647.html?q=f%C3%A5+barn+utomlands</a> (SWE)</p> <p>Swedish Organization Against Statelessness Reference Group</p> <p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p>	
PRS.6.d	If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and	<p><a href="#">CRC</a>: Articles 3 &amp; 7</p> <p><a href="#">1961 Convention</a>: Articles 1 &amp; 4</p> <p><a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a>: States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.</p>	<p>No. Nationality is recorded by the Migration Agency and the Tax Agency (see PRS.6.c). There is no automated system to reconcile information in the Population Register managed by the Tax Agency and the register of the Migration Agency, which can lead to a situation where the two registers contain different information about a person's nationality status (e.g. an individual can be registered as stateless in one register, and as having an unknown nationality in the other). When a person does not have citizenship,</p>	<p>UNHCR, Mapping Statelessness in Sweden, December 2016, p.75: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p> <p>Skatteverket (Tax Agency) – Guidance: Foreign citizenship and statelessness: <a href="https://www4.skatteverket.se/rattsligvagledning/edition/2022.14/391022.html">https://www4.skatteverket.se/rattsligvagledning/edition/2022.14/391022.html</a> (SWE)</p>	



		whether the child's best interests are taken into consideration.	<p><a href="#">HRC, CCPR General comment No. 17 (1989)</a>: States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born.</p> <p><a href="#">UNHCR, Best Interests Procedure Guidelines (2021)</a></p> <p><a href="#">HRC, D.Z. v. Netherlands (2021)</a></p>	the Tax Agency investigates whether the person is stateless. If it can neither be established that the person has a citizenship nor that the person is stateless, the Tax Agency must register that the person's citizenship as unknown. However, there is no common framework for the competent authorities to guide the assessment of whether a child falls into one of the categories, 'stateless', 'unknown nationality', or 'under investigation', and the burden and standard of proof to apply. The Tax Agency's guidance states, with reference to the preparatory works on the Act on Swedish Citizenship, that: "in order for the rules concerning stateless children to apply it must be clear that the child really is stateless". The guidance does not contain any reference to that the child's best interests should be taken into account.	Government bill on the Act on Swedish Citizenship (prop. 1999/2000:147), p. 38: <a href="https://www.regeringen.se/contentassets/8d8bea8163f8453085e64c0af698d1b7/lag-om-svenskt-medborgarskap">https://www.regeringen.se/contentassets/8d8bea8163f8453085e64c0af698d1b7/lag-om-svenskt-medborgarskap</a> (SWE)
PRS.6.e		Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	<p><a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a>: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p> <p><a href="#">Global Compact for Safe, Orderly and Regular Migration</a>: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p><a href="#">Global Compact on Refugees</a>: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p><a href="#">European Parliament Resolution (2018)</a>: Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p><a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a>: Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p><a href="#">UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021)</a>: All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p><a href="#">Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021)</a>: Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>	YES. A child born in Sweden is only registered if the mother is registered or if the other parent is registered and has custody of the child. Moreover, information about a child who is born from a person who is not registered in Sweden is usually sent to the Migration Agency, which could hinder undocumented families who fear being deported from declaring the birth of their children. (for additional information see PRS.6.a). The Family Law and Parental Support Authority has knowledge support for surrogate arrangements abroad, which includes information on issues such as establishing and registering of parenthood and nationality.	<p>Skatteverket (Tax Agency), New Parent: <a href="https://www.skatteverket.se/privat/folkbokforing/nyblivenforalder.4.18e1b10334ebe8bc80005647.html?q=f%C3%A5+barn+utomlands">https://www.skatteverket.se/privat/folkbokforing/nyblivenforalder.4.18e1b10334ebe8bc80005647.html?q=f%C3%A5+barn+utomlands</a> (SWE)</p> <p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a></p> <p>Swedish Organization Against Statelessness</p> <p>The Family Law and Parental Support Authority, Knowledge support for surrogate arrangements abroad: <a href="https://www.mfof.se/faderskap-och-foraldraskap/kunskapsstod-till-surrogat-arrangemang-i-utlandet/medborgarskap/ovisshet-om-medborgarskap.html">https://www.mfof.se/faderskap-och-foraldraskap/kunskapsstod-till-surrogat-arrangemang-i-utlandet/medborgarskap/ovisshet-om-medborgarskap.html</a> (SWE)</p>



PRS.6.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> and <a href="#">Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC</a> : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes. <a href="#">CoE, ECRI General Policy Recommendation No. 16(2016)</a> : States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	YES. The Swedish Personal Data Act and the Public Access to Information and Secrecy Act prevent authorities from exchanging personal information concerning individuals, as a general rule. However, there are exceptions in the 'Aliens Act', which include obligations on specific agencies to disclose information about a foreigner's personal circumstances, mental health, or social insurance to specific authorities for the purposes of deciding on a residence permit or enforcing removal. A potential fear of being deported could lead undocumented parents to avoid state agencies, including the Tax Agency. In August 2023 the Swedish Government instructed an ongoing governmental inquiry to present suggestions for increasing information-sharing between public authorities in order to enforce the work regarding deportations.	UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>  Utlänningslag (2005:716), Chapter 17: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716</a> (SWE) Skatteverket (Tax Agency) – The population registration activities and related activities: <a href="https://www4.skatteverket.se/rattsligvagledning/edition/2021.18/329108.html#h-Sekretess-hos-alla-myndigheter-for-uppgift-om-utlanning-i-vissa-fall">https://www4.skatteverket.se/rattsligvagledning/edition/2021.18/329108.html#h-Sekretess-hos-alla-myndigheter-for-uppgift-om-utlanning-i-vissa-fall</a> (SWE)  Tilläggsdirektiv till Utredningen om stärkt återvändandeverksamhet (Ju 2022:12) Tilläggsdirektiv till Utredningen om stärkt återvändandeverksamhet (Ju 2022:12) - Regeringen.se
PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. <a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a> : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. <a href="#">General Comment No 7 (2005) CRC</a> : States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.	If the child is born in a hospital or individual nursing home, the institution must report the birth. If a midwife otherwise helps with the birth, they must register the birth. Registration must be carried out as soon as possible. In other cases, the child's guardian must report the birth within one month of birth. If no application is submitted in time, the Tax Agency may order the child's guardian to submit a notification of birth with the required information. If the guardian does not comply, the injunction can be combined with a fine.	Folkbokföringslag (Population Register Act) 1991:481, Section 24, 31 & 37: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/folkbokforingslag-1991481_sfs-1991-481">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/folkbokforingslag-1991481_sfs-1991-481</a> (SWE)  Tax Agency, New Parents: <a href="https://www.skatteverket.se/servicelankar/otherlanguages/inenglish/individualsandemployees/livinginsweden/newparents.4.7be5268414bea064694c754.html">https://www.skatteverket.se/servicelankar/otherlanguages/inenglish/individualsandemployees/livinginsweden/newparents.4.7be5268414bea064694c754.html</a>
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	The law is silent on this and limited sources could be found. According to research carried out by the EU Fundamental Rights Agency in 2016, children aged 14-16 can apply for their birth to be registered if parents failed to do so. No further information is available about requirements or the procedure.	EU Fundamental Rights Agency, Mapping minimum age requirements concerning the rights of the child in the EU, November 2017, 3.1 Applying for birth registration: <a href="https://fra.europa.eu/en/content/applying-birth-registration">https://fra.europa.eu/en/content/applying-birth-registration</a>
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7	Information is available on the Tax Agency website in English, Swedish, Arabic and Tigrinya. If the baby is born in hospital, staff inform parents/provide the form to facilitate registration. However, it is reported that in practice this may not happen due to language barriers and understaffed hospitals.	Skatteverket (Tax Agency), New Parent: <a href="https://www.skatteverket.se/servicelankar/otherlanguages/inenglish/individualsandemployees/livinginsweden/newparents.4.7be5268414bea064694c754.html#">https://www.skatteverket.se/servicelankar/otherlanguages/inenglish/individualsandemployees/livinginsweden/newparents.4.7be5268414bea064694c754.html#</a> (ENG)  Swedish Organization Against Statelessness
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<a href="#">1961 Convention</a> : Article 9 <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4 <a href="#">HRC, Recommendations of the Forum on Minority Issues (2019)</a> : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	YES. Swedish Organization Against Statelessness reports that most people they come into contact with are stateless or at risk of statelessness in a migratory context, including stateless Palestinians, for example, and others who are undocumented and/or have irregular residence status. Most of the stateless persons that contact the Swedish Refugee Law Center are asylum seekers or rejected asylum seekers.  Academic articles have explored the experiences of Palestinian refugees from Syria in Sweden.  According to UNHCR's mapping study in 2016, the largest group of persons registered as stateless in Sweden originate from Syria, and the second largest group is of stateless persons born in Sweden. The study shows that there is a high number of children born in	Swedish Organization Against Statelessness  Swedish Refugee Law Center  Tucker, J. & Bahram, H. (2021) 'I must be from somewhere. I'm not from the moon' Navigating the politics of labelling for stateless Palestinian refugees from Syria, Statelessness & Citizenship Review Vol 3:2: <a href="https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/275">https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/275</a>  UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/pdfid/58526c577.pdf">https://www.refworld.org/pdfid/58526c577.pdf</a>

				Sweden who are registered as having unknown nationality, which could be one of the reasons for the large number of persons born stateless in Sweden who remain stateless.  The statistics only cover persons who hold a residence permit in Sweden and are registered in the Population Register, therefore there may be a significant number of stateless persons who are unaccounted for (e.g. victims of trafficking or persons whose asylum applications were rejected). Children born to persons who do not hold a residence permit are also at risk of being born stateless and the Tax Agency might not even have a record of the birth of those children, if it was not notified due to fear of deportation.	
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	<p><a href="#">1961 Convention</a>  <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Actions 1 &amp; 8  <a href="#">UNHCR, Good Practices Paper - Action 1 (2022)</a>: States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.</p>	<p>At the High-Level Segment on Statelessness and the Global Refugee Forum, Sweden pledged to conduct a government-led Inquiry on nationality, to withdraw two reservations concerning the 1954 Convention, and continue to address statelessness in line with the challenges noted in the UNHCR mapping study in 2016. The latter includes initiating a dialogue with the responsible national agencies to discuss registration of statelessness, nationality and “unknown” nationality and limit the existing inconsistencies in registration. Some of these measures have been introduced by the government, others are in progress.</p> <p>In July 2021, a government inquiry presented its final report. For the proposals regarding stateless children born in Sweden, see PRS.2.a.</p> <p>However, forthcoming amendments to immigration and nationality laws still carry great uncertainty about their impact in practice for stateless persons in Sweden, and may likely exacerbate the issues that stateless persons are already facing and contribute to increasing statelessness, instead of reducing it.</p>	<p>UNHCR, Results of the High-Level Segment on Statelessness: <a href="https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/">https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/</a></p> <p>Global Refugee Forum: <a href="https://www.unhcr.org/events/conferences/5e20790e4/summary-participation-pledges-global-refugee-forum.html">https://www.unhcr.org/events/conferences/5e20790e4/summary-participation-pledges-global-refugee-forum.html</a></p> <p>Final report of the Inquiry into language and social skills requirements for Swedish citizenship and other citizenship issues, 2021 (English summary at page 23): <a href="https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212">https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2021/01/sou-20212</a></p>
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p><a href="#">1961 Convention</a>: Article 8 &amp; 9  <a href="#">ECN</a>: Article 7(3)  <a href="#">UDHR</a>: Article 15(2)  <a href="#">Principles on Deprivation of Nationality</a> and the <a href="#">Draft Commentary</a>: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 &amp; 6  <a href="#">HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009)</a>: para. 23  <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).  <a href="#">ILEC Guidelines (2015)</a>: Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>	<p>NO. A person may lose their Swedish nationality at the age of 22 if they were born abroad, have never been domiciled in Sweden, and have not been in Sweden under circumstances which clearly show ties with the country. These persons can however apply to the Migration Agency before they turn 22 to request the retention of Swedish nationality. There is a provision that prevents statelessness in cases of deprivation, stating that deprivation of Swedish nationality shall not take place if it would lead to statelessness.</p>	<p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/docid/58526c577.html">https://www.refworld.org/docid/58526c577.html</a></p> <p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 14(3): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p> <p>Kungörelse (1974:152) om beslutad ny regeringsform Svensk författningssamling (Swedish Instrument of Government) 1974:1974:152 Ch. 2(7): <a href="https://riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform_sfs-1974-152">https://riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform_sfs-1974-152</a> (SWE) ENG version available at: <a href="https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-instrument-of-government-2015.pdf">https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-instrument-of-government-2015.pdf</a></p>

PRS.8.b	Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p><a href="#">1961 Convention</a>: Article 8(4)  <a href="#">ECN</a>: Articles 10 to 13  <a href="#">Principles on Deprivation of Nationality</a>: Principle 7.  Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.  <a href="#">ILEC Guidelines (2015)</a>: The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	The Migration Agency is the competent authority for deprivation of nationality. However, deprivation of nationality does not occur in instances other than where a person who has Swedish nationality turns 22 and is not residing in Sweden and does not have ties to Sweden. The person can apply to the Migration Agency to keep their nationality, should they fulfil the requirements. The fact that Swedish nationality cannot be lost in any other situation was confirmed by the Supreme Administrative Court in 2006. A person cannot be deprived of Swedish nationality if it would render the person stateless. A decision by the Migration Agency to deprive a person of Swedish nationality can be appealed to the Migration Court within three weeks of being notified of the decision. If an appeal is rejected by a Migration Court, the Court's judgment can be appealed to the Migration Court of Appeal, subject to leave to appeal being granted.	<p>UNHCR, Mapping Statelessness in Sweden, December 2016: <a href="https://www.refworld.org/docid/58526c577.html">https://www.refworld.org/docid/58526c577.html</a></p> <p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Sections 14, 15, 22 and 26: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)  Högsta Förvaltningsdomstolen, previously Regeringsrätten, 6419-04, 8 November 2006</p>
PRS.8.c	Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		NO.	
PRS.8.d	Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p><a href="#">1961 Convention</a>: Article 7  <a href="#">ECN</a>: Articles 7 and 8</p>	YES. A person who wishes to renounce their Swedish nationality can apply to be released from it. This is only granted if the person does not have habitual residence in Sweden. If the person has habitual residence, such request can only be granted in exceptional circumstances. If the applicant is not already a national of another country, renunciation is conditional on the person acquiring the nationality of another country within a certain period of time. This provision ensures that there is a safeguard against statelessness in the case of renunciation.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 15: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)
PRS.8.e	Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p><a href="#">Principles on Deprivation of Nationality</a> Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.  <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p>	<p>NO. However, some proposals have been made before parliament to introduce provisions on deprivation of nationality in the national security context (see 'Country context', p.2).</p> <p>In June 2023, a parliamentary committee of inquiry was instructed to investigate <i>inter alia</i> if a possibility of deprivation of Swedish nationality should be introduced, for people with dual nationalities who have committed system threatening crime, crimes against humanity or certain other international crimes or other very serious crimes, or whose nationality was acquired as a result of false information or through other improper procedures, such as bribes. The inquiry shall leave its recommendations by 1 December 2024.</p>	<p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p> <p>Parliamentary proposal made by a representative from the political party Moderaterna: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/motion/aterkalla-medborgarskap_H6022339">https://www.riksdagen.se/sv/dokument-lagar/dokument/motion/aterkalla-medborgarskap_H6022339</a> (SWE)</p> <p>Official report of the Government on new conditions for Swedish citizenship  Skärpta krav för svenskt medborgarskap - Regeringen.se</p> <p>Government instruction to a parliamentary committee of inquiry, Några frågor om grundläggande fri- och rättigheter, Dir. 2023:83 <a href="https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2023/06/dir.-202383">https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2023/06/dir.-202383</a></p>
PRS.8.f	Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals?	<p><a href="#">ICCPR</a>: Article 26  <a href="#">1961 Convention</a>: Article 9  <a href="#">ECN</a>: Article 5  <a href="#">Principles on Deprivation of Nationality</a>: Principle 6.  Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other</p>	NO.	Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship): <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)



		Please describe these provisions and if/how they are applied in practice.	opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.		
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<p><a href="#">1961 Convention</a>: Article 6</p> <p><a href="#">CRC</a>: Articles 2(2), 7 and 8</p> <p><a href="#">CEDAW</a>: Article 9(1)</p> <p><a href="#">Principles on Deprivation of Nationality</a>: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	NO. When a person is deprived of Swedish nationality, their children are also deprived of Swedish nationality if it was acquired by descent, except if the child also derives their Swedish nationality from the other parent who retains Swedish nationality. Loss of Swedish nationality does not occur if this would render the person stateless.	<p>Lag om svenskt medborgarskap 2001:82 t.o.m. SFS 2021:771 (Law on Swedish Citizenship), Section 14:  <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-200182-om-svenskt-medborgarskap_sfs-2001-82</a> (SWE)</p> <p>Håkan Sandesjö and Kurt Björck Norstedts, Nya Medborgarskapslagen med kommentarer, Juridik2009, 2nd edition</p>



## Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p>MIG 2008:21 - If a person is a stateless “maktoumeen”, this does not grant a person automatic refugee status, but is dependent on the individual case.</p> <p>MIG 2009:6 – Appeal by a stateless refugee who was not granted refugee status and therefore denied travel documents under the 1951 Convention, but instead received a ‘less advantageous’ protection status under the 1954 Convention. The appeal was to be assessed as a refugee and not only a stateless person. The judgment states that the applicant was correct in appealing and was entitled to a reassessment of their case.</p> <p>MIG 2012:20 - An asylum seeker cannot be provided protection (refugee status or alternative form of protection) from a third country which they are not a citizen of. This does not apply to stateless persons.</p> <p>MIG 2013:19 - A stateless Palestinian who lived in Syria was granted temporary residence status in Sweden. She appealed, arguing that she is a stateless Palestinian from Syria that no longer has the support from UNRWA and is no longer in an operating country of the UNRWA, and should therefore have permanent residence and refugee status. She was granted refugee status under the Geneva Convention, given that she no longer receives support from UNRWA.</p> <p>MIG 2018:3 - The examination of a stateless person's reasons of protection should, as far as possible, be similar to the examination that takes place for persons with citizenship. If a stateless asylum seeker has resided in several countries before arriving in Sweden, the examination should as a rule be based on the country where the applicant last resided before arriving here. Whether this country is to be considered as the applicant's previous habitual residence may be assessed on the basis of an overall assessment of his or her connection to the country. If the asylum seeker has such a relationship with that country that it can be regarded as his or her previous habitual residence, the grounds for protection must be assessed in relation to that country. In order for a stateless person to be considered to enjoy protection or assistance from UNRWA, he or she must have used this protection shortly before arriving in Sweden.</p> <p>Högsta Förvaltningsdomstolen 6419-04: Deprivation of nationality cannot occur other than where a person has been residing outside of Sweden for too long without applying to the SMA to retain their Swedish nationality.</p> <p>Burden of proof for one’s identity is high. A person seeking asylum in Sweden did so under false documents and now wants his true identity registered with the Tax Agency. The applicant provided the relevant documents (of real identity) but these were seen as insufficient even though there were other documents in the case that showed that this person’s identity was probable, it was not enough based on the documents provided. It is stated that in</p>	<p>The Migration Court of Appeal (Migrationsöverdomstolen): <a href="https://lagen.nu/dom/mig/2008:21">https://lagen.nu/dom/mig/2008:21</a></p> <p>The Migration Court of Appeal (Migrationsöverdomstolen): <a href="https://lagen.nu/dom/mig/2009:6">https://lagen.nu/dom/mig/2009:6</a></p> <p>The Migration Court of Appeal (Migrationsöverdomstolen): <a href="https://lagen.nu/dom/mig/2012:20">https://lagen.nu/dom/mig/2012:20</a></p> <p>The Migration Court of Appeal (Migrationsöverdomstolen): <a href="https://lagen.nu/dom/mig/2013:19">https://lagen.nu/dom/mig/2013:19</a></p> <p>The Migration Court of Appeal (Migrationsöverdomstolen): <a href="https://lagen.nu/dom/mig/2018:3">https://lagen.nu/dom/mig/2018:3</a></p> <p>Case: 5905-17 HFD 2019 ref. 9</p>

				<p>order to change the identification with the Tax Agency, there needs to be 'very high requirements'.</p> <p><b>Relevant legal position papers by the Swedish Migration Agency (SMA):</b></p> <p>Migrationsverket. Rättsligt ställningstagande. Bedömning av statslöshet som en del av en persons identitet - RS/003/2023 (Legal guidance on assessing statelessness as part of a person's identity (RS/003/2023), 2023-03-27</p> <p>According to this Guideline an assessment of statelessness is relevant when assessing a person's identity in the asylum procedure, or when a person applies for Swedish citizenship. The guidelines note that the national law does not contain a definition of who is stateless. The Migration Agency shall use the definition in article 1.1 in the 1954 UN Convention on the Relating to the Status of Stateless persons. (For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law.) The Guidelines establish that in each case there must be an individual assessment whether a person is stateless. The assessment should include information from the applicant, documents and written evidence, and relevant legislation on citizenship in relevant countries. The Guidelines gives a short overview of the general principles of acquiring citizenship. Regarding the burden of proof, in the asylum process the applicant has the burden to make probable her/his identity. In an application for Swedish citizenship, the applicant in general has the burden to prove (high level of proof) her/his identity. If the applicant cannot meet the standard of proof, the nationality will be registered as unknown. However, the Migration Agency has a partial responsibility to collect relevant information, by guiding the applicant on what documents should be presented or by searching for relevant country information.</p> <p>Migrationsverket, Rättsligt ställningstagande. Registrering av identitetsuppgifter (Registration of identity information)- RS/063/2021 , 2021-04-23</p> <p>In order to register someone's identity, in general it is required to have a document stating the name of the person, the time of birth and nationality of the applicant. Usually a passport is required to register the applicant's identity. This contains rules on how to register someone that only has one name or which birthday to put down in case someone does not know their exact time of birth. If a person cannot prove their identity and that they were born on July 1st or January 1st, and they claim one of these dates is their birthday, they will be registered on the following day given that there are no more personal numbers for these dates. If a person can prove their statelessness, this should be registered. If not, the person will be registered under nationality unknown. If the citizenship of a person cannot be determined and is completely unknown and cannot be found out by 'reasonable efforts', the citizenship can be registered as 'under investigation'.</p> <p>Migrationsverket,</p>	<p>Migrationsverket. Rättsligt ställningstagande. Bedömning av statslöshet som en del av en persons identitet - RS/003/2023 (Legal guidance on assessing statelessness as part of a person's identity (RS/003/2023) Dokument - Lifos extern (migrationsverket.se)</p> <p>Migrationsverket, Rättsligt ställningstagande. Registrering av identitetsuppgifter - RS/063/2021, 2021-04-23: <a href="https://lifos.migrationsverket.se/dokument?documentSummaryId=45475">https://lifos.migrationsverket.se/dokument?documentSummaryId=45475</a> (SWE)</p> <p>Migrationsverket,</p>
--	--	--	--	---	---

				<p>Rättsligt ställningstagande. Bevisvärdet av palestinska 00-pass (the evidentiary value of Palestinian 00 passports) - RS/047/2021, 2021-03-31</p> <p>Palestinian 00-passports: Cannot alone be enough to prove one's identity. People with 00-passports are not to be seen as a citizen of the State of Palestine. The applicant must in addition to this also show a travel document from either Lebanon or Egypt, a birth certificate or a document from UNRWA.</p> <p>Migrationsverket, Lifos. Center för landinformation och landanalys inom migrationsområdet, Lifosrapport: Palestinier i Mellanöstern - uppehållsrätt och dokument (report on: Palestinians in the Middle East - right of residence and documents (version 1.1), 2019-10-15</p> <p>Migrationsverket, Rättsligt ställningstagande. Sannolik identitet i asylärenden (probable identity in asylum cases ) - RS/031/2021, 2021-03-16</p> <p>If an applicant cannot make their identity to be probable, the SMA can use other means of investigation, such as language tests, knowledge test and information from other references. It is possible to believe the applicant's identity to be true by the given statement, however the desk officer must provide the reasoning behind their decision. The decision must be objective. For the given statement to be considered true, it must be coherent, clear, detailed, unchanged and reasonable. There can be no discrepancies and it cannot object to facts. Desk officers should take into consideration whether an honest attempt of proving their identity through written documents has been made.</p> <p>Migrationsverket, Rättsligt ställningstagande. Utredning och prövning av identitet och medborgarskap samt hemvist och vanlig vistelseort i asylärenden (investigation and verification of identity and citizenship as well as domicile and habitual residence in asylum cases) - RS/029/2021, 2021-03-12</p> <p>The position contains information on how an applicant's identity and domicile can be assessed when the identity cannot be made probable through the support of ID-documents. Other methods used include oral assessment, knowledge tests and language analysis. The position does not mention statelessness directly.</p>	<p>Rättsligt ställningstagande. Bevisvärdet av palestinska 00-pass - RS/047/2021, 2021-03-31: <a href="https://lifos.migrationsverket.se/dokument?documentSummaryId=45388">https://lifos.migrationsverket.se/dokument?documentSummaryId=45388</a> (SWE)</p> <p>Migrationsverket, Lifos. Center för landinformation och landanalys inom migrationsområdet, Lifosrapport: Palestinier i Mellanöstern - uppehållsrätt och dokument (version 1.1), 2019-10-15: <a href="https://lifos.migrationsverket.se/dokument?documentSummaryId=43664">https://lifos.migrationsverket.se/dokument?documentSummaryId=43664</a> (SWE)</p> <p>Migrationsverket, Rättsligt ställningstagande. Sannolik identitet i asylärenden (probable identity in asylum cases ) - RS/031/2021, 2021-03-16: <a href="https://lifos.migrationsverket.se/dokument?documentSummaryId=45328">https://lifos.migrationsverket.se/dokument?documentSummaryId=45328</a> (SWE)</p> <p>Migrationsverket, Rättsligt ställningstagande. Utredning och prövning av identitet och medborgarskap samt hemvist och vanlig vistelseort i asylärenden - RS/029/2021 , 2021-03-12: <a href="https://lifos.migrationsverket.se/dokument?documentSummaryId=45320">https://lifos.migrationsverket.se/dokument?documentSummaryId=45320</a> (SWE)</p>
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants must have access to legal counsel.	<p>There are some organisations that provide free advice to refugees and asylum-seekers including stateless persons, such as, the Swedish Refugee Law Center, the Swedish Red Cross, the Swedish Network of Refugee Support Groups (FARR), Caritas Sweden and Refugees Welcome Stockholm. The Swedish Church and the Amnesty Sweden Foundation have sometimes been able to assist with the payment of legal counsel in cases where a lawyer has not been provided by the Migration Agency.</p>	<p>The Swedish Refugee Law Center / Asylrättscentrum ARC Gustavslundsvägen 141 167 51 Bromma Help line 0200-88 00 66 Tuesday and Wednesday kl. 9.00–11.00 Fax 08-665 09 40 Mail <a href="mailto:info@sweref.org">info@sweref.org</a> Web: <a href="https://sweref.org/">https://sweref.org/</a></p>

					<p>Refugees Welcome Stockholm  <a href="mailto:info@refugeeswelcomestockholm.se">info@refugeeswelcomestockholm.se</a>  <a href="mailto:legal@refugeeswelcomestockholm.se">legal@refugeeswelcomestockholm.se</a></p> <p>Amnesty Sweden  <a href="mailto:flykting@amnesty.se">flykting@amnesty.se</a>              08-729 02 00              070-860 41 39  <a href="https://amnesty.se/vara-rattighetsfragor/flyktingar-och-migranter/flykt-och-migration-i-sverige-europa-och-varlden/flykting-och-migrationsfragor-i-sverige/">https://amnesty.se/vara-rattighetsfragor/flyktingar-och-migranter/flykt-och-migration-i-sverige-europa-och-varlden/flykting-och-migrationsfragor-i-sverige/</a></p> <p>The Swedish Red Cross              020-415 000              Wednesdays 09.00-12.00  <a href="http://www.rodakorset.se/vad-vi-gor/folkfatt-och-skydd/asyl/">www.rodakorset.se/vad-vi-gor/folkfatt-och-skydd/asyl/</a></p> <p>The Church of Sweden              Many dioceses refer to the Swedish Refugee Law Center for advice. It is partly funded by them.  <a href="http://www.svenskakyrkan.se/migration">www.svenskakyrkan.se/migration</a></p> <p>FARR – Flyktinggruppernas Riksråd/ the Swedish Network of Refugee Support Groups              Box 391.              101 27 Stockholm              Helpline weekdays 14-17              08-710 02 45  <a href="mailto:Info@farr.se">Info@farr.se</a>  <a href="http://www.farr.se">www.farr.se</a>              Link to local groups <a href="https://farr.se/medlemsgrupper/">https://farr.se/medlemsgrupper/</a></p> <p>Caritas Sweden              Box 2150, 103 14 Stockholm  <a href="http://www.caritas.se">www.caritas.se</a>              George Joseph 070-963 45 01              gjoseph@caritas.se              Marie Eidem 070 - 287 89 70  <a href="mailto:marie.eidem@caritas.se">marie.eidem@caritas.se</a></p>
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		Yes, there is some.	<p>Helena Lindholm: Refusing Refusal: The Struggles of Stateless Palestinians In The Swedish Migration Regime:  <a href="https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/205/201">https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/205/201</a></p> <p>Jason Tucker &amp; Haqqi Bahram: ‘I Must Be from Somewhere. I’m Not from The Moon’: Navigating the Politics Of Labelling For Stateless Palestinian Refugees From Syria:  <a href="https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/275/193">https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/275/193</a></p> <p>Jason Tucker: The Indefinite Statelessness of Refugees in Denmark and Sweden: Comparing the Impacts of the Temporary Asylum Laws:  <a href="https://www.mah.se/english/research/Centers/Malmo-Institute-for-Studies-of-Migration-Diversity-and-">https://www.mah.se/english/research/Centers/Malmo-Institute-for-Studies-of-Migration-Diversity-and-</a></p>



					<p><a href="#">Welfare/Publications1/MIM-Working-Papers-Series/WPS-17-8-Tucker1/</a></p> <p>Barzoo Eliassi: Statelessness in a world of nation-states: the cases of Kurdish diasporas in Sweden and the UK:  <a href="https://www.researchgate.net/profile/Barzoo-Eliassi/publication/299421480_Statelessness_in_a_world_of_nation-states_the_cases_of_Kurdish_diasporas_in_Sweden_and_the_UK/links/5742f56e08ae9f741b37933b/Statelessness-in-a-world-of-nation-states-the-cases-of-Kurdish-diasporas-in-Sweden-and-the-UK.pdf">https://www.researchgate.net/profile/Barzoo-Eliassi/publication/299421480_Statelessness_in_a_world_of_nation-states_the_cases_of_Kurdish_diasporas_in_Sweden_and_the_UK/links/5742f56e08ae9f741b37933b/Statelessness-in-a-world-of-nation-states-the-cases-of-Kurdish-diasporas-in-Sweden-and-the-UK.pdf</a></p> <p>Barzoo Eliassi: Conceiving Citizenship and Statelessness in the Middle East and Sweden: The Experiences of Kurdish Migrants in Sweden:  <a href="https://link.springer.com/chapter/10.1007/978-1-137-53604-4_4">https://link.springer.com/chapter/10.1007/978-1-137-53604-4_4</a></p> <p>Nicole Stokes-Dupass: Mass Migration, Tightening Borders, and Emerging Forms of Statelessness in Denmark, Norway, and Sweden:  <a href="https://www.tandfonline.com/doi/abs/10.1080/19361610.2017.1228024">https://www.tandfonline.com/doi/abs/10.1080/19361610.2017.1228024</a></p> <p>Jennifer Kyllergård: Citizenship in Return for Allegiance - A Study on the Facilitated Naturalization of Undocumented Stateless Persons in Sweden:  <a href="https://lup.lub.lu.se/student-papers/search/publication/8957694">https://lup.lub.lu.se/student-papers/search/publication/8957694</a></p> <p>Mabila Mursalova: Development Barriers for Stateless Refugees in Sweden:  <a href="https://lup.lub.lu.se/student-papers/search/publication/9048372">https://lup.lub.lu.se/student-papers/search/publication/9048372</a></p> <p>Haneen Abdel Khaleq: Between Statelessness and Citizenship: Understanding Identity. Narratives of young Palestinians from Syria living in Sweden:  <a href="https://mau.diva-portal.org/smash/resultList.jsf?aq=%5B%5B%7B%22localid%22%3D29423%7D%5D%5D&amp;dswid=-5647">https://mau.diva-portal.org/smash/resultList.jsf?aq=%5B%5B%7B%22localid%22%3D29423%7D%5D%5D&amp;dswid=-5647</a></p>
--	--	--	--	--	---